



## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 7 – INTRODUCTORY CONSIDERATIONS FOR PERSONAL INJURY LAWYERS\*

**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 **Documents 1 and 2** of the supporting materials.

Mrs Newton instructs you to pursue the claim against the bus company on behalf of her daughter.

- (a) Describe to Mrs Newton what the role of the defendant insurer and the defendant solicitor will be within the proceedings.
- (2 marks)**

You review the medical report of Ms Sadia Singh.

- (b) Explain to Rachel and her mother in layman's terms, the meaning of the following:
- comminuted fracture
  - sprain
  - keloid scar
  - five sutures

**(4 marks)**

- (c) Advise how the scarring may affect Rachel's claim for damages.
- (6 marks)**

- (d) Advise, with reasons, what type of expert you would now consider instructing.
- (5 marks)**

You review Rachel's medical notes **[not reproduced here]**. You notice reference to FY2.

- (e) Explain what FY2 means.
- (2 marks)**

Mrs Newton contacts you to say that she has heard from a friend that there is a limited amount of time to bring a claim for personal injuries.

- (f) Explain, with reasons, by what date proceedings will need to be issued.
- (5 marks)**

**(Total: 24 marks)**

## Question 2

Reference: Questions 2 and 3 relate to **Documents 1 and 2** of the supporting materials.

Mrs Newton and Rachel are keen to issue proceedings. However, Mrs Newton is concerned about how she will fund the litigation. She has very little private income.

(a) Advise Mrs Newton what Before The Event legal expenses insurance is. **(2 marks)**

(b) Outline the funding advice you will give Mrs Newton and Rachel if Mrs Newton has appropriate Before The Event Insurance. **(2 marks)**

Mrs Newton has seen adverts stating that claims can be funded by means of a Conditional Fee Agreement. She does not fully understand what this means. She would like some information on whether this would be a suitable option in funding Rachel's claim.

(c) (i) Describe to Mrs Newton what a Conditional Fee Agreement is. **(6 marks)**

(ii) Explain to Mrs Newton, with reference to the facts, how the success fee will affect her in the event that Rachel wins or loses the case. **(5 marks)**

Mrs Newton confirms that she does not have Before The Event Insurance. Having had all the funding options explained to her, Mrs Newton decides that she would prefer to fund the litigation with the benefit of After The Event Insurance. You advise her that the policy will cost £450.

(d) (i) Advise Mrs Newton what After The Event Insurance is. **(5 marks)**

(ii) Advise Mrs Newton who is responsible for paying the £450 policy premium. **(2 marks)**

**(Total: 22 marks)**

## Question 3

You receive a letter from First Buses, the defendant bus company, providing insurance details but confirming that First Buses is now in liquidation. This is a RTA claim falling under the European Communities (Rights Against Insurers) Regulations 2002.

Advise, with reasons, how those Regulations can assist Rachel in pursuing her claim.

**(4 marks)**

**Turn over**

## Question 4

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

Mr Harvey instructs you to pursue a claim against his employers Easi Carton, under a Damages Based Agreement with a 20% contingency fee. Mr Harvey is struggling to understand how the contingency fee will apply.

(a) Explain to Mr Harvey what a Damages Based Agreement is.

**(3 marks)**

The case is now concluded. A bill of costs is drawn up and your costs are £3,500.

(b) Advise Mr Harvey what he will be liable to pay, by way of costs, if he recovers from the defendant:

- damages for his pain, suffering and loss of amenity in the sum of £18,000;
- past loss of earnings in the sum of £5,000;
- future loss of earnings in the sum of £6,000;
- costs in the sum of £2,000.

**(7 marks)**

Easi Carton admits liability, judgment in default is entered in Mr Harvey's favour, and the matter is listed for an Assessment of Damages Hearing. A few weeks before this hearing, Mr Harvey contacts you. He is extremely concerned as he has just heard that his employer, Easi Carton, has gone out of business. He is worried he will not receive any compensation.

(c) (i) Advise Mr Harvey, with reasons, who will pay any compensation awarded in relation to his claim.

**(8 marks)**

(ii) Explain how you will obtain any information needed to ensure you identify who will make the payment.

**(2 marks)**

**(Total: 20 marks)**

**End of Examination Paper**