



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

# **SAMPLE ASSESSMENT 1**

*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

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## SECTION A

48 marks

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### **Question 1**

1 mark – outcome 1a

Idella and James have been tasked with going through boxes of archived documents to find information needed for the next day. The information is likely to take some time to find and James has made plans to meet friends that evening, complaining bitterly to Idella about the unfairness of having to stay late.

**What approach would be best for Idella?**

- A**      Agree a plan of action to focus the search, starting with the most likely boxes, and share the workload
- B**      Offer to cover for her colleague and stay behind, possibly late into the night, to find the information
- C**      Agree a cut off time when they will both leave and update their line manager about their efforts in the morning
- D**      Ignore her colleague and methodically start searching through all the boxes, hoping her colleague will eventually join in

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### **Question 2**

1 mark – outcome 1a

**How is the failure of a trainee paralegal to attend regularly on time most likely to impact on a legal office?**

- A** Work not being completed and consequently the office having to close
- B** Documentation not being filed at court on time and the firm being sued by clients
- C** Increasing the workload on others and client relationships suffering as a result
- D** Restricting the workflow in the organisation, causing failures in communication

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### **Question 3**

1 mark – outcome 1b

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

- A** Celebrate birthdays in the office, with each member of staff receiving a birthday card on their birthday
- B** Introduce a zero-tolerance policy in respect of discrimination, ensuring that all those who work at the organisation understand what is covered
- C** Ensure that identified groups are allocated work which best meets their inherent skills, and support this with a written policy
- D** Create a culturally diverse holiday calendar, encouraging those in the office to celebrate different traditions
- E** Make a point of ensuring that all members of staff have the opportunity to lead meetings, priority being given to minority groups

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**Question 4**

4 marks – outcome 1c

**Complete the order of priority in which you would carry out the following tasks in order to plan and organise your own time in a work environment.**

| <b>Task</b>                                                                  | <b>Priority ranking</b> | <b><i>Suggested answer</i></b> |
|------------------------------------------------------------------------------|-------------------------|--------------------------------|
| Lodging defence papers at court, deadline is tomorrow                        |                         | <b><i>1</i></b>                |
| Reviewing 1 weeks' worth of emails received whilst on holiday last week      |                         | <b><i>3</i></b>                |
| Returning a client's call – marked urgent                                    |                         | <b><i>2</i></b>                |
| Writing an article for the firm's marketing department to put on the website |                         | <b><i>4</i></b>                |

### **Question 5**

3 marks – outcome 1c

Poor time management impacts on the business. The partner may explain this as follows:

If we don't manage our time well, we are at risk of **missing deadlines (iii)** which would impact on our clients' cases as well as our reputation. Chargeable hours may **reduce (ix)**, leading to working longer hours to bring in the same amount of fee income. This can lead to **mental exhaustion (iv)** for the fee earner in addition to the **stress (vii)** of not being in control of their **workload (v)**. Time management is a **skill (ii)** 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) losing
- (ii) skill
- (iii) missing deadlines
- (iv) mental exhaustion
- (v) workload
- (vi) increase
- (vii) stress
- (viii) overtime
- (ix) reduce
- (x) excitement

**Question 6**

1 mark – outcome 1c

**Which one of the following is not a chargeable activity?**

- A**      Legal research to get up to speed with area of law
- B**      Pre-arranged meeting with client to discuss case
- C**      Undertaking legal research specific to a case
- D**      Sitting behind counsel in court making notes

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### **Question 7**

1 mark – outcome 1d

Benjamin is a paralegal who has been assisting with a house purchase. On completing the final review of reports and searches he realises he has forgotten to request a mining search which will take 5 days, 2 days beyond the scheduled completion date. Benjamin lives in the same area as the house in question and is certain his mining search on his own purchase came back clear.

**What should he do?**

- A** Admit his mistake to the client, apply for the search and push the completion date back
- B** Mark the checklist as complete given there is a negligible risk
- C** Discuss the level of risk with a paralegal colleague and agree the correct solution between them
- D** Discuss the mistake and what has happened with his line manager

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**Question 8**

1 mark – outcome 2a

The senior partner in the firm has decided that the best way to maximise revenue and provide better client support is to create teams to deal with specific client matters, for example a team that deals solely with civil litigation matters.

