



Foundation Stage: Professional and Legal Skills - Succeeding in the Legal Environment (F5)

SAMPLE ASSESSMENT 2

First live assessment – January 2022

Note: The formatting of this assessment may appear differently when transferred onscreen.

The following sample assessment links to the Professional and Legal Skills module.

The assessment will be sat:

- Online
- Using remote invigilation

Remote invigilated assessments can be taken in any undisturbed location, with good internet connection.

Time allowed: 2 hours and 30 minutes

Instructions to candidates:

- The task must be completed electronically using the assessment software provided.
- You can use pen and paper alongside the online examination.
- You must use the documents provided in the document library
- Online calculator available

SECTION A

48 marks

Question 1

1 mark

Caroline is the last one in the office and is about to leave at 6pm (office hours are 8.30-5.00pm). The phone on the partner's desk in the office she shares starts to ring.

Which ONE of the following should Caroline do?

- | | | |
|----------|--|---|
| A | Ignore the phone as it is after office hours and the caller will ring back tomorrow once they realise the time | |
| B | Ignore the phone as it is the partner's extension, calls to which are usually screened and managed by a secretary | |
| C | Pick up the phone and tell the caller that office hours are 8.30-5.00 and to call back tomorrow | |
| D | Pick up the phone as it could be the partner needing something from the office urgently, or a client for whom a message could be taken | X |

Question 2

1 mark

Whether it is arriving in work or attending meetings, good time keeping is important when working with others.

Which ONE of the following best describes why this is the case:-

- A** Because it shows you respect and value other people's time
- B** Because it shows you are ready to work
- C** Because it maximises the hours for which you can bill the client
- D** Because it ensures you do not miss anything that might be going on

X

Question 3

2 marks

Identify TWO ways in which an organisation can positively recognise and respect diversity:

- A** Ensuring that all staff have training in unconscious bias
- B** Introducing a policy in respect of discrimination, ensuring that all those who work at the organisation know how to raise issues
- C** Ensure that each project team and department team involves someone from a minority group
- D** Create a culturally diverse holiday calendar, decorating the office for all different celebrations
- E** Make a point of ensuring that all members of staff have the opportunity to lead meetings, priority being given to minority groups

X
X

Question 4

4 marks

In order to plan and organise your own time in a work environment, it is often necessary to rank items.

Priortise the following tasks from 1 most (time critical) to 4 (least time critical).

Task	Priority ranking	<i>Suggested answer</i>
Lodge documents at court, deadline is close of business tomorrow		2
Drafting minutes of a company board meeting that you attended yesterday		3
Writing an article for the firm's weekly newsletter		4
Returning a call from a client – marked urgent		1

Question 5

3 marks

Time management impacts both on team morale and the business.

The partner may explain this as follows:

Everyone's (v) time is precious and should be valued. If you are late you waste the time of others which is disrespectful (i). If you don't manage your time well for clients, you also risk our reputation (x) as you could miss important deadlines (iii) and put their cases at risk. In addition you end up feeling not in control of your workload which can lead to stress (viii). Time management is a skill (ix) and you have to find the best ways that work for you.

Choose from one of the following options to fill in each of the six blanks shown above

- (i) disrespectful
- (ii) opportunities
- (iii) important deadlines
- (iv) My
- (v) Everyone's
- (vi) a fact of life
- (vii) chargeable time
- (viii) stress
- (ix) skill
- (x) our reputation
- (xi) slow down
- (xii) talent

Question 6

1 mark

Which ONE of the following is commonly a chargeable activity by a paralegal?

- A** Legal research to develop their knowledge about an area of law
- B** Shadowing a colleague to enhance their skills
- C** Proof reading marketing material for the firm
- D** Sitting behind counsel in court making notes

X

Question 7

1 mark

Punam has been assisting the Partner with putting together court bundles for a court case the next day. All bundles completed, they have been delivered to counsel's chambers. The partner has taken his copy and left the office, ready for an early journey to a neighbouring court. When turning off the photocopier, Punam finds several pages that have fallen on the floor which may or may not have been from the documents she had copied earlier.

Should Punam:

- A** Take the copies to the court the next morning just in case
- B** Call the Partner to let him know and agree the best course of action
- C** Trust that the partner had checked all the bundles correctly and these copies probably are not anything to do with the case
- D** Put the documents in the confidential bin and carry on with her tasks for the day

X

Question 8

1 mark

The senior partner in the firm has asked you to pull together a team to organise the firm's annual summer ball.

What type of team will it be?

A Problem-solving team

B Project team

C Functional work team

D Task force team

X

Question 9

2 marks

Match the task with the most appropriate organisational structure.

