

## CASE STUDY MATERIALS

June 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.

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\* 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**

## CASE STUDY MATERIALS

### 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; and 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 Rhys Stephens. The local family court is in Bedford.

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

- Document 1**      Memo from Rhys Stephens
- Document 2**      Attendance Note re Abigail Mendel
- Document 3**      Attendance Note re Caroline Rowlands
- Document 4**      Email from Denise and Oliver Peterson
- Document 5**      Attendance Note re Wendy Venn

**DOCUMENT 1**

**Memo from Rhys Stephens**

**To:** Trainee Lawyer  
**From:** Rhys Stephens  
**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 week on annual leave. I would be grateful if you could please attend to the following cases during my absence:

**1. Abigail Mendel**

Mrs Mendel 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 her case in my absence.

**2. Caroline Rowlands**

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

**3. Mr and Mrs Peterson**

I attach a copy of an email I received from Denise and Oliver Peterson earlier today (**Document 4** attached). Please take any action required on this case during my absence.

**4. Wendy Venn**

Miss Venn 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 progress the case as required.

Many thanks,

*Rhys*

**Turn over**

DOCUMENT 2

**Attendance Note re Abigail Mendel**

**Client:** Abigail Mendel  
**Date:** [Yesterday's date]  
**Fee earner:** Rhys Stephens  
**File ref:** RS/LR/M167  
**Time taken:** 1 hour

Attendance on Mrs Abigail Mendel, 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: Abigail Mendel (née Goldhirsch)

D.O.B: 18/08/1982

Address: 8 Chichester Avenue, Clayton, Barnardshire, BH10 3TL

Phone number: 07873162015 (mobile)

Occupation: Nurse

Mrs Mendel was seeking advice about her options following the breakdown of her relationship with her husband. She informed me that she had been separated from her husband, Noah Mendel (d.o.b. 07/12/1980), for some time.

The parties married in May 2005. They have two children: Levi Mendel (d.o.b. 16/01/2007) and Sadie Mendel (d.o.b. 09/06/2010). The former family home is 8 Chichester Avenue, Clayton, Barnardshire, BH10 3TL. It is a three-bedroom detached property, held in the couple's joint names. Mrs Mendel lives there with Levi and Sadie. Mr Mendel lives at 10 Gladstone Court, Clayton, Barnardshire, BH11 5WP. He is a manager at the local hospital in Clayton and earns over £60,000 per annum.

In September 2013, Mrs Mendel discovered that her husband had been conducting an affair. When she confronted him about the affair, he said that it was over. As she wanted to make the marriage work, for the sake of the children, she tried to reconcile with her husband. However, Mrs Mendel said that she had been so hurt by the affair that she had eventually insisted her husband move out of the family home. He did so on 15 April 2014.

The children were very upset when their father moved out, so Mrs Mendel agreed to attend relationship counselling. Following this, the couple decided to give their marriage another chance. Mr Mendel moved back into the family home on 1 July 2014.

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Mrs Mendel explained that she had realised that, unfortunately, she could never trust her husband again and, due to this, the reconciliation came to an end on 1 September 2014, when Mr Mendel moved out of the family home into his current accommodation.

The parties have not lived together since this point. Mrs Mendel told me that since their separation neither she nor her husband have been involved with anyone else; they have just drifted apart.

Mrs Mendel has asked her husband for a divorce but he refuses, saying that as neither of them want to remarry, he does not see the point of them divorcing. Mrs Mendel told me that she is surprised at his reluctance to divorce, as he does not strictly follow their faith. She knows that his parents strongly disapprove of divorce.

Mrs Mendel would like a divorce. She will let me have the marriage certificate and her financial details in due course. She mentioned that Mr Mendel has a number of assets, including savings, shares and the house at 10 Gladstone Court, which is a three-bedroom detached house.

I explained to Mrs Mendel the ground for divorce and the five facts. She indicated that she would like to start divorce proceedings as soon as possible, so she will consider her options and let me know how she wants to proceed.

For the sake of the children, she wishes to keep the relationship with her husband as amicable as possible, and she is also anxious to keep the divorce costs to a minimum.

***Turn over***

DOCUMENT 3

**Attendance Note re Caroline Rowlands**

**Client:** Caroline Rowlands  
**Date:** [Last Thursday's date]  
**Fee earner:** Rhys Stephens  
**File ref:** RS/LR/R296  
**Time taken:** 1 hour

Attendance upon Mrs Rowlands. She confirmed that she had received notification from the court that the decree nisi would be pronounced in relation to her behaviour petition later this month.

