



June 2022
Level 3
SUBJECT - 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

- A clean/unannotated copy of the case study materials is attached to this examination.
- You are permitted to take your own clean/unannotated copy of the case study materials into the examination. You are **NOT** permitted to take any other materials including notes or textbooks.
- In the examination, candidates must comply with the CILEX Examination Regulations – Online Examinations or with the CILEX Examination Regulations – Online Examinations with Remote Invigilation.

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CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer employed by Kempstons, The Manor House, Bedford, MK42 7AB.
DX Number 23654 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 – Genna Worth
- Document 2** Attendance note – Julian Smyth
- Document 3** Letter from Julian Smyth
- Document 4** Note of telephone conversation with Sergeant Datsha Khurana re
Lloyd Campbell
- Document 5** Attendance note – Lloyd Campbell
- Document 6** Attendance note – Vicky Adams

ATTENDANCE NOTE

Client : Genna Worth
File : 2022/6/12/MAT/GW
Attended by : Yourself and Kasha Patel
Date : 14 June 2022
Engaged : 6 units
Attending : Genna Worth, 6 Collins Court, Kempston. MK10 2ZZ

Genna Worth DOB 28 April 1972
Bryan Worth DOB 14 July 1957
Date of marriage 14 February 1999
Children: Sam Worth DOB 12 July 2000, Poppy Worth DOB 12 July 2000

Genna and Bryan have been married since 1999. However, recently there have been major changes in Genna and Bryan's life. Bryan retired from his job in 2021. He was subsequently diagnosed with a serious health problem but has undergone successful treatment. Sam and Poppy graduated in 2021. They have both obtained good jobs and have left the family home.

Genna is still working. She teaches at a local college, and also has management responsibilities for her department. Over recent years her job has become increasingly challenging. Genna thought that when the children left home, she and Bryan could enjoy some quality time together travelling and enjoying interests that she thought they shared.

However, when she suggested to Bryan that she should either reduce her working hours, or even stop working, he objected. He said that he had always thought that Genna was a very intelligent person and that working was good for her. It was his view that if she gave up the career that she had worked hard at, she would soon become bored.

So Genna continued working, while Bryan adjusted to retirement working on his allotment and going fishing with friends. When Genna tried to discuss making plans for holidays together, Bryan either didn't want to go where she suggested, or had already made alternative plans for fishing trips with his friends.

Genna is becoming increasingly frustrated. This is not the life they had talked about when the children were younger. When she tries to discuss this with Bryan, he simply cannot see the problem or even understand Genna's point of view and her frustration. He is happy and thinks that Genna should be too.

Genna has reached the conclusion that she and Bryan have drifted apart over the past year. Bryan is happy with his life, she is not happy with her life. After talking with a close friend, she has decided that she is not prepared to give up on her dreams of travelling and experiencing new interests. She has come to the decision that she needs to accept that she is not happy in her marriage. Having made this decision, Genna wants to end her marriage and wishes matters to be dealt with amicably and as speedily as possible.

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ATTENDANCE NOTE

Client : Julian Smyth
File : 2022/5/14/MAT/JS
Attended by : Yourself and Kasha Patel
Date : 16 June 2022
Engaged : 6 units
Attending : Julian Smyth, Hurn House, Kempston Parva, MK15 3YZ

Julian Smyth DOB 12 May 1968
Naomi Smyth DOB 6 November 1980
Date of marriage 28 August 2012
Children : Tommy Smyth DOB 2 October 2017

Julian and Naomi met through a dating website. They found that they had shared interests and enjoyed each other's company. Their relationship developed and they married in 2012. Their son Tommy was born in 2017.

Julian owns Hurn House, a dilapidated manor house that he had bought and restored. He used Hurn House as his home and also as a venue for events such as weddings. After her marriage, Naomi, who had some experience of events management, gradually took on the role of organising events at Hurn House.

Naomi quickly settled into life at Hurn House and enjoyed being involved in the organising of the events. Julian was happy to let Naomi take on this work so that he could enjoy a quieter life.