- a) Problem solving team
- b) Project Team
- c) Group
- d) Functional team

1. Choosing a new Case Management system	b) Project Team
2. Providing on-call support for police station attendances	d) Functional team
3. Feeding back on different topics from a legal conference	c) Group
4. Identifying and agreeing cost cutting measures for the department	a) Problem solving team

Question 10

1 mark

You are in a team of paralegals and have been appointed as team leader for a one-off project.

As team leader, do you:

- A** Allocate tasks equally, ensuring that no individual is left out in terms of responsibility
- B** Allocate tasks according to key strengths even if this leads to one person doing more than all the others
- C** Look to those who volunteer for a particular role and then consider allocating roles if there are no volunteers
- D** Review tasks against strengths and time available for each team member and agree allocation and deadline

X

Question 11

1 mark

One of the core principles of the CILEX Code of Conduct is to 'Ensure your independence is not compromised' (Core Principle 7).

In applying this principle, as a CILEX member you must:

- A** Always let the client know your honest opinion
- B** Always follow the client's instruction
- C** Ensure that there is no conflict of interest
- D** Consider the reputation of the legal profession in everything you do

X

Question 12

1 mark

Which ONE of the following is the most effective appraisal process?

- A** Completion of an appraisal questionnaire on a quarterly basis to capture your feedback
- B** A regular review of progress against personal objectives and your personal development plan
- C** A 360-degree questionnaire completed by your line manager to provide formal feedback
- D** Informal discussion on an ad hoc basis

X

Question 13

4 marks

CILEX expects its members to continually develop their knowledge and skills.

A personal development plan will assist with this and should comprise:

- A** A list of general training courses that are available to all staff
- B** Any mandatory training needed to fulfil professional or regulatory requirements
- C** Development goals that aim to address all potential weaknesses
- D** Personal Development goals linked to agreed objectives
- E** Personal Development goals linked to your strengths and some weaknesses
- F** A mixture of development tools such as coaching, shadowing and project work
- G** Development goals that are linked to the things you need to do to get the next promotion

X
X
X
X

Question 14

2 marks

You are working in a firm dealing with regulatory issues linked to taking on new matters. During your induction, a colleague describes how your work impacts on the firm's business as follows:

Providing a high-quality **internal service (ii)** standard for fee earners in the firm is vital. By doing our job well they can be successful at theirs. They rely on our department to ensure that there is no breach of the rules of professional **conduct (iv)**. Whether it is assisting with conflict checks or requesting more details on sources of funds, how well we do our job ensures the firm meets the **standards (iii)** of service required. Some of the deadlines you will be expected to meet include- Carrying out conflict and anti-money laundering checks within 24 hours and responding to all queries within 2 working days. You will see how these differ from the firms' **external service (v)** standards such as providing an acknowledgment to clients within 3 working days.

Choose from one of the following options to fill in each of the four blanks shown above

- (i) reputation
- (ii) internal service
- (iii) standards
- (iv) conduct
- (v) external service
- (vi) deadlines
- (vii) skill
- (viii) handling

Question 15

1 mark

A client asks you to include in a personal injury statement an exaggerated description of the ongoing impact of the injury on her physical and mental health. The aim is to gain the sympathy of the judge and receive a higher compensation amount. She concedes that she has now recovered well but that the description accurately reflects how she was feeling straight after the accident.

Do you:

- A** Draft the statement as requested by the client because she is the client and you must act in her best interests, and it was the truth immediately post injury
- B** Decline to draft the statement as requested explaining that it is too risky to rely on the sympathy of the judge and may lead to lower compensation
- C** Decline to draft the statement as requested explaining to the client that you cannot mislead a judge with inaccurate representations
- D** Draft the statement as the client suggests, as strategically this is likely to make the insurance company settle quickly, and for a higher sum

X

Question 16

3 marks

Identify which THREE of the following cases are contentious matters:

- A** Preparing a transfer of a detached property to a private buyer
- B** Acting on behalf of a wife in a divorce
- C** Advising the accused on arrest at the Police Station
- D** Drafting a Trust Fund to benefit a client's grandchildren
- E** Drawing up a Partnership Agreement
- F** Writing a Without Prejudice Letter to settle a boundary dispute

X
X
X

Question 17

3 marks

Identify THREE factors which may impact on the organisational structure of a law firm:

- A** The types of legal work undertaken in the firm
- B** The amount of desk space available at the firm
- C** The firm's marketing presence
- D** The firm's investment in legal technology
- E** The size of the firm
- F** The age profile of the staff at the firm

X
X
X

Question 18

4 marks

Match the following support staff roles and role descriptions in the table below:

