



June 2022  
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**

- 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 and a statute book, where permitted, 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.

***Turn over***

**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 Carrie Hynes. The local family court is in Bedford.

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

- DOCUMENT 1:** Memo from your supervisor, Ursula Oram
- DOCUMENT 2:** Attendance note re Mrs Georgina Howard
- DOCUMENT 3:** Email from Mrs Georgina Howard
- DOCUMENT 4:** Attendance note re Vicky Abbott
- DOCUMENT 5 :** Attendance note re Ms Paula Smith
- DOCUMENT 6 :** Email from Chandice and Lloyd Jackson

Memo

**To:** Trainee Lawyer  
**From:** Ursula Oram  
**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. Mrs Georgina Howard**

Mrs Howard attended for advice as a new client in **August 2021**. I am attaching the attendance note relating to that meeting for information. (**Document 2**). Mrs Howard did not return to us with instructions following the initial meeting. However, I have today received an email, which I have forwarded to you. (**Document 3**). Please reply to her email in my absence.

**2. Mrs Vicky Abbott**

I have been dealing with Mrs Abbott's divorce proceedings and am currently trying to resolve the related financial matters. I attach an attendance note of my meeting with her today. (**Document 4**). Please deal with any queries that arise while I'm on leave.

**3. Ms Paula Smith**

Ms Smith is a new client. She attended the office late this afternoon. I attach an attendance note of the meeting (**Document 5**). Please progress the matter as required.

**4. Chandice and Lloyd Jackson**

I attach a copy of an email received from Mr and Mrs Jackson who are new clients (**Document 6**). Please reply to their email and progress this matter as required.

Many thanks,

*Ursula*

**Turn over**

DOCUMENT 2

Attendance Note re Mrs Georgina Howard

**Client:** Mrs Georgina Howard  
**Date:** 25 August 2021  
**Fee earner:** Ursula Oram  
**File ref:** UO/TL/Mat22/6/23  
**Time taken:** 1 hour

Attendance on Mrs Howard, 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:** Mrs Georgina Howard (née Mitchell)  
**DOB:** 07/02/1968  
**Address:** 5 Sycamore Close, Kempston, Bedford, MK11 6ZX  
**Phone number:** 077338109543 (mobile)  
**Occupation:** Doctor (General Practice)

Mrs Howard is a new client. She wishes to obtain advice following the breakdown of her marriage to her husband, Mr Henry Howard (DOB 12/04/55). Mrs Howard says that the marriage has been experiencing difficulties since early 2020. She is currently still living in the family home but says that she and her husband have been leading increasingly separate lives for the past 6 months.

Mr and Mrs Howard married in 1987. They have two children, Naomi and Simon. Both children have good jobs and have moved out of the family home.

Mr Howard, who is 13 years older than Mrs Howard, took early retirement for health reasons in December 2019. He was diagnosed with a serious health problem but has undergone successful treatment.

Mr Howard has adjusted well to his retirement. He spends much of his time gardening and has started playing golf with friends. He has also joined a local group interested in steam railways, attending virtual meetings, planning future trips and volunteering at the steam railway near them to prepare it for re-opening.

Mrs Howard has continued working. She had planned to retire shortly after Mr Howard as they had always spoken about enjoying quality time together in retirement. However, her plans were put on hold due to the COVID pandemic. With the increase in demand for medical professionals, Mrs Howard continued working. She is a committed professional, but she has found the pressures of work during the pandemic increasingly challenging.

In January 2021, Mrs Howard decided the time had come to review her situation. Mr Howard was in receipt of a very generous pension and had built up an impressive investment portfolio. So financially, Mrs Howard and her husband were in the position to enjoy a comfortable retirement, spending time together and enjoying travelling which they had always talked about.

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However, when Mrs Howard told her husband that she wanted to retire, Mr Howard's response was completely unexpected. He said that Mrs Howard was clearly very good at her job and a highly respected GP. He thought that it would be a great mistake for her to retire, considering her age. He believed that she still needed the challenges of a career for a few more years. Mr Howard suggested that Mrs Howard should gradually reduce her working hours over a period of time. In the meantime, he promised that he and Mrs Howard would enjoy weekends away together.

