



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES
UNIT 9 – PREPARATIONS FOR PERSONAL INJURY TRIALS*

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, 2 and 3** of the supporting materials.

Assume the value of Mr Stephens' claim exceeds £25,000

You send a letter of claim to Principal Foods in accordance with the Pre-Action Protocol. It responds by denying liability. Principal Foods attaches a copy of the entry in the accident report book and a statement from Temitayo Bakare. You ask Principal Foods for records of work that was carried out on the stairs. Principal Foods refuses to allow you access to these documents.

(a) Explain what application you would make to obtain the records that you have requested.

(4 marks)

(b) Describe, with reference to the rules, the test you would have to satisfy in order to be successful in your application.

(7 marks)

Assume that you are successful in your application and obtain the records. These show that a different kind of bolt was fitted after your client's accident. You try to negotiate a settlement with Principal Foods but are not able to do so. Therefore, you issue proceedings and serve the Claim Form and the Particulars of Claim.

(c) List the other documents you would need to serve.

(3 marks)

Principal Foods serves its Defence and continues to dispute liability. Principal Foods discloses a document received after service of its Defence which suggests that it was issued with the wrong bolts by its supplier.

(d) Explain what other steps you would expect Principal Foods to take.

(4 marks)

The case proceeds to exchange of witness statements when you receive a letter from Mr Stephens (**Document 3**). In the light of the letter, you decide that you will need to obtain further medical evidence once Mr Stephens' medical condition has settled.

(e) Explain what steps you would take to assist Mr Stephens with his immediate financial position.

(4 marks)

(f) Outline the time limits that apply to the steps that you would take to assist Mr Stephens with his immediate financial position.

(6 marks)

(Total: 28 marks)

Question 2

Reference: Question 2 relates to **Document 4** of the supporting materials.

- (a) Explain, with reference to the rules, the time limit within which you must file a Defence in this case.
(6 marks)

- (b) Describe the consequences for you, if you failed to file a Defence within the above time limit.
(4 marks)

After you have filed a Defence, the court asks you to complete a Directions Questionnaire.

- (c) Outline the information you would need to supply when completing the Directions Questionnaire.
(8 marks)

The court issues the necessary directions. You deal with disclosure and send out witness statements to various people within CCL.

- (d) Explain the instructions you would give them about signing the statements.
(4 marks)

The court's directions allow both parties to obtain evidence from an expert to address the question of the safe system of work.

- (e) Explain what factors you would take into account when deciding on your expert.
(5 marks)

You instruct your expert. When you receive her report it concludes that your client was negligent. Either the start button should have been covered or the machine should have been adjusted so that it could only be switched on by a pull string or a lever.

- (f) Explain whether you have to reveal the report to the Claimant's solicitors.
(6 marks)

You take advice from Counsel after you receive the report. He advises that you should seek to settle the claim. You are not able to reach a settlement with the Claimant and so the matter proceeds to trial. The Claimant is ordered to prepare a trial bundle.

- (g) Outline the documents you would expect the Claimant to include in the bundle.
(9 marks)

(Total: 42 marks)

End of Examination Paper

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