In 2013, Julian bought Seahorses, a house in Stepton-on-Sea, as a holiday home and a place they could escape to when Hurn House was busy. Julian and Naomi loved staying in Seahorses and talked about eventually moving there permanently.

The COVID pandemic had a dramatic impact on the business at Hurn House, which could not operate for over a year. During this period, Julian, Naomi and Tommy lived in Seahorses, enjoying life by the sea. However, in the summer of 2021 when the COVID restrictions were lifted, Naomi moved back to Hurn House with Tommy and started to organise events again. Julian chose not to join them and remained in Seahorses.

It soon became apparent that Julian and Naomi's ambitions were moving in different directions. Julian wanted to continue living by the sea and enjoying a simple life. Naomi enjoyed the challenges and excitement of living in Hurn House and of organising the events, and Tommy had settled into the local school. Despite many discussions, it was clear that neither Julian nor Naomi was prepared to compromise.

Julian has reluctantly decided to apply for a divorce. He wants suitable financial arrangements to be made for Naomi. In particular, he does not want to stop Naomi continuing to live and work at Hurn House, but he also wants to safeguard his interest in it as he views it as his pension and also as part of Tommy's inheritance.

DOCUMENT 3

LETTER

Hurn House,
Kempston Parva,
MK15 3YZ

17 June 2022

Dear M/s Patel,

Thank you for meeting with me yesterday and for taking the time to discuss my situation.

You asked me to provide confirmation of the financial situation. It is as follows:

1 Hurn House – held in my sole name - £5,000,000 (Mortgage now only £150,000)

2 Seahorses – held in my sole name £450,000 (No mortgage)

3 Hurn House Events

Currently running at a loss due to the impact of the COVID pandemic. I believe that it should start making a profit again by 2025.

To date, Naomi and I have both been involved in running the business. As owner, I have taken a salary and have then given Naomi a generous monthly allowance for the costs of our household, personal costs and costs re Tommy.

4 The majority of my capital is invested in Hurn House and Seahorses. But I do have savings and investments of around £65,000.

5 I do not have a pension – I have always regarded Hurn House as my pension.

6 Naomi does not have a property of her own. I believe that she has some limited savings.

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

Kind regards

J Smyth

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NOTE OF TELEPHONE CONVERSATION

Caller: Sergeant Datsha Khurana, Kempston Vale Police
Call handler: Yourself
Date: 18 June 2022
Subject: Lloyd Campbell

Sergeant Datsha Khurana of Kempston Vale Police called and asked for a visit to be made to Kempston University Hospital, to advise Lloyd Campbell.

Sergeant Khurana reported that she and a colleague had attended Flat 5, Brampton Tower early this morning after an emergency call from a concerned neighbour, who had reported hearing a serious argument in Lloyd's flat. The police found Lloyd Campbell in his flat with some serious injuries. Paramedics also attended and took Lloyd to hospital.

The hospital said that Lloyd has serious underlying health problems which impact on his life. The attack has caused a number of injuries as he was stabbed several times. Luckily the stab wounds were only superficial. He also had cigarette burns on his arms and some bruising. Lloyd told the police that his live-in partner, Chandice, had caused the injuries.

ATTENDANCE NOTE

Client : Lloyd Campbell
File : 2022/6/8/DOM/LC
Attended by : Yourself and Kasha Patel
Date : 18 June 2022
Engaged : 8 units
Attending : Lloyd Campbell, Flat 5, Brampton Tower, Kempston, MK02 7ZZ

Lloyd Campbell DOB 15 August 1997
Chandice Williams DOB 15 January 1994

I attended Lloyd Campbell in Kempston University Hospital to take initial instructions.

Lloyd met Chandice three years ago. Chandice moved into Lloyd's flat soon after they met. Initially, Lloyd enjoyed Chandice's company. They seemed to share the same interests in music and comedy. Chandice also seemed to understand and accept his underlying health problems.

But the situation gradually changed. Lloyd noticed that Chandice began to go out without him. Chandice told Lloyd that sometimes she needed time out with friends, but Lloyd didn't understand why she was sometimes out all night. And he didn't understand why, when he wanted to go out with his friends, Chandice got angry and threatened him. Lloyd also noticed that he was no longer hearing from his family. Chandice told him he didn't need his family as they were never there for him, he only needed her. Chandice also told him that she had warned his family to stay away.