**What sort of teams does this proposal envisage?**

- A** Inter-working teams
- B** Project teams
- C** Functional work teams
- D** Task force teams

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**Question 9**

1 mark – outcome 2a

**A team differs from a group because:**

- A** A group has no collective accountability
- B** A group is much larger than a team
- C** The structure of a group is hierarchical
- D** A team works closely together; groups tend to work independently

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**Question 10**

1 mark – outcome 2c

A team of four has a deadline of Wednesday to get a new case management system up and running. Andy provides IT support to the team and has completed his tasks over the weekend with the intention of moving onto something more interesting. Brian and Carys are struggling with their tasks; Ismail is project lead and is on track.

**What would be the best approach for Ismail to take?**

- A** Let Andy get on with a new project and pull him back in if required, to ensure the deadline of Wednesday is met
- B** Review the workload of the team and identify if there are any tasks that could be re-assigned to Andy
- C** Take the tasks off Brian and Carys and get Andy to do them, thus ensuring that the Wednesday deadline is met
- D** Ask Andy to work with Brian and Carys to see if he can offer any support to get them back on schedule

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**Question 11**

1 mark – outcome 3a

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

**Which one of the following must a CILEx member do in applying this principle?**

- A**      Ensure that costs are kept to the absolute minimum
- B**      Ensure that there is no conflict of interest
- C**      Engage with the overriding principles in litigation
- D**      Consider the interests of third parties

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**Question 12**

1 mark – outcome 3a

**Identify from the statements below the most appropriate description of how to conduct self-appraisal:**

- A** Completion of an appraisal questionnaire on a quarterly basis with a face-to-face formal review annually which in turn will determine whether you will be promoted
- B** A regular review of progress against personal objectives and your personal development plan to ensure you remain on track with quarterly and annual deadlines
- C** A regular review of your personal objectives and personal development plan to ensure they remain current and relevant, adding in new aspects based on feedback
- D** An annual performance meeting with your line manager based on your caseload and success rate, which in turn will determines whether you will receive a salary increase

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**Question 13**

2 mark – outcome 3b

**A personal development plan should have several key characteristics as its objectives.****Identify four characteristics from those below:**

- A**      Identifies characteristics and values that reflect personal and professional goals
- B**      Asks others about what can be improved
- C**      Identifies aspects that others can develop
- D**      Assesses what needs to improve
- E**      Executes each personal development goal
- F**      Reviews your personal development plan
- G**      Tests outcomes against external standards

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**Question 14**

1 mark – outcome 4b

**Which one of the following would be an example of an internal client service standard?**

- A**      Where a client first instructs a firm, allocating the work to the best suited individual in the organisation to complete
- B**      When involved in teamwork exercises, ensuring that all objectives are covered in an orderly way
- C**      Agreeing that everyone in the organisation will reply to telephone messages from all clients within 24 hours, Monday to Friday
- D**      Ensuring that technical issues with information technology are addressed within 24 hours

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### **Question 15**

2 mark – outcome 4d

A client asks you to include in a divorce petition an exaggerated version of events, suggesting a violent relationship. The aim is to gain the sympathy of the judge and get back at his wife who had hurt his feelings by choosing to leave. He admits it sounds worse than it really was and he knew he was in no danger of harm.

**Which of the following best explains what you should do?**

- A** Draft the petition as requested by the client, he is the petitioner and you must act in his best interests, even if that means exaggerating the truth
- B** Draft the petition as the client suggests, as strategically this is likely to make the wife settle quickly, avoiding damage to her reputation
- C** Decline to draft the exaggerated version of the petition, explaining to the client that you do not feel comfortable in doing so and recommend another lawyer who will
- D** Decline to draft the exaggerated version, explaining to him that provocative and untrue statements could harm his case, leading to higher costs

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**Question 16**

3 marks – outcome 5a

**Identify from the following which three types of work are non-contentious:**

- A** A breach of contract case to be heard in the County Court
- B** The sale of a piece of land to a private limited company
- C** Acting as an executor for the estate of a recently deceased client
- D** Defending the accused in the Magistrates Court
- E** Acting on behalf of a beneficiary who contests a Will
- F** Drawing up a shareholder agreement

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| X |

**Question 17**

3 marks – outcome 5a

**Identify three external factors which may impact on an organisational structure:**

- A**      The availability of trained legal professionals
- B**      Changes to the regulatory framework
- C**      The level of experience of those in the organisation
- D**      The organisation's use of legal technology
- E**      Competitors moving to other types of service
- F**      The sources of income generated by the organisation

