

CASE STUDY MATERIALS

September 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.

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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**

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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 Idris Adeyemi. The local family court is in Bedford.

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

- Document 1** Memorandum from Idris Adeyemi
- Document 2** Attendance Note re Saskia Ogden
- Document 3** Email from Carl Porter
- Document 4** Attendance Note re Martyna Nowak
- Document 5** Attendance Note re Brett Young

DOCUMENT 1

MEMORANDUM

To: Trainee Lawyer
From: Idris Adeyemi
Date: [Yesterday's date]
Re: Matters to be attended to in my absence

As I mentioned, I am going to be absent from the office for the next fortnight on annual leave. I would be grateful if you could please attend to the following cases during my absence:

1. Saskia Ogden

I have been dealing with Mrs Ogden's divorce proceedings and am currently trying to resolve the related financial matters. I attach an attendance note of my meeting with her last month (**Document 2**). Please deal with any queries that Mrs Ogden may have while I'm on leave.

2. Carl Porter

I assisted Mr Porter with advice about some family issues a few years ago. I attach a copy of an email I received from him earlier today (**Document 3**). Please progress the case as required.

3. Martyna Nowak

Mrs Nowak is a new client. I saw her for a first appointment today and attach a copy of the attendance note of this meeting (**Document 4**). Please deal with this case in my absence.

4. Brett Young

Mr Young 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**). Please take any action required on this case during my absence.

Many thanks,

Idris

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DOCUMENT 2

ATTENDANCE NOTE RE SASKIA OGDEN

Client: Saskia Ogden

Date: [Last month]

Fee earner: Idris Adeyemi

File ref: IA/LR/O113

Time taken: 24 minutes

Attendance upon Mrs Ogden to discuss the position relating to her financial claim. She received the decree nisi, pronounced in relation to her adultery petition, three weeks ago.

We ran through the figures relating to the Ogdens' assets. The valuation of the former family home at 5 Bieston Close, Clayton, Barnardshire has been agreed at £350,000 subject to the mortgage of £100,000. This property is held in the parties' joint names as beneficial joint tenants.

The parties have joint savings of £150,000. There is a joint life insurance policy of £125,000. Mr Ogden has shares in his sole name worth £75,000. The CE of Mr Ogden's pension is £210,000. The CE of Mrs Ogden's pension is £145,000.

The parties' son, Elliott, continues to reside with Mrs Ogden in the family home. Mr Ogden is living alone in rented accommodation at 22 Percy Lane, Clayton, Barnardshire, but hopes to buy a property once the parties' finances have been resolved.

Mrs Ogden's main concerns are to secure her housing situation by a transfer of the family home into her sole name and to address her pension position. She is 44 years of age and her husband, Lewis, is 46.

Mr Ogden continues to pay voluntary child maintenance to Mrs Ogden for Elliott, who is now 14 years of age. Elliott stays with his father every other Saturday night.

We agreed that I would contact Mr Ogden's lawyers to discuss – and hopefully progress – the financial case.

DOCUMENT 3

EMAIL FROM CARL PORTER

To: Idris Adeyemi
From: Carl Porter
Date: [Yesterday's date]
Subject: Jasmine and Violet

Dear Idris,

I hope that you're well? You may remember that about four years ago you sorted out arrangements for me to see my girls, Jasmine and Violet, after I split from their Mum, Georgia Watts. Jasmine is now 12 and Violet is 6.

Things have changed a bit since I last saw you. I've recently got engaged and have a new baby with my fiancée, Fleur. I met Fleur two years ago and we got engaged six months ago. Our son, Ryan, was born two months ago and, unfortunately, since then I have had problems in seeing Jasmine and Violet.

Before the problems started Jasmine and Violet would stay with me, as per the arrangements we had agreed of every other weekend and for half of their school holidays too. The arrangements worked well, as the girls were happy and settled. When Fleur and I met, I was careful to introduce her to the girls gradually and this seemed to work, as the girls both adore Fleur.

Initially, Georgia seemed fine with Fleur being part of my and the girls' lives. However, since Ryan's birth she has become increasingly difficult about the arrangements for me seeing Jasmine and Violet.

