

SUPPORTING MATERIALS

16 January 2017

Level 4

DAMAGES, SETTLEMENT AND COSTS IN

PERSONAL INJURY CASES

Subject Code L4-6



**CHARTERED INSTITUTE
OF LEGAL EXECUTIVES**

THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

**UNIT 6 – DAMAGES, SETTLEMENT AND COSTS IN
PERSONAL INJURY CASES***

SUPPORTING MATERIALS

Information for Candidates on Using the Supporting Materials

- This document contains the supporting materials for your examination.
- You have **THIRTY** minutes' reading time to read these supporting materials and the question paper.
- It is strongly recommended that you use the reading time to read these supporting materials and the question paper fully. However, you may make notes on these supporting materials, the question paper or in your answer booklet during this time, if you wish.

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**

SUPPORTING MATERIALS

INSTRUCTIONS TO CANDIDATES

You are a trainee legal executive in the dispute resolution department at Wint and Lorst LLP. You are assisting Alexandra Dowsett, who is a Chartered Legal Executive partner at the firm. She has asked you to assist her with the matter of Mr Spencer Fellows.

Document 1 Attendance Note

Document 2 Receipted invoice from Gloclean Cleaning Company

Document 3 Extract from Letter to Wint and Lorst LLP from Hagul and Fawcett LLP

DOCUMENT 1

ATTENDANCE NOTE

Fee earner: Alexandra Dowsett
Attendance upon: Mr Spencer Fellows
Date: 30 November 2016
Time spent: 1 hour's attendance; 30 minutes' dictation

I saw a new client yesterday, Mr Spencer Fellows.

He told me that, on 15 June 2016, he was injured at home. It was rather an unusual accident. He lives in a Victorian terraced house. On 7 June 2016, he had had his windows replaced by a specialist firm called Brite and Lite. The windows are sash windows, which he described to me as two glazed panels, which can be slid vertically on a cable and pulley to open the window. He tells me that the panels are very heavy.

June 15 was a very hot day. Spencer pulled the cable to raise the lower window panel so that he could water his flowerpots on the outside window sill. He had put his right arm through the opening when the window cable suddenly snapped and the raised window panel fell onto the wrist of his extended right arm. He was trapped for a while as he did not have the strength to raise the window panel using only his left hand. Fortunately, his brother arrived and was able to raise the window panel and free him.

Spencer was in such pain that his brother drove him to the accident and emergency department of Dale Hospital, where he was X-rayed. A fractured wrist with severe bruising to the surrounding area was diagnosed. His wrist was put in plaster. He was kept in overnight for observation, and discharged home the following day.

Spencer lives alone. He arranged with the cleaning agency, who have been cleaning his house for the last two years, to increase the number of hours spent each week by three hours, to include doing his laundry, ironing and gardening. He now pays £80 per week for these services. His brother took him shopping and helped him with bathing and cooking. His brother works as a piano tutor and would like to charge at his usual hourly rate of £25 for the time spent helping Spencer. Spencer tells me that he has not received any state benefits as a result of the accident.

Spencer had NHS-funded physiotherapy treatment, which ended on 31 July 2016. He then continued with private physiotherapy to try to improve the wrist movement. He is frustrated that he has had to pay £40 twice a week for eight weeks.

Spencer is a well-known local artist. He has various sources of income, but he has been told by his treating consultant that, in the future, his ability to work as he does at present will be greatly reduced, as his wrist is likely to remain very weak. Spencer says that he had been perfectly fit and able prior to the accident.

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Currently, as an art graduate, he works at a local college giving evening classes twice per week, for which he is paid £100 net per week. Because of continuing symptoms, Spencer has struggled with the classes since the accident and has decided to reduce the number of classes to one per week.

Aside from this, Spencer is employed as artist-in-residence at an art gallery in town. He works at the art gallery three days per week and earns £600 net per week. He has asked to reduce his days to two per week because of his ongoing pain.

In addition, Spencer accepts commissions for paintings. Before the accident, he usually expected to receive about six commissions a year worth net, on average, about £10,000 each, but he foresees that he will only be able to accept three per year from now on. He is aged 56 (DOB: 14 February 1960) and had intended in any event to retire at 65.

Spencer has also been unable to return to playing tennis, which he really missed over the summer months. He does not know whether he will ever be able to return to playing.

I have said that we will happily take on his case for him and will send a letter of claim to Brite and Lite. He understands that we will need an independent medical report.

DOCUMENT 2

RECEIPTED INVOICE FROM GLOCLEAN CLEANING COMPANY

GLOCLEAN CLEANING COMPANY

Finesse Grange

Daleshire



To: Mr Spencer Fellows
14 The Broad
Beech Heath
Daleshire
DS1 4BH

Date: 15 January 2017

TO OUR SERVICES:

Cleaning, laundry, ironing and gardening	1 June 2016 to date
Payment received with thanks	£2,100

Thank you for your custom.

Gloclean Cleaning Company

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DOCUMENT 3

**EXTRACT FROM LETTER TO WINT AND LORST LLP FROM HAGUL AND
FAWCETT LLP**

FAO: Ms Alexandra Dowsett
Wint and Lorst LLP
Daleshire

13 April 2017

'Without prejudice'

Dear Sirs,

Our client: Brite and Lite (a firm)
Your client: Spencer Fellows

Further in this matter, we would like to repeat our client's position with regard to liability. It remains our client's view that, for whatever reason, at some point between the windows being replaced and the accident, some person succeeded in removing the cable from the pulley and then replaced it incorrectly, causing it to snap as it did.

As matters stand, we are therefore instructed to maintain our client's denial of liability but, in an effort to be reasonable, we are also instructed to put forward an offer in the sum of £10,000 in full and final settlement of damages.

We look forward to hearing that our client's offer is accepted.

Yours faithfully,

Hagul and Fawcett LLP

End of Supporting Materials