I had asked her to complete her draft financial statement to assist with her application for financial relief. She handed this to me. She has tried to arrange a joint valuation of the former family home and holiday property with her husband Ben's agreement. She said he had not replied to her suggestions, so she had approached one of the local agents herself.

In her statement, she has put the following valuations of the parties' assets:

- Former family home: 5 Norton Avenue, held in the parties' joint names £475,000  
less mortgage of £150,000  
net equity = £325,000
- Holiday property: Harbour Cottage, Brixham, Devon, held in Mr Rowlands' sole name: £250,000 (this property is mortgage-free)
- Joint life assurance policy with a surrender value of £110,000
- Shares in Mr Rowlands' sole name £70,000
- Shares in joint names £85,000
- Savings in Mrs Rowlands' sole name £22,000
- Savings in Mr Rowlands' sole name £55,000
- Mrs Rowlands' pension CE: £55,000
- Mr Rowlands' pension CE: £90,000.

Mr Rowlands is a software developer and works full-time. Mrs Rowlands works part-time as a marketing manager.

Mrs Rowlands is seeking an outright transfer to her of the former family home. This is a three-bedroom detached property. She currently lives there with the parties' two children, Freddie and Mia. Freddie is sitting his GCSE exams this year. Mia is in her first year of secondary school. The parties have reached agreement about child maintenance. Mrs Rowlands confirmed that the children stay with her husband every other weekend.

Mrs Rowlands wishes to have the parties' holiday property transferred into their joint names, so they can both continue to use it in the future. She seeks a pension sharing order in respect of her husband's pension, and also wishes to pursue spousal maintenance.

I confirmed that I would prepare the formal Financial Statement to lodge at court and exchange with Mr Rowlands' lawyers, and would contact Mrs Rowlands when I received her husband's financial statement.

DOCUMENT 4

**Email from Denise and Oliver Peterson**

**To:** Rhys Stephens  
**From:** Denise and Oliver Peterson  
**Date:** [Yesterday's date]  
**Subject:** Our grandchildren

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Dear Mr Stephens

We are emailing to ask for advice about the problems we have encountered in seeing our grandchildren since their mother separated from our son.

We have two grandchildren, Jack and Isabella Peterson. They are the children of our son Kyle and his ex-partner Gail Urquhart. Jack is 12 and Isabella is 7. They currently live with their mother at 22 Linden Grove, Clayton, Barnardshire. Kyle lives quite near the children in Clayton but has to travel abroad a lot with his work, which means that he does not see the children as frequently as he would like.

Unfortunately, when Kyle and Gail separated in March this year, we began to have problems in seeing Jack and Isabella.

Until the separation, we would have Jack and Isabella to stay with us every other Friday night. They would also stay with us for part of their school holidays. We would also help out with looking after the children if problems arose, for example if Gail was working and one of the children was poorly. This arrangement suited everyone.

The first time that we had problems was during the children's Easter holidays. We had arranged to have the children to stay with us for a week as usual. However, just before we were due to collect the children, we had a phone call from Gail, saying that the children were ill and she thought it best that they didn't come to stay.

We were disappointed to hear this, but completely understood Gail's decision. However, on the Thursday of the week that the children had been due to stay, we received a text from Jack to say that he hoped we were having a lovely holiday in Spain. We immediately tried to contact Gail, but she didn't answer her phone. We later received a text from Gail, saying that Jack had meant to text her parents, who were on holiday in Spain that week.

The week following Easter, the children came to stay with us on Friday night as usual. We teased Jack about his text, but he was reluctant to talk about it and he told his sister to be quiet when she said that Mummy had fibbed. We didn't want to upset the children, so didn't ask them anything further about it.

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In the weeks that followed, Gail often asked for the children to be returned home early, telling us that they had activities to go to on the Saturday morning. We tried to speak to her about it and even suggested changing the children's stay to a Saturday night, but she refused to discuss the situation.

Then in early May, Gail texted us to cancel the next two visits, saying that the children had commitments over the next few weekends, such as friends' birthday parties, so we wouldn't be able to see them. Later that day, we received a text from Isabella saying that she missed us and that she hoped we would be better soon! We tried to contact Gail about this, but she didn't return our calls or texts.

The final straw was when Gail texted to cancel the children's stay with us over their Whitsun holiday break in late May. As we couldn't reach Gail by phone and she wasn't replying to our emails, we drove to their home. Gail's car was in the drive and we could hear that the television was on, but nobody answered the door. That evening, we received a text from Jack, saying that he and Isabella missed us.

We would be grateful for your help with this.

