

## CASE STUDY MATERIALS

January 2020  
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 Molly Unsworth. The local family court is in Bedford.

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

**Document 1**      Memorandum from Molly Unsworth

**Document 2**      Attendance Note re Cora Hibbert

**Document 3**      Attendance Note re Zahara Rashid

**Document 4**      Email from Jasper Oakley

**Document 5**      Attendance Note re Leah Varley

**DOCUMENT 1**

**MEMORANDUM**

**To:** Trainee Lawyer

**From:** Molly Unsworth

**Date:** [Today's date]

**Re:** Matters to be attended to in my absence

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I will be absent from the office for the next fortnight on annual leave. I would be grateful if you would please attend to the following cases during my absence:

**1. Cora Hibbert**

Mrs Hibbert is a new client. I saw her for a first appointment yesterday and attach a copy of the attendance note of this meeting (**Document 2**). Please progress this case in my absence.

**2. Zahara Rashid**

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

**3. Jasper Oakley**

I attach a copy of an email I received from Mr Oakley yesterday (**Document 4**). Please deal with the case in my absence.

**4. Leah Varley**

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

Many thanks,

*Molly*

**Turn over**

DOCUMENT 2

ATTENDANCE NOTE RE CORA HIBBERT

**Client:** Cora Hibbert

**Date:** [Yesterday's date]

**Fee earner:** Molly Unsworth

**File ref:** MU/CH/H128

**Time taken:** 1 hour

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

Full Name: Cora Hibbert

D.O.B: 02/10/76

Address: 3 St John's Avenue, Clayton, Barnardshire, BH12 9EP

Phone number: 07720492018 (mobile)

Occupation: Social Worker

Mrs Hibbert wanted advice about her options following the breakdown of her marriage to her wife Emma.

The parties married in May 2014. They have no children. The former family home is 3 St John's Avenue, Clayton, Barnardshire, BH12 9EP. It is a three-bedroom detached property, held in the couple's joint names. At present, Mrs Hibbert is living there alone. Emma moved out last week to a rented property at 7 Lilybrook Drive, Clayton, Barnardshire, BH10 4HC. Emma works as a web designer.

Mrs Hibbert explained that last week she found out that Emma was having an affair with a work colleague, Iris. Emma had told Mrs Hibbert that at least Iris would let her have children. Mrs Hibbert asked Emma to move out of the family home immediately, which she had done, moving into the rented property at 7 Lilybrook Drive.

Whilst discovering the affair had been a shock for Mrs Hibbert, she told me that the couple had been having difficulties with their marriage for a couple of years. She explained that problems had first begun in 2017, when Emma had decided that she wanted children. Mrs Hibbert said that before they had married, they had discussed whether or not they wanted children and that she had been clear that she did not. She told me that the nature of her job meant that she often saw the worst of society, and this had shaped her decision not to have children. Emma had seemingly accepted Mrs Hibbert's decision at the time. However, in early 2017 she raised the subject of the couple having children, saying that she regretted her earlier decision. Since then, the couple had had numerous arguments about it.

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Mrs Hibbert said that Emma had also been very unsupportive of her work. Emma's work as a web designer meant that she enjoyed flexibility with her place and hours of work. This was in stark contrast to Mrs Hibbert's job, where she often worked long and unsocial hours. Recently, this had become a point of contention, with Emma accusing her of valuing her job more than their marriage.

In recent months, Emma had started to socialise frequently with her work colleagues. At first, she invited Mrs Hibbert to join her. However, after Mrs Hibbert had declined a few invitations, Emma stopped asking her, calling her a killjoy. Mrs Hibbert suspects that Emma started the affair soon after this.

I explained the relevant law to Mrs Hibbert. She confirmed that she would consider the options and let me know how she wants to proceed.

***Turn over***

DOCUMENT 3

ATTENDANCE NOTE RE ZAHARA RASHID

**Client:** Zahara Rashid

**Date:** [Last Thursday]

**Fee earner:** Molly Unsworth

**File ref:** MU/ZR/R284

**Time taken:** 1 hour

Attendance upon Mrs Rashid. She has heard from the court that the decree nisi will be pronounced next week in relation to her two years' separation petition.

We discussed the finances arising from the parties' eight-year marriage. Mrs Rashid confirmed the following information to me:

- Former family home: 6 Ashworth Park, Clayton, held in Mr Rashid's sole name: £525,000, less mortgage of £200,000; net equity = £325,000
- Investment property: 12 Woodvale Road, Clayton, Barnardshire, held in Mr Rashid's sole name: £250,000 (mortgage-free)
- Joint life assurance policy with a surrender value of £130,000
- Shares in Mr Rashid's sole name £80,000
- Cash ISAs in Mrs Rashid's sole name £25,000
- Mrs Rashid's pension: C.E. £60,000
- Mr Rashid's pension: C.E. £190,000.

Mrs Rashid (aged 43) continues to work part-time as an optician and earns approximately £30,000 gross per annum. Her husband Adeel, who is a production manager (45), earns £100,000 gross per annum. The couple have agreed the amount of child maintenance that Mr Rashid will pay for the parties' two children, Taslima (6) and Sahmir (4).

Mrs Rashid and the children remain at the former family home, which is a four-bedroom detached property. Mr Rashid is currently living in the couple's two-bedroom investment property, but he intends to buy a property, once the finances are resolved. The children stay with Mr Rashid every other Saturday night.

I said that I would be in touch with Mrs Rashid in due course to progress matters.

DOCUMENT 4

EMAIL FROM JASPER OAKLEY

**From:** Jasper Oakley  
**To:** Molly Unsworth  
**Subject:** Paige  
**Date:** [Yesterday's date]

Dear Molly,

I hope you're well? I'd be grateful for your help in resolving some issues that have arisen with my former partner in relation to our daughter Paige.