I was expecting to see the girls at Easter, when they were to stay with me for at least a week, but Georgia changed the arrangement at the last minute, saying that she was taking the girls to see her parents. This meant that the girls only stayed with me for two nights. Jasmine texted me while she was at her grandparents' house, to say that she and Violet missed me.

After Ryan's birth in late April, Georgia would regularly find an excuse to cancel the girls' weekend visits. Sometimes she would claim they were ill. Other times she would claim they had friends visiting them, so didn't want to see me. I know that this wasn't true, as I would regularly receive text messages from Jasmine, asking when they would next see me and saying that she and Violet were excited to meet their new baby brother.

As things stand, I haven't seen the girls since Easter and they have yet to meet Ryan. I have repeatedly tried to discuss matters with Georgia, but she refuses to meet up and ignores my texts and emails. I had hoped that if I left things she would come round, but I can see now that that is not going to happen, so I would be grateful if I could please come in and see you to discuss matters. It's all rather frustrating, as Georgia is a good Mum and I don't want to unsettle the girls' routine. I just want to see them!

Many thanks,

Carl

Turn over

DOCUMENT 4

ATTENDANCE NOTE RE MARTYNA NOWAK

Client: Martyna Nowak

Date: [Yesterday's date]

Fee earner: Idris Adeyemi

File ref: IA/LR/N238

Time taken: 1 hour

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

Full name: Martyna Ola Nowak

D.O.B.: 30/10/1979

Address: 15 Benjamin Road, Clayton, Barnardshire, BH9 7WM

Phone number: 07703279256 (mobile)

Occupation: Administrative Assistant

Mrs Nowak wanted advice about her options following the breakdown of her relationship. She confirmed that she and her husband, Tomasz Nowak (d.o.b. 06/01/1979), had been having difficulties in their marriage for some time.

The couple have been married for 17 years and are habitually resident in England. They have one daughter: Karolina (d.o.b. 18/07/2012). The family home is 15 Benjamin Road, Clayton, Barnardshire, BH9 7WM. It is a three-bedroom semi-detached property, held in the couple's joint names as beneficial joint tenants. Mrs Nowak is an administrative assistant and her husband is a plumber. They are still living together at the family home.

Mrs Nowak told me that problems with the marriage had started about two years ago. Her husband had always gone out with his friends one night a week, but two years ago his best friend had gone through a divorce. Since then, Mr Nowak would socialise with his friends at least three nights a week. This had taken a toll on family life, as it was left to Mrs Nowak to care for their daughter, Karolina, who has special needs.

Mrs Nowak explained that in the past she and her husband had tried to share the care for Karolina as they both worked full-time, so she felt that this was fair. However, when Mr Nowak began socialising more often, this inevitably meant that she provided the majority of care for Karolina. Mrs Nowak had tried to raise this issue with her husband, but he dismissed it, saying that he was just supporting his best friend over a difficult period.

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Mrs Nowak was also concerned that her husband may have had an affair. She had found text messages on her husband's phone from someone called Fran. In the texts, Fran said that she was missing Mr Nowak and couldn't wait to see him again. When Mrs Nowak confronted her husband about the texts, he denied having an affair and said that he was entitled to have a bit of fun, but it was over now anyway.

Mr Nowak's socialising had also had monetary implications for the family. They had started to fall into debt, taking on credit to cover any holidays and the Christmas period. Mrs Nowak was very uncomfortable about this. When she attempted to discuss it with her husband, he just said that everyone had debt and that she worried too much.

The debt situation had escalated recently. Last week, bailiffs turned up at the property, threatening to take items with them unless some of the debts were settled. Mrs Nowak said that Karolina was present when the bailiffs called and she had been very scared and upset by their visit, and it had taken a long time to calm her down.

Mrs Nowak has reached the conclusion that she can't continue to live with her husband. I advised Mrs Nowak of the ground for divorce and the five facts. She will consider her options and let me know how she wants to proceed.

