

CASE STUDY MATERIALS

January 2020
Level 3
THE PRACTICE OF FAMILY LAW
Subject Code L3-12



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 12 – 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 into the examination.
- In the examination, candidates must comply with the CILEx Examination Regulations.

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* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

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ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer employed by Kempstons, The Manor House, Bedford. The firm has a busy matrimonial client department. Your supervising solicitor is Kasha Patel, and she has just handed you the following:

- Document 1** Attendance note re Faria Burford
- Document 2** Attendance note re Lloyd Williams
- Document 3** Attendance note re Kamesha Johnson
- Document 4** Email from Kamesha Johnson

DOCUMENT 1

ATTENDANCE NOTE

Client: Faria Burford
File: KP/YS/200105/DOMVIOL
Attended by: Kasha Patel and trainee lawyer
Date: 10 January 2020
Engaged: 6 units
Attending: Faria Burford of 4 Cathedral Close, Kempston, MK42 6QQ

Faria Burford is married to Professor Alan Burford. They met seven years ago, when Faria was a student at the University of Kempston.

Alan Burford supervised Faria's dissertation. When Faria completed her degree, Alan helped her to obtain a job working as his research assistant. Although Alan was 20 years older than Faria, she was flattered by his interest in her, and a close personal relationship developed.

In June 2015, Alan and Faria got married and they lived in Alan's house. Before long, Faria discovered that the charming professor she thought she had married had a different side to his character. Alan was controlling and domineering.

Shortly after their wedding, Alan told Faria that she must give up her job, as it was not appropriate for the wife of a professor to be working in the university. Alan said he expected Faria to remain at home and to support him, by organising and hosting various social events. Faria was not happy, as she had enjoyed her work. She tried to get Alan to change his mind, but he refused.

The situation appeared to resolve itself, when Faria discovered that she was pregnant. In June 2016, Faria gave birth to a son, Dinesh. In August 2017, she had a daughter, Indira.

However, Faria found living with Alan increasingly challenging. Alan told Faria that he expected her, as his wife, to be obedient and to do as she was told. He told her how he expected the house to be managed and how the children were to behave, and he flew into a rage if things were not exactly as he expected. Faria found it impossible to meet Alan's expectations, particularly as he did not seem to understand that young children could not be managed as he felt they should be.

Alan also controlled the household finances. He gave Faria a weekly allowance in cash, but the bank account remained in his sole name. He did not like Faria going out to meet friends, or even talking to friends on the phone. He also made it very difficult for her to have contact with her elderly parents, who suffer from ill health and live 200 miles away.

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Alan's rages have recently escalated, and he has become physically aggressive. Faria has suffered various injuries requiring hospital treatment, including broken ribs. The children are also being affected, as their father's anger frightens them.

When Faria has tried to discuss their relationship with Alan, he simply says that if she is not happy, she should leave. However, Faria has no money of her own and nowhere to take the children. She knows that Alan has significant savings and that the university provides accommodation for its academic staff.

DOCUMENT 2

ATTENDANCE NOTE

Client: Lloyd Williams
File: KP/YS/200106/CHILDREN
Attended by: Kasha Patel and trainee lawyer
Date: 9 January 2020
Engaged: 6 units
Attending: Lloyd Williams of 15 Lime Avenue, Kempston, MK42 3ZZ

Vicky Hatch born 2 April 2008
Robin Hatch born 14 August 2010
Olivia Williams born 27 January 2009
Scott Williams born 6 October 2011

Lloyd Williams married Cerys Hatch in May 2016. It was a second marriage for both of them. Lloyd's first wife had died in a car accident in 2012, leaving Lloyd to care for their two children, Olivia and Scott. Cerys and her first husband Nathan were divorced in 2015, and their children Vicky and Robin continued to live with Cerys.

Following the marriage of Lloyd and Cerys, the children all adjusted well to living as a larger family unit, and developed good relationships with each other.

Cerys ensured that Vicky and Robin visited their father regularly. The children enjoyed these visits and got on well with Nathan's new girlfriend, Yvonne.

However, in 2019 Cerys was diagnosed with a serious illness. She underwent treatment, but the treatment was unsuccessful, and she died on 29 November.

Vicky and Robin were very upset by the death of their mother but, with the support of Lloyd, Olivia and Scott, they have started to come to terms with their loss.

Cerys had not made any formal arrangements for the care of Vicky and Robin, but it was clear from her conversations that she thought that her children would continue living with Lloyd. Vicky and Robin themselves seemed to have expected to remain with Lloyd. Last week, Lloyd made contact with Nathan to confirm this. Lloyd was very surprised when Nathan said that he wanted Vicky and Robin to live with him (Nathan). He also wanted arrangements for the move to be made quickly. Lloyd suggested that it might be wise to take things more slowly, but Nathan refused. He then said that, if Lloyd did not co-operate in making the necessary arrangements, he would have no further contact with Vicky and Robin.

