



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.

* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

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ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer employed by Kempstons, The Manor House, Bedford, MK42 7AB. It has a busy matrimonial client department. Your supervising solicitor is Kasha Patel and she has just handed you the following:

- Document 1** Attendance note – Angie Barrett
- Document 2** Letter from Angie Barrett
- Document 3** Attendance note – Ismael Hoffmann
- Document 4** Email re Ismael Hoffmann
- Document 5** Attendance note – Matthew Close

DOCUMENT 1

ATTENDANCE NOTE

Client: Angie Barrett
File: KP/YS/17467/BARRETT/DIV
Attended by: Kasha Patel and Trainee Legal Executive
Date: 7 June 2017
Engaged: 6 units
Attending: Angie Barrett of Yew Tree Cottage, Great Girton, Bedford, MK45 1XX

The facts are as follows:

Angie Barrett (DOB 10 March 1965)
Stewart Barrett (DOB 12 May 1948)

Angie has lived in Great Girton since 1996 when her first marriage ended. Following her divorce, she worked in events management to provide for her two daughters, who are both now independent.

In 2002, Stewart Barrett bought Yew Tree Farm and buildings, including Yew Tree Cottage, following his divorce from his first wife. He renovated the buildings and converted the barns into luxury homes, moving into one himself. Angie was living in Yew Tree Cottage and so Stewart became her landlord.

Living as neighbours, Stewart and Angie soon got to know each other. When Angie became unemployed, Stewart offered her a job as his housekeeper. They then discovered that they shared mutual interests, such as playing tennis and golf. Stewart also introduced Angie to sailing.

A closer friendship developed, and, in 2009, Stewart invited Angie to move in with him. She was happy to accept and swap her life in a draughty, run-down cottage for a life in a luxury barn conversion. Stewart promised that she would never have to work again. They both settled well into the new relationship, enjoying their sporting activities and regular holidays. In 2011, they got married.

A year later, Stewart was diagnosed with a very serious illness. Angie was devastated, but was determined to support him and to help him to recover his health. Stewart's treatment was a success and he gradually regained his health, allowing them to enjoy life again.

But six months ago, Angie started to feel unwell. She was diagnosed with a potentially life-changing illness. Once again, the activities that they enjoyed together had to be put on hold. Initially, Stewart was very supportive, but as the weeks passed he found it increasingly difficult to deal with the side effects of Angie's illness and their impact on the life he enjoyed.

A fortnight ago, Stewart announced that he was going off with friends for the weekend sailing. When he returned, he told Angie that their marriage had been a big mistake and that it was all over. He said he was going to file for divorce. He told Angie to move back into Yew Tree Cottage, which is currently unoccupied.

Angie has tried talking to Stewart but he refuses to talk to her. He will only communicate through lawyers. Angie is devastated. She is very worried about her future as she is still undergoing treatment, and she has no income of her own.

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DOCUMENT 2

LETTER FROM ANGIE BARRETT

Yew Tree Cottage
Great Girton
Bedford
MK45 1XX

8 June 2017

Ms Kasha Patel
Kempstons
The Manor House
Bedford

Dear Ms Patel

Thank you for meeting with me yesterday, and for clarifying the current situation.

I am extremely worried about my position. I worked hard as a single parent to support my girls. Everything I earned was spent on supporting us. I was good at my job, but I have not worked for over eight years, and events management has moved on. I am concerned about finding a job to support myself. I could not work at the moment as I am still having medical treatment, a situation that is unlikely to change for at least six months.

I really don't understand what is going on. Marriage to Stewart has allowed me to enjoy a very comfortable life, but I have done my bit. I have looked after the house and have nursed him through his illness.

Basically, in answer to your question about our finances, I do not have any financial assets, or any income. I do not have a home of my own as Stewart owns Yew Tree Cottage, which I rented from him. The cottage is very dilapidated and in need of a lot of work. This was to be his next project!

Stewart, on the other hand, has got financial assets and income:

Yew Tree Barn: £4.5m (the matrimonial home)
Antique contents: £100,000
Yew Tree Farm House: £3.5m (rented)
Yew Tree Cottage: £245,000
Agricultural land: £4m
Investments: £2.5m
Yacht: £500,000
Vehicles: Range Rover (his) £65,000, Mercedes (mine supposedly) £30,000
Pension/income: estimated at £165,000 per year (including £50,000 pension)

He can afford to pay his solicitor!

Amounts are my best estimate. I hope that this will assist you in answering my questions.

Kind regards

Angie Barrett

DOCUMENT 3

ATTENDANCE NOTE

Client: Ismael Hoffmann
File: KP/YS/17421/HOFFMANN/DOMVIOL
Attended by: Kasha Patel and Trainee Legal Executive
Date: 7 June 2017
Engaged: 5 units
Attending: Ismael Hoffmann of The Cedars, 12 Kempston Avenue, Billington, near Bedford, MK43 1XZ

The facts are as follows:

Ismael Hoffmann and Rebekah Bloom met at work. They have lived together for six years in a house owned by Rebekah. They have twin boys, David and Jesse, born in July 2012.

Rebekah's career as a dealer in commodities is very important to her. The high income she earns has allowed her to enjoy a very good standard of living, which she has been happy to share with Ismael. She regularly gets very generous bonuses. Her last bonus paid for a flat in Bedford, which she occasionally uses when working late.