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DOCUMENT 5

ATTENDANCE NOTE RE BRETT YOUNG

Client: Brett Young

Date: [Yesterday's date]

Fee earner: Idris Adeyemi

File ref: IA/LR/Y208

Time taken: 1 hour

Attendance upon Brett Young, who is a new client. He needed urgent advice following some incidents of domestic abuse. I completed the necessary conflict checks and obtained the proof of identity documentation. There were no issues. I could see that Mr Young had a bad cut to his forehead.

His details are as follows:

Full Name: Brett Young

D.O.B.: 22/06/1986

Temporary Address: 10 Bertie Road, Clayton, Barnardshire, BH9 9TS (friend's address)

Telephone number: 07871092830

Mr Young has been living with his partner, Daisy Richardson (d.o.b. 03/09/1986) for nine years. The couple have one child, Layla Young (d.o.b. 18/05/2016). They live at 2 The Paddocks, Hayton Lane, Clayton, Barnardshire, BH11 8EN. This is a three-bedroom detached house owned in Miss Richardson's sole name. Mr Young gave up his job as a nurse to look after Layla. Miss Richardson is director of her own company and works full-time in the business.

Mr Young told me that he and Miss Richardson met when she attended for a hospital appointment at Clayton hospital, where he used to work full-time as a nurse. When they met, Miss Richardson had just given up work to start her own company selling diet plans online. She was struggling financially at the time, so had moved into Mr Young's rented home.

After they had been together a few years, Miss Richardson's business became very successful. She bought 2 The Paddocks in her sole name and she and Mr Young moved in. After Layla's birth in 2016, Miss Richardson persuaded Mr Young to give up work to look after Layla full-time.

Initially, this arrangement had worked well, as Mr Young enjoyed caring for Layla and Miss Richardson's business meant that she worked long and unsocial hours. However, gradually Mr Young noticed that Miss Richardson's attitude towards him changed. She started to criticise his cooking and claim that the house looked untidy, saying that he was 'useless' and that she would be better off paying someone, rather than supporting him. She left all of the childcare to Mr Young,

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spending little time with Layla. She would shout at Mr Young if she were woken by Layla crying, and often threatened to get rid of him and hire a nanny instead. Mr Young said he did feel quite isolated, as his parents live in Cornwall, but he felt that he should stay with Miss Richardson for Layla's sake.

Recently, events had escalated. Mr Young explained that Miss Richardson did tend to drink quite heavily when she got home in the evenings. Whenever he raised this with her, it led to an argument, but three weeks ago, for the first time, Miss Richardson had struck him. He had suggested that perhaps Miss Richardson was drinking too heavily. Miss Richardson flew into a rage and struck him hard across the face. One of her diamond rings had caught his face, giving him a bad cut near to his right eye.

Mr Young had hoped that it was a one-off incident, but last week there had been another incident. Mr Young had suggested to Miss Richardson that he could return to part-time work, once Layla was of school age. He said that in response to this, Miss Richardson had punched him repeatedly on his body, saying that she didn't have time to worry about who was looking after Layla. Miss Richardson was shouting so loudly that Layla came downstairs and witnessed the end of the argument.

Last night, during the couple's evening meal, Miss Richardson had taken exception to the way Mr Young had cooked her steak. She threw her glass at Mr Young and it shattered and hit him on the forehead, causing him to bleed profusely. Miss Richardson stormed out of the house. Mr Young immediately telephoned a friend of his, who collected him and Layla, taking Mr Young to the hospital, where he received three stitches to his forehead. Mr Young cannot stay at his friends for any length of time, as his friend only has a one-bedroom flat. He thinks Miss Richardson stayed at her parents' home last night. They live in a four-bedroom property nearby.

This morning, Mr Young received a text from Miss Richardson, telling him to stay away from her, unless he wanted more of the same. Mr Young telephoned the local police station, but they told him that the domestic abuse liaison officer was out on a call and recommended that he contact a lawyer urgently instead.

I used devolved powers to grant Mr Young emergency legal representation and, as the court had closed, I advised him to remain at his friends overnight and to return to the office tomorrow.

End of Case Study Materials