After some thought, though not without some reluctance, Mrs Howard agreed. However, whenever she tried to plan a weekend away with her husband, she found that it was virtually impossible to find dates when Mr Howard didn't already have prior commitments. She found this increasingly frustrating.

Matters came to a head in July 2021 when a friend offered Mr and Mrs Howard the use of a villa in Spain for two weeks later in the year. Mr Howard adamantly refused to accept the offer. He said that he no longer wished to travel abroad. He was quite happy with his interests. And he simply couldn't understand why Mrs Howard was getting so frustrated. He suggested that they think about planning a holiday in Wales visiting the steam railways there.

For Mrs Howard this was the last straw. She felt that that there was no future in her marriage. She wanted to move on as quickly as possible and consulted us for advice.

***Turn over***

DOCUMENT 3

EMAIL

**From :** [g.howard@kwikmail.com](mailto:g.howard@kwikmail.com)  
**To :** ursula.oram@kempstons.co.uk  
**Date :** [Yesterday's date]  
**Subject :** Further to our previous meeting

Dear M/s Oram

Firstly, I apologise for not following up on our meeting in August last year.

You were very honest in your advice and clearly identified the challenge that I would face if I decided to proceed to apply for a divorce. I have to admit that I had not expected the advice that you gave and I needed time to think. Unfortunately, due to the pressures of my work, I was not able to find that time until recently.

But the situation has not changed. Henry is quite happy with the way that his retirement has worked out. He has his life well organised and in a way that suits him.

I accept that he is going to have interests that do not involve me. But he is making no effort to listen to me or to understand what I want. He says that he cannot believe that I still want to travel abroad, even though that was all that he talked about when I first met him.

He simply does not seem to appreciate the full extent of the pressures of the work that I do, and that it becomes more difficult to deal with them as I grow older.

Henry retired 2 years ago and can enjoy the luxury of free time, while I am still working. But he still expects me to look after him, doing the cooking and managing the household. Henry has never made any real effort to help me.

I have talked to him about our situation innumerable times. The children have spoken to him. But nothing changes. Henry has had a very successful career and has been able to make provision to fund our plans for retirement. But all that seems to have been forgotten. Henry is happy with his life and believes our marriage is fine. He thinks that I should be happy and simply does not understand why I am not.

I now need to accept the inevitable and recognise that our relationship has broken down. So I would like to talk again. I need to confirm my recollection of our meeting and your advice. I also need to consider the financial impact of divorce as this will inform my decision re whether I should retire, or simply reduce my working hours.

**Attendance Note re Ms Vicky Abbott**

**Client:** Mrs Vicky Abbott  
**Date:** [Yesterday's date]  
**Fee earner:** Ursula Oram  
**File ref:** UO/TL/FIN22/6/20  
**Time taken:** 1 hour

Attendance on Mrs Abbott. She has completed a Financial Statement as requested and brought it into the office.

She confirmed that last week she had received the decree nisi (provisional order) pronounced in relation to her petition. Her husband, Michael, has also received the decree nisi (provisional order).

Mrs Abbott wishes to resolve agreement regarding their finances in an amicable way. Mr Abbott also wishes this. He accepts that his confusion about his sexuality was a key factor in the breakdown of his marriage. And his admission a year ago to having a sexual relationship with a male colleague, Frank, was another key factor. However, Mrs Abbott now knows why there were problems with her marriage and wishes to work towards a solution acceptable to both.

Mr Abbott has now moved to live with Frank in Frank's flat. And Mr Abbott has agreed that Mrs Abbott should remain in the family home, which will be transferred into her sole name. In return, he wishes the holiday cottage that they own to be transferred into his sole name. Mrs Abbott is aware that she may have to take out a small mortgage on the family home to enable this to happen but is satisfied that she can afford this. She has recently returned to the workplace and is now working full time.

