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QUALIFIED LAWYERS TRANSFER TEST

HEAD II – CIVIL

ADVANCE INFORMATION

2 March 2010

Candidate Instructions

This Advance Information comprises 5 pages. Please check immediately that you have all the pages.

This is the Advance Information for the Civil Litigation Exam. You **must** bring this Advance Information with you to the examination. The exam question paper and any further documents will be handed to you on the examination day. You will have a total of three hours, inclusive of reading time, in which to answer the questions on the question paper. All the questions are compulsory.

You will be recommended to keep your answers concise and to the point.

Marking criteria:

Marks will be awarded for:

- Technical accuracy of law and practice
- The use of appropriate professional language and terminology, using correct grammar and spelling
- The ability to apply knowledge and procedure to the particular facts of the question
- The ability to exercise professional judgement to the issues raised and to offer a practical solution where necessary
- Displaying a clear understanding of legal process

Marks may be deducted for:

- Poor presentation
- Poor grammar, spelling etc.
- Significant inaccuracies in the answer which would prejudice the clients' interests or compromise the solicitor's professional obligations
- Failure to carry out instructions appropriately

Professional conduct

A professional conduct issue may arise in the scenario in this exam. If you feel there is a professional conduct issue, you should identify it and discuss the relevant rules(s) of professional conduct that you feel may apply.

ADVANCE INFORMATION AND SUMMARY OF FACTS

The advance information comprises;

1. A synopsis of the structure of the exam
2. A synopsis of each case scenario – ‘A’ and ‘B’
3. A copy of the Letter of Claim in Case ‘B’ (Document B1) and the reply to that letter (document B2)

You will be supplied with further documentation in the Examination.

1. Structure of the exam

You will have two case scenarios. Case scenario ‘A’ will have 2 questions which in total will amount to 35% of the marks available for the exam. Case scenario ‘B’ will have 5 questions which in total will attract 65% of the marks available for the exam.

You have Advance Information (Document B1 and B2) that relates to case scenario ‘B’. There is no advance documentation for case scenario ‘A’.

Your exam may include; advising, commenting or drafting. Any drafting you may be asked to do may include; the completion of forms, letter writing, the preparation of statements of case or the preparation of witness statements. The tasks you may be asked to do may be pre-action, commencement or within the conduct of an action after commencement or related to enforcement post trial or judgment. The examination will be for 3 hours duration plus an additional 30 minutes reading time.

2. A synopsis of case scenario ‘A’

In this case you will act for your client who has been injured while carrying out her duties at work.

A synopsis of case scenario ‘B’

In this case you have attached as part of your Advance Information documents B1 and B2. These documents will inform you of the facts of this case scenario.

3. Documents B1 and B2 are attached

Centre Law and C. Solicitors
234 Birmingham Road
Sutton Coldfield Birmingham
LD15 4DE

Our ref: BCW/CC31
Date: 15th August 2009

Mr Henry Potiva

Car Design Limited
Stadium Works,
Walsall,
Birmingham
BW10 4 TH

Dear Sir,

Our Client: Blackwater Drinks and Cordials Ltd.
Re: Order Number 06/711/A

The Facts

We are instructed by Blackwater Drinks and Cordials Ltd. in connection with your recent purchase of a quantity of cordials and snack foods at your premises in Walsall, Guildford and Leeds. For ease of reference, our client's order number is given above and a copy of our client's invoice is enclosed **[not reproduced here]**.

We are informed that the balance of the sale price, being the sum of £22,266.25 (inclusive of VAT), remains owing to our client.

Response

Please acknowledge receipt of this letter within 21 days. Please note also that, unless we have received a full written response within one month of the date of this letter, we are instructed to commence proceedings against you without further notice.

We enclose a copy of the Practice Direction Pre-Action Conduct. **(NB: this is not enclosed for the purposes of the examination)** and we draw your attention to the power of the courts to impose sanctions. These are explained in section 4 of the attached document. We strongly advise you to take independent legal advice.

Yours faithfully

Centre Law & Co

Car Design Limited
Stadium Works,
Walsall,
Birmingham
BW10 4 TH

Centre Law and C. Solicitors
234 Birmingham Road
Sutton Coldfield Birmingham
LD15 4DE

3rd September 2009

Dear Sirs

Re Your Client: Blackwater Drinks and Cordials Ltd

I am writing in response to your letter of 15th August.

Although you threaten us with court proceedings, we will not pay the sum demanded or any sum at all in relation to the goods supplied by your clients in June.

As your client is well aware, many of our employees who bought packets of the Oat and Sea-Kelp snacks you supplied and which we have sold in our staff canteen have contacted us to complain of a nasty rash. This was reported in the local newspaper here in Walsall in July and, of course, we have had to withdraw the product from sale in the canteens in all our works premises.

With regard to the raspberry juice intended for consumption in our 'Directors and Management' restaurant here in our head office, a large number of the bottles have exploded in their cases within our storeroom causing damage to other stock.

In the circumstances, your client surely does not expect us to pay for these dangerous goods.

Yours faithfully.

Henry Potiva