



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 **Rachel Armstrong** file.

(a) Rigington Manor is a member of a trade body which provides an arbitration service between members and consumers. Explain to Rachel Armstrong **three** advantages to her of using arbitration in this case.

(3 marks)

(b) Your client has declined the offer of arbitration and has instructed you to issue proceedings. Having already sent a Letter of Claim, you draft the Claim and would like Rachel Armstrong to sign it.

(i) Draft the Statement of Truth.

(3 marks)

(ii) Explain to Rachel the importance of the Statement of Truth.

(2 marks)

(c) The case is subsequently allocated to the Fast Track. Explain how directions will be dealt with in this case and list **three** relevant directions.

(4 marks)

(d) What effect, if any, would a failure to comply with directions have on either party?

(3 marks)

(e) Mr Cisterton has made a Part 36 Offer. Explain to Rachel the effect on costs if she declines the offer.

(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 **Manish Srinivas** file.

- (a) Explain the procedure to be followed in this case if liability is accepted by the employer.

(6 marks)

- (b) Unfortunately, liability is not accepted, with the insurer insisting that the safety guard was in fact removed by Manish and that he is solely responsible for his injuries. Despite following the appropriate procedure, the matter cannot be settled and you issue proceedings.

How long does the Defendant have to submit a Defence?

(2 marks)

- (c) The Defendant files a Defence, however it is unclear and confusing. Explain what procedure you will adopt to clarify matters, including an explanation of the content of any documents to be drafted.

(5 marks)

- (d) Your client is successful at trial and is awarded £12,000. Explain fully how the matter of costs is likely to be dealt with by the court.

(5 marks)

(Total: 18 marks)

Question 3

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

- (a) Kimberley Tractors issues a Claim but you believe it is very weak. What procedure should you now adopt to try to bring the claim to an early conclusion?

(5 marks)

- (b) Your application was not successful and the matter proceeds. The Listing Questionnaire (Pre-Trial Checklist) needs to be completed; give **four** examples of the matters considered on the form.

(4 marks)

- (c) At trial, the court grants judgment in favour of Pippa Mason. Explain how the matter of costs would have been dealt with throughout the case up to, but not including, the final hearing.

(5 marks)

(Total: 14 marks)

Turn over

Question 4

Reference: Question relates to **Documents 1, 5 and 6** of the case study materials and is concerned with the **Deborah Surtees** file.

(a) Deborah Surtees has some concerns in respect of funding the claim. Explain to her two methods of funding that would be appropriate in the circumstances.

(4 marks)

(b) Having sent a Letter of Claim to the Defendant, Mr Garfield Roden-Smyth, your firm is required to follow the personal injury protocol. Explain what the protocol requires both the Claimant and the Defendant to do.

(5 marks)

(c) What rules will apply to the use of an expert in this matter?

(4 marks)

(d) Deborah Surtees is successful at trial. However, the Defendant, Mr Garfield Roden-Smyth, has failed to pay the judgment debt. Advise Deborah Surtees of the best way to enforce judgment in each of the following separate circumstances:

(i) the Defendant owns his own house;

(2 marks)

(ii) the Defendant has equipment and stock in the shop;

(2 marks)

(iii) the Defendant has substantial savings in his bank account.

(2 marks)

(Total: 19 marks)

End of Examination Paper