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**Question 18**

4 marks – outcome 5c

**Match the following support staff roles to the job description:**

The role may include strategic planning, CPD knowledge management, marketing and human resources **(a)**

Facilitating communication between opposing parties as part of an ADR process

Paralegal **(2)**

Familiar with law office procedure, legal technology, and terminology. Perform mainly a clerical function **(d)**

| <b>Role</b>                                       | <b>Job description</b>                                                                                                                              |
|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1) Law Firm Administrator / office manager</b> | a)                                                                                                                                                  |
| <b>2)</b>                                         | b) Provides advice under the supervision of a qualified lawyer. Can help keep costs down and improve efficiency of providing advice                 |
| <b>3) Law cost draftsman</b>                      | c) Deals with issues of remuneration of legal representatives. Their work often centres on procedures known as summary and detailed assessment      |
| <b>4) Legal Secretary</b>                         | d)                                                                                                                                                  |
| <b>5) Legal Receptionist</b>                      | e) A law firm's gatekeeper usually responsible for answering the main phone line, scheduling and performing other administrative tasks as necessary |
| <b>6) Mediator</b>                                | f)                                                                                                                                                  |

**Question 19**

3 marks – outcome 6d

**Identify the three best ways to protect the personal information of clients:**

**A** Control access to sensitive information by requiring “strong” passwords

X

**B** Take the minimum information required about the client in the first place

**C** Have a clear desk, clear screen policy in place to limit the likelihood of breach

X

**D** Prevent breaches by only keeping paper copies of clients’ personal information

**E** Use encryption when transferring financial data, such as dealing with client money

X

**F** Limit who can access the client’s personal information within the team

**Question 20**

1 mark – outcome 6c

**Which of the following statements describes how a paralegal should best use email communication in practice?**

- A** To communicate relatively straightforward points. Where a point is long and complex, it is best dealt with by a formal letter
- B** To save paper and resources. Clients may also prefer informal communication
- C** To ensure all communication is faster, easier and informal
- D** To provide detailed and comprehensive information even if this makes them as long as a letter

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| X |
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**Question 21**

1 mark – outcome 7b

**While interviewing a client to enable you to properly calculate the damages for a personal injury claim, you ask the question, “Are you right or left-handed? “.**

**What type of question is this?**

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

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| X |
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**Question 22**

1 mark – outcome 7d

You have just finished a phone call with a new client. She phoned up distraught having received a letter informing her that her house would be repossessed. She asked a lot of questions, but you were not sure she listened to your replies, as she was so upset.

**How would you best follow up this call:**

- A** Send her a quick email checking she is okay, assuring her that she can always contact you if she needs someone to talk to
- B** Make a file note of the conversation, including how long you were on the phone for, assuming she made her own notes
- C** Send her a letter stating her legal options relating to the questions she asked on the phone
- D** Send her a letter or email suggesting a meeting in person when she feels ready to discuss the matter further

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| X |

**Question 23**

5 marks – outcome 7a

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

**Using each answer only once, link a form of communication with the individuals below.**

- a) Email
- b) Letter
- c) Legal Brief
- d) Telephone call
- e) Memo

|                                      |                          |
|--------------------------------------|--------------------------|
| A barrister                          | <b>c) Legal Brief</b>    |
| A criminal client who cannot read    | <b>d) Telephone Call</b> |
| A financial adviser                  | <b>a) Email</b>          |
| A partner in the firm                | <b>e) Memo</b>           |
| A solicitor representing other party | <b>b) Letter</b>         |

### **Question 24**

5 marks – outcome 7b

The structure of an interview is important to ensure that the relevant information is obtained and the client can be advised appropriately.

**Complete the table of what you should and should not do in an interview:**

- a) Use open questions and invitations to talk
- b) ii) Interrogate the client to get all of the relevant details
- c) iii) Break every silence to ensure the interview moves on
- d) iv) Use funnelling techniques to get details
- e) v) Assume you know what the problem is
- f) vi) Listen actively for facts, feelings and hidden agendas
- g) vii) Summarise and reflect what you hear
- h) viii) Acknowledge that your client may have strong emotions
- i) ix) Ignore your client's feelings to focus on the law
- j) x) Use detailed checklists to enable information to be captured

| Do                                                                                                                                                                                                                                                                                                                        | Don't                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>a) Use open questions and invitations to talk</b></p> <p><b>d) Use funnelling techniques to get details</b></p> <p><b>f) Listen actively for facts, feelings and hidden agendas</b></p> <p><b>g) Summarise and reflect what you hear</b></p> <p><b>h) Acknowledge that your client may have strong emotions</b></p> | <p><b>b) Interrogate the client to get all of the relevant details</b></p> <p><b>c) Break every silence to ensure the interview moves on</b></p> <p><b>e) Assume you know what the problem is</b></p> <p><b>i) Ignore your client's feelings to focus on the law</b></p> <p><b>j) Use detailed checklists to enable information to be captured</b></p> |

