

**CASE STUDY MATERIALS**

January 2020  
Level 3  
THE PRACTICE OF LAW FOR  
THE ELDERLY CLIENT  
Subject Code L3-15



**THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES**

**UNIT 15 – THE PRACTICE OF LAW FOR THE ELDERLY CLIENT\***

**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**

## CASE STUDY MATERIALS

### ADVANCE INSTRUCTIONS TO CANDIDATES

You are employed as a trainee lawyer by the firm of Kempstons, 101 High Street, Bedford, MK42 7AB.

Your supervising lawyer is Thomas Andrews. He hands you a number of files and the following documents:

**Document 1** Attendance Note of meeting between Mr Andrews and Henry Mogg, Christopher Mogg and Philippa Johnson

**Document 2** Attendance Note of meeting between Mr Andrews and Elsie Harries

**Document 3** Attendance Note of meeting between Mr Andrews and Arjun Ghosh

**DOCUMENT 1**

**ATTENDANCE NOTE**

**Attending:** Henry Mogg, Christopher Mogg, Philippa Johnson  
**Date:** 7 January 2020  
**Reference:** TA/Mogg/2020  
**Time engaged:** 45 minutes

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Attending Henry Mogg at his home, 65 Regina Avenue, Kempston, MK12 8JH.

I acted for Henry a number of years ago, when he sold his business. Henry is 79 years old and a widower. His wife, Glenda, died 10 years ago. Henry was accompanied by his son, Christopher, and his daughter, Philippa.

Philippa told me that her father wanted to write a new Will and was also thinking about making a Lasting Power of Attorney, and that they all wanted my advice.

She explained that her father's existing Will was made over 15 years ago and left everything to his late wife, Glenda, with gifts over to Philippa and Christopher and their sister, Sarah. Philippa says that Henry now needs to write a new Will. Christopher added that it seemed sensible to deal with a Power of Attorney at the same time.

Henry seemed very quiet and a little distracted. I asked him if he had any questions and he said that he was happy for Christopher and Philippa to speak on his behalf.

Philippa said that Henry was diagnosed with Parkinson's Disease last year and this had impacted on his physical health. He could no longer drive and, while he could walk with a stick, he often needed a wheelchair when they took him out. She said that he was becoming forgetful and was easily confused. She and Christopher visited him regularly, did his shopping and helped with his financial affairs and paperwork. He also has a cleaner, who comes once a week. Philippa said that she was starting to think he may now need carers, or even to move to a care home. Christopher agreed that his father seemed to be struggling living on his own, and added that Henry was often muddled and seemed unable to complete simple tasks.

I asked Henry what he wanted to do, and he said that he trusted Philippa to look after him, but added that he was happy in his own home. Philippa reassured him that they didn't have to make any big decisions yet, although he did need to sort out his new Will.

Philippa explained that Henry had three children, herself, Christopher and Sarah. She said that Sarah had remarried seven years ago and Henry had fallen out with Sarah's new husband. Sarah and Henry haven't spoken since. In the light of this, she said that Henry wanted his estate to be divided between herself and Christopher, with gifts over to their respective children.

**Turn over**

## **CASE STUDY MATERIALS**

Christopher said that as he and Philippa were now dealing with Henry's affairs, it seemed sensible that they should organise a Lasting Power of Attorney, particularly since Henry's health was deteriorating. He said that they have discussed this with Henry, who had agreed that they should act as his attorneys.

I asked Henry if this is what he wanted. However, he looked tired and preoccupied and didn't seem to be concentrating on what I was saying. I suggested that we should arrange another appointment for the following week, to give him time to think about what we had discussed.

DOCUMENT 2

ATTENDANCE NOTE

**Attending:** Elsie Harries  
**Date:** [Yesterday's date]  
**Reference:** TA/Harries/2020  
**Time engaged:** 45 minutes

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Attending Elsie Harries of 90 London Street, Bedford, MK25 9FL.

Elsie is an existing client and I last saw her three years ago, when she made her Will. She is now considering her financial situation and wants some advice.

Elsie is 75 years old. She is a widow and lives alone. She has a son, James, and a daughter, Charlotte, both of whom are married with children. James lives locally and Charlotte lives in the Midlands. Both visit her regularly, and her grandchildren sometimes stay during the school holidays.

