

## CASE STUDY MATERIALS

January 2019  
Level 6  
THE PRACTICE OF FAMILY LAW  
Subject Code L6-20



## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 20 – THE PRACTICE OF FAMILY LAW\*

### CASE STUDY MATERIALS

#### Information for Candidates on Using the Case Study Materials

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to these case study materials. You will be required to answer **all** the questions on the examination paper.
- You should familiarise yourself with these case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss these materials with your tutor/s either face-to-face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relate to these case study materials.

#### Instructions to Candidates Before the Examination

- You will be provided with a clean copy of the case study materials in the examination.
- You are **NOT** permitted to take your own copy of the case study materials or any other materials including notes or textbooks except a Statute Book, where permitted, into the examination.
- In the examination, candidates must comply with the CILEx Examination Regulations.

*Turn over*

\* This unit is a component of the following CILEx qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

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### ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer employed by the firm Kempstons LLP of The Manor House, Bedford, MK42 7AB. The firm's telephone number is (01234) 622964; fax (01234) 622965; DX address Bedford 3721. The firm is a high street practice and one-third of the firm's caseload consists of matrimonial work. The matrimonial team at Kempstons LLP is headed up by the matrimonial partner Melissa Wheeler. The local family court is in Bedford.

You arrive at work to find the following documents on your desk:

**Document 1**      Memorandum from Melissa Wheeler

**Document 2**      Attendance Note re Zoe Newman

**Document 3**      Attendance Note re Trishna Lohat

**Document 4**      Email from Daniel Jarvis

**Document 5**      Attendance Note re Jessica Keane

**DOCUMENT 1**

**MEMORANDUM**

**To:** Trainee Lawyer  
**From:** Melissa Wheeler  
**Date:** [Yesterday's date]  
**Re:** Matters to be attended to in my absence

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As I mentioned, I am going to be absent from the office for the next fortnight on annual leave. I would be grateful if you could please attend to the following cases during my absence:

**1. Zoe Newman**

Mrs Newman is a new client. I saw her for a first appointment today and attach a copy of the attendance note of this meeting (**Document 2** attached). Please deal with this case in my absence.

**2. Trishna Lohat**

I have been dealing with Mrs Lohat's divorce proceedings and am currently trying to resolve the related financial matters. I attach an attendance note of my meeting with her last Monday (**Document 3** attached). Please deal with any queries that Mrs Lohat may have while I'm on leave.

**3. Daniel Jarvis**

I assisted Mr Jarvis with advice about some family issues a few years ago. I attach a copy of an email I received from him earlier today (**Document 4** attached). Please progress the case as required.

**4. Jessica Keane**

Miss Keane is a new client, who attended at the office late this afternoon. I attach a copy of the attendance note of this meeting (**Document 5** attached). Please take any action required on this case during my absence.

Many thanks,

*Melissa*

**Turn over**

DOCUMENT 2

ATTENDANCE NOTE RE ZOE NEWMAN

**Client:** Zoe Newman  
**Date:** [Yesterday's date]  
**Fee earner:** Melissa Wheeler  
**File ref:** MW/LR/N204  
**Time taken:** 1 hour

Attendance on Mrs Zoe Newman, who is a new client. Obtained the proof of identity documentation and carried out the usual conflict checks. There are no issues. Her details are as follows:

Full Name: Zoe Clare Newman

D.O.B.: 11/09/1973

Address: 19 Crane Street, Clayton, Barnardshire, BH10 5EL

Phone number: 07714287365 (mobile)

Occupation: Office Manager

Mrs Newman wanted advice about her options following the breakdown of her relationship with her husband. She confirmed that she and her husband, Gareth Newman (d.o.b. 13/11/1972), had been having problems in their marriage for some time.

The couple have been married for 15 years. They have one daughter: Ellie Newman (d.o.b. 08/03/2009). The family home is 19 Crane Street, Clayton, Barnardshire, BH10 5EL. It is a three-bedroom detached property, held in the couple's joint names as joint tenants. Mrs Newman is an office manager and her husband is a health and safety officer. They are currently still living together at the family home.

