



## 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 **Document 1** of the supporting materials.

- (a) Advise Mrs Harrison and Bethany who the parties are likely to be in this claim.

**(4 marks)**

Bethany is due to start an Art Foundation course at the New York School of Art in September 2017. This is a 12 month course and Bethany will be living in New York throughout this period. Mrs Harrison is worried that Bethany's absence from the country will delay them bringing their claim for damages.

- (b) (i) Explain the rules regarding when a claim for personal injury damages must be made by.

**(4 marks)**

- (ii) Advise, giving reasons, by which date Mrs Harrison must make her claim by.

**(1 mark)**

- (iii) Advise, giving reasons, by which date Bethany must make her claim by.

**(3 marks)**

**(Total: 12 marks)**

## Question 2

Reference: Question 2 relates to **Documents 1 and 2** of the supporting materials.

Your supervising solicitor, Maleha Khan, has had a brief discussion with Mrs Harrison on the telephone. Mrs Harrison had some questions about the injuries she and Bethany have sustained. Ms Khan says she will deal with all these concerns in their meeting.

In preparation for her meeting with Mrs Harrison and Bethany, Ms Khan asks you to prepare some notes on the injuries they have suffered.

Mrs Harrison thinks both she and Bethany are still suffering from a whiplash injury to their necks. This is her own diagnosis as neither of them has had medical attention since the accident occurred.

- (a) Describe to Mrs Harrison and Bethany the effect a whiplash injury can have on the body.

**(4 marks)**

Bethany has been told she has a hypertrophic scar. Mrs Harrison does not know what this means.

- (b) Explain to Mrs Harrison and Bethany what is meant by a hypertrophic scar.

**(2 marks)**

Following the meeting Ms Khan asks you to write to Mrs Harrison summarising the issues covered in the meeting and responding to the points raised in Mrs Harrison's email (**Document 2**).

- (c) Advise Mrs Harrison on:

- (i) the medical expert you will need to instruct for Mrs Harrison and what they will give evidence on;

**(2 marks)**

- (ii) which type of medical experts you will need to instruct to properly investigate the extent of Bethany's injuries. Explain why such experts will need to be instructed.

**(5 marks)**

- (d) Explain to Mrs Harrison whether Bethany can rely on just the evidence provided by her GP and the psychiatrist providing her Cognitive Behavioural Therapy (CBT) sessions.

**(3 marks)**

**(Total: 16 marks)**

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### Question 3

Reference: Question 3 relates to **Document 2** of the supporting materials.

- (a) Explain to Mrs Harrison the key features of a Conditional Fee Agreement (CFA) and a Damages Based Agreement (DBA).

**(10 marks)**

Assume Mrs Harrison enters a CFA to fund her claim. She is not successful in her claim.

- (b) Explain to Mrs Harrison her cost liabilities.

**(6 marks)**

**(Total: 16 marks)**

### Question 4

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

Your supervising solicitor Maleha Khan asks you to draft the contents of a letter to Mr Nowak addressing the issues raised in her meeting with him.

Mr Nowak sustained his injury on 16 March 2014. Today's date is 14 June 2017.

- (a) Explain to Mr Nowak how the limitation rules apply in his case.

**(6 marks)**

- (b) (i) Advise Mr Nowak if there is a statutory rule he can rely on to overcome the problem.

**(3 marks)**

- (ii) Explain what facts Mr Nowak may be able to rely on, in his case, to overcome the problem.

**(7 marks)**

Mr Nowak is concerned that if he was successful in a claim against Millers & Sons Engineers, they will have no insurance to pay out any claim.

- (c) Identify the legal obligation on employers in respect of employers' liability insurance and the statute under which that obligation arises.

**(2 marks)**

**(Total: 18 marks)**

## Question 5

Reference: Question 5 relates to **Document 4** of the supporting materials.

Your supervising solicitor Maleha Khan asks you to provide her with notes so she can answer the questions raised by Mr Nowak in his telephone message. While you are doing this Mr Nowak leaves another message saying the directors of Millers & Sons Engineers have gone into hiding. He is worried that this will mean that we will not be able to find out whether they do have employers' liability insurance.

(a) Explain what steps you can take to establish the identity of the insurer.  
**(3 marks)**

(b) Advise Mr Nowak whether a claim can be made against a company if it has gone into liquidation.  
**(5 marks)**

**(Total: 8 marks)**

**End of Examination Paper**

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