

SUPPORTING MATERIALS

18 January 2017
Level 4
INTRODUCTORY CONSIDERATIONS FOR
PERSONAL INJURY LAWYERS
Subject Code L4-7



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 7 – INTRODUCTORY CONSIDERATIONS FOR PERSONAL
INJURY LAWYERS*

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 lawyer in the Personal Injury Department of Kempstons LLP, The Manor House, Kempston, Bedford, MK42 7AB. Your supervising partner is Lauren Goldsmith and she has given you two cases to consider.

- Document 1** Attendance note – Mrs Sarah Newton and Miss Rachel Newton
- Document 2** Extract from Medical Report of Ms Sadia Singh, Consultant Orthopaedic Surgeon
- Document 3** Attendance note – Mr William Harvey

DOCUMENT 1

ATTENDANCE NOTE

Attendance note: Meeting with Rachel Newton (DOB: 14/07/1999) and her mother Sarah Newton
Re: Rachel's road traffic accident
Date: 27 June 2016
Units: 10

On 1 July 2013, at about 3.45pm, Rachel caught her usual number 192 bus home from school. She boarded the bus and started to climb the steps to the upper deck. The driver, however, was distracted. He didn't wait for Rachel to reach the upper deck before pulling away. The movement was sudden and unexpected. As a consequence, Rachel fell down the steps towards the lower deck.

Rachel suffered a cut to her forehead, a badly sprained left ankle and a broken left wrist.

The bus continued to travel on until another passenger alerted the driver to what had happened. The bus was fitted with CCTV, so it is not clear why the driver was unaware of what had happened. The driver brought the bus to a stop and went to attend Rachel. By this stage, she was in a great deal of pain and was crying. The driver called an ambulance and Rachel was taken to the Freeman Hospital, where she received treatment. Rachel was kept in hospital for four nights, as she required surgery to pin the bones in her left wrist. The cut to her forehead required five sutures. Rachel was off school for the rest of the school term (three weeks). During the school summer holidays, she remained in a lot of pain and was limited in the activities she could undertake.

Rachel is still suffering with pain in her wrist and swelling to her left ankle. The surgery left Rachel with scarring on her wrist, which she is self-conscious about. She also has a scar to the left of her forehead. While this is small, it can be seen, and she is very conscious of it. Rachel needs to use make-up to cover it up. The family did not initially pursue a claim for damages, as Rachel was starting her GCSEs and they did not want her studies interrupted any further. However, because of the continuing effects of the injuries, Rachel and her mother now want to make a claim for compensation for her injuries.

Discussed funding and next steps with client: Mrs Newton doesn't know whether she has legal expenses insurance but she will check. I discussed funding options with her and Mrs Newton was going to decide whether to enter a Damages Based Agreement or a Conditional Fee Agreement.

[Remainder of attendance note not reproduced]

Time in attendance: 1 hour

Turn over

DOCUMENT 2

EXTRACT FROM MEDICAL REPORT

Ms Sadia Singh, Consultant Orthopaedic Surgeon

Re: Rachel Newton
Date of birth: 14 July 1999
Date of accident: 1 July 2013

I examined Miss Rachel Newton on 2 December 2016 for the purpose of preparing this report and I have reviewed her medical records, X-rays and surgical notes from Freeman Hospital.

Brief history of injury:

Rachel was injured in an accident on her way home from school on 1 July 2013. I have been told that she had boarded a bus and was walking up the steps to the upper deck, when the bus driver pulled away before she had fully reached the upper deck. The sudden movement caused Rachel to fall down the steps to the lower deck.

Rachel sustained a comminuted fracture to her non-dominant left wrist, requiring surgical intervention, and she sprained her left ankle. Rachel also sustained cuts and bruises. The cut to her forehead required five sutures.

Treatment:

Rachel was taken by ambulance to the Freeman Hospital, where she was X-rayed and admitted for surgery to pin the fracture in her wrist. Surgery went well and Rachel received physiotherapy as an outpatient for ten weeks following discharge. Rachel continues to receive physiotherapy sessions periodically, as she still experiences symptoms in her left wrist.

Upon examination:

It is now three years and five months post-accident and Rachel has, in the main, recovered well from her injuries. She still suffers with minimal pain and stiffness in her left wrist after use, such as chemical experiments at school and with sporting activities, and there is a 5% limitation of movement in all directions. There is a 10–15% likelihood of arthritis, and her pain and stiffness are now likely to be permanent. Rachel's left ankle was badly sprained in the accident and it continues to swell on exertion, e.g. playing sports at school or walking her dog. She will require further courses of physiotherapy periodically to ease these symptoms.

Rachel has also been left with some post-operative keloid scarring, which is likely to remain, and a small scar to the left side of her forehead. The keloid scar measures 25mm x 1mm by 20mm x 1mm, and the forehead scar measures 40mm x 2mm. All scars are visible from a conversational distance.

SUPPORTING MATERIALS

Rachel tells me that she is very self-conscious about them. I am not qualified to conclude whether the scars would benefit from further surgery.

Scarring is out of my area of expertise. I would advise that she is seen by a plastic surgeon, who will advise further on any necessary treatment.

Prior to the accident, Rachel was a keen sports player, taking part in almost all sports at school. She played netball at a county level and was tipped to be a future England player. She was unable to make the trials in the summer of 2013 because of her injuries. Since then, she has been unable to play netball even at a school level, as she finds the sport causes her symptoms in her wrist and ankle.

Turn over

DOCUMENT 3

ATTENDANCE NOTE

Attendance Note: New client – Mr William Harvey
Re: Accident at work
Date: 12 December 2016
Units: 10

Mr Harvey works for Easi Carton, a company manufacturing packaging. He is employed as a production operative. He has worked there for approximately nine months. His job is on the production line producing fold-up cartons for packing purposes. His job involves inserting the card into a machine and then removing the cut-out carton at the end. On an average shift of eight hours, Mr Harvey produces 120 such boxes.

On 1 September 2016, Mr Harvey had started a 7.00am-3.00pm shift. At approximately 11.00am, his machine jammed and stopped working. Mr Harvey lifted the safety guard to remove the carton that was jammed, and while he was in the process of removing the carton, the machine started working again. The cutting mechanism caused a deep cut to his right hand.

Mr Harvey's supervisor called an ambulance and Mr Harvey was taken to Kempston Hospital. He required surgery to his hand to clear the wound of debris from the machine. He required 18 stitches. The stitches have since been removed and Mr Harvey has received physio for his hand, but he is still suffering with limited mobility in his hand, as there was damage to his ligaments. Mr Harvey has been unable to work as a production operative since the accident, as he is right-handed. He has been offered a return to work from next week on light duties, which will involve sweeping the factory floor and checking log-in times, but he is upset about this, as he wants to return to his old job.

Discussed funding with Mr Harvey and agreed to set up a Damages Based Agreement for him.

End of Supporting Materials

BLANK PAGE

BLANK PAGE