Mrs Newman told me that she first felt there were problems with the marriage about 18 months ago, in July 2017. The family were in Greece for a fortnight. Mrs Newman told me that her husband drank heavily throughout the holiday and was visibly drunk when they ate in the hotel restaurant each night. This was embarrassing for her and it upset Ellie. When Mrs Newman confronted her husband about it, he said that she was a killjoy and that he worked hard, so was entitled to enjoy himself on holiday.

Matters flared up again over the Christmas period of 2017, when Mr Newman was again drinking heavily. Mrs Newman said that her husband had been so drunk on Christmas Day that he had knocked his plate of food onto the floor. Ellie had been very upset and had shouted at her father that he had ruined her Christmas. Mrs Newman said that after this incident, she had insisted that her husband sought help for his drinking.

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In January 2018, Mr Newman did seek help for his drinking, and Mrs Newman told me that matters did improve for a while. However, in May 2018, she began to suspect that her husband was having an affair, as he would routinely arrive home late from work. He told Mrs Newman that he was working on some serious cases, which were taking up a lot of his time. Mrs Newman told me that she had not believed her husband's explanation, so she had checked his mobile phone and found text messages from someone called Ursula.

When she confronted her husband about this, he admitted that he had been in a relationship with a colleague from work, but that this had now ended. He had begged Mrs Newman to forgive him and said that he wanted to make their marriage work. Mrs Newman had agreed to reconcile for Ellie's sake.

In August 2018, the family went on holiday to Spain. Mrs Newman said that, unfortunately, while on holiday, Mr Newman had resumed his heavy drinking. He would spend all day in the hotel bar drinking, and refused to go to the pool or on any outings with Mrs Newman and Ellie. Ellie was upset about not spending time with her father and asked her mother why he preferred drinking to spending time with her.

After the holiday, Mr Newman's drinking did improve, but matters had again come to a head over the Christmas period of 2018. Mr Newman had drunk so heavily on Boxing Day that he fell and knocked his head, rendering him unconscious. Mrs Newman called out an ambulance to see to him. The paramedics had admitted Mr Newman to hospital overnight for observation. Ellie was traumatised by this incident, and Mrs Newman told me it was at this point that she realised that she couldn't continue to live with her husband. She does not think that he will contest any divorce proceedings.

I advised Mrs Newman of the ground for divorce and the five facts. She will consider her options and let me know how she wants to proceed.

**Turn over**

DOCUMENT 3

ATTENDANCE NOTE RE TRISHNA LOHAT

**Client:** Trishna Lohat  
**Date:** [Last Monday]  
**Fee earner:** Melissa Wheeler  
**File ref:** MW/LR/L103  
**Time taken:** 12 minutes

Attendance upon Mrs Lohat, who has completed a draft Financial Statement as per my request. She had called into the office to drop this off.

She confirmed that she had received the decree nisi, pronounced in relation to her two years' separation petition, last week. She said that her husband, Aksat, had told her that he had also received the decree nisi.

Mrs Lohat indicated that, ideally, she would like to reach an amicable agreement about the couple's finances and avoid having to go to court. She thinks that Aksat shares her view. She mentioned that she and Aksat have already transferred the property they purchased last year as an investment property to their eldest daughter, Padma, who is now 21. At the same time as the transfer, Padma took out a small mortgage to fund some renovations to the property. Although the house and mortgage are registered in Padma's sole name, she is now living there with her boyfriend Ranjiv. Padma is paying the mortgage and household bills relating to the property.

We briefly ran through the figures relating to the Lohats' assets. Mrs Lohat's main concerns are to secure her housing situation and to address her pension position.

Mr Lohat continues to pay voluntary child maintenance to Mrs Lohat for the couple's two younger children.

DOCUMENT 4

EMAIL FROM DANIEL JARVIS

To: Melissa Wheeler  
From: Daniel Jarvis  
Date: [Yesterday's date]  
Subject: Riley and Iris

Dear Melissa,

I hope that you're well? As you may recall, you advised me a few years ago about issues I was having seeing my children, when I first separated from my ex-partner Felicity Christie.

