



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

- 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 text books except a Statute Book, where permitted, into the examination.
- In the examination, candidates must comply with the CILEx Examination Regulations.

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* This unit is a component of the following CILEx qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer employed by the firm Kempstons LLP of The Manor House, Bedford MK42 7AB. The firm's telephone number is (01234) 622964; fax number (01234) 622965 and their DX address is Bedford 3721. The firm is a high street practice and one-third of the firm's caseload consists of matrimonial work. The matrimonial team at Kempstons LLP is headed up by the matrimonial partner Anna Lawson. The local court is in Bedford.

You arrive at work to find the following documents on your desk:

- DOCUMENT 1** Memo from Anna Lawson
- DOCUMENT 2** Attendance Note re Sally Young
- DOCUMENT 3** Marriage Certificate of Sally Young
- DOCUMENT 4** Attendance Note re Jennifer Chan
- DOCUMENT 5** Email from Richard Poole
- DOCUMENT 6** Attendance note re Cara Ibbott

DOCUMENT 1

Memorandum

To: Trainee Lawyer
From: Anna Lawson
Date: Yesterday's date
Re: Matters to be attended to in my absence

As I mentioned, I am going to be absent from the office for the next fortnight on annual leave. I would be grateful if you could please attend to the following cases during my absence:

1. Sally Young

Mrs Young is a new client. I saw her for a first appointment today and attach a copy of the attendance note of this meeting together with her marriage certificate (**Documents 2 and 3** attached). Please deal with this case in my absence.

2. Jennifer Chan

I have been dealing with Mrs Chan's divorce proceedings and am currently trying to resolve the related financial case. I attach an attendance note of my meeting with her last Thursday (**Document 4** attached). Please deal with any queries that Mrs Chan has while I'm on leave.

3. Richard Poole

I assisted Mr Poole with his divorce proceedings some time ago. I attach a copy of an email I received from him earlier today (**Document 5** attached). Please progress the case.

4. Cara Ibbott

Mrs Ibbott is a new client who attended at the office late this afternoon. I attach a copy of the attendance note of this meeting (**Document 6** attached). Please take any action required on this case during my absence.

Many thanks,

Anna

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DOCUMENT 2

(Attendance Note re Sally Young)

Client: Sally Young

Date: Yesterday's date

Fee earner: Anna Lawson

File ref: AL/LR/Y159

Time taken: 1 hour

Attendance on Mrs Sally Young, who is a new client. I obtained the proof of identity documentation and carried out the usual conflict checks. There are no issues. Her details are as follows:

Full Name: Sally Kathryn Young

D.O.B: 10/11/1972

Address: 5 Radford Drive, Clayton, Barnardshire, BH12 8BU

Phone number: 07840853124 (mobile)

Occupation: Freelance Journalist

Mrs Young wanted advice about her options following the breakdown of her relationship with her husband Martin David Young (d.o.b. 31/05/72). The couple have been married for 15 years and have two children, Freddie Young (d.o.b. 16/02/05) and Beatrice Young (d.o.b. 07/08/10). The former family home is 5 Radford Drive, Clayton, Barnardshire, BH12 8BU. It is a four-bedroom terraced property held in the couple's joint names.

Mrs Young told me that the problems in her marriage started about two years ago when, in February 2015, Martin was made redundant from his job as Assistant Manager at one of the local men's retailers. She said that he became depressed and started to drink heavily. The drinking led to frequent mood swings and Martin was often short-tempered with her and the children. Mrs Young told me that she was concerned about the effect that this was having on the children, so she persuaded Martin to see his GP, who referred Martin for counselling. The counselling sessions appeared to help and in August 2015 Martin obtained a new job as Manager in one of the local department stores.

Mrs Young told me that things had then been fine with their marriage until January 2016, when her husband had joined the local gym. She said that she had supported his decision to join and was happy that he was following through with his New Year's resolution to get fit. However, she said that Martin quickly became obsessive about his fitness regime and would often miss family meals and family outings in order to attend various classes at the gym. The children told her that they missed spending time with their dad, but when she told Martin this, he accused her of emotional blackmail.

