

CASE STUDY MATERIALS

January 2017
Level 3
THE PRACTICE OF FAMILY LAW
Subject Code L3-12



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 12 – 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

- You will be provided with a clean copy of the case study materials in the examination.
- You are **NOT** permitted to take your own copy of the case study materials or any other materials including notes or textbooks into the examination.
- In the examination, candidates must comply with the CILEx Examination Regulations.

Turn over

* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer employed by Kempstons, The Manor House, Bedford, MK42 7AB. The firm is a private practice. It has a busy matrimonial client department. Your supervising solicitor is Kasha Patel and she has just handed you the following:

- Document 1** Attendance note – Cristina Bartosz
- Document 2** Marriage certificate of Aleksander Bartosz and Cristina Smythe
- Document 3** Letter from Cristina Bartosz
- Document 4** Attendance note – Julie Taylor
- Document 5** Attendance note – Isaac Neumann

DOCUMENT 1

ATTENDANCE NOTE

Client: Cristina Bartosz
File: KP/YS/170121/BARTOSZ/DIV
Attended by: Trainee Legal Executive and Kasha Patel
Date: 9 January 2017
Engaged: 6 units
Attending: Cristina Bartosz of 12 The Ridings, Kempston, MK42 5ZZ

The facts are as follows:

Cristina Smythe – DOB: 21 January 1985

married

Aleksander Bartosz – DOB: 30 August 1977

There are two children:

- Georg Leonek Bartosz – DOB: 3 December 2005
- Harri Francis Bartosz – DOB: 18 April 2008

Cristina grew up in a small village near Bedford. She left school at 16 with few qualifications and moved to Bedford to obtain work. She got a clerical job with Robyn Kitchens Ltd, a large company that manufactured kitchens, and met Aleksander, who was a sales executive for the company.

Cristina and Aleksander got on well and moved in together. In June 2003, they got married. A family followed when Georg was born, and then Harri.

Aleksander was very good at his job and quickly gained promotions. This enabled him to buy a four-bedroomed family home nearby. Cristina was able to stay at home with the children and they settled happily into village life.

A year ago, Aleksander was offered the job of national sales director. The job involved working from an office based more than 150 miles away in Manchester and regular travel around the country. Cristina did not want to move as the children were settled in their schools and doing well, and she had family and friends nearby.

Aleksander promised Cristina that they would not have to move and he would manage the travelling.

After six months in the job, Aleksander told Cristina that the travelling was too much for him and that he needed his family to move to Manchester. Cristina was very unhappy. This led to arguments whenever Aleksander was at home.

Cristina suspected that Aleksander might be having an affair. At Christmas, she checked his phone and discovered intimate texts between him and his personal assistant, Maria, dating back to June 2016.

When Cristina confronted Aleksander on New Year's Day, he admitted to having an affair with Maria since the previous June. He said that he was not happy with their marriage. He planned to sell the family home and move in with Maria. He told Cristina that she could apply for a divorce and he would not contest it. He also told her that she would need to get a job and support herself, as he was not prepared to support two households.

Cristina is very upset. She wants to end the marriage but is concerned about how divorce will affect her financially.

Turn over

DOCUMENT 2
MARRIAGE CERTIFICATE

D/00001

CERTIFIED COPY OF AN ENTRY OF MARRIAGE
Pursuant to the Marriage Act 1949

Registration District <i>Kempston</i>								
Marriage solemnized at <i>St Mary's Church</i> in the Parish of <i>Kempston</i> in the County of <i>Bedfordshire</i>								
Columns:1		2	3	4	5	6	7	8
No.	When married	Name and surname	Age	Condition	Rank or profession	Residence at time of marriage	Father's name and surname	Rank or profession of father
6	25 <i>June</i> 2003	<i>Aleksander Piotr Bartosz</i>	25	<i>Bachelor</i>	<i>Sales Executive</i>	<i>Flat 3 Avon House, Riverside, Kempston</i>	<i>Piotr Leonek Bartosz</i>	<i>Builder</i>
		<i>Cristina Elisabeth Smythe</i>	18	<i>Spinster</i>	<i>Clerical Assistant</i>	<i>Flat 3 Avon House, Riverside, Kempston</i>	<i>Kenneth Francis Smythe</i>	<i>Plumber</i>

Married in the *Parish Church* according to the rites and ceremonies of the *Church of England* after *Banns* by me,
This marriage was solemnized between us, [*Aleksander Bartosz*
Cristina Bartosz] in the presence of us, [*Piotr L Bartosz*
Kenneth Smythe]

I *Ursula White* Vicar of *St Mary's Church, Kempston* in the County of *Bedfordshire* do hereby certify that this is a true copy of Entry No *6* in the Register of Marriages of the said Church

WITNESS MY HAND this *25TH day of June 2003*

Ursula White Vicar
State "Rector", "Vicar" or "Curate"

CAUTION:- It is an offence to falsify a certificate or to make or knowingly use a false certificate or a copy of a false certificate intending it to be accepted as genuine to the prejudice of any person or to possess a certificate knowing it to be false without lawful authority.

DOCUMENT 3

LETTER FROM CRISTINA BARTOSZ

12 The Ridings
Kempston
MK42 5ZZ

11 January 2017

Kasha Patel
Kempstons
The Manor House
Bedford
MK42 7AB

Dear Ms Patel,

Thank you for making time to see me and for your advice.