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## **SECTION B**

32 marks

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### **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 in the small firm of Cole & Ahuja. The practice deals exclusively with Matrimonial and Wills and Probate matters. Your role involves supporting the Wills & Probate partner, Prisha Ahuja.

Ms Ahuja is out of the office at a legal conference and the Matrimonial partner, Matt Cole, has just taken a call from a potential new client.

Mr Cole is keen for a file to be opened and the preparatory documentation completed for when Ms Ahuja returns to the office, as the matter is quite urgent. Given his own workload, Mr Cole has delegated this task to you.

The receptionist has started the process of opening a new file which currently contains: -

- A memorandum from Matt Cole
- Matt Cole's handwritten note of his call with Mrs Cook
- A telephone note taken by reception
- A sound recording of his telephone call with Mrs Cook

**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.

| Documents                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>A memorandum from Matt Cole</p> <p>Matt Cole's handwritten note of his call with Mrs Cook</p> <p>A telephone note taken by reception</p> <p>A sound recording of Matt Cole's telephone call with Mrs Cook</p> |

## **Document 1 - memorandum from Matt Cole**

### **Memorandum**

To: Paralegal  
From: Matt Cole  
Ref: AP/MM/2020  
Date / Time: Today's date 9.00 – 9.12  
Units: 3 including prep of instructions  
  
Re: **Urgent instructions and file preparation**

I have just taken an urgent call from Mrs Cook – I made sure that I remembered to record the call and my recording is attached as a sound file. Please prepare a file note clearly setting out the issues for Prisha so she can hit the ground running with this client when she is back in the office tomorrow. If she calls in from the conference, be sure to mention this matter to her in case she wants you to find out more detail today.

In addition to a file note, please prepare a client care letter on our standard template.

I have attached the telephone memo I was given by the receptionist and my handwritten note from the call to assist.

Many thanks,

Matt.

## Document 2 – Telephone message taken by reception

### Telephone Message

**From:** Reception

**For:** Prisha Ahuja

**Date:** Today's date 8.30am

**Name:** Eileen Cook (new client)

**Client telephone no:** 01275 564372

**Client Contact Details:** Email address – ecook@wnsu.com

**Message:** Husband recently died, step-children threatening to change the locks and evict her. Needs urgent advice.

**Urgent?** Yes, Prisha's diary marked "out of office" until 12.00 tomorrow.

X

### Document 3 – Matt Cole's handwritten note following call with Eileen Cook

#### Handwritten note

Eileen Cook                      Today, 0900hrs

76 years old – distressed and anxious.

Husband, Arthur Cook (DOB 2/12/40) died 2 weeks ago. Funeral yesterday. Possible Will – here??

3 adult step kids – dislike her, changing locks.

Married 15 years. No other dependents but ?? interest

Urgent advice on her rights and actions she can take to prevent eviction. Note: 2 other properties.

PA out of office until 12.00 tomorrow.