- Mainly responsible for facilitating communication between opposing parties. They will also regularly handle procedural ADR matters **(g)**
- Carry out research in response to requests received from lawyers and business services professionals from around the firm, using a range of legal, business and news information resources **(h)**
- Law Firm Administrator / office manager **(1)**
- Provides advice under the supervision of a qualified lawyer. Can help keep costs down and improve efficiency of providing advice **(b)**
- Notary **(6)**
- Trained in law office procedure, legal technology, and legal terminology. Primarily performs a clerical function but may also carry out some legal tasks e.g. ordering searches **(d)**
- Law cost draftsman **(3)**
- Legal Receptionist **(5)**

Role	Role description
1)	a) The role may include strategic planning relating to facilities, CPD knowledge management, marketing and human resources
2) Paralegal	b)
3)	c) Deals with issues of remuneration of legal representatives.
4) Legal Secretary	d)
5)	e) Usually responsible for answering the main phone line, scheduling and performing other administrative tasks as necessary
6)	f) Usually assists in non-contentious matters concerning estates, deeds, powers-of-attorney and international business. Their main function is to administer oaths and authenticate the execution of certain types of documents
7) Mediator	g)
8) Legal Researcher	h)

Question 19

3 marks

Identify the THREE highest risks to the safekeeping of personal information of clients

- A** Insufficient Password/ID controlled access to sensitive information – physical or electronic
- B** Asking for more information than what is required to manage a case
- C** Use of physical paper files as opposed to datafiles
- D** Failure to use encryption when transferring data, particularly financial data when dealing with client money
- E** Unlocked filing cabinets accessible by all staff

X
X
X

Question 20

2 marks

Emails can be an effective way to communicate, but how you use them will depend on who you are communicating with.

Complete the gaps with words from the list below:

When Email correspondence is used with clients, the same rules of **etiquette (ii)** should apply as any other form of written communication. Where the communication is best conveyed in **letter form (iv)**, write it as a letter and attach it to the email. This will help you maintain a level of **formality (i)**. File emails in your client files not in your inbox. Always remember that they are professional correspondence so be careful to **proofread (v)** them before pressing send.

- (i) formality
- (ii) etiquette
- (iii) grammar
- (iv) letter form
- (v) proofread
- (vi) a long email
- (vii) spell check
- (viii) informality

Question 21

1 mark

While taking a witness statement in a domestic violence situation, you ask the victim the question, “Were you scared for your life? “.

This type of question is:

- A** a leading question
- B** an open question
- C** a closed question
- D** a rhetorical question

X

Question 22

1 mark

You have just finished a phone call with a new client. He phoned up in a state of excitement, having just been told by a retired barrister that he had a “cast iron case” to sue his former business partner for significant damages. He gave patchy information, made a lot of sweeping statements as if they were facts and asked a lot of questions, but you were not sure he listened to your replies.

How would you best follow up this call:

- A** Send him a letter stating his legal options relating to the questions he asked on the phone, ensuring that in doing so you make a note on the client file that you have followed up on his call
- B** Make a file note of the conversation, including how long you were on the phone for and any possible misconceptions he may have held, just in case the client looks to hold you to account
- C** Write to him suggesting a meeting in person summarising the facts as you understand them, and the additional information required in order to properly advise him
- D** Call him back the following day and see if he is in a calmer frame of mind and then seek to make a file note of the facts, assuring him that if there is a case, you will follow it up

X

Question 23

2 marks

Knowing the most appropriate form of communication when addressing those you come into contact within practice is very important.

Using each answer only once, link the most appropriate form of communication with the circumstances below.

- a) Email
- b) Letter
- c) Face to face meeting
- d) Telephone call

Client with early-stage dementia	c) Face to face meeting
Clerk of chambers to check counsel availability	d) Telephone call
Reply to a website request for a conveyancing quote	a) Email
Giving a final response to a formal complaint	b) Letter

Question 24

3 marks

You have been asked by a partner to take notes in a client meeting.

Rank which of the following rates as high, medium or low priority when taking the notes:

Content of notes	Priority (Low, Medium or High)
a. Accurate note taking	High
b. A note of every word said	Low
c. The key points discussed including actions	High
d. Identity of each speaker	High
e. Observations and thoughts of note taker	Low
f. Spelling and grammar	Medium

SECTION B

32 marks

Section B includes:

Part 1 – Communication skills - 8 marks

Part 2 – File note creation - 10 marks

Part 3 – Client care information summary sheet creations –14 marks

Background

You are a paralegal at Cook, Hale & Bright Solicitors. The practice deals with a wide range of cases including Family, Wills & Probate, Conveyancing & Litigation. One of the partners, Jane Bright, has recently joined the firm bringing years of clinical negligence expertise. The Partners are planning to develop this part of the business and are in the process of recruiting members of Jane Bright's old team to fully staff this specialist area, their previous firm having decided to close the clinical negligence department. In the meantime, Jane Bright is managing all clinical negligence cases.