After your intervention, it was agreed that I would have Riley and Iris to stay with me every other weekend and that I would share their school holidays with Felicity too. Riley is now 12 and Iris is 6. I seem to remember that we agreed these arrangements in writing with Felicity's lawyers, but we never went to court about it, as I know that no orders were made.

Initially, everything went smoothly with the arrangements we agreed. However, about six months ago, Felicity met a guy called Harrison and since then, I've had a number of problems with getting her to stick to our agreement.

I was due to have the children to stay with me for two weeks from the end of July 2018, after they broke up for their summer holidays. I'd planned to take the children camping in South Wales. The night before the children were due to come to me, Felicity texted me to say that both Riley and Iris had come down with bad head colds and she didn't think that they were fit enough to go on the camping trip with me. I was really disappointed, but I could understand why Felicity had decided to cancel in the circumstances.

When I tried to rearrange so that I could have the children over to stay later in the summer holidays, Felicity told me that she had booked them into some local summer camps, Riley for football and Iris for dance, and that she didn't want to cancel those arrangements. Again, I was disappointed, but I didn't want to stop the children from going to their activities, as I thought that they would have fun.

I saw the children at the start of September, when they came to stay for the weekend. When I first collected them, they were both really subdued, but I thought perhaps they were just over-tired after going back to school. However, during the weekend Riley asked me whether I'd had a nice holiday in Italy over the summer. When I asked what he meant, he said that Mum told them that I'd decided to go on holiday to Italy, rather than camping with them, as I needed a rest and some sunshine. I immediately texted Felicity to ask her what was going on, but I didn't receive a reply. When I dropped the children off, Harrison opened the door and told me that Felicity was out.

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The children's next weekend visits proceeded as normal and I hoped that what had happened over the summer was just a one-off. However, before I was due to collect the children over their half-term holiday in October, I received a text from Felicity, telling me that Harrison had surprised them all with a trip to London, so I wouldn't be able to see the children that week. I tried to telephone Felicity, but she wouldn't answer her phone.

I did get to see the children for their weekend visits in November, but I have not seen them since late November, as Felicity texted to cancel the December visits, saying the children were ill. She then texted to tell me that they would all be away for Christmas, as Harrison was taking them to visit his parents in Suffolk.

I've tried to contact Felicity since late November, but she won't answer her telephone and she doesn't respond to any texts that I send. I've been around to the house a number of times, but either found nobody at home or Harrison comes to the door and tells me that Felicity is out.

I've had a number of texts from the children, saying that they want to see me. I had hoped that Felicity might see sense, but it's now nearly two months since I last saw them and so I think I need your help again, please. It's frustrating, as I know that Felicity is a good mum to the children and I don't want to uproot them, but I suspect she's trying to cut me out and play happy families with Harrison.

Could you please email me with an appointment, so that I can discuss where I go from here?

Regards,

*Daniel*

DOCUMENT 5

ATTENDANCE NOTE RE JESSICA KEANE

**Client:** Jessica Keane  
**Date:** [Yesterday's date]  
**Fee earner:** Melissa Wheeler  
**File ref:** MW/LR/K145  
**Time taken:** 1 hour

Attendance upon Jessica Keane, who is a new client. She needed urgent advice following some incidents of domestic abuse. I completed the necessary conflict checks and obtained the proof of identity documentation. There were no issues. Her details are as follows:

Full Name: Jessica Keane

D.O.B.: 04/12/1983

Temporary Address: 9 Cedar Drive, Clayton, Barnardshire, BH11 7LE (friend's address)

Phone number: 07785298521 (mobile)

Occupation: Travel Agent (part-time)

Miss Keane has been living with her partner, Oliver Vickers (d.o.b. 15/05/1982) for eight years. The couple have one child, Billy Keane (d.o.b. 10/08/2017). They live at 6 Farringdon Close, Clayton, BH12 4GR. This is a two-bedroom semi-detached house owned in Mr Vickers' sole name. Mr Vickers works full-time as an IT consultant. Miss Keane works part-time as a travel agent.