Lloyd also noticed other things that made him feel uncomfortable. He could not always find his medication and sometimes found there was no food in the flat even though he gave Chandice a generous allowance for shopping. When he raised these matters with Chandice, she became angry and abused him verbally and sometimes physically. Chandice constantly told Lloyd that everything was his fault. She said he was weak and useless because of his illness.

This week, Lloyd discovered his missing medication hidden in a box at the back of a cupboard. Then yesterday evening, he realised that £100 he had taken out of the bank was not in his wallet. When he asked Chandice about this money she flew into a violent rage, screaming abuse and stabbing him several times with a pair of scissors she had in her hand.

Chandice has tried to visit Lloyd in hospital, but he has refused to see her. Since then, she has texted Lloyd several times. Initially her texts read "I'm sorry" and "I'm really, really sorry". However, when she got no response from Lloyd, they became increasingly abusive, sending messages such as "I'll be waiting for you when you get back" and "You're not going to get rid of me that easily".

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Lloyd wants to return home to his flat when the hospital says that he is ready, but he does not want Chandice there. Chandice has a key to the flat and Lloyd is worried that she will simply turn up. Lloyd does not know whether he will be able to handle this situation and wants to know what he can do to prevent it happening.

ATTENDANCE NOTE

Client : Vicky Adams
File : 2022/6/4/CHILD/VA
Attended by : Yourself and Kasha Patel
Date : 15 June 2022
Engaged : 5 units
Attending : Vicky Adams, Flat 12, Sycamore House, Bedford, MK22 0ZX

Vicky Adams DOB 14 January 1996
Eddie Turner DOB 29 March 1995
Isla Turner DOB 6 February 2018
William Turner DOB 27 September 2021

Vicky and Eddie, the parents of Isla and William, have been together for eight years. Eddie is registered as the children's father on their birth certificates.

Vicky had suffered a difficult childhood, dealing with mental health problems and also issues with alcohol. Vicky's relationship with Eddie provided stability. With his support, her mental health improved dramatically. Vicky gave up work when Isla was born to become a full-time mother. Everyone commented on how well she looked after Isla.

However, with William's birth things changed. It was a difficult birth and Vicky suffered complications. She was in an intensive care unit for several days after the birth and was unable to bond with William. Her mental health declined.

Eddie was concerned that Vicky would not be able to look after the children properly for a time and arranged for his mother, Hilda, to provide support. But Vicky did not get on with Hilda and started to go out when Hilda was around, saying that she needed to meet friends. Vicky heard Hilda telling Eddie that Vicky was returning home smelling of alcohol and appearing quite drunk and argumentative, which was upsetting the children. Vicky denied Hilda's allegations and suggested that Hilda was lying to cause problems. Vicky told Eddie that she did not need Hilda's help anymore and that Eddie must tell Hilda to stay away. Eddie reluctantly agreed but unknown to him, Vicky continued to find her life challenging.

Six months ago, Eddie returned home early and found Vicky drunk on the settee with a wine glass in one hand and an empty wine bottle in the other hand. William was crying and needed his nappy changing. Vicky heard Isla tell Eddie 'Mummy is often like this. And I don't like it. Sometimes she forgets to give us our food and our drinks. And she shouts at William when he cries'.

Eddie was furious. He packed a bag with Vicky's clothes and ordered a taxi to take her to her cousin's house. He told Vicky that she was leaving and would not be allowed back until he was sure that she had sorted out her problems. Eddie also told her that she would definitely not be seeing the children until he felt certain that it was safe to allow this.

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This was the shock that Vicky needed. A few weeks later she joined a local support group for alcoholics and worked as a volunteer in a local charity shop. With the help of the support group, she gave up alcohol. But when she contacted Eddie this week to talk about seeing the children, he refused to discuss the matter. He said that he did not want the children upset anymore and he did not think that enough time had passed to be sure that Vicky's behaviour had changed for the better. Vicky is very unhappy with the current situation and is considering her options.

End of Case Study Materials

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