Jane Bright is on her last day of a weeks' annual leave when a call comes in from a prospective new client, Ms Ahmed. Partner Will Cook takes the call. Will Cook is keen for a file to be opened and the preparatory documentation completed for when Jane Bright returns. Given his own workload, Will Cook has delegated this task to you.

Will Cook's secretary has started the process of opening a new file which currently contains:-

- Document 1 - A memorandum from Will Cook
- Document 2 - A telephone note taken by the receptionist
- Document 3 - Will Cook's handwritten note of his call with Ms Ahmed
- Document 4 - A sound recording of Will Cook's telephone call with Ms Ahmed

The documentation will form the basis of the assessment, so make sure you read the documents and listen to the sound recording carefully.

Ensure that you have pen and paper to take notes from the sound recording.

Look at the documents and listen to the telephone conversation, then when you are ready, begin the assessment.

The information will be used for Parts 1 and 2, you will be provided with a separate document for Part 3 of the assessment.

Please note that while you are answering the questions, you will have access to the documents and the sound recording so do not spend too much time now looking and listening to the information.

Document 1 – Memorandum from Will Cook, Partner

To: Paralegal

From: Will Cook

Ref: JB/MN/00021/20

Date & Time: Today's date – 9.15am

Units: 3 including prep of instructions

RE: Urgent instructions and file preparation

I have just taken an urgent call from Ms Ahmed – a recording of this call is attached as a sound file. Please prepare a file note clearly setting out the issues for Jane Bright so she can call her back first thing on Monday morning.

In addition to the file note, please prepare a Client Care letter on our standard template. No win: no fee.

I have attached the telephone message I was initially given by the receptionist and my handwritten notes from the call to assist.

Many thanks,

Will.

Document 2 – telephone message taken by receptionist

Telephone Message

From: James – Reception

For: JB

Date & Time: Todays date – 8.45am

Name: Geeta Ahmed (Ms)

Tel No: 01275 666342

Contact details: Not provided

Message: Recently had knee replacement surgery which went wrong. The surgeon cut through an artery requiring emergency surgery at another hospital. 3 weeks on – Ms Ahmed still cannot walk properly and ongoing infection in leg. Jane Bright was recommended by a friend.

Urgent? Yes, client wants a call back within the hour. Not to call after that as “does not want her boyfriend to know she is seeking legal advice” (??).

Document 3 – Handwritten Note

Today's Date – 0855hrs

Geeta Ahmed, DOB 16/11/72

Knee surgery 3 weeks ago - NHS – at Westside General Hospital, woke up in different hospital. Surgeon had cut through her artery during surgery, blue-lighted to University Hospital (vascular team)

Home 2 weeks ago, still can't walk, numbness in leg

3 x course antibiotics – infection (?dog bite)

Boyfriend controlling, owns 3 dogs left in house, mess

Urgent advice on potential claim against the surgeon/hospital. Does not want boyfriend to know - pushing her to get money – plans to spend

JB out of office until Monday – to call her at 0900hrs (when boyfriend out). NO LATER THAN 0945 please. Sister, Punam Ahmed, will collect Client Care letter from office after 3pm.

No Win No Fee

New file

Document 4 – Recorded telephone conversation. *This script is not provided in the exam and is only included as an example for this sample paper. In the exam, itself, it is only the recording that is provided.*

Script for telephone call with client

Will: Hello, is that Ms Ahmed?

Geeta: It is.

Will: My name is Will Cook. I'm one of the partners at Cook, Hale & Bright returning your call. I know you wanted to speak to my partner, Jane Bright, but she is out of the office today. If I can take some details, I will ensure she gets back to you first thing Monday morning. Would that be okay?

Geeta: I guess so... I was really hoping to get some advice today. I feel so helpless (starts to cry)...

Will: [Speaking softly with concern] I can hear that. Let's see what we can do.
[Pause]
I'm going to record this call if that's okay with you. That way, Jane Bright will have all the information she needs when she calls you on Monday and we will have started the ball rolling. Is that okay with you?

Geeta: Yes. Thank you.

Will: Could I start by taking a few details?
Could you confirm your full name and date of birth?

Geeta: Geeta Ahmed. 16th November 1972

Will: Address?

Geeta: I would rather not say...

Will: May I ask why?