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In December 2016, one of Mrs Young's friends had telephoned her to say that she had heard rumours that Martin had been seen out at local restaurants with his gym instructor. Mrs Young told me that at first she had refused to believe this. However, Martin had been arriving home late after his visits to the gym. She subsequently checked his phone and found a number of messages from someone called Alex. On the evening of 15 December, Mrs Young arranged for one of her friends to babysit and she waited outside the gym at the time when she knew her husband's class finished. She saw her husband walk out of the gym with another man, then saw them embrace before they both got into the other man's car and drove off.

When her husband returned home late that night, Mrs Young confronted him about what she had seen. He admitted that he had been in a relationship with his gym instructor Alexander for the last six months. Mrs Young insisted that her husband move into the spare room that night, which he did.

The couple had tried to make Christmas as normal as possible for the children, although Martin continued to sleep in the spare room. Mrs Young told me that she remained shocked and devastated by her husband's betrayal and had asked him to move out as soon as he could. He has said he will need a couple of months to sort this out. She wishes to take the necessary steps to end her marriage as soon as possible. She handed me a copy of her marriage certificate. I explained the ground for divorce and the five facts. Mrs Young will consider her options and will contact me to progress matters.

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CERTIFIED COPY of an **ENTRY OF MARRIAGE****Pursuant to the Marriage Act 1949**

Registration District of Clayton								
Marriage solemnized at St Michael's Church							in the	
Parish of Clayton in the County of Barnardshire								
Columns:-	1	2	3	4	5	6	7	8
No.	When married	Name and surname	Age	Condition	Rank or profession	Residence at the time of marriage	Father's name and surname	Rank or profession of father
102	5 May 2001	Martin David Young	28	Bachelor	Trainee Manager	5 Radford Drive, Clayton, Barnardshire	Gerald Young	Engineer
		Sally Kathryn Walters	28	Spinster	Journalist	5 Radford Drive, Clayton, Barnardshire	Harold Walters	Bookmaker
<p>Married in the <i>Parish Church</i> according to the rites and ceremonies of the <i>Church of England</i> after <i>Banns</i> by <i>me</i></p> <p>The marriage <i>Martin Young</i> in the presence <i>G. Young</i></p> <p>was solemnized between us <i>Sally Walters</i> of us <i>H. Walters</i></p>								

I *Iain Nash* Vicar of St Michael's Church Clayton do hereby certify that this is a true copy of entry No. 102 in the Register Book of Marriages in the said Church

WITNESS MY HAND this 5th day of May 2001

CAUTION: Any person who (i) falsifies any of the particulars on this certificate or (ii) uses a falsified certificate knowing it to be false is liable to prosecution

DOCUMENT 4

(Attendance Note re Jennifer Chan)

Client: Jennifer Chan

Date: Last Thursday

Fee earner: Anna Lawson

File ref: AL/LR/C124

Time taken: 1 hour

Attendance on Mrs Chan. She has received notification that the decree nisi will be pronounced in relation to her two years' separation petition next week. She expressed sadness at the end of her 17-year marriage.

She handed me the note I had asked her to complete to get a picture of the parties' finances. Mrs Chan is hoping that she and her husband can resolve their finances amicably without going to court. We ran through some of the valuations which she had set out in her note:

- Former family home: 3 Marlborough Road, Clayton, held in the parties' joint names £750,000, less mortgage of £100,000; net equity = £650,000;
- Holiday home: 25 Port View, Padstow, held in the parties' joint names: £350,000 (mortgage-free);
- Joint life assurance policy with a surrender value of £150,000;
- Shares in Mrs Chan's sole name: £50,000;
- Shares in joint names: £150,000;
- Cash ISAs in Mrs Chan's sole name: £30,000;
- Mrs Chan's pension: C.E. £60,000;
- Mr Chan's pension: C.E. £210,000.

Mrs Chan (41) continues to work full-time as a head teacher and earns approximately £65,000 gross per annum. Her husband Thomas (42), who is a consultant paediatrician, earns £120,000 gross per annum. The couple have already agreed the amount of child maintenance that Mr Chan will pay for the parties' two children, Victoria (16) and Edward (14). Both children attend private school locally and the couple have also agreed that Mr Chan will pay a contribution towards the children's private school fees. Mrs Chan said that Victoria wants to go on to university and that Edward is also academic but it is perhaps a little early to say whether he will wish to do the same.

