

SUPPORTING MATERIALS

12 June 2017

Level 4

DAMAGES, SETTLEMENT AND COSTS IN

PERSONAL INJURY CASES

Subject Code L4-6



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 Kempstons LLP. You are assisting Jennifer Carrera, who is a Chartered Legal Executive partner at the firm.

She has asked that you assist her with the matter of Miss Gaia Allinson.

- Document 1** Attendance note
- Document 2** Extract from Gaia Allinson's email to your firm
- Document 3** Extract from Gert LLP's letter to your firm - 13 June 2017
- Document 4** Extract from Gert LLP's letter to your firm – 20 July 2017

DOCUMENT 1

ATTENDANCE NOTE

Fee earner: Jennifer Carrera
Attendance upon: Gaia Allinson
Reason: Accident - 13 May 2016
Date: 20 January 2017
Time spent: 1 hour attendance; 30 minutes' dictation

I saw Gaia at our offices yesterday. I acted for her in 2015, when she was involved in a road traffic accident. Although not physically injured apart from minor bruising, she suffered post-traumatic stress disorder, from which she tells me that she has not fully recovered.

Gaia is employed as a science teacher at Greengate Academy, which is an independent school. After the road traffic accident in 2015, she returned to work but reduced her days of working from five to three days a week because of her ongoing anxiety. By May 2016, her anxiety had lessened and she would have returned to working five days a week on 16 May 2016 if she had not had an accident in her classroom.

At about 5 pm on 13 May 2016, she was putting up display materials in her classroom for an open evening. She was rushing as she had only just been told to do this by her Head of Department. To help her, she had borrowed a stepladder from the caretaker. Gaia had asked her colleague, who was working in the classroom next door, to help her, but she was unable to do so as she was busy. Gaia was standing on the top rung of the ladder, when the rung suddenly snapped and she fell to the ground. She landed heavily on her ankle which was twisted under her in the fall. She also wrenched her neck.

Gaia's colleague came to her assistance. She realised that Gaia was in great pain and that she should attend the accident and emergency department at Dale Hospital, to which Gaia was taken in an ambulance. Fortunately, an X-ray showed that the ankle was not fractured. However, on examination, the casualty doctor said that the ankle ligaments were likely to be torn, as Gaia could not put any weight on the foot and was in considerable pain. Gaia was advised that the neck symptoms were similar to those of a minor whiplash injury and would resolve within two weeks.

Gaia received treatment and remained in hospital for two days and was then discharged home. The hospital recommended that Gaia undergo physiotherapy and she was advised to rest with the ankle elevated, apply ice to the ankle, wear an ankle support bandage and take painkillers. On 17 May 2016, Gaia bought two ankle support bandages at a cost of £9.50 each and painkillers at a cost of £4.50. She also bought a neck support collar costing £18.50 and extra pillows for her bed costing £35, for which she bought new pillow cases with matching bed linen costing £65.

Gaia was on sickness absence for the rest of the summer term and returned to work at the beginning of September 2016. She returned to work three days a week rather than five days a week as planned.

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Whilst symptoms from the neck injury resolved as expected, symptoms from the ankle injury continue.

As a teacher, Gaia says that she needs to be able to stand and move around the classroom but her ankle is unstable, and she finds standing for any period very difficult. She visited her GP last week and she has been referred back to her treating orthopaedic surgeon. There is a suggestion that she may have to undergo surgery to investigate the symptoms. She also mentioned that her stress symptoms seem to have worsened since the fall and she is increasingly anxious in all situations and attends therapy sessions.

Gaia has met with her Head of Department, who says that they cannot cope any longer with her working only three days a week. The matter has been referred to the Head Teacher and Gaia believes that she is at risk of losing her job. Her salary as a teacher is £30,000 gross and she used to earn approximately £2,000 per month net before the road traffic accident, although her earnings are currently about £1,300 net per month while she is working three days per week. She received statutory sick pay while she was absent from work. I have told her that I will need to pass on to the defendant her National Insurance number and details of the hospital where she was treated.

EXTRACT FROM GAIA ALLINSON'S EMAIL TO YOUR FIRM

18 March 2017

Hi Jennifer,

You asked about my net salary before the accident at school and I have found my wage slips going back to the beginning of 2016. I think I told you that the £1,300 per month was only approximate as it depends on the number of extra-curricular activities that I cover. Also, I did accompany a class on a week's trip to France in April and was paid extra for that.

By the way, I have been told that my school can no longer keep me on part-time and I certainly can't work full-time and so I am leaving at the end of this month.

Here are the weekly figures:

Week	Week commencing:	Net salary £
1	4 January	325
2	11 January	325
3	18 January	380
4	25 January	325
5	1 February	340
6	8 February	340
7	15 February	375
8	22 February	325
9	29 February	325
10	7 March	365
11	14 March	375
12	21 March	325
13	28 March	390
14	4 April	325
15	11 April	325
16	18 April	325
17	25 April	900
18	2 May	325

Look forward to hearing from you soon.

Gaia

Turn over

EXTRACT FROM GERT LLP'S LETTER TO YOUR FIRM

FAO: Ms Jennifer Carrera
Kempstons LLP
The Manor House
Bedford
MK42 7AB

13 June 2017

'Without prejudice'

Dear Sirs,

Our client: Greengate Academy

Your client: Gaia Allinson

Further in this matter, we consider that it would be sensible for negotiations to take place. We are happy to attend at your offices for this purpose. However, we must make our client's position clear that, although they accept that the rung of the ladder snapped, we expect your client to accept a substantial reduction in her damages for contributory negligence, as she should not have used the stepladder without someone being present to hold it securely.

We suggest arranging to meet next week and that, in the meantime, you take your client's instructions on the reduction in damages which she is willing to accept.

Yours faithfully

Juris Gert

Gert LLP

EXTRACT FROM GERT LLP'S LETTER TO YOUR FIRM

FAO: Ms Jennifer Carrera
Kempstons LLP
The Manor House
Bedford
MK42 7AB

20 July 2017

Dear Sirs,

Our client: Greengate Academy

Your client: Gaia Allinson

Further to your letter of 19 July 2017, we are very pleased to see that your client has accepted our client's Part 36 offer made on 12 July 2017. However, you have overlooked letting us have a draft Tomlin Order.

We look forward to receiving this as soon as possible so that we can agree a date for payment of damages.

With regard to costs, we are recommending to our client a payment on account of costs, which we note you have budgeted at £32,000.

Yours faithfully

Juris Gert

Gert LLP

End of Supporting Materials