Geeta: My boyfriend. He checks all my post – and my emails. I don't want him to know I am getting advice. He is already nagging me to sue the hospital and reckons this could be a big payment which he says is the only reason he's sticking around.

Will: Okay... perhaps we'll come back to that later...
Why don't you start by telling me what's happened? I understand you recently had surgery. When was this?

Geeta: Three weeks ago, on the Monday. I went in for a routine knee replacement.

Will: Was this private or under the NHS?

Geeta: NHS – I was under Mr Webb, one of the orthopaedic surgeons at Westside General Hospital. I remember being put to sleep by the anaesthetist; next thing I know I wake up at University Hospital having been told that my artery was damaged during surgery and I had to be blue-lighted up to University Hospital by ambulance to have it repaired by the Vascular specialist team. Mr Webb came to see me the next day and was very apologetic – he reminded me that this was a known risk of this type of surgery which he had put me forward for. I remembered him mentioning this, but I didn't think for one minute it would happen to me. Surely if someone cuts through your artery, they are automatically negligent – right?

Will: I'm not a medical expert so cannot possibly say, but we would certainly put the question to one of our expert surgeons to advise.

Geeta: The vascular surgeon, Mr Squire came to see me every day I was in hospital. I got the impression he didn't think much of Mr Webb though. I was discharged home after a week, but I have had nothing but infection and numbness in my leg ever since.

Will: Tell me about that.

Geeta: I got a temperature and my leg swelled up after I'd been home for 5 days. My boyfriend took me to A&E at Westfield General and they prescribed antibiotics and did a scan. They say the infection is not in the knee but in my lower leg where I was bitten.

Will: Bitten?

Geeta: Yes, my boyfriend has 3 dogs. They get a bit feisty when he has been out for a while. They are big dogs you see and need lots of walking. I can't walk properly yet so I can't take them out. They are making a mess in the house (which my boyfriend expects me to clear up). One of them bit me – it wasn't a bad bite, but I did need a bandage. Not bad enough at the time to go to hospital or anything.

Will: Has the infection cleared up?

Geeta: Not fully. My leg isn't as swollen, but I am on my 3rd course of antibiotics and having my leg dressed by the District Nurse every other day.

Will: Is your boyfriend with you now?

Geeta: No. He is always out between 8 and 10am at the gym, then with his mates in the evening. The District Nurse has told him to remove the dogs from the house but there is nowhere else he can take them. She asked me last week

whether I was okay and not being abused! He can be a bit controlling at times, but he's never hit me!

Will: Control is still a form of abuse... would you like him and the dogs to move out of the house?

Geeta: No, I'd miss him...also he wouldn't go if I asked him. He says my house is in a great location for the gym and pub.

Will: You can get a court order to get your boyfriend out of the house and the police will respond if you are concerned for your safety. You do have options. We have solicitors here that specialise in relationship advice. Would you like me to get one of them to call you?

Geeta: Thank you. I'll think about it and maybe discuss it more on Monday.

Will: As long as you are safe...

Geeta: I am. Thank you.

Will: Okay if I can just summarise:
You would like Jane Bright to call you in relation to your knee surgery which resulted in emergency vascular repair. You have ongoing infections and numbness – which started shortly after the dog bit you...

Geeta: My leg has felt numb since the day of operation, the feeling has never properly returned. That's why I didn't initially realise the dog had pierced the skin. I have burned myself too because of loss of feeling.

Will: Thank you for clarifying that.
We discussed the possibility of help or further legal advice regarding your boyfriend which you say you will think about over the weekend. But you have confirmed you are not in any danger [Pause]...

Geeta: That's correct

Will: I will open up a file and using the recording of this conversation set out the relevant facts for Jane Bright so she can call you on Monday. With all new clients we have to complete conflict of interest checks and prepare a client care letter which sets out our terms of business including charges and funding options. I can confirm that you will not be charged for this call or the file set-up/checks.

Geeta: Thank you. I am worried about costs though. I don't have any money to pay for expensive legal costs. My friend told me Jane Bright offers No Win: No Fee – is that right?

Will: That's correct, Ms Ahmed. The normal hourly rate for a partner at the firm is £200 per hour – we recognise that legal costs would stop many injured parties being able to bring a claim. That's why we, like most firms dealing with Clinical Negligence cases offer No Win: No Fee. I will include a leaflet with the letter that explains how it works. Please make sure you read it thoroughly and address any questions you may have to Jane Bright.

Geeta: Great. I will.

Will: Where would you like me to send the Client Care Letter? Or could you get someone you trust to collect it for you? Our office is in the centre of town, near the train station.