Mrs Abbott has a new partner, Tyrone who has moved in with her. As Tyrone is currently unemployed, he is making some minor improvements to the house and also making a small contribution to the household bills.

I reviewed the information regarding the Abbotts' assets to confirm that we had all the necessary information.

Mrs Abbott's key concerns are to ensure that her housing situation is secure and to ensure that any financial adjustment is fair.

**Turn over**

**DOCUMENT 5**

**Attendance Note re Ms Paula Smith**

**Client:** Ms Paula Smith  
**Date:** [Yesterday's date]  
**Fee earner:** Ursula Oram  
**File ref:** UO/TL/DOM22/6/19  
**Time taken:** 1 hour

Attendance on Ms Smith, 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: Ms Paula Smith  
DOB: 19/05/1993  
Address: The Cedars, Arcadia Avenue, Kempston, Bedford, MK21 4XZ  
Phone number: 07745238763 (mobile)  
Occupation: Child care

Ms Smith has been living with her partner, Jack Lake (DOB 27/09/1989), for eight years. The couple have two children, Rollo (aged 4 years) and Oscar (aged 2 years). They live at The Cedars, a four bedroom detached house held in Mr Lake's sole name. Mr Lake works full-time as a presenter on television current affairs programmes. Ms Smith was an aspiring singer but has put her career on hold since becoming a mother. She is currently the full-time carer of Rollo and Oscar

Rollo was a very happy baby and Ms Smith and Mr Lake found it easy to adapt their lifestyle around him. But soon after Oscar was born, their life changed. Mr Lake obtained a promotion and became a presenter on national television. The demands of the job required him to live in London during the week. He bought a one-bedroom flat where he lived during the week, returning to The Cedars at the weekend.

Ms Smith found it hard to cope with the changes to her life. Oscar was not an easy baby and needed far more attention than Rollo. Ms Smith had to manage the children and the house on her own during the week, so by the weekend she was very tired and wanting help.

But Mr Lake did not help matters. He would return home on a Friday afternoon and immediately find fault with the state of the house. He regularly complained that, while he was having to work really hard to support Ms Smith and the boys, Ms Smith simply wasn't pulling her weight.

Ms Smith felt that Mr Lake's character and behaviour had changed since he moved to work in London. He was getting a lot of praise for his work and seemed to be finding it more and more difficult to switch off from being a media personality during the week to being a dad at the weekends. The boys both loved him and kept demanding his attention, but he was becoming more and more irritable and short tempered with them.

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This led to angry rows with Ms Smith. And as the weeks went on, the rows increased. By January 2022 the rows had become physical, with Mr Lake throwing any object that came to hand, toys or books or ornaments, at Ms Smith. The rows were increasingly being witnessed by the children who were being affected and having unsettled nights.

Two weeks ago, Mr Lake told Ms Smith that he wanted her to attend an events night in London with him. She agreed to go but when the day came, Oscar was very unwell and only wanted his mother. Ms Smith texted Mr Lake to say that she would not be able to join him. Mr Lake was not happy. When he arrived home early the next day he immediately launched into an aggressive tirade, calling Ms Smith a selfish, unsupportive creature and slapped her hard across her face. He then left the house yelling that he was returning to London to find some better company.

Mr Lake rang the next day to apologise and promised to make things better. But when he arrived home for the weekend, nothing had changed. He complained that the house was untidy, and that there were toys everywhere. The boys heard him shouting and started crying. When Ms Smith moved to comfort them, Mr Lake stood in her way and demanded to know why the boys always came first rather than him. She said because they needed her more. Then Mr Lake really lost his temper. He grabbed Ms Smith and shook her hard shouting that she needed to adjust her thinking and he was going to make sure this happened. He let go of her suddenly and she fell backwards hitting her head hard on the door. Mr Lake again left the house shouting that he couldn't cope with a chaotic family life.

