

**CASE STUDY MATERIALS**

September 2020  
Level 3  
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**

- 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 a trainee lawyer employed by Kempstons, The Manor House, 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 re Aleksander Nowak
- Document 2**      Email from Aleksander Nowak
- Document 3**      Attendance note re Yin Lau
- Document 4**      Note of telephone call from Yin Lau

**DOCUMENT 1**

**ATTENDANCE NOTE**

**Client:** Aleksander Nowak  
**File:** KP/YS/20-06-02/MATRIMONIAL  
**Attended by:** Yourself and Kasha Patel  
**Date:** 2 June 2020  
**Engaged:** 8 units  
**Attending:** Aleksander Nowak, 2 The Poplars, Kempston Parva, MK42 6ZZ

Aleksander Nowak is 55 years old and his wife, Catherine, is 54 years old. They have been married for 30 years. They have two adult children, Hanna and Jan, who are independent and in good jobs.

Aleksander worked as an engineer in a local manufacturing business for many years. His job was well paid and he was able to provide a very comfortable life for his family. Catherine has not worked since giving birth to Hanna 26 years ago.

A year ago, Aleksander was made redundant. He decided to use his redundancy payment to set up his own business. He told Catherine that their standard of living would fall for a period of time, but that he would work hard and, with her support, would make a success of the business and things would get better.

For the past year, he has invested all his time and energy in the business, which is starting to grow. But he has been increasingly concerned with Catherine's failure to appreciate his efforts or to support him. She has shown no interest in the business or awareness of the pressures on Aleksander as the only breadwinner. Catherine simply complains about her lack of money. When Aleksander suggests that she could help him with the business, or get a job, she adamantly refuses, saying it is not her responsibility. Aleksander has also noticed that Catherine has been drinking more heavily over recent months. This leads to regular arguments, generally over money, and to what Catherine alleges is Aleksander's complete failure to support her as she expects.

Since January, Aleksander and Catherine's relationship has become increasingly strained. There have been lengthy periods of silence, when Catherine refuses to speak to Aleksander, and she has made him move into the spare bedroom. Aleksander feels isolated and is becoming increasingly depressed.

Matters took a turn for the worse last Monday, 25 May. Aleksander found a final demand for a payment on a credit card bill in Catherine's name. When he saw the total balance owed, he was very concerned about how the amount could be paid. Aleksander asked Catherine about the bill and she flew into a rage, yelling that it was all his fault. She screamed that she needed alcohol to cope and using the credit card was the only way to buy it. She then launched a violent attack on Aleksander, screaming that she hated him. Aleksander suffered a black eye and a deep cut across his cheek, which needed hospital treatment. The violence of the attack shocked and frightened him.

Catherine told Aleksander to 'Get out of my home' and has refused to allow him to return. He is currently staying with Hanna and does not plan to return home. He has reluctantly decided that there is no future in their marriage.

**Turn over**

DOCUMENT 2

EMAIL

**From:** anowak@brightmail.com  
**To:** kasha.patel@kempstons.co.uk  
**Date:** 3 June 2020  
**Subject:** Additional Information

Dear Ms Patel,

Thank you for your time and patience when we met yesterday.

I am very sad that after 30 years of marriage and all that I have done to support Catherine and to give her a really good life, she could not have supported me in my new business. Being made redundant after 25 years in the job was unexpected and had a real impact on my confidence. However, having reviewed the job opportunities available in the area, or lack of, I did feel that running my own business was the best option. Yes, I have focused all my time on this new venture and have perhaps neglected Catherine. But it was necessary, and it is starting to work out. I only wish that Catherine could have understood.

I do so wish that Catherine had been able to work with me and give me some support in this venture. I have never begrudged her being a stay-at-home mother. And, to be honest, I'm not sure what she has done with her time, as she has had help with cleaning and also with childcare. It seems that socialising with her friends is more important to her than our marriage. But she hasn't been able to do this recently, as we have had to be careful with money. There seems to be no appreciation of what I have done, just an expectation of being supported. This has led to serious tensions between us.

I have been to the doctor as you suggested and have been prescribed anti-depressants, which should help.

Catherine is still refusing to let me into the house, but I have had a couple of telephone conversations with her, and she remained very angry and was very irrational both times. I don't think I could meet with her face-to-face yet, as I am frightened about what she might do.