Geeta: My sister, Punam, works around the corner from the train station. I'll ask her to collect it – say, after 3pm?

Will: That's fine. Is there anything else I can help you with?

Geeta: No, that's all thank you.

Will: Take care of yourself. Jane will call you at 0900hrs on Monday. If your boyfriend answers, she will say she is calling from the hospital and ask you to call her back at your convenience. She won't leave a number.

Geeta: That's a good idea. Thank you. I have your number to call back.

Will: Goodbye

Geeta: Bye.

Section B

Part 1

Question 1

1 mark

Give ONE example of preparation undertaken by Will Cook before returning Ms Ahmed's call.

Examples may include:

- a) He checked the message from reception and identified who in firm best placed to manage case
- b) Had pen and paper to hand to make notes
- c) Made arrangements to record telephone call and obtained client's consent

Question 2

1 mark

Give ONE example of a further steps which could be taken to help Jane Bright prepare for the 0900hrs call on Monday morning.

Examples may include:

- a) Placing an initial instruction questionnaire/checklist for Clinical Negligence on file
- b) Ensuring file opening procedures have been correctly followed
- c) Ensuring the file is flagged as potential safeguarding/ domestic abuse issue so Jane Bright knows not to leave number or message if boyfriend answers phone.

Question 3

2 marks

Give TWO examples of different styles of questioning used by Will Cook to obtain information.

Examples may include:

- a) Use of closed factual questions e.g. name, DOB, date of operation... to obtain limited but specific facts

- b) Use of open questions to determine what happened e.g. Why don't you start by telling me what's happened
- c) Clarification questions when response invites further questions – e.g. May I ask why?
- d) Summarising questions – to check facts e.g. Okay, if I can just summarise:

Question 4

2 marks

Give TWO examples of tone and language that enabled Will Cook to engage with the Ms Ahmed.

Examples may include:

- a) '[Speaking softly with concern] I can hear that. Let's see what we can do. [Pause]' Recognised and reflected back her distress and sought to help to alleviate it.
- b) 'Okay... perhaps we'll come back to that later...' recognised entering difficult ground and took her back to something factual
- c) 'As long as you are safe...' showed concern for her welfare – invoked trust
- d) 'You do have options.' Empowering client, showing she has some control over her situation

Question 5

2 marks

- a. Identify how Will Cook uses 'active listening'?
- b. What could have been missed if Will Cook had not done so

- a) Checked his understanding by summarising the position as the client had communicated it to him
- b) Would have missed further pertinent issues – dog bite likely cause of infection, not the surgery but also numbness in the leg caused by the surgery was a key factor in the infection from the dog bite / other injuries

Section B

Part 2

Part 2 – File Note

Prepare a file note as instructed in Will Cook’s memorandum using the template provided. The file note should be a summary which includes all the key facts and a clear statement of issues for Jane Bright to consider.

Note to candidates – you should not prepare a word for word written record of the recording and should use the other documents provided.

File note
File Note JB/MN/00021/20– Summary of Telephone attendance on potential new client Client: Ms Geeta Ahmed Contact No. 01275 666342 Fee Earner: Will Cook Date: Today's date Nature of Attendance: New instructions – potential Clinical Negligence (possible Family Law) Time Spent: 3 units WC returned an urgent call from Ms Ahmed regarding a potential new Clinical Negligence matter. It became evident during the call that there was potential domestic abuse. WC asked that I prepare a summary of his attendance so that you could speak to Ms Ahmed first thing Monday morning on your return whilst her partner is not in the house. The following is a summary of the key facts from his conversation:

MC explained that:-

Administrative Issues:

Possible 4 points to be made, minimum of two points for the mark

- WC confirmed he was a partner with the firm but not the Clinical Negligence specialist
- Jane Bright was the Clinical Negligence partner and would need to advise on this matter
- JB would be back in the office on Monday morning
- WC confirmed he would record the conversation so his partner was aware of the key facts

1 mark

The client said that: -

Relevant facts of the case:

Possible 14 points to be made, 1 mark for minimum of 2 points made

- Geeta Ahmed, DOB 16/11/72
- Lives with boyfriend (controlling)
- Knee surgery 3 weeks ago (NHS) at Westside General Hospital
- Artery severed during surgery;
- Surgeon: Mr Webb
- Query negligence (she was told of this risk when consented for operation)
- Woke up in different hospital: University Hospital– emergency vascular repair
- Vascular surgeon: Mr Squire
- Discharged 2 weeks ago – numbness in leg
- Infection 5 days later – taken to Westfield A&E
- Infection probably due to dog bite
- Has also burned leg – had not noticed bite or burn due to leg numbness
- 3rd course antibiotics, District Nurse dressing wound every other day and has raised safeguarding issue (dogs and boyfriend)
- Doesn't want boyfriend to know seeking advice, she will think about domestic situation and whether wants to exclude (currently says she is safe)