Regards,

**Denise and Oliver Peterson**

**DOCUMENT 5**

**Attendance Note re Wendy Venn**

**Client:** Wendy Venn

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

**Fee earner:** Rhys Stephens

**File ref:** RS/LR/V186

**Time taken:** 1 hour

Attendance upon Wendy Venn, who is a new client. She was seeking advice following incidents of domestic abuse. I completed the necessary conflict checks and obtained the proof of identity documentation. I saw that Miss Venn had a black eye and marks on her neck. Her details are as follows:

Full name: Wendy Venn

D.O.B.: 03/06/1981

Address: 3 Queen's Crescent, Clayton, Barnardshire, BH13 2WL

Temporary address: 15 Turner Road, Clayton, Barnardshire, BH11 8MA (sister's)

Phone number: 07742683930 (mobile)

Occupation: Customer Services Advisor

Miss Venn has been living with her partner, Tom Hayward, for 12 years. They have one child, Emily Venn (d.o.b. 29/09/08). The couple's home is a three-bedroom, semi-detached property, which they own in their joint names. Mr Hayward is employed as a Quantity Surveyor and earns approximately £50,000 per annum. Miss Venn is a customer services advisor at the local bank in Clayton. She currently works there part-time and earns £18,000 per annum.

Miss Venn told me that the problems with Mr Hayward's behaviour had started about last month, when she discovered that she was pregnant. She explained that her pregnancy wasn't planned. She and Mr Hayward had agreed after they had Emily that they would not have any further children. This was a financial decision, to enable Mr Hayward to change career. In pursuance of this agreement, Miss Venn was due to have increased her hours to full-time employment at the bank in September this year.

When Miss Venn told Mr Hayward that she was pregnant, he had become very angry with her, calling her stupid and accusing her of ruining his plans. She told me that after she had told him, he had gone out of his way to avoid her. He often returned home late from work and would spend his evenings and weekends with his friends or at his parents' property. His parents have a three-bedroom property about a mile away from the couple's home.

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Last weekend, Mr Hayward went out with his friends on Saturday night. He got back to the house about 1 am. Miss Venn had been asleep in the bedroom. Mr Hayward came into the room and shook her awake. She could immediately tell that he had been drinking. He started shouting and swearing at her, saying she should get rid of the baby. She got out of bed, as she was worried that the shouting would wake Emily up. As she got up, Mr Hayward grabbed her by the wrists and pushed her towards the wall. He struck her across the face and then hit her repeatedly on her body. At this point, Miss Venn heard Emily get up and approach the bedroom. Miss Venn shouted at Emily to go back to her room. Hearing Emily's name stopped Mr Hayward, and Miss Venn heard him go downstairs and then leave the house. She thinks that he must have spent the rest of the night at the home of his parents or one of his friends.

The following day, Mr Hayward returned home late, but said nothing about the incident. That night, Miss Venn slept on the sofa. The following morning, when Emily came down for breakfast, she saw where her mother had slept and asked whether she had slept there because she was scared of 'Daddy hurting you again'.

The following nights, Miss Venn continued to sleep on the sofa. Mr Hayward returned home late, if at all. However, last night when he returned home from work, there had been another incident. Emily was away, staying the night at a friend's house for a sleepover. Miss Venn was in the kitchen, preparing a meal. Mr Hayward came into the kitchen. He said that he would finish what he had started and he punched Miss Venn in the face. She screamed and stumbled backwards. He then put his hands around her neck. She tried to break free of him, but could not. Next, there was a knock at the front door and the sound of her neighbour's voice, asking whether everything was okay. Mr Hayward released Miss Venn and ran out of the back door. Miss Venn let her neighbour into the house and the neighbour stayed with her, while Miss Venn collected clothes and toiletries for Emily and herself. Miss Venn then drove to her sister's house, where she spent the night. She received a text from Mr Hayward, saying: 'If you come back to the house, you're dead'.

Miss Venn explained that she realises that she needs to leave Mr Hayward, but she has nowhere to stay. Her parents live about 40 miles away. Although her sister does live in the Clayton area, she lives in a two-bedroom property with her husband and 12-year-old son, so Miss Venn and Emily are unable to stay there long term. Miss Venn telephoned the police. She was advised that, unfortunately, the domestic abuse liaison officer was currently off sick and that she should see a lawyer.

I used devolved powers to grant Miss Venn emergency legal representation. As the court had already closed that day, I advised her to collect Emily from after school club and remain at her sister's home today, and asked her to return to the office first thing tomorrow morning.

## **End of Case Study Materials**