Mrs Chan and the children are still living at the former family home, which is a five-bedroom detached property. Mr Chan is currently living in rented accommodation consisting of a three-bedroom apartment. He intends to buy a property as soon as possible. The children stay with Mr Chan every other weekend.

I confirmed that I would contact Mrs Chan to review matters shortly, but suggested that she contact me if she had any queries in the meantime.

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DOCUMENT 5

(Email from Richard Poole)

To: Anna Lawson
From: Richard Poole
Date: Yesterday's date
Subject: Oscar and Libby

Dear Anna,

I hope that you're well? Unfortunately I am having problems with seeing Oscar and Libby and I'd be grateful for your help in resolving these.

You acted for me in my divorce from their mum Nina six years ago. I don't know whether you will have all of the details to hand, so I've included some of the background for you.

In case you need it to trace my records, my date of birth is 05/08/1978. Nina's is 16/09/1979. Our children are Oscar Poole (d.o.b. 13/06/2007) and Libby Poole (d.o.b. 18/11/2009). I agreed with Nina as part of the divorce that they should come and stay with me every other weekend and for half of their school holidays. As things were amicable when we divorced, we never sought a court order about these arrangements.

Nina and I have always lived in Clayton. In fact I am still living at 16 Kirby Crescent, Clayton, Barnardshire, BH11 3UD, which is where, as you know, I was living when you acted on my divorce. Straight after our divorce Nina reverted to her maiden name of Griffiths and moved to 7 Old Hall Road, Clayton, Barnardshire, BH12 9YS. Last summer she started a relationship with Zac Burnett.

My problems with seeing Oscar and Libby started last October, soon after Nina met Zac. I was due to see the children over half-term, but Nina rang the day before they broke up from school, to say that she and Zac were taking them away to the Cotswolds for the week. Apparently Zac's parents had rented a cottage there for them all to stay in together. I was really annoyed, but Nina put Oscar and Libby on the phone to me and they both sounded really excited about the trip, so I felt that I could not disappoint them by insisting on having them stay with me.

When they arrived back, I did get to see them for my usual weekends in November. However, two days before their next visit was due, in early December, I had a text from Nina saying that Oscar was poorly and she thought that Libby was coming down with the same bug. I was disappointed, but understood why Nina would not let them come to me in the circumstances. However, on the Saturday afternoon I received a text from Oscar saying that he hoped I would be better soon. I texted Nina about this but received no reply. I drove to Nina's house to find no-one at home. I phoned and texted her again to find out what was happening but still could not get a reply. Eventually, on the Sunday night, she replied to say that Zac's parents had visited that weekend and had wanted to spend time with the children!

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The next problems occurred at Christmas. I was meant to share the Christmas holiday period with Nina, but in fact I only saw the children for Christmas Eve and part of Christmas day. Early on Christmas Day, Nina turned up at my house unannounced and told the children that Zac had bought them a puppy. Of course, they were really excited and so I agreed to them returning with her, on the basis that I would then collect them again on 30 December.

When I went to collect the children on 30 December there was no-one at home. Nina failed to reply to my calls and texts and I think she has changed her mobile number, as that number is no longer working. I do not know her email address to try that. It's so frustrating, because Nina is a good Mum to the kids, so I have no problems with the arrangements we originally agreed!

I have not seen Oscar and Libby since Christmas Day. I have received texts from them both saying they miss me. I'd be grateful if I could have an appointment with you as soon as possible please. I am working full-time, but just let me know the date and time of my appointment and I will get time off work. As you can see, my email address is richard.poole@yahoo.co.uk. My mobile number is 07732480846.

Thanks in advance,

Richard

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DOCUMENT 6

(Attendance Note re Cara Ibbott)

Client: Cara Ibbott

Date: Yesterday's date

Fee earner: Anna Lawson

File ref: AL/LR/I106

Time taken: 1 hour

Attendance upon Cara Ibbott, who is a new client. She was seeking advice following incidents of domestic abuse. I completed the necessary conflict checks and obtained the proof of identity documentation. I saw that Cara had a black eye.