6 marks

Agreed next steps included: -

Next Steps

Possible 8 points to be made, 1 mark for each 2 points made

- File to be opened
- Matter passed to Jane Bright on her return to advise on possible clinical negligence claim
- Client to consider if also requires domestic advice
- No charge for today's call
- Client to review No Win: No Fee leaflet and identify any questions for Jane Bright
- Full details of the firm's terms and conditions would be provided in Client Care Letter
- Normal hourly rate for partner £200
- Sister to collect letter at 3pm today
- Jane Bright to call at 0900hrs on Monday – no message if boyfriend answers, say it's the hospital

3 marks

SIGNED:

DATED:

SIGNATURE OF SUPERVISOR:

Section B

Part 3

Review the extract from the draft client care letter provided and prepare a client care information summary using the template provided.

TEMPLATE

Draft Client Care Letter – Clinical Negligence

Name

Address (2 marks)

Your reference

Our reference JB/MN/XXXXX/20 (1 mark)

Dear XXXXXXXX, (1 mark)

RE:- Potential Clinical Negligence Claim

Thank you for instructing Cook,Hale & Bright LLP to act on your behalf in relation to a potential clinical negligence claim following XXXXXXXXXXXX. (1 mark)

As you may be aware, at the outset of each new instruction we receive, we are obliged to give our clients certain information. This letter and our standard Terms of Engagement a copy of which is enclosed, set out the basis on which we will undertake this matter for you and other important information you need to be aware of.

1 Scope of our work

You have instructed us to act for you in connection with XXXXXXXX XXXXXXXX (3 marks).

Initially your instruction is to advise you on prospects of success and possible compensation.

We shall be responsible for drafting or reviewing the necessary documentation which is likely to include:

- 1.1 Reviewing and considering the information and documents provided by you;
- 1.2 Drafting a letter seeking copy of your medical records plus other disclosure from the hospitals involved in your care and reviewing same.
- 1.3 Seeking initial medical expert report if appropriate.

Please note that we will not be advising on and will not be responsible for any other matters unless we expressly agree to do so.

2. Responsibility for your case

The person responsible for the work on your case is James Bright. James is a partner in charge of the Clinical Negligence department. He is assisted by his secretary and a paralegal. You should contact James by telephone or email for advice, updates and all other matters in relation to your case.

3. Queries and complaints

We aim to provide the best service possible for all of our clients. If you have any queries or concerns about any aspect of our work on this matter or about costs, please contact Will Cook, Senior Partner responsible for complaints in the first instance. For further information about our complaint's procedure, including the right to complain to the Legal Ombudsman, please refer to our terms & Conditions enclosed.

4. Fees

Partners charge at a rate of £XXX (1 mark) per hour. Support staff such as paralegals at half this rate. All fees unless otherwise stated are subject to VAT.

For Clinical Negligence cases, we offer a No Win: No Fee Costs Agreement. Please read the enclosed 'No Win: No Fee' leaflet which sets out how this works, and our respective responsibilities under this arrangement. Please note that success fees are paid from the compensation you are awarded, whether through negotiated settlement or following a court decision. Should you decide not to proceed with your case or wish to terminate this retainer before a matter is concluded, fees will become payment under the terms of the No Win:No Fee Agreement.

5. Data Protection

Your data privacy matters to us. We have amended our privacy notices on our website (<https://www.cookhale&bright.co.uk/site/privacy-policy>) which set out how we look after personal data supplied to us directly and supplied to us indirectly and explains your rights.

We use the information you provide primarily for the provision of legal services to you and for related purposes including:

- updating and enhancing client records
- analysis to help us manage our practice
- statutory returns
- legal and regulatory compliance

Our use of that information is subject to your instructions, the Data Protection Act 2018 and our duty of confidentiality. Please note that our work for you may require us to give information to third parties such as expert witnesses and other professional advisers. You have a right of access under data protection legislation to the personal data that we hold about you.

6. Storage of documents

After completing the work, we will be entitled to keep all your papers and documents while there is still money owed to us for fees and expenses. We will keep our file of your papers for up to 6 years. We will normally return all original documents to you. We keep files on the understanding that we can destroy them 6 years after the date of the final bill. We do not offer the service of storing documents in safe custody.

We reserve the right to destroy all paper documents and to store an electronic copy only.

