



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES
UNIT 9 – PREPARATIONS FOR PERSONAL INJURY TRIALS *

Time allowed: 1 hour and 30 minutes plus 30 minutes' reading time

Instructions to Candidates

- You have been provided with a copy of the supporting materials for you to use in this examination.
- You have **THIRTY** minutes to read through the supporting materials and this question paper before the start of the examination.
- **It is strongly recommended that you use the reading time to read the supporting materials and this question paper fully.** However, you may make notes on the supporting materials, this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEX Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the following CILEX qualifications: **LEVEL 4 DIPLOMA IN PERSONAL INJURY LITIGATION** and **LEVEL 4 EXTENDED DIPLOMA IN PERSONAL INJURY LITIGATION**

Question 1

Reference: Question 1 relates to **Document 1** of the supporting materials.

Assume the value of Miss Eden's claim exceeds £25,000.

(a) Explain what steps you will have to take under the relevant pre-action protocol.

(4 marks)

(b) Outline the time limits that apply to this case under the protocol.

(4 marks)

Miss Eden telephones you to say that Chris McInnes was very angry when he received your letter of claim and is refusing to have anything to do with 'this charade'. Your client, however, is anxious to proceed with the matter.

You decide to instruct a medical expert to prepare a report on Miss Eden's injuries.

(c) Describe the information you would expect the medical expert to include in the report to meet the requirements of the protocol.

(9 marks)

You have received the medical report but have still had no response from Chris McInnes or anyone else on behalf of the campsite. You therefore decide to commence court proceedings.

(d) Describe what matters should be dealt with in the Particulars of Claim that are specific to a personal injury claim.

(4 marks)

(Total: 21 marks)

Question 2

Reference: Question 2 relates to **Documents 2 and 3** of the supporting materials.

Proceedings are issued. You do eventually receive a response from the defendant in the form of a Defence that contains a blanket denial of the allegations made in the Particulars of Claim.

The case is allocated to the multi-track and directions are given. In accordance with the directions, the defendant serves his list of documents. This does not refer to the quote that Mr Cotton mentions in his letter to you (**Document 2**).

- (a) Explain what steps you would take to try to obtain a copy of the quote, with reference to the appropriate authority and the facts in the supporting materials.

(8 marks)

You deal with the issue of the quote and are about to exchange witness statements when Amina Khanum's secretary, Leena Brady, takes a call from Miss Eden. Leena prepares the necessary attendance note (**Document 3**). You decide to apply for an interim payment on Miss Eden's behalf.

- (b) Explain the evidence you would use in support of your application.

(10 marks)

You comply with all the other directions in the case and complete the pre-trial checklist.

- (c) Explain what steps you would have to take in order to ensure that Mr Cotton attended the trial of this matter.

(7 marks)

- (d) Describe what further steps would you take in order to ensure that the case was properly prepared for trial.

(5 marks)

(Total: 30 marks)

Turn over

Question 3

Reference: Question 3 relates to **Document 4** of the supporting materials.

- (a) Explain, with reference to authority, what application you would make in order for your client to be able to defend the case, and the grounds of that application.
(3 marks)
- (b) Advise, with reference to the facts, what evidence would be required to support your application.
(3 marks)
- (c) Explain what further action you would take on behalf of your client.
(3 marks)

You are successful in the action you take and the court decides to give directions as to the future conduct of the case.

You propose that evidence should be obtained from a specialist in the reconstruction of road traffic accidents. In response, the defendant argues that he should be able to obtain a report from his own expert in this field.

- (d) List three factors the court will take into account when deciding whether to agree to more than one expert.
(3 marks)

You are preparing for exchange of witness statements, which is due to take place in a week's time. You have not received a signed copy of Mrs Hothi's statement. Your enquiry agent has gone to her home address and discovered that she is out of the country on business, and is not due to return for another fortnight.

- (e) Describe, with reference to the appropriate authority, the steps you would take in relation to her witness statement.
(7 marks)

(Total: 19 marks)

End of Examination Paper