



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 9 – CIVIL LITIGATION*

Time allowed: 1 hour and 30 minutes plus 15 minutes' reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on 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 **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

Question 1

Reference: Question relates to **Documents 1 and 2** of the case study materials and is concerned with the **Alfredas Sabonis** file.

- (a) If Medshire County Council had accepted liability, explain what process the case would have gone through rather than the personal injury protocol?

(4 marks)

- (b) As the matter could not be settled, you are instructed by Alfredas Sabonis to issue proceedings. List the documentation you need to send to the court to formally begin proceedings.

(4 marks)

- (c) The defendant files a defence which you believe is weak and you decide to apply for Summary Judgment. Explain on what basis such an application can be made and the possible outcomes of such an application.

(7 marks)

- (d) Unfortunately, the application for Summary Judgment is unsuccessful and the case proceeds to trial. Alfredas Sabonis is successful at trial. Explain how the matter of costs will be dealt with?

(4 marks)

(Total: 19 marks)

Question 2

Reference: Question relates to **Documents 1 and 3** of the case study materials and is concerned with the **Tamara Johnson t/a Johnson's House of Fun** file.

- (a) Tamara Johnson believes that the accident occurred too long ago for a claim to be brought. Explain to her on what basis a claim could be brought.

(3 marks)

- (b) Proceedings are subsequently issued by Dorothy Robins. Explain on what basis she will be acting for Holly Robins?

(2 marks)

- (c) State how long does Tamara Johnson has to file a defence.

(2 marks)

- (d) A defence is filed within the time limit and the case is allocated to the Fast Track. Dorothy Robins has made an application to the court for an interim payment to be made. Explain on what basis the court could grant such an application in this case and, if granted, what the money could be used for?

(5 marks)

- (e) In the circumstances, the court grants the application for an interim payment and the case continues. Explain **three** relevant directions that might be granted in this case.

(7 marks)

(Total: 19 marks)

Turn over

Question 3

Reference: Question relates to **Documents 1 and 4** of the case study materials and is concerned with the **Ida Idea LLP** file.

Attachment: **Document A** – N1 Claim Form

- (a) No satisfactory reply has been received from Gabrielle Mider and so proceedings are commenced. Complete the attached N1 Claim Form (**Document A**). **DO NOT DRAFT THE PARTICULARS OF CLAIM**; you may assume they are attached.

Important: Write your candidate number clearly on Document A and attach it securely to the inside of your answer booklet.

(8 marks)

- (b) The defendant files a defence and the matter is allocated to the Fast Track. The directions indicate that a Trial Bundle will be required. Explain who will be required to compile the bundle and what it will contain.

(4 marks)

- (c) Your client is successful at trial and judgment is given in favour of Ida Idea LLP. Explain how the court can assist in ascertaining the appropriate way to enforce the judgment.

(4 marks)

(Total: 16 marks)

Question 4

Reference: Question relates to **Documents 1 and 5** of the case study materials and is concerned with the **Stella Edubamo** file.

- (a) This is a substantial Claim, and funding will be important in deciding whether to proceed or not. Advise Stella Edubamo of the potential forms of funding available to her.

(6 marks)

- (b) Funding is agreed and you advise Stella Edubamo to go through contractual arbitration as required in the contract. Advise your client of the potential effects of refusing to go through arbitration on any Claim she may bring.

(3 marks)

- (c) Stella Edubamo decides to proceed with the Claim and the matter is allocated to the Multi Track. The parties are permitted to appoint their own expert witnesses, in this case an expert on damp in properties. Explain the procedure for raising questions on the Defendant's expert report.

(3 marks)

- (d) The Claimant is unsuccessful at trial. Explain how the matter of costs would have been dealt with throughout the case up to, but not including, the final hearing.

(4 marks)

(Total: 16 marks)

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N1 Claim Form to be used with Question 3(a)



Claim Form

In the	
Fee Account no.	
<i>For court use only</i>	
Claim no.	
Issue date	

You may be able to issue your claim online which may save time and money. Go to www.moneyclaim.gov.uk to find out more.

Claimant(s) name(s) and address(es) including postcode [1 mark]

SEAL

Defendant(s) name and address(es) including postcode [1 mark]

Brief details of claim [1 mark]

Value [1 mark]

You must indicate your preferred County Court Hearing Centre for hearings here (see notes for guidance) [1 mark]

Defendant's name and address for service including postcode

	£
Amount claimed	
Court fee	
Legal representative's costs	
Total amount	

For further details of the courts www.gov.uk/find-court-tribunal. When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

Claim No.

Does, or will, your claim include any issues under the Human Rights Act 1998? Yes No

Particulars of Claim (attached)(to follow)

Statement of Truth

*(I believe)(The Claimant believes) that the facts stated in these particulars of claim are true.

* I am duly authorised by the claimant to sign this statement [1 mark]

Full name _____ [1 mark]

Name of claimant's legal representative's firm _____

signed _____ position or office held _____ [1 mark]

*(Claimant)(Litigation friend)

(if signing on behalf of firm or company)

(Claimant's legal representative)

**delete as appropriate*

Claimant's or claimant's legal representative's address to which documents or payments should be sent if different from overleaf including (if appropriate) details of DX, fax or e-mail.