If you want us to return any paper documents to you at the end of a case you must inform us in writing. If we take papers or documents out of storage in relation to continuing or new instructions to act for you, we will not normally charge for such retrieval. However we may charge you both for:

- time spent producing stored papers that are requested
- reading, correspondence or other work necessary to comply with your instructions in relation to the retrieved papers

7. Terminating this Retainer

You may end your instructions to us in writing at any time, but we can keep all your papers and documents while there is still money owed to us for fees and expenses. We may decide to stop acting for you only with good reason. We must give you reasonable notice that we will stop acting for you. If you or we decide that we should stop acting for you, you will pay our charges up until that point. These are calculated on an hourly basis plus expenses or by proportion of the agreed fee as set out in the No Win: No Fee Costs Agreement.

8. Disclosure

We are professionally and legally obliged to keep your affairs confidential. However, solicitors may be required by statute to make a disclosure to the Serious Organised Crime Agency where they know or suspect that a transaction may involve money laundering or terrorist financing. If we make a disclosure in relation to your matter, we may not be able to tell you that a disclosure has been

made. We may have to stop working on your matter for a period and may not be able to tell you why.

9. Anti-Money Laundering Requirements

The law requires solicitors, banks, building societies and others to obtain satisfactory evidence of the identity of their client and, at times, people related to the client or their matter. To comply with the law on money laundering, we need to obtain evidence of your identity before we can proceed with your matter. To collect this evidence please make an appointment to attend our practice when photocopies of your original identification. Acceptable evidence of identity includes a passport, driver's licence, recent utility bill or bank statement. At least 3 pieces of identification will be needed.

Next steps

(To be completed) (3 marks)

I hope that this letter and our No Win: No Fee Leaflet address any queries you may have concerning this matter. However, if there is anything you would like to discuss, please ask Jane Bright. Otherwise, please would you sign, date and return the enclosed copy of this letter to confirm your agreement. By signing this letter you also agree to our standard Terms of Engagement which are also enclosed. Please note that if you do not return the enclosed copy of this letter but continue to instruct us, you will be deemed to have agreed to its terms.

Yours faithfully

Will Cook

Senior Partner

Enc:

(2 marks)

Draft Client Care Letter – Clinical Negligence

Ms G Ahmed (1)

To be collected (1)

Your reference

Our reference JB/MN/00021/20 (1)

Dear Ms Ahmed, (1)

RE:- Potential Clinical Negligence Claim

Thank you for instructing Cook,Hale & Bright LLP to act on your behalf in relation to a potential clinical negligence claim following your knee surgery (1)

As you may be aware, at the outset of each new instruction we receive, we are obliged to give our clients certain information. This letter and our standard Terms of Engagement a copy of which is enclosed, set out the basis on which we will undertake this matter for you and other important information you need to be aware of.

1 Scope of our work

You have instructed us to act for you in connection with a potential clinical negligence claim in respect of your knee surgery (1) which resulted in emergency vascular surgery (2) and ongoing numbness in your leg (3). *No points awarded for reference to domestic abuse as no instruction yet received on this.*

We shall be responsible for drafting or reviewing the necessary documentation which is likely to include:

- 1.1 Reviewing and considering the information and documents provided by you;
- 1.2 Drafting a letter seeking copy of your medical records plus other disclosure from the hospitals involved in your care
- 1.3 Seeking initial medical expert report.

Please note that we will not be advising on and will not be responsible for any other matters unless we expressly agree to do so.

2. Responsibility for your case

The person responsible for the work on your case is James Bright. James is a partner in charge of the Clinical Negligence department. He is assisted by his secretary and a paralegal. You should contact James by telephone or email for advice, updates and all other matters in relation to your case.

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4. Fees

Partners charge at a rate of £200 (1) per hour. Support staff such as paralegals at half this rate. All fees unless otherwise stated are subject to VAT.

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10. Next steps

We will prepare a note of our telephone conversation (1) which Jane Bright will review before your call next week. (2) Jane Bright will call you at 0900hrs on Monday.(3)

I hope that this letter and our No Win: No Fee Leaflet address any queries you may have concerning this matter. However, if there is anything you would like to discuss, please ask Jane Bright. Otherwise, please would you sign, date and return the enclosed copy of this letter to confirm your agreement. By signing this letter you also agree to our standard Terms of Engagement which are also enclosed. Please note that if you do not return the enclosed copy of this letter but continue to instruct us, you will be deemed to have agreed to its terms.

Yours faithfully

[NOTE FOR SAM – THE HIGHLIGHTING WILL NOT BE PRESENT IN LIVE ASSESSMENTS]

Enc:

No Win: No Fee Leaflet (1)

Terms & Conditions (1)