Her details are as follows:

Full Name: Cara Ibbott

D.O.B.: 11/01/1980

Address: 14 Lechfield Close, Clayton, Barnardshire, BH12 5RW

Temporary address: Flat 1, The Oaks, Garston Avenue, Clayton, Barnardshire, BH14 5MG (Mother's property)

Phone number: 07914248961 (mobile)

Occupation: Accountant

Mrs Ibbott has been married for 15 years. Her husband is Howard Ibbott. They have one daughter, Darcey Ibbott (d.o.b. 08/07/05).

The matrimonial home is 14 Lechfield Close, Clayton, Barnardshire, which is held in Mr Ibbott's sole name. Mr Ibbott is a Senior Risk Compliance Officer for a national bank and earns approximately £70,000 gross per annum. Mrs Ibbott currently works part-time at a local firm of accountants and earns £28,000 gross per annum.

Mrs Ibbott explained that her husband has always had a fiery temper. She admitted that he had been verbally abusive to her for a number of years, but that this had now escalated to physical violence.

She said that last Friday, she discovered that her husband was having an affair with a work colleague. She told me that it was not the first time her husband had been unfaithful to her during their marriage. She said that this latest affair was the final straw for her. On the day she found out, she arranged for Darcey to go to her mother's for tea after school, as she did not want her to hear the couple argue. When Mr Ibbott arrived home from work, she confronted him about the affair, which he initially denied. However, during the argument that ensued, Mr Ibbott admitted he was having an affair with his secretary, Una, who was also

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married. Mrs Ibbott told him she wanted a divorce, at which point he slapped her across the face, shouting that he would never let her divorce him and get the house and all his money. He warned her that if she left him, he would make her regret it.

Mrs Ibbott said that the incident had left her shaken but she had thought that it was a one-off incident. However, on Tuesday night, Darcey had stayed at a friend's house overnight following a birthday party. Mr Ibbott had been out at a work event and arrived home around midnight. Mrs Ibbott said that when he returned, it was clear that he had been drinking. He had forgotten his key, so she had to open the front door to let him in. As soon as he was through the door, he grabbed her by the shoulders and pinned her against the wall. He accused her of ruining everything, saying that Una had just ended the affair because her husband had found out about it. Mrs Ibbott tried to calm him down, reassuring him that she had not told anyone, but he became more and more angry, punching her repeatedly in the stomach.

She managed to break free and ran upstairs to the bathroom and locked the door. She heard her husband leave the house, so she went downstairs and bolted the front door. She believes that her husband stayed at his brother's house overnight. Mrs Ibbott mentioned that Mr Ibbott's brother lives alone in a three-bedroom property in the Clayton area. His parents also have a three-bedroom property locally.

Mrs Ibbott explained that she realised that she had to leave her husband. Yesterday morning before she left for work, she packed a suitcase for herself and Darcey, which she left in the hall. She planned to pick up the suitcase as soon as she got back from work and to then take Darcey with her to her mother's home. She told me that she always arrived home from work before her husband. However, when she arrived home from work yesterday, she opened the front door to find Mr Ibbott standing in the hall by the suitcase.

As soon as she saw him, she backed towards the front door to try and get out of the house, but Mr Ibbott pushed her against the front door, which closed. He then punched her in the left eye. The force of this made her bang her head against the front door. She thinks she must have lost consciousness for a short time. The next thing she heard was the sound of the key in the lock of the front door. She got up as Darcey came through the front door. As soon as Darcey saw the injuries to her mother's face, she became hysterical. Mrs Ibbott said that she told Darcey to go straight back out to the car. Mrs Ibbott followed her out and drove them to her mother's apartment. Her mother lives in a one-bedroom retirement apartment, so cannot accommodate them for long.

This morning Mrs Ibbott received a text from her husband saying that if she went back to 'his house', he would 'finish her off'. Mrs Ibbott immediately telephoned the local police station from her mother's, but was told that unfortunately the domestic abuse liaison officer was off ill. The police officer recommended that because the matter was urgent, she should see a lawyer instead.

As the court had already closed for the day, I advised her to remain at her mother's today and asked her to return to the office first thing tomorrow.

End of Case Study Materials

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