New file

## Document 4 – Recorded telephone conversation between Matt Cole and Eileen Cook

*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

- Matt: Hello, is that Mrs Cook?
- Mrs Cook: It is.
- Matt: My name is Matt Cole. I'm one of the partners at Cole & Ahuja returning your call.
- Mrs Cook: *(Speaking loudly, quickly)* Thank goodness – your nice receptionist said you'd call straight back. Thank you, I'm so worried, they think they can get rid of me, I don't know what to do, it's not right treating an old woman like this. I'm in shock. They think that they can get everything that belonged to my dear Arthur, I don't know what to do.
- Matt: I can hear that, Mrs Cook. Before we start though I need to make it clear that our Wills & Probate specialist, Prisha Ahuja, is out of the office today, so my intention is to get some details from you, assess the urgency of your situation and ensure we understand the problem so Ms Ahuja can advise you as soon as she's back in the office tomorrow afternoon. I would also like to record our conversation if that is ok with you so I do not miss anything out.
- Mrs Cook: Ok...but I need advice NOW, My husband's not cold in the ground, I'm 76 years old and about to be thrown out of my home, I think you have his will, they've always hated me, his children...I feel so scared...I was totally reliant on my husband for everything.
- Matt: I can hear this is very distressing for you. When did your husband die?
- Mrs Cook: Two weeks ago, the funeral was yesterday.
- Matt: I'm so sorry to hear that. Please accept my condolences. [Pause] In order to advise you I need a few basic details, you can then tell me what your specific concerns are that you want our advice on. Is that okay?
- Mrs Cook: Okay.
- Matt: You say you think we may have the will here at Cole & Ahuja, could you confirm your husband's full name, date of birth and address.
- Mrs Cook: Arthur Cook, sorry his full name was Arthur Robert Cook, and he was born on the 2<sup>nd</sup> December 1940, he lived at 46 Evergreen Terrace, Cookstown with me.

Matt: Thank you. You referred to his children, how many does he have and are any of them living with you?

Mrs Cook: He has 3, no they don't live with us, they're all grown up, doing very well for themselves in their nice big houses. The two girls are the worst, they never did think much of me. They are well off but it doesn't stop them circling like sharks and counting up their inheritance though.

Matt: How long have you been married?

Mrs Cook: 15 years – you would have thought they'd have accepted me by now, but no, they resent me ever replacing their angel of a mother, or providing their father with any happiness after she died.

Matt: What makes you think they are going to evict you?

Mrs Cook: I overheard them talking at the funeral yesterday. They plan to change the locks next week and prepare the house for sale. I told Arthur he should have put the house in our joint names ages ago but he never did.

Matt: Okay. This clearly needs some urgent action. First things first, we need to locate the will and understand its content before we can advise you. I will get everything ready for my partner Prisha to review first thing in the morning so she can give you a call at lunchtime. Would 12.30 be a suitable time for you?

Mrs Cook: Yes.

Matt: Before I go, can I check I have noted everything correctly.

Your husband Arthur died two weeks ago and you believe we hold his Will. His adult children are talking about evicting you from the matrimonial home you shared with your husband. You have been married for 15 years and are totally dependent ...

Mrs Cook: *(speaking more slowly and a little more quietly)* Well I wouldn't say dependent exactly...

Matt: [Pause]

Mrs Cook: ... I have two other houses and a share portfolio from my first marriage...

Matt: Were any of his children, your step-children, dependent on him?

Mrs Cook: *(speaking more animatedly)* No, they have lots of money, they even paid my late husband's mortgage off and paid for his holidays before I came on the scene.

Matt: That's very helpful to know. So, just to confirm, you are instructing Cole & Ahuja regarding your late husband's estate and your rights in respect of staying in the property.

Mrs Cook: That's right. I don't want them anywhere near my home. I told my sister that this would happen, but she thought no one would be that cruel. Well how wrong she was!

Matt: Please try not to worry, Mrs Cook. Prisha Ahuja will give you a call tomorrow at 12.30. I can confirm that we won't charge you for this call, but I'll start arrangements for a file to be opened. This will include a letter setting out details of our charges together with an estimate for the work.

Mrs Cook: Thank you so much Mr. Cole, I will wait to hear from Ms. Ahuja tomorrow. Goodbye.

Matt: Goodbye.

**Call ends.**

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## Section B

### Part 1

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#### **Question 1**

1 mark

**Identify one way that Matt Cole prepared for the call he had with Mrs Cook?**

**Examples may include:**

- Had a pen and paper with him so he could take handwritten notes
- Checked message from reception
- Recognised that it was a probate matter and concluded that he was not the right person to deal with it.
- Obtained client's permission to record the call
- Made arrangements to record the call

#### **Question 2**

1 mark

**Identify a further step which could be taken to help Prisha Ahuja be fully prepared for her call scheduled for 12.30 tomorrow?**

**Examples may include**

- Emailing to the client an initial instruction questionnaire/checklist
- Ensuring that the file opening procedures have been correctly followed e.g. a conflict of interest check has been made
- Preparing a list of questions where it has been noted from the information available (including the File Note) that further information is needed

### **Question 3**

1 mark

**From the recorded conversation, give an example of one type of question used by Matt Cole and explain how this style of question helped to get information from the client.**

#### **Examples may include:**

- Use of closed specific factual questions, e.g. husband's name, DOB and address and explain that these allow limited specific information to be obtained.
- Use of open questions e.g. What makes you think they are going to evict you? These questions are designed to get the client talking and to get the conversation flowing.
- Use of fact checking questions, e.g. Just to clarify ... You have been married 15 years and are totally dependent... These are used later in the interview as the interview technique requires a hybrid approach, i.e., a mixture of open and closed questions.