Rebekah was not happy when she found out that she was pregnant. The pregnancy was not planned and Rebekah felt it was the wrong time in her career to have a family. After some discussion, Ismael persuaded Rebekah that having children would complete their family. Rebekah reluctantly accepted this. She made it very clear that her focus would remain her career. Ismael would have to look after any children. Ismael was happy to agree to this.

Rebekah returned to work within a week of the birth. Ismael gave up his job and stayed at home to care for the twins. He was a good father and developed a very good relationship with the boys. Rebekah showed little interest in the twins and found the changes to her life created by a young family, the noise and the mess, difficult to live with.

Six months ago, Rebekah was promoted. Since then, her behaviour has caused Ismael increasing concern. She has become very short-tempered, shouting abuse at Ismael if the house is untidy, or a meal isn't ready when she wants it. Recently, the abuse has become more physical, as she throws things at Ismael. She has also started yelling angrily at the boys when they won't do what she tells them to do, and she threatens to punish them for bad behaviour.

Yesterday, Rebekah told Ismael that she hated the way their relationship had been spoiled by the children. When Ismael tried to reason with her, she lost her temper, punching him and screaming that Ismael was a loser and a useless father. Rebekah shouted that she was going to take control in future and Ismael could do what he was told or he would have to leave. If he did leave, she threatened that she would see to it that he would not see the twins.

Ismael is very concerned about the situation.

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DOCUMENT 4

EMAIL FROM KASHA PATEL

To: a.traineelawyer@kempstons.co.uk
From: kasha.patel@kempstons.co.uk
Date: 8 June 2017
Subject: Ismael Hoffmann

Ismael Hoffmann rang this morning and I spoke to him. He was very agitated.

Apparently, he told Rebekah last night that he had taken advice. She immediately flew into a rage and started shouting at him, even though the twins were in the room.

Rebekah screamed that she hated him and the children, and said that he had no right to anything and should leave the house immediately. She told him that he was the problem. If he had been stricter with the twins and applied the discipline they needed, there would not have been a problem. She said she was going to employ a nanny, who would work as instructed by Rebekah. She would make sure that Ismael had nothing more to do with the twins.

Ismael again tried to talk to Rebekah, but she would not calm down and talk to him rationally. Finally, her anger became physical and she started punching and kicking Ismael, causing bruising to his body and a black eye. The twins witnessed this and became very distressed.

Ismael decided that he had no option but to leave the house. He took the twins with him and they spent the night in a friend's one-bedroomed flat. This can only be temporary.

Ismael is now even more concerned about the situation. He has no money, nowhere to take the twins and no family support. He feels that the twins should be able to live in The Cedars, the only home that they have known since birth. He also thinks he should live there with them, as he has been the parent who has looked after them since birth. He is very worried about the impact on them and wants matters resolved as soon as possible.

DOCUMENT 5

ATTENDANCE NOTE

Client: Matthew Close
File: KP/YS/17467/CLOSE/CHILD
Attended by: Kasha Patel and Trainee Legal Executive
Date: 7 June 2017
Engaged: 6 units
Attending: Matthew Close, Flat 6 Manor Building, High Street, Kempston, MK42 6XV

Matthew Close has a daughter, Penny, born in July 2010. Matthew and Penny's mother, Lydia North, were together for five years, but eventually they both agreed that their relationship was not working. In January 2013, they parted and Matthew moved into a flat nearby that was also close to his parents' home. He and Lydia agreed that they wanted to remain friends and that he would continue to have an important role in Penny's life. Lydia was to be the primary carer, looking after Penny during the week, with Matthew having Penny at weekends.

The arrangement worked well until June 2016 when Penny met Greg and started a relationship with him. In September, Greg moved into Lydia's home. Initially, Matthew was happy for Lydia as he knew that she had found being a single parent quite isolating and difficult. However, over time, he developed concerns about the effect that Greg was having on Lydia and Penny.

The arrangement for Matthew to care for Penny at weekends had always worked well, and they both enjoyed their time together, but since Christmas 2016, Lydia has become increasingly unreliable. She sometimes rings to cancel an agreed weekend visit at short notice. This is very upsetting for Penny, who looks forward to her visits to her dad. On other occasions, Lydia asks Matthew to have Penny on a different weekend, which can cause problems for him because he sometimes has to work.

Matthew has also noticed a change in Penny. She is normally a happy child and is very chatty, but Matthew has noticed that she is becoming more subdued. He has tried to talk to her to find out whether there is a problem. Penny says that she doesn't like Greg and she wants daddy to move back with mummy. Penny has told Matthew that Greg doesn't like her. She had overheard Greg tell Lydia that he hates Matthew. Greg also suggested that Penny's visits to Matthew should stop as he said that they are disturbing her routine.

Matthew has tried to talk to Lydia about his concerns but Greg has always been present and has been quite hostile to Matthew during any discussions.

Yesterday, Matthew received a text from Lydia. It said:

'I'm sorry Matt. Arrangements just not working. Upsetting Penny too much. I spend whole week settling her down. I can't cope with this. It's affecting me and Greg. So won't be letting Penny visit for a while. Don't try to contact me. I won't change my mind. L.'

End of Case Study Materials

