

SUPPORTING MATERIALS

14 June 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 assisting Maleha Khan in the Dispute Resolution Department of Kempstons LLP, The Manor House, Bedford, MK42 7AB.

Maleha has provided you with the following documents:

- Document 1** Attendance Note written by Maleha Khan, Supervising Solicitor, following a telephone conversation with Mrs Adele Harrison

- Document 2** Email from Adele Harrison to Maleha Khan, Supervising Solicitor

- Document 3** Attendance Note written by Maleha Khan, Supervising Solicitor following a meeting with Stefan Nowak

- Document 4** Telephone Message for Maleha Khan, Supervising Solicitor, from Stefan Nowak

ATTENDANCE NOTE WRITTEN BY MALEHA KHAN, SUPERVISING SOLICITOR, FOLLOWING A TELEPHONE CONVERSATION WITH MRS ADELE HARRISON

New client reference: MK/AH/2017/001 and MK/BH/2017/001

Date: 2 June 2017

Maleha Khan engaged on the telephone with a new client, Mrs Adele Harrison.

Mrs Harrison wants to know whether she and her daughter, Bethany, can bring a personal injury claim. They were involved in a road traffic accident on 27 March 2017.

Mrs Harrison and Bethany were passengers in a car being driven by Mr David Harrison (husband and father). Mr Harrison was coming around a blind bend when a motorcyclist, Jorden Smyth, emerged from a side road just after the bend. Mr Harrison was surprised by the sight of the motorcyclist and instinctively swerved his car, hitting a brick wall.

Liability between the drivers is disputed. Mr Harrison says the motorcyclist failed to make adequate checks before emerging from the junction and came out too fast. Had Mr Smyth made all the checks and emerged slowly he would have seen Mr Harrison's car. The motorcyclist says Mr Harrison failed to note the sign warning drivers of the junction after the bend and failed to adapt his speed accordingly. He blames Mr Harrison for coming around the bend too fast.

Both Mrs Harrison and Bethany have sustained injuries:

- Mrs Harrison – Date of Birth: 12 May 1980
 - (i) Whiplash injury. Continues to have intermittent symptoms. Finds it difficult to turn her head left or right. Had four private physiotherapy sessions.
 - (ii) Seatbelt bruising to the chest. This healed after two weeks.
- Bethany Harrison – Date of Birth: 15 June 2001
 - (i) Whiplash injury. Still has symptoms.
 - (ii) Cut and bruising to forehead. Bruising lasted 1 week. Cut needed three stitches. Small scar by left eyebrow remains. Bethany very conscious of this (a doctor friend has said it has left a hypertrophic scar).
 - (iii) Seatbelt bruising. Healed after two weeks.
 - (iv) Travel and general anxiety. Nightmares since the accident. Avoids travelling in the car if possible. Very anxious approaching junctions.

Mrs Harrison is worried about financing the case. She cannot afford any legal costs and she is coming in for an appointment next week.

Engaged: 30 minutes

Turn over

EMAIL FROM ADELE HARRISON TO MALEHA KHAN, SUPERVISING SOLICITOR

Date: 14 June 2017
From: adeleharrison@woohoo.com
To: maleha.khan@legalsolutionstoday.org

Re: Our Case

Dear Maleha

Thank you for meeting with me and Bethany on 9 June.

I have never done anything like this before and I am finding it hard to take it all in. I wonder if you can clarify some points. Also, I visited our GP yesterday and can give you an update on our medical conditions.

Funding

As advised I have looked through our household insurance policy. It turns out I forgot to renew our policy and so have no household insurance or legal expenses insurance.

I have no private funds, so we will need to use one of the other funding methods that you mentioned when we spoke. I am still not very clear whether a conditional fee agreement or a damages based agreement would be best for us.

Injuries

Me: - My GP examined my neck. He said I still had soft tissue whiplash symptoms. He advised that I should have a further six physiotherapy sessions. These are due to start next week.