Yesterday, Mr Lake made a surprise mid-week visit to The Cedars. He said that the visit would be a fresh start for them all. But the children had friends visiting and the house was neither tidy nor quiet. Mr Lake soon lost his temper. He became completely irrational, shouting and threatening Ms Smith. He grabbed her and pushed her against the wall, slapping her and punching her. He then threw her against the fireplace. She lost her balance and fell, suffering broken ribs, concussion and serious bruising. Mr Lake did not help her. Instead, he said that he was going out to meet friends. He said that Ms Smith had better not be in the house when he returned, or he would have to sort her out properly. But, he added, she needn't think that meant that she could keep him away from 'his boys'.

When Yolanda, the mother of Rollo and Oscar's friends, arrived she told Ms Smith that she needed to get away from Mr Lake to protect herself and the boys. And she needed to get some urgent advice. Yolanda arranged for Ms Smith to go to the Accident and Emergency Department of Kempston University Hospital for a check-up. Yolanda also packed some bags for Ms Smith and the boys and arranged for them to stay with her overnight.

Ms Smith has contacted the local police station but was told that the domestic abuse liaison office was already out on a call. She was advised to contact a lawyer urgently. I used devolved powers to grant Ms Smith emergency legal representation and, as the court had closed, I advised her to remain at Yolanda's overnight and to return to the office tomorrow.

***Turn over***

email from Mr and Mrs Jackson

EMAIL

**From :** lloyd.jackson34@kwikmail.com  
**To :** ursula.oram@kempstons.co.uk  
**Date :** [Yesterday's date]  
**Subject :** Advice re contact with our granddaughter Alvita

Dear M/s Oram

We wonder whether you can give us advice about a problem we currently have in maintaining contact with our granddaughter, Alvita (aged 8).

Our son, Devon, married Opal in 2011. Devon and Opal both worked in IT support services, and both had very good jobs. Alvita was born in 2013. Opal had just secured an excellent promotion and did not want to give up work. As we had recently retired and lived nearby, she asked us if we would look after Alvita when she was working.

We were so thrilled to have finally got a granddaughter and were more than happy to agree. This allowed Opal to return to work just 2 months after Alvita's birth.

We did find caring for Alvita as a baby, and then as a toddler, quite challenging. I think that we had forgotten how demanding children can be. But we loved Alvita dearly and enjoyed building up a very special relationship with her.

When Alvita was four years old, Opal arranged for her to attend a private fee-paying school. This reduced the pressure on us, but because of Opal's long working hours, we were still expected to take Alvita to school, to collect her from school and to take her to her various after-school activities.

Unfortunately, the pressures of Devon and Opal's work took its toll on their personal life and their marriage. In 2020 they went through an acrimonious divorce. We continued to be heavily involved in Alvita's care for a time and tried to protect her from the impact of her parents' problems. We did our very best to avoid being involved in Devon and Opal's arguments. But we did find that, despite all our help, there were times when Opal barely talked to us. She seemed in some way to blame us for the problems and for the divorce.

In January 2021, Devon moved to a new job in America. Two months later Opal announced that she had got a new job. It was nearly 250 miles away in the North of England and near to Opal's sister, who would be taking on the childcare. We did try to discuss with Opal how we might maintain regular contact through visits. But Opal said that she thought it best that we all have some time apart, to adjust to the new situation. We tried to get Opal to change her mind but she was adamant.

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We have not seen Alvita since the move. We have tried phoning, but Opal always has an excuse for Alvita not being able to talk. More recently, Opal has simply not answered the phone. We have sent birthday and Christmas cards and presents, but they have all been returned.

Devon tries to return to the UK several times a year, but due to the demands of his job this is not always easy to arrange. Devon has told us that he speaks to Alvita regularly and that she is always telling him how much she misses us. He is very concerned that we should be able keep in touch with Alvita. He believes that this is very important for Alvita's well-being but knows that Opal is not currently accepting this.

Are you able to help? Could we please have an appointment to discuss.

Many thanks

Chandice and Lloyd Jackson

**End of Case Study Materials**

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