



January 2022
Level 6
THE PRACTICE OF FAMILY LAW
Subject Code L6-20

THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 20 – THE PRACTICE OF FAMILY LAW

CASE STUDY MATERIALS

Information for Candidates on Using the Case Study Materials

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to these case study materials. You will be required to answer **all** the questions on the examination paper.
- You should familiarise yourself with these case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss these materials with your tutor/s either face-to-face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relate to these case study materials.

Instructions to Candidates Before the Examination

- A clean/unannotated copy of the case study materials is attached to this examination.
- You are permitted to take your own clean/unannotated copy of the case study materials and a statute book, where permitted, into the examination. You are **NOT** permitted to take any other materials including notes or textbooks.
- In the examination, candidates must comply with the CILEX Examination Regulations – Online Examinations or with the CILEX Examination Regulations – Online Examinations with Remote Invigilation.

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ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer employed by the firm of Kempstons LLP, The Manor House, Bedford, MK42 7AB. The local family court is in Bedford.

The firm is a high-street firm and around half of the firm's caseload consists of family law clients. The senior partner in the family law department is Samar Devani and you are his trainee lawyer. He is away at a family law conference for a few days, and you have arrived at work to find the following documents on your desk, including a memo providing you with some points to action:

DOCUMENT 1 Memo from your supervisor, Samar Devani

DOCUMENT 2 Attendance note re: Susie Bosstek

DOCUMENT 3 Attendance note re: Jennifer Clarke

DOCUMENT 4 Copy of an email from Ravi Jodha

DOCUMENT 5 Attendance note re: Kate Flynn

DOCUMENT 1

MEMO

To: Trainee Lawyer

From: Samar Devani, Senior Partner

Date: [Yesterday's date]

Re: Points to action

I shall be out of the office for the next three days attending a conference. The following matters will require your attention during my absence:

1) The Susie Bosstek file

Susie is a new client of the firm and we met today. I attach an attendance note of that meeting [**Document 2**]. You will see that we need to progress this matter and I would be grateful if you could liaise with the client in respect of the matters detailed in the attendance note.

2) The Jennifer Clarke file

These divorce proceedings have taken some time to finalise due to the ongoing financial issues in dispute. I attach an attendance note of my meeting with Jennifer last Thursday [**Document 3**]. Should there be any queries with this file while I am out of the office, please deal with them accordingly.

3) The Ravi Jodha file

I attach a copy of an email received today from Mr Jodha [**Document 4**]. The file will require your attention urgently.

4) The Kate Flynn file

Ms Flynn is a new client, who attended at the office late this afternoon. I attach a copy of my attendance note of this meeting [**Document 5**]. Please progress this matter while I am out of the office.

Many thanks

Samar Devani

DOCUMENT 2

ATTENDANCE NOTE RE: SUSIE BOSSTEK

Client: Susie Bosstek

Date: [Yesterday's date]

Senior partner: Samar Devani

File ref: SD/SA/2022/1456

Time: 1 hour

Attendance on client, Susie Bosstek. Susie is a new client of this firm and I have already completed the relevant identity and conflict checks. No issues have been identified.

The client's details are as follows:

Full name: Susie Madeline Bosstek

D.O.B: 14/07/1990

Parents' address: Spring Acres, Bransford Green, Derbyshire, DB10 2TZ

Phone number: 07780 656543 (mobile)

Occupation: High school teacher

Susie is a new client, who has come to us seeking advice following the breakdown of her marriage to her wife, Helen Brown. The marriage has been in difficulty for some time and the couple have agreed to bring it to an end. Susie moved out of the matrimonial home a few months ago and went to live with her parents locally (address as above for correspondence).

The two women entered into marriage on 15th August 2017, having been in a relationship for 10 years prior to this. There are no children of the relationship.

The parties own a home, in which Helen Brown is currently residing. The address for this property is below:

15 Juniper Avenue

Buxton

Derbyshire

DB9 7TA

It is a two-bedroom, terraced property held in joint names.

Helen Brown is currently employed as an accountant in a junior role, earning approximately £35,000 per annum.

Susie explained that in early September last year, she became suspicious that Helen was having a relationship with a female colleague, Jaio, with whom she shares an office. She

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confronted Helen, who admitted her feelings for Jaio, and stated that she wanted to make a new life with her new love.

On hearing this, Susie moved out of their home and went to live with her parents.

When I asked, Susie admits that she had ignored the problems that the couple had been facing over the last few years. These problems had been made worse by the COVID pandemic, which meant that Susie and Helen were both temporarily working from home, in a small space. The impact of this on the mental health of both parties was evident and Helen, particularly, had struggled. A few months later, Helen's GP prescribed her antidepressants, which had helped a little. Susie had hoped that the return to the office would make Helen feel better, and this appeared to be the case. Susie now understands that this may have been because of Helen's new relationship with Jaio.