### **Question 4**

2 marks

**With reference to two examples, explain how the tone of the conversation developed as it progressed.**

#### **Examples may include:**

- Initially client was very emotional – invoking empathy and concern that client is being victimised.
- Later pauses and quietly spoken – not quite so one sided, changes perception of the situation, not quite so clear cut, possibly hinting at being secretive, need for further enquiry.
- More animated when back to blaming, victim information-giving, possibly hinting at real animosity and the risk of one-sided information sharing.
- Moderate/calmer at the end of the call, knows that will be contacted the following day.

### **Question 5**

1 mark

**Identify two occasions when Matt Cole used pauses in conversation as an effective communication tool.**

- Pause after giving condolences (empathy – and punctuation as end to one sentiment before moving onto the business at hand)
- Pause to allow for more information to be shared (re her dependency)

### **Question 6**

2 marks

- Identify how Matt Cole used 'active listening'**
- Explain what could have happened if Matt Cole had not done so.**

**a)** Checked his understanding by summarising the position as the client had communicated it to him.

**b)** If he not done this, he might only have acquired some of the facts as some pertinent issues came out as a result/ He would not have discovered aspects of Mrs Cook's relationship with the step-children suggesting hostility and animosity.

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## Section B

### Part 2

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#### Part 2 – File Note

Prepare a file note as instructed in Matt Cole’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 Prisha Ahuja to consider.

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

| File note                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Summary of telephone attendance on potential new client</b></p> <p><b>Client:</b> Eileen Cook</p> <p><b>File No:</b> AP/MM/2020</p> <p><b>Date:</b> XXXXX</p> <p><b>Fee Earner:</b> Matt Cole (MC)</p> <p><b>Nature of Attendance:</b> New instructions &amp; potential estate matter</p> <p><b>Time spent:</b> 12 minutes</p> <p>MC returned an urgent call from, Mrs Cook a potential new wills and probate client. Mrs Cook was upset and distressed and feared being thrown out of her home. MC asked that I prepare a summary of his attendance in anticipation that you would speak to Mrs Cook as a matter of urgency.</p> <p>The following is a summary of the key facts from his conversation.</p> <p>MC explained that:-</p> |

## Template:

### **Responsibility for the matter**

#### **Question 1**

1 mark

#### *Candidate enters information*

[Possible 4 points to be made, 1 mark for minimum of 2 points made]

- MC confirmed that he was a partner with the firm but not a Probate specialist.
- Prisha Ahuja (PA) was the Wills & Probate partner.
- PA would need to advise on this matter.
- PA would not be back in the office until tomorrow afternoon.

The client said that: -

### **Relevant Facts of the Case**

#### **Question 2**

6 marks

#### *Candidate enters information*

[12 points to be made]

- She was 76 years old.
- Her husband of 15 years had died 2 weeks ago, and his funeral was yesterday.
- She believed that he had a will held by Cole & Ahuja.
- His full name was Arthur Robert Cook, dob 2/12/40.
- She and her late husband lived alone at 46 Evergreen Terrace, Cookstown.
- The couple had no children together, but her late husband had 3 adult children from a previous relationship.
- The relationship between Mrs Cook and the stepchildren had always been a strained
- None of the stepchildren were financially dependent.
- The stepchildren may have paid off part of a mortgage loan on their late father's home.
- At the funeral she overheard the children saying that they planned to change the locks to the house next week and sell it.
- The couple had discussed putting the property into joint names but that this had never happened.
- She owned two other properties and a share portfolio

Agreed next steps included: -

**Next Steps**

**Question 4**

3 marks

*Candidate enters information*

[6 points to be made]

- Confirming that any will would need to be located.
- The matter would be passed to PA to review on her return to advise on Mrs Cook's late husband's estate and any rights of occupation she might have.
- PA would be asked to call Mrs Cook at 12.30 tomorrow.
- Considering the urgency of the matter immediate steps would be taken to open a new file.
- There would be no charge for today's call.
- Full details of the firm's terms and conditions would be provided including a fee estimate