Catherine is saying that she is going to have the house and everything! So, I really do need to think about the financial implications of divorce.

To confirm, the house is worth £950,000 and there is no mortgage. The house is registered in my name only. All of my capital has been invested in the business. The business itself is starting to do well. I have been drawing £1,500 a month for living costs, although the business is yet to make a profit. I calculate that it should become profitable in a year's time. I have a pension from my previous employment. I plan to take this pension in five years' time, when I estimate that the fund value will be approximately £440,000. Catherine has no assets of her own and no pension. The plan was that we would enjoy my pension together. The credit card balance is £14,750.

I should be grateful if you could give me some idea of how the finances might be sorted out.

Aleksander Nowak

**DOCUMENT 3**

**ATTENDANCE NOTE**

**Client:** Yin Lau  
**File:** KP/YS/20-06-04/DOMESTIC/CHILDREN  
**Attended by:** Yourself and Kasha Patel  
**Date:** 4 June 2020  
**Engaged:** 8 units  
**Attending:** Yin Lau, 28 Park View, Kempston, MK42 7YY

Yin Lau met Sarah Smithson 12 years ago. Sarah was an ambitious young politician and Yin an aspiring actress. Their relationship became intimate, and they have been living together for ten years. Six years ago, they agreed that they both wanted a family. As Sarah's career had taken off whilst Yin was struggling to get acting roles, it was agreed that Yin would be the stay-at-home partner, caring for their children. However, they also agreed that it was Sarah who would become the biological mother of any children.

After considering the options, Sarah and Yin decided against IVF, instead accepting the offer of a male friend to help Sarah conceive in the natural way. As a result, Daniel was born in July 2015 and Pearl was born in October 2016. Sarah is named as mother on the birth certificates. Sarah did not name a father, or other parent, on the birth certificates.

Sarah's career has quickly progressed and she has a high-powered political job in London. She lives in a flat in London during the week, returning to the family home for the weekend.

However, Yin has noticed that, as Sarah's career has progressed, her character and behaviour have changed, and this has affected their relationship. Yin looks forward to weekends as a family, but Sarah has increasingly been distracted by the demands of her job. She has become irritable and short-tempered. Yin has tried to explain that Daniel and Pearl simply want Sarah to spend quality time with them, but Sarah doesn't seem to understand. Sarah says that she is working hard to provide for the family, and she does not understand why Yin cannot keep the children occupied all the time, so that Sarah can rest.

This has led to angry rows, which are happening more often. Recently, the rows have become physical, with Sarah throwing whatever comes to hand – books, ornament, toys – at Yin.

These rows are being witnessed by the children, who are becoming very unsettled by them. They have been very easy to manage until recently, but they are starting to have tantrums and to throw things. They are also suffering unsettled nights. Recently, their school has also raised concerns.

Yin is concerned for the welfare of the children and herself. She feels that she has done all she can to try and sort out matters with Sarah and nothing is working. Yin is determined to protect the children. She is concerned that the family home is in Sarah's name only and that she currently has no means of providing an alternative home, as Sarah has been the sole earner.

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**DOCUMENT 4**

**NOTE OF TELEPHONE CALL**

**Call Taker:** Yourself  
**Date:** 5 June 2020, 4.30 pm  
**Client:** Yin Lau

**Message**

Yin called from hospital. She was in the Accident and Emergency Department.

Sarah had returned home earlier than expected. She was very angry that the house was not tidy or quiet. The children had friends to play and were enjoying themselves.

Sarah said she needed peace and quiet. Yin replied this was difficult with young children. Sarah became totally irrational, shouting and screaming at Yin that Yin was unfit to care for the children and that she (Sarah) was going to sort things out. She attacked Yin, slapping and shaking her. Yin fell down the stairs and sustained cracked ribs, serious bruising and concussion. A neighbour had to take her to the hospital.

When Yin telephoned Sarah to ask about the children, Sarah told her angrily that she was returning to London. Sarah said that she would be consulting her lawyer and would be back to sort out arrangements for the children which would have to change. Yin would have no choice in the matter. Yin arranged for a friend to take the children home, until Yin was discharged from the hospital.

Yin thinks that Sarah has no concept of how to care for children. Yin is determined to take urgent action to protect herself and the children. She has been their main carer since their births. By contrast, although Sarah is their birth mother, she has not developed a close relationship with them due to her total focus on her career.

**End of Case Study Materials**

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