Elsie says that her health has been gradually deteriorating since she suffered a minor heart attack 18 months ago. Although she has been having rehabilitation treatment since her heart attack, she can now only walk short distances and has to use a stick or a walking frame. She also finds it difficult to climb up and down stairs, because she becomes breathless very quickly. Her limited mobility means that she increasingly struggles with basic tasks, such as washing, dressing and cooking. She has meals delivered three times a week by a local company. She also has carers who come to her home in the morning, and she is thinking of asking them to come in the evening as well.

Elsie intends to continue living in her own home for as long as possible. She has many friends and is very sociable and outgoing, although less so since her heart attack. She is a member of the local Women's Institute and the over-60s lunch club. She has lived in London Street for many years and knows her neighbours very well. While she doesn't want to move, she realises that the house is not particularly practical for her, given her physical limitations. In particular, it has narrow stairs and doorways, and no downstairs toilet or bathroom.

Elsie is a retired nurse and receives a pension of £12,000 per annum. She also receives the state pension and attendance allowance at the lower rate. She has some savings, but she has spent a lot of money lately because the house needed a new roof, which she has had done. She has about £10,000 of her savings left and is worried because both the kitchen and bathroom are old and need to be replaced. Over 10 years ago, Elsie transferred a one third share of the house to James and a one third share to Charlotte. The title is now held in her, James' and Charlotte's joint names as tenants in common in equal shares. The house is mortgage-free and worth about £295,000.

Elsie's only other asset is a valuable antique diamond ring, which was valued at about £10,000 when she inherited it from her sister 30 years ago. She recently had it valued for insurance purposes at £55,000. She would prefer not to sell it, as it is of sentimental value to her.

**Turn over**

## **CASE STUDY MATERIALS**

I said that I would consider what Elsie had told me and that I would write to her in due course.

**DOCUMENT 3**

**ATTENDANCE NOTE**

**Attending:** Arjun Ghosh  
**Date:** [Yesterday's date]  
**Reference:** TA/Ghosh/2020  
**Time engaged:** 50 minutes

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**Note of meeting between Mr Andrews and Arjun Ghosh**

I had a meeting with Arjun Ghosh. I acted for him when I wrote his Will last year.

Arjun explained that he has two older sisters, Deeba and Indira. He said that his eldest sister, Indira, was diagnosed with dementia last year. She is still living at home and managing with carers. However, he believes that the time has come to consider whether she should move into a care home. Arjun said that the family needs to sort out Indira's affairs and that they need my advice.

Arjun explained that his sister's condition has substantially deteriorated since she suffered a series of mini strokes six months ago. He is originally from Kempston, but he now lives in Newcastle, and isn't able to visit his sister as often as he would like. However, his daughters, Gini and Nisha, still live locally and visit their aunt regularly. They help with her care as much as they can, but they both work and have families, so their time is limited. They are both concerned about their aunt's state of mind. They say that she appears to have little understanding of what is going on around her. Often when they visit, Indira doesn't know who they are and she takes a while to recognise them. They are so concerned that they have asked her GP, Dr Lowe, to come and visit her, so that she can assess Indira's mental capacity.

Arjun is concerned because Indira's Will is out of date, and although the family discussed sorting out a power of attorney some time ago, they have never got round to doing it. Indira owns her own house, 92 Marlborough Close, Bedford, MK15 3PY, and Arjun says that if she does move to a care home, the house will need to be sold to pay for the fees. He explained that Indira doesn't have much money and her savings are already running out, because of the expense of employing carers.

Arjun said that apart from some British Gas shares and her jewellery, Indira has no other assets. She receives a state pension, but has no other income.

Indira wrote her Will many years ago, when her husband Manish was still alive. They had no children. In her Will, Indira left her estate to Manish, and in the event of him dying before her, then one half each to her sister Deeba and her brother Arjun. Unfortunately, Deeba moved away to France five years ago and has not seen Indira since. Indira was upset that Deeba didn't come and visit her when she was first diagnosed with dementia. Arjun believes that Indira no longer wishes to leave anything to Deeba. He said that Indira would want him to be the sole beneficiary, with gifts over to Gini and Nisha, should he predecease Indira.

**Turn over**

## **CASE STUDY MATERIALS**

Both Gini and Nisha have children. Gini has a four-year-old daughter and Nisha has twin sons, aged 14.

Arjun said that he would like to sort out his sister's affairs as soon as possible. He said that when they receive the GP's report, he will get in touch with me to discuss the way forward.

**End of Case Study Materials**

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