**SIGNED:**

**DATED:**

***SIGNATURE OF SUPERVISOR:***

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## Section B

### Part 3

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

#### **Draft Client Care Letter**

Mrs E Cook  
46 Evergreen Terrace,  
Cookstown  
B22 0QP

#### **Your reference**

**Our reference AP/PA/2020**

Dear Mrs Cook,

#### **RE:- The estate of the late Arthur Robert Cook**

Further to our recent discussions regarding your late partner this document explains the basis on which we will carry out all the work necessary in connection with your case. The letter also sets out some important information about our professional relationship with you as well as our terms and conditions. It is vital that you read the information carefully.

We are sorry about the length of the letter but there is a lot to tell you. It is rather formal and when we refer to Cole & Ahuja Solicitors we will use the word “we” or “the firm” instead of “I”.

#### **Responsibility for your case**

The person responsible for the work on your case is Prisha Ahuja. Prisha is a partner in charge of the Wills & Probate department. She is assisted by her secretary and a paralegal. Matt Cole who you have already met is a partner of the firm and he is responsible for handling any complaints about our service. You should contact Prisha by telephone or email for advice, updates and all other matters in relation to your case.

#### **Fees**

Partners charge at a rate of £200 (plus £40 VAT) per hour. Support staff such as paralegals charge at £50 (plus £10 VAT) per hour. Unless stated all our fees are subject to VAT. For our advice about your late husband's estate and any rights of occupation we have estimated that the time taken for a partner in the firm to assist you will be between 3 to 5 hours.

Please make a payment on account of our total fee (£770) on the date of your attendance at our office before you leave. We regret that we cannot offer credit.

In addition to our fees you will pay disbursements which will include:

- Travel expenses for any home visits at a fixed fee of £50 per visit inclusive of VAT. We understand that you would like us to visit you at 46 Evergreen Terrace to review your late husband's papers.

If there are any additional fees to be paid, we will inform you of those fees when they arise. We will inform you when the fees need to be paid and we may ask you to make a payment in advance of any additional fees.

### **Service levels**

[Not reproduced]

### **Complaints**

Cole & Ahuja Solicitors is committed to high quality legal advice and client care. If you are unhappy about any aspect of the service you have received or about the bill, please contact Matt Cole on 01275 5664422 or [mcole@coleandahuja.co.uk](mailto:mcole@coleandahuja.co.uk) or by post to our office.

We have a procedure in place which details how we handle complaints which is available on our website at [coleandahuja.co.uk](http://coleandahuja.co.uk). We have eight weeks to consider your complaint. If we have not resolved it within this time you may complain to the Legal Ombudsman. If you are not satisfied with our handling of your complaint you can ask the Legal Ombudsman at PO Box 6806, Wolverhampton, WV1 9WJ to consider the complaint. Normally, you will need to bring a complaint to the Legal Ombudsman within six months of receiving a final written response from us about your complaint or within six years of the act or omission about which you are complaining occurring (or if outside of this period, within three years of when you should reasonably have been aware of it).

- **Complaints about our bills** - If you are not satisfied about our bill you are entitled to challenge or make a complaint about that bill. You may also apply to the court for an assessment of our bill under Part III of the Solicitors Act 1974.
- **Interest on unpaid bills** - If all or part of the bill remains unpaid, the firm may be entitled to charge interest.

### **Professional Indemnity Insurance**

[Not reproduced]

#### **Data Protection**

[Not reproduced]

#### **Outsourcing**

[Not reproduced]

#### **Auditing and Vetting of Files**

[Not reproduced]

#### **Terminating this Retainer**

[Not reproduced]

#### **Disclosure**

[Not reproduced]

#### **Distance Selling Regulations**

[Not reproduced]

#### **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, driving s licence, recent utility bill or bank statement. At least 3 pieces of identification will be needed

## TEMPLATE

*Note – CILEX's assessment system TestReach are currently working on their item type functionality to support our new assessment design requirements. Until that work is complete, we're unable to offer the completion of a form, as presented below.*

*In live assessments for 2022 candidates will be asked to complete individual sections of the form as they tab through the assessment. For example, completing the 'Client', 'Reference' and 'how we can help sections' and then moving on to the next page where they will be asked to complete the 'Costs' section and so on.*

### Client Care Information Summary

**Client:** [1 mark for client name]

**Reference:** [1 mark for client and reference]

#### How we can help

We are instructed to advise you about:

[2 marks for 2 points]

- 1) .....
- 2) .....