Miss Keane explained that she and Mr Vickers met shortly after she moved to the Clayton area from West Yorkshire, where her parents still live. She met Mr Vickers when she joined the local gym in January 2010. She moved in with Mr Vickers about a year later. Miss Keane told me that although Mr Vickers had been delighted when she had fallen pregnant with Billy, his attitude towards her had changed shortly after Billy's birth. She admitted that she had felt rather isolated when Billy was born, as her parents lived so far away, and she only had a few friends from the travel agency.

Mr Vickers would return from work and find fault with the state of the house, complaining that he didn't know what Miss Keane did all day while he went out to work to support them. He gradually became less involved in caring for Billy, telling Miss Keane that that was her job. He also started to criticise Miss Keane's appearance, which she found very upsetting. He would often leave Miss Keane and Billy alone at the weekends, while he went out with his friends.

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Once her maternity leave had ended, Miss Keane returned to work three days a week. She said that when she returned to work, she had made an effort to join any work social events, as she wanted to make more friends locally, so that she would not feel as isolated as she had when Billy was born.

Miss Keane had hoped that Mr Vickers might be supportive, but he made things difficult for her, by refusing to look after Billy, so that she had to pay for a babysitter if she wanted to go out. He would also question her in detail about who she was going out with, and would become angry if she told him that some of her male colleagues were going. Due to this, she had cancelled arrangements on a few occasions, so as to avoid an argument with Mr Vickers.

In early December 2018, Miss Keane went out with some friends from work to celebrate her birthday. When she arrived home, Mr Vickers was waiting up for her in the front room. He asked her why she was so dressed up, since it clearly wasn't for his benefit. She could tell that he had been drinking, so she ignored him and tried to get past him. Mr Vickers blocked her way and slapped her hard across the face. She was shocked and upset by the incident and slept on the sofa that night. The following day, she had a red mark on her face and she was too embarrassed to go into work, in case people asked about it. Mr Vickers later apologised for the incident, saying he had had too much to drink.

Miss Keane told me that after this incident she had been nervous about socialising with work friends. However, her friends had persuaded her to go out on New Year's Eve. Mr Vickers had already made it clear that he had his own plans that night and was going out with his friends, so Miss Keane thought that he wouldn't object. She arranged a babysitter for Billy. When the babysitter arrived, Mr Vickers sent the babysitter away, telling her that she wasn't needed. As soon as the babysitter left, Mr Vickers accused Miss Keane of sneaking out to meet men behind his back. Miss Keane tried to reason with Mr Vickers, explaining that she was only meeting her female friends from work, but he grabbed her by the shoulders and shook her repeatedly, saying that she would regret it if she crossed him. Miss Keane said that she slept in the nursery that night and that Mr Vickers had not returned home. He later told her that he had stayed at his parents' house, which is a three-bedroom property nearby.

After the second incident, Miss Keane realised that she needed to leave Mr Vickers. She had been too scared to go on any further nights out with work. Last night, Mr Vickers had been on a night out with his friends. When he arrived home, she was in the nursery comforting Billy, who was having difficulties sleeping. Mr Vickers came into the nursery and Miss Keane could tell that he had been drinking. He swore at her, saying he was sick of supporting her and Billy, and that she had trapped him. Miss Keane felt a blow to the back of her head. She thinks that she must have lost consciousness for a few minutes. When she regained consciousness, she heard Billy screaming. She comforted Billy and then went downstairs to find the front door wide open and no sign of Mr Vickers.

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Miss Keane quickly packed some bags for her and Billy, and texted one of her friends, who collected her and Billy and took them to her flat. Miss Keane said she couldn't stay there long, as her friend only has a one-bedroom flat. Miss Keane received a text from Mr Vickers this morning, saying that he would kill her if she came back. Miss Keane telephoned the local police station, but they told her that the domestic abuse liaison officer was out on a call and recommended that she contact a lawyer urgently instead. I used devolved powers to grant Miss Keane emergency legal representation and, as the court had closed, I advised her to remain at her friend's overnight and to return to the office tomorrow.

**End of Case Study Materials**