When Lloyd talked to Vicky and Robin, they appeared a little apprehensive. They said that they would go to live with their father, but they wanted Lloyd to promise that they would be able to visit him and Olivia and Scott.

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Lloyd is very concerned for Vicky and Robin's welfare. He knows that he must work with Nathan, who is Vicky and Robin's father. However, he feels that his relationship with Nathan, which he had thought to be a good one, has changed since Cerys' death. Lloyd wants to make sure that if Vicky and Robin go to live with Nathan, they will be able to visit Lloyd regularly. However, at the moment Lloyd is not confident that Nathan will allow this.

DOCUMENT 3

ATTENDANCE NOTE

Client: Kamesha Johnson
File: KP/YS/200103/MAT
Attended by: Kasha Patel and trainee lawyer
Date: 8 January 2020
Engaged: 8 units
Attending: Kamesha Johnson of 3 Valley Lane Court, Kempston, MK42 6ZZ

Kamesha and Jamar Johnson married in 2005. They have two children, Tyrell, aged 12 years, and Moesha, aged nine years.

Jamar is a successful web designer. Kamesha trained as a nurse, but gave up work when she was expecting Tyrell and has not worked since then.

In 2016, Jamar was diagnosed with a serious health condition. With Kamesha's support he underwent serious treatment, which was successful.

Following his treatment, Jamar became obsessed with healthy living and keeping fit. He joined a local gym, which he visited daily after work. Then he started running and began taking part in marathons at weekends. This had a major impact on family life, as Jamar expected Kamesha to fully support him in his activities, travelling to the marathon races at weekends with the children.

At first, Kamesha was happy to do this. But as Jamar entered an increasing number of marathons, and the children started developing their own interests and activities, Kamesha was faced with a dilemma. She felt that she was being both mother and father to Tyrell and Moesha, as well as being expected to support Jamar. Kamesha tried to discuss this with Jamar. She explained that she wanted Jamar to have a better balance between his sporting activities and time with his family. Jamar did not appreciate this, and accused her of not valuing him and his health, and he refused to change his activities.

In October 2017, Jamar told Kamesha that he needed a new challenge and was planning to enter some marathons that were held overseas. This would mean that he would be away from home for longer periods of time and that a family holiday they had talked about would have to be postponed. For Kamesha, this was one step too far. She told Jamar that he had to choose between his family or his running.

Jamar told Kamesha that he needed the challenge of running and was not going to let anything, not even his family, prevent this. He suggested that they have some time apart to think things over, and he immediately moved out into a rented apartment.

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Jamar visited Kamesha and the children when he could. Recently, his visits have become less frequent and sometimes visits are cancelled at short notice, which upsets the children. Kamesha hoped that the separation would improve their relationship, but reluctantly admits that this has not happened.

Last week, Jamar said that he needed to be free of his family ties and to pursue his dreams. He suggested that Kamesha apply for a divorce and said that he would not contest this.

DOCUMENT 4

EMAIL

From: kameshaj845@ymail.co.uk
To: kasha.patel@kempstons.co.uk
Date: 9 January 2020
Subject: Additional information – Kamesha Johnson

Dear Ms Patel,

Many thanks for seeing me yesterday and for explaining what needs to be done.

I would be grateful if you could start preparing the paperwork that you mentioned, as I really don't feel like dealing with this myself at present.

I am sorry that I did not have all the information that you requested regarding our assets, so I am listing them below.

Number 3 Valley Lane Court is currently worth £360,000. The current mortgage is about £67,000. This was bought in our joint names.

The apartment, which Jamar lives and works in, is rented.

Jamar earns around £70,000 to £80,000 a year. He is very good at what he does and always has work. Being self-employed has made it easier for him to do all his keep fit activities, as he doesn't have to work set hours, but can plan work to suit him.

We each have an ISA. Jamar's is valued at £26,000 and mine at £14,500.

Jamar has been contributing to a private pension for around 20 years. He has often commented that the pension fund is one of the best-performing ones and that his pension will be good. As he is only 47, he has time to make further contributions. I made contributions to a National Health Service pension when I was working, but that was only for six years, so its value is minimal. (I trained to be a nurse in my early thirties.)

I am concerned about how I will manage in the future, at least until the children finish their education. Although Jamar has been focusing on his own interests, I know that he has provided well for us financially. We have had a comfortable life and the children have had plenty of money spent on them for presents, treats and holidays. But I have not worked for 12 years. I don't think I could return to nursing while I am caring for the children and, even if I did, I would need a refresher course after so many years away from the profession. I am now 52 years old and it would be very challenging.

If you need any more information, please let me know.

Kind regards

Kamesha Johnson

End of Case Study Materials

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