Although the affair with Jaio had shocked Susie, she admits that they were having problems even before the pandemic. In early 2019, Helen had wanted to move to London to pursue her accountancy career. This was a move that Susie did not want to make, as she was settled and happy in her current teaching role. Helen became resentful of the missed opportunity and began to complain about how much time Susie spent working, saying that they did not do things 'together' enough.

In an effort to make Helen happy, Susie had arranged a six-week trip to the United States over her summer break. Helen said that she could not go, because she needed to study for her final exams the following September. Susie went to the US on her own, as this was the only time of year when she could make this trip. However, this upset Helen greatly.

By late 2020, the couple were socialising separately (COVID rules permitting) and growing apart. They attended a few weeks of counselling sessions, but both women felt that these were of little help.

Susie is of the opinion that she would like to seek an end to the marriage, as Helen is obviously happy in her new relationship. Susie wants to move on with her own life too. The two women are trying very hard to ensure that the end of their relationship is as amicable as possible.

I have explained the law to Susie and await her instructions to proceed.

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DOCUMENT 3

ATTENDANCE NOTE RE: JENNIFER CLARKE

Client: Jennifer Clarke

Date: [Last Thursday]

Senior partner: Samar Devani

File ref: SD/SA/2021/1470

Time taken: 1 hour

Attendance upon Mrs Jennifer Clarke.

Last week the decree nisi was pronounced in this matter following a petition based on two years' separation filed by our client, Jennifer Clarke. Although this was expected, Mrs Clarke expressed her sadness at this when we spoke. She is aware that her husband, Edward Clarke, has also received a copy of the decree.

We discussed the fact that this is the first step and that she remains legally married until the point at which the decree absolute is pronounced. We will apply for this once financial matters are resolved.

Mrs Clarke also asked for an update in relation to these financial matters, as she is currently struggling to cover all of her outgoings and bills.

We have already attended the First Directions Appointment a few weeks ago, and I was able to confirm to our client that we now have the joint valuation of the family home. The surveyors suggest a sum of £400,000.

Mrs Clarke was surprised at the high valuation of the property, but I explained to her that the property market is currently volatile and has risen considerably following the extended 'Stamp-duty holiday' period during the COVID pandemic. The family home is a four-bedroom detached property on a recently completed estate.

A summary of the parties' assets is below:

Family home (held in joint names, as joint tenants) 27 Honeysuckle Avenue, Wrights Way, Bedford:

Value of property £400,000
Less mortgage of £175,000: **net equity £225,000**

- Joint life assurance policy with a surrender value of £50,000
- Shares in Edward Clarke's sole name: £65,000
- Savings in Jennifer Clarke's sole name: £33,000
- Savings in Edward Clarke's sole name: £86,000

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- Edward Clarke’s pension: C.E. £82,000
- Jennifer Clarke’s pension: C.E. £52,000

Our client, Jennifer Clarke (aged 40 years), is currently working part-time as a paralegal, earning approximately £17,000 gross per annum. Her husband (aged 45 years) works full-time as a hospital manager and earns £57,000 gross per annum.

It is of note that our client is disabled, having been born with some lower limb issues. She needs to use a wheelchair and the family home has several adaptations to allow her to move freely and to live normally, such as a stairlift and exit/entry ramps.

Jennifer and Edward Clarke have been married for 17 years. They have two children, aged 13 and 16 years. Mrs Clarke would like to continue to work part-time for a few more years, in order to be able to support the children through their GCSE and A level exams. She should be receiving child maintenance following a CMS assessment; however, over the last three months, Mr Clarke has not been paying this, stating that he cannot afford it. While the CMS has conducted an assessment, it has not been involved so far in collecting payments.

Mrs Clarke and the children, Monty and Lilly, remain in the family home. Mr Clarke has rented a two-bedroom apartment locally and is able to see the children, but at present it is difficult for them to stay overnight. Mr Clarke has seen a house that he would like to purchase for £175,000 locally which, although small, has three bedrooms.

Mrs Clarke would like to remain in the family home.

I confirmed that I would be in touch with Mrs Clarke shortly before the Financial Dispute Resolution appointment, to review the case with her.

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DOCUMENT 4

EMAIL FROM RAVI JODHA

From: Ravi Jodha
To: Samar Devani
Date: [Yesterday's date]
Subject: Bruno

Dear Samar,

I hope that this email finds you well. I think that I am going to need your help to resolve an issue that has arisen with my former girlfriend, Izzy Baski, in relation to our son, Bruno, who is now eight years old.