Bethany: - She still has neck symptoms which cause her discomfort. She is getting very little sleep and seems to be anxious all the time. Our GP thought that Bethany would benefit from some Cognitive Behavioural Therapy (CBT) but this is outside of his expertise and he advised that she should be assessed by a psychiatrist. She has an appointment to be assessed for CBT at our local hospital in three weeks' time.

When we met, you mentioned that we would need to see experts to have medical reports to support our claims for damages. I have the following concerns:

- Do you know when this is likely to happen and what their areas of expertise will be in?
- Do I need to organise this?
- Bethany starts Art School in New York in September. She will be out of the country for a whole year. We are both seeing experts for our treatment. Do we really need to see anyone else?
- I am concerned by the time this is taking. There is not much time for Bethany to see anyone else before she leaves for the year.

I look forward to hearing from you.

All the best
Adele

**ATTENDANCE NOTE WRITTEN BY MALEHA KHAN, SUPERVISING
SOLICITOR FOLLOWING A MEETING WITH STEFAN NOWAK**

Client Ref: MK/SN/2017/001
Date: 7 June 2017

Mr Nowak wishes to bring a claim against his employers for an injury he suffered following an accident at work.

Mr Nowak is employed with Millers & Sons Engineers. He is employed as a lathe turner and has been employed with the company since January 1977. He started working there when he was 18 years old.

On the 16 March 2014, Mr Nowak was working on a lathe machine which kept breaking down. He reported it to his line manager and for a short time it was taken out of use. However, an urgent order came in and the machine was needed to help complete it. Unknown to Mr Nowak oil was leaking from the machine. As he turned to walk away from the machine he slipped on the oil. He put his hand out to break the fall. Unfortunately, he fell to the floor, fracturing his right wrist.

Mr Nowak sustained an undisplaced fracture to his right wrist. His right wrist was in a plaster cast for two months. He then received six physiotherapy sessions. He was off work for about three months. He received his full salary during this time.

At the time of the accident, redundancies were being made at the company. It is a small, family company, and they were being squeezed by the larger companies. Mr Nowak felt very loyal to Millers & Sons. He knew he could probably bring a personal injury claim against them, but he did not want to add to their problems. It was more important to him that he had a job to go to everyday. He was just relieved that he was not on the redundancy list at that time.

However, at the end of May 2017, a new round of redundancies was announced and Mr Nowak was on the list. The company is in financial difficulty so only statutory redundancy payments will be made. Mr Nowak is very upset about this. He feels like the company has taken advantage of the loyalty he showed them by not bringing a claim against them after his accident in 2014. It is going to be very difficult for him to get a similar job at his age. He does not know how to do any other job. If he must retrain to do a new type of job, it will probably mean that his earnings are going to be much less than he earns now. He still has problems with his right wrist following his accident. This will also limit his employment opportunities.

Mr Nowak feels that Millers & Sons has treated him badly. He now wishes to make a claim for damages for his accident at work. He wants to know how he should now proceed. Millers & Sons has been cutting back on everything in recent months. Equipment is patched up when it should be upgraded; staff are not being replaced so everyone is overworked; corners are being cut. Mr Nowak is worried that the company may have not paid for its insurance in a bid to save money. I have booked an appointment for him to attend these offices next week.

Engaged: 30 minutes

Turn over

DOCUMENT 4

**TELEPHONE MESSAGE FOR MALEHA KHAN, SUPERVISING SOLICITOR,
FROM STEFAN NOWAK**

Client Ref: MK/SN/2017/001
Date: 27 June 2017
Time: 9.15 am

Mr Nowak wishes to speak with Maleha Khan urgently.

Mr Nowak went to work as normal this morning. When he got to the factory people were standing outside and the factory was boarded up. Notices on the door say the company is in liquidation. Smartly dressed people (he thinks these were the liquidators) were telling everyone to go home. They said they would be in touch as soon as possible about what will happen next.

Mr Nowak is worried he may not receive any wages this month. He is also concerned that he will not be able to make a claim against the company. He is very angry with the company. He wants to know what he should do and/or what his options are. Can you call him as soon as possible?

End of Supporting Materials