Aleksander is currently living in Manchester. His address is Flat 12, City House, Lynx Road, Manchester, M59 9XZ.

The additional information that you requested, concerning our finances is:

- Family home – 12 The Ridings, Kempston:

This was bought in Aleksander's sole name. It is currently worth £550,000. The mortgage outstanding is £175,000.

- Aleksander's job:

Aleksander is currently earning £245,000 per annum. He also receives an annual bonus, which is paid in March. The bonus for 2016 was £75,000.

- Aleksander's pension:

Aleksander has been paying into the company pension for 15 years. The pension scheme operated by Robyn Kitchens Ltd is, I understand, a good one. I do not have any pension provision for myself.

- Savings and other assets:

Aleksander does have an ISA. I think it is currently worth about £45,000. I am not aware of any other savings.

I hope this is helpful. All I want is to minimise the disruption for the children and ensure a fair settlement for myself.

Kind regards

Cristina Bartosz

Turn over

DOCUMENT 4

ATTENDANCE NOTE

Client: Julie Taylor
File: KP/YS/170121/TAYLOR/DOM
Attended by: Trainee Legal Executive
Date: 10 January 2017
Engaged: 7 units
Attending: Julie Taylor of 28 Vale Avenue, Kempston, MK42 5XX

The facts are as follows:

Julie Taylor – DOB: 30 October 1976

Julie attended with her mother, Mrs Dorothy Hunt.

Julie is a partner in a large accountancy practice. Her job is very demanding but until recently she has remained close to her family, and made a point of never missing family occasions.

However, she found little time to socialise and go on dates. Two years ago, she decided to join an internet dating agency and met Nick, an apparently successful businessman. After a whirlwind romance, they flew to a Pacific island and were married in a quiet ceremony with only two local witnesses. No family were invited.

On their return they set up home in the house that Julie had bought some years earlier. It was near her parents, but Julie and Nick rarely visited them. On the rare occasions when Mr and Mrs Hunt saw Julie, she seemed very withdrawn and undemonstrative, quite unlike the daughter they knew.

Last week, Mrs Hunt was out shopping and bumped into Julie. Mrs Hunt persuaded Julie to have a cup of coffee with her. Julie finally opened up and admitted that Nick was not in fact a successful businessman. Nick had no money and no job. Julie had also quickly discovered that he was very possessive and controlling. He did not want Julie to meet up with her family or friends. Initially, she had challenged his dictatorial approach, but this had led to physical abuse by Nick, abuse which had increased over time. In an attempt to deflect the violence, she stopped arguing with him, and stopped seeing family and friends, but her passive response also annoyed him and the abuse continued.

On Christmas Eve, Nick punched her several times causing a black eye and two cracked ribs. Nick took her to the local hospital and told staff that Julie had fallen over because she had been drinking.

Nick constantly told Julie that she deserved punishment because she was a bad wife. She had considered leaving him on many occasions but was too scared to do this. Julie admitted to her mother that she didn't know what to do. She didn't want to leave her home, but Nick wouldn't leave either. She was really frightened of what he would do next.

After a lot of encouragement, her mother has finally persuaded her to seek advice.

DOCUMENT 5

ATTENDANCE NOTE

Client: Isaac Neumann
File: KP/YS/170106/NEUMANN/CA
Attended by: Trainee Legal Executive
Date: 10 January 2017
Engaged: 5 units
Attending: Isaac Neumann
Matter: Sami Neumann, DOB: 25 November 2005

The facts are as follows:

Isaac and Tina met at college. They completed their courses in 2004, obtained jobs and set up home together. A year later they had a daughter, Sami. Isaac was registered as Sami's father. Tina found being a young mother hard work, particularly as Sami was a difficult baby. The stress affected her relationship with Isaac and they decided to separate when Sami was 3 years old.

Shortly after the separation, Sami was diagnosed with a medical condition which will weaken her muscles as she grows older. She is receiving medical treatment for the condition, but so far the condition seems to have had little effect on Sami.

Tina became very protective of Sami following the diagnosis and insisted on keeping full control of all aspects of her life.

Despite the separation, Isaac maintained regular contact with Tina to support her. He has a very good relationship with Sami. Isaac has Sami to stay most weekends and during the holidays when they visit Isaac's family.

Two years ago, Isaac's sister introduced him to Rachel. Isaac and Rachel got on very well and nine months ago they married. Sami was bridesmaid. Rachel soon became pregnant and the baby is expected in April.

Since the wedding, Tina has become excessively protective of Sami. Sometimes, when Isaac arrives to collect Sami, Tina tells him that Sami is not well enough to spend a night away from home. Recently, Isaac has learnt that Tina has not been informing him of Sami's hospital appointments, which he has always tried to attend.

Last weekend, Sami told Isaac that her consultant is conducting a trial using a revolutionary new treatment. Tina has agreed to allow Sami to take part. Sami is not keen as she says that she heard the consultant say that it will involve daily trips to hospital for several weeks, during which time she will not be able to stay with her dad.

Isaac tried to talk to Tina about this, and about his other concerns. Tina told him that as Sami's mother she made all the decisions. She said that Isaac lost any 'rights' when they separated and she had only let Sami visit him out of goodwill. Tina is now refusing to let Sami see her father and is adamant that she will not meet with Isaac to discuss Sami under any circumstances.

Isaac is very concerned about Sami's welfare and wishes to ensure he continues to see her.

End of Case Study Materials