Izzy and I separated almost five years ago, and we agreed amicably at the time what should happen in Bruno's best interests. This was for Bruno to remain living with his mother, and he was to stay with me every other weekend and for half of the school holidays. This meant that he had a stable home with his mother, but also that I was able to spend regular time with him.

Bruno has Izzy's surname, and I was not present when the birth was registered. We have previously discussed and agreed that I should have responsibility for him, but we have never formalised this.

However, I do have an urgent problem. I have booked a short break for Bruno and me to go to Ireland (travel restrictions permitting, obviously). This is during the upcoming February 2022 half-term break from school.

I booked it a while ago as a surprise for Bruno but did not tell Izzy before doing so. I have now paid in full as it is only a few weeks away, and I really don't want to have to cancel it. We are going mountain biking. Izzy says it's far too dangerous and Bruno shouldn't be taking part even with safety equipment on.

I told Bruno about the trip last weekend, and he has been practising on his bike in excitement. Bruno told his mum, and she sent me a text to tell me that she won't allow it and will take me to court if necessary to stop the trip. This year it is my turn to have him during this half-term holiday. I think that she is mostly cross because I did not check with her before booking and paying for the trip.

Whilst I would like to formalise arrangements amicably with Izzy in relation to Bruno, I do feel that I must take Bruno away on our trip too.

I would be very grateful for your assistance with this problem. As you will appreciate, it will soon be February and I want the holiday to happen.

Many thanks,
Ravi

DOCUMENT 5

ATTENDANCE NOTE RE: KATE FLYNN

Client: Kate Flynn

Date: [Yesterday's date]

Senior partner: Samar Devani

File ref: SD/SA/2022/1567

Time taken: 1 hour

Attendance upon Kate Flynn, who is a new client. I have completed the relevant new client checks and there are no concerns. You will see that copies of identity documents are on the file.

Ms Flynn needs advice following some domestic violence incidents in the home. On arrival, I could see some bruising around her neck and lower arms.

Her details are as follows:

Full name: Kate Flynn

D.O.B.: 02/12/1995

Address: 27 Tattling Road, Bromsgrove, Worcestershire, B79 6AJ

Temporary address: 7 Gosney Close, Bromsgrove, B83 9SA (sister's)

Phone number: 07791 268978 (mobile)

Occupation: Shop manager

David Jones is Ms Flynn's partner and they have been together since school. This is approximately 10 years.

They have a daughter, Rose Flynn, who was born on 14/04/2015. She is now 6 years old. The couple live as a family in a small two-bedroom property, which is owned in joint names. Our client is a manager of a local high street store and earns £30,000 per annum. Mr Jones is a driver for the NHS, and he earns £20,000 per annum.

The couple have been having problems lately and Mr Jones has been drinking alcohol in increasing amounts. Usually this is after work, before arriving home for the evening. The result is that he often arrives home drunk, at around 7pm.

Ms Flynn has raised this with Mr Jones several times. However, two nights ago, he came home very drunk, and Rose was singing loudly while in the bath. He became angry and started shouting at her to 'shut up'. Ms Flynn sought to protect Rose, with the result that Mr Jones turned his temper towards her and flung her against a wall.

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She shouted at him to let her go, but he grabbed her by the throat and held her there, shouting at her to get out of his house. She tried to pull his hands away from her neck, but he is much stronger than our client and just grabbed her hands and held her wrists tightly.

Rose was very upset and had seen what had happened. She was crying and screaming, 'Daddy, let go of Mummy'.

Mr Jones released Ms Flynn, who immediately took Rose upstairs, leaving Mr Jones downstairs. He fell asleep just a few minutes later as he was intoxicated. Ms Flynn then packed a bag for herself and Rose, and they went to stay with her sister (address above).

Having spoken at length to Ms Flynn, I have established that this is not the first incident that Rose has witnessed, but Ms Flynn is determined that it will be the last.

Ms Flynn showed me her mobile phone, which contains many abusive text messages from Mr Jones. These are mostly sent to her while he is drunk. They range in nature from him calling her stupid, to him threatening to hurt her and throw her out of what he calls 'his house'. He usually includes threats of physical harm.

Ms Flynn does not have anywhere else to stay other than with family members. She is safe there, but can only stay for a few days, as she and her daughter are sleeping on a sofa. She, therefore, needs a longer-term solution that allows her and Rose to be safe at home.

Ms Flynn has asked the police for advice, but they told her that she needs to speak to a lawyer.

I used devolved powers to grant Ms Flynn emergency legal representation. Ms Flynn has collected her daughter from school today and will remain at her sister's pending the outcome of any potential relevant applications.

End of Case Study Materials