You may remember that when I separated from Paige's mum, Keeley Warner, 18 months ago, we were able to agree most matters amicably and without the need to go to court. I was happy for Paige (who is now 6) to live with Keeley, and we agreed that this was on the basis that Paige would stay with me every other weekend and spend half of her school holidays with me. For the most part this arrangement works well and Paige is happy, which is the main thing.

However, I am frustrated that Keeley takes all of the decisions relating to Paige alone. I think one of the problems is that Paige is registered in Keeley's surname. We argued about this at the time, as Keeley insisted on registering Paige's birth alone and she failed to register me as her father. I have tried to discuss my frustration about the situation with Keeley, but whenever I raise it, she just says that it makes sense for her to make all the decisions, because Paige lives with her. I don't think that this is fair, because after all Paige spends a lot of time with me. A few weeks ago, Paige was suffering from toothache when she was staying with me and I wanted to take her to the dentist, but instead I had to wait until Keeley collected her and took her.

An even more pressing issue is that I have booked a holiday for Paige and me to go to Disneyland Paris in July during her school summer holidays. There was a really good offer on, so I booked and paid for it in full in advance, without mentioning it to Keeley. I didn't dream that there would be any problems, as I've taken Paige on holiday before and she was due to be staying with me in July anyway. When I told Paige about it, she was really excited. However, when I mentioned it to Keeley, she seemed really upset and said that she hoped I could get a refund, as Paige wouldn't be going. I think Keeley is upset because she wanted to be the first one to take Paige to Disneyland. That wasn't something that had crossed my mind when I booked it – I just saw the offer and thought it was too good an opportunity to miss.

Could I please come in to see you to discuss these matters as soon as possible?

Many thanks,

*Jasper*

DOCUMENT 5

ATTENDANCE NOTE RE LEAH VARLEY

**Client:** Leah Varley

**Date:** [Yesterday's date]

**Fee earner:** Molly Unsworth

**File ref:** MU/LV/V159

**Time taken:** 1 hour

Attendance upon Leah Varley, who is a new client. She wanted urgent advice following some incidents of domestic abuse. I saw that she had a black eye and bruising to her forearms. I completed the necessary conflict checks and obtained the proof of identity documentation. There were no issues.

Her details are as follows:

Full Name: Leah Varley

D.O.B.: 12/06/89

Address: 18 Malt Street, Clayton, Barnardshire, BH8 9YE (mother's)

Phone number: 07818032382 (mobile)

Miss Varley has been living with her partner, Nathan Yeoward (D.O.B. 25/01/88) for seven years. The couple have one child, Brianna Varley (D.O.B. 02/11/18). The couple live at 8 Roxby Way, Clayton, BH7 9WP. This is a two-bedroom terraced house, rented in Mr Yeoward's sole name from the local authority. Mr Yeoward works full-time as an electrician. Miss Varley works part-time as a receptionist. Miss Varley has no savings. Mr Yeoward has £10,000 of savings.

Miss Varley explained that she and Mr Yeoward first met when he visited the office where she is a receptionist to carry out some rewiring. She said that it had been quite a whirlwind romance and she had moved in with him after they had been seeing each other for six months.

Problems started after the birth of their daughter Brianna. Miss Varley said that she had suffered from post-natal depression, so had found it difficult to cope with Brianna on her own. She received no help or support from Mr Yeoward, who was often out at work for long hours. When she tried to discuss the issue with him, he just told her to snap out of it.

Mr Yeoward began to spend more time away from the house and Miss Varley suspected that he was having an affair. In August 2019, she confronted him about it and he admitted that he had had an affair with another woman (a client), but he told Miss Varley that he had now ended it. The couple had a heated argument, during which Mr Yeoward slapped Miss Varley's face, leaving her with bright red marks on her cheek. Miss Varley was so shocked by the incident that she stayed the night at her mother's home, taking Brianna with her.

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Mr Yeoward was very apologetic after the incident and texted Miss Varley, promising that he would never hit her again and that he would be faithful.

Miss Varley returned to the family home and initially matters did seem to improve and the parties reconciled. However, Mr Yeoward's business then suffered some financial problems, which led to the couple having frequent arguments about money. Miss Varley explained that Mr Yeoward blamed her for their money worries due to the fact she was now working only two mornings a week. Often, these arguments resulted in Mr Yeoward hitting Miss Varley, causing her to sustain quite severe bruising to her body.

Miss Varley said that she has sought advice now, because the violence is escalating. Last week, during an argument about her spending money, Mr Yeoward pinned her against the wall and waved a kitchen knife in her face. He told her that he wished that he had never met her. She sustained cuts to her arms, trying to fight him off.

Last night, during a further argument about money, Mr Yeoward seemed to lose control and punched Miss Varley repeatedly about her face and body, shouting that she was a useless mother and partner, and that he would be better off without her. The argument woke Brianna, who started crying. Mr Yeoward stormed out of the house and spent the night at his brother Dylan's home. Miss Varley said that Dylan lives alone in a two-bedroom house a few streets away from them. Later, Miss Varley received a text from Mr Yeoward, saying that he had better find her gone when he returned, otherwise he would finish what he had started.

As soon as she received the text, Miss Varley collected some clothes for herself and Brianna and drove to her mother's home. She telephoned the local police station from there, but they told her that the domestic abuse liaison officer was out on a call and recommended that she contact a lawyer urgently instead. Miss Varley told me that she cannot stay at her mother's for long, as her mother has a two-bedroom property and Miss Varley's sister already lives there with her.

I used devolved powers to grant Miss Varley emergency legal representation and, as the court had closed, I advised her to remain at her mother's and return to the office tomorrow.

## **End of Case Study Materials**