Our quote is only for this work so if you think you might need help with anything else then please let us know straight away.

#### Costs

We estimate that in total your legal costs will be in the region of **£770 to £1250** inclusive of VAT made up of:

|                        |   |
|------------------------|---|
| Our time               | £ |
| VAT on our time        | £ |
| Disbursement 1         | £ |
| <b>Total [2 marks]</b> | £ |

#### Your Lawyer

Name

Position

Hourly rate [1 mark]

#### Assistant fee earners

Name A Paralegal

Position

Hourly rate [1 mark]

#### Head of complaints

Name

Position

Email

Phone

This is only an estimate, but we will keep you updated of any changes. This estimate covers your legal costs with us only.

#### Time estimate

As a rough estimate we expect your matter to take between and **[Q8 1 mark]** hours to complete. By complete we mean

- 1)
- 2)
- 3) [2 marks]

### Next steps

Please read this information, quote and our attached Terms of Business carefully. Our terms include important details about how we use your information, our professional indemnity insurance, anti-money laundering procedures and complaints procedures. If you are happy to work with us on this basis then please:

- 1) Sign and return the duplicate of this Client Care Information Sheet to confirm that you are happy for us to act.
- 2) Send us a payment on account of [1 mark] to allow us to start work (details of how to pay are attached).
- 3) Make an appointment at the office to bring in any 3 of the following documents

- 
- 
- 
- [2 marks]

We need recent ID information to comply with the legal and professional rules.

As soon as these steps have been completed, we can get started and we will let you know once work has begun. Please do not hesitate to contact us if you would like to discuss this information or would like it in a different format.

## Expected answers

### Client Care Information summary

Client: [Eileen Cook](#)

Reference: [AP/MM/2020](#)

### How we can help

We are instructed to advise you about

- [\[your late husband's estate\]](#)
- [\[any right of occupation\]](#)

Our quote is only for this work so if you think you might need help with anything else then please let us know straight away.

### Costs?

We estimate that in total your legal costs will be in the region of £770 to £1250 inclusive of VAT made up of:

|                 |                               |
|-----------------|-------------------------------|
| Our time        | <a href="#">£600 - £1000</a>  |
| VAT on our time | <a href="#">£120 - £200</a>   |
| Disbursements   | <a href="#">£50</a>           |
| <b>Total</b>    | <a href="#">£770 - £1,250</a> |

This is only an estimate, but we will keep you updated of any changes. This estimate covers your legal costs with us only.

### Your Lawyer

Name Prisha [Ahuja](#)

Position [Partner](#)

Hourly rate [£200](#)

### Assistant fee earners

Name [A paralegal](#)

Position [Paralegal](#)

Hourly rate [£50](#)

### Head of complaints

Name [Matt Cole](#)

Position [Partner](#)

Email  
[mcole@coleandahuja.co.uk](mailto:mcole@coleandahuja.co.uk)

Phone [01275 5664422](#)

### Time estimate

As a rough estimate we expect your matter to take between [3 and 5](#) hours to complete. By complete we mean

- [Visiting you at 46 Evergreen Terrace](#)
- [Reviewing any possible claims your stepchildren may have on the property of your late husband](#)
- [Advising about the risk that you may be stopped from entering 46 Evergreen Terrace and any rights of occupation you may have over this property](#)

### Next steps

Please read this information, quote and our attached Terms of Business carefully. Our terms include important details about how we use your information, our professional indemnity insurance, anti-money laundering procedures and complaints procedures. If you are happy to work with us on this basis then please:

- 1) Sign and return the duplicate of this Client Care Information Sheet to confirm that you are happy for us to act.
- 2) Send us a payment on account of **£770** to allow us to start work (details of how to pay are attached).
- 3) Make an appointment at the office to bring in any 3 of the following documents
  - [Your passport](#)
  - [Your driving licence](#)
  - [A recent utility bill](#)
  - [A recent bank statement](#)

We need recent ID information to comply with the legal and professional rules.

As soon as these steps have been completed, we can get started and we will let you know once work has begun. Please do not hesitate to contact us if you would like to discuss this information or would like it in a different format.