T-LEVELS | IfATE Institute for Apprenticeships and Technical Education

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Centre Number | Learner ID

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T Level Technical Qualification in Legal Services (Level 3)

Thursday 5 December 2024

Morning (Time: 2 hours 30 minutes)

Paper reference **19565**

Core: Examination

PAPER 2: Application of Law

You do not need any other materials.

Total Marks

Instructions

- Use **black** ink or ball-point pen
  – a pencil may be used for drawings.
- **Fill in the boxes** at the top of this page with your name, centre number and Pearson learner ID.
- There are two sections in this question paper. Answer **all** questions in Section A and Section B.
- Answer the questions in the spaces provided
  – there may be more space than you need.

Information

- The total mark for this paper is 90.
- The marks for **each** question are shown in brackets
  – use this as a guide as to how much time to spend on each question.

Advice

- Read each question carefully before you start to answer it.
- Try to answer every question.
- Check your answers if you have time at the end.

Turn over ▶

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Pearson

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SECTION A

Answer ALL questions. Write your answers in the spaces provided.

1 Name **one** feature of bylaws in England and Wales.

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(Total for Question 1 = 1 mark)

2 Name the court that deals with summary offences in criminal cases.

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(Total for Question 2 = 1 mark)

3 Give **two** rights that are protected by the Human Rights Act 1998.

1 .....

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(Total for Question 3 = 2 marks)

4 Explain **one** influence of international law on English and Welsh law.

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(Total for Question 4 = 2 marks)

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5 Explain what is meant by Parliamentary Sovereignty (Supremacy).

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(Total for Question 5 = 2 marks)

6 Explain **two** advantages of the system of judicial precedent in English and Welsh courts.

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(Total for Question 6 = 4 marks)

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Arian Ella Consulting (AEC) is a rapidly expanding financial consulting firm. It is considering changing from its current office account structure to a client account model. This change is because the firm wants to address growing concerns about the clarity of client and firm funds. The firm wants to grow its revenue to improve profits.

In the current office account model, AEC manages all client funds within a single account. This approach simplifies accounting processes.

The proposed client account model would establish separate accounts for AEC's clients. This separation would provide a clearer distinction between client funds and firm funds. The firm currently manages its workload effectively because its staff have had the relevant training on the current model of managing client finances. The firm's computer systems and management software are up to date, and its staff are familiar with all applicable regulations.

AEC is planning to change its current office account model towards a client account model for managing client funds.

7 Discuss the possible implications of this planned change for AEC.

(Total for Question 7 = 6 marks)

TOTAL FOR SECTION A = 18 MARKS

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SECTION B

Scenario 1

Lettula Solicitors (LS) is a high-street legal firm specialising in negligence claims and litigation. Therefore, all solicitors at the firm have gained rights of audience. It has recently been instructed by three new clients.

Case File 1

Sarah was driving to work when she noticed a large piece of furniture in the middle of the road. She swerved to avoid it, but her car hit the furniture. She lost control of the car. Sarah drove into Mark, who was waiting at a bus stop. She crushed Mark's legs, leaving him paralysed. She wants to defend the claim Mark is making against her.

Case File 2

Billy is an 11 year-old child. His friends dared him to play a trick on a girl in his science class, called Fatima. In a science lesson, Billy found a small piece of magnesium. He placed the magnesium into Fatima's bottle of water on the next table when the lid was off. The magnesium reacted with her water, which fizzed and overflowed. Her hands were badly burned but she avoided any further injuries. Fatima wants to make a claim against Billy for the burns.

Case File 3

Yvolga's Kitchen (YK) is a bakery that has been involved in a food poisoning incident caused by contaminated croissants. The bakery's hygiene was poor. Emily, a regular customer, fell ill after eating a croissant. Emily had severe nausea, vomiting and stomach pains. She was diagnosed as having severe food poisoning. Emily was unable to work for four weeks.

Emily is a freelance webpage designer and she missed a meeting with a potential new client. She missed out on a contract worth about £3 000 because she could not attend the meeting. She was also unable to complete several other projects, which meant that she missed out on a further £2 500. Emily wants to make a claim against YK.

You must use Scenario 1 to answer Questions 8(a) – 8(e).

Mark is making a claim against Sarah for his injuries. Sarah wants to defend the claim.

8 (a) Explain the rights of audience that solicitors from *Lettula Solicitors* would have in relation to Sarah's claim.

(2)

Sarah has received a letter of claim on behalf of Mark.

(b) Explain **one** of the next steps of the pre-action process LS will follow.

(2)

Fatima suffered burns to her hands as a result of Billy placing magnesium into her water bottle.

(c) Give **one** reason why Billy may not have breached his duty of care.

(2)

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Emily wants to claim compensation for the losses she has suffered.

(d) Explain the special damages that may be awarded if her claim is successful.

(3)

Emily wants to sue *Yvolga's Kitchen* for her illness relating to the contaminated croissants.

(e) Examine YK's liability under the tort of negligence for the illness suffered by Emily, applying relevant legal authorities.

(9)

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(Total for Question 8 = 18 marks)

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Scenario 2

Heavei Legal (HL) is a large legal firm that provides a variety of legal services. It specialises in medical negligence, wills and estates, immigration law and business law. Some of its recent clients include:

- a business that is merging with several other firms
- several clients who are challenging the rejections of their visa applications
- several clients who are disputing wills.

Another client, Weronika, has recently asked for advice about a medical negligence issue. She had an accident at work and is likely to bring a successful claim at trial. A partner reviewed Weronika's case and is concerned that she was advised to have a course of post-operative physiotherapy, but she did not keep her appointments for it.

With a growing demand for comprehensive legal solutions and the desire to enhance its profit margins, the firm's board has identified the need to expand its service offerings. This expansion would mean the firm would have to move into providing non-regulated products and services. These products and services would include document review, legal research and business consulting. Increasing profit in the current financial climate is important and the firm is not satisfied with the amount of money it can make from its current offering.

The firm's lawyers are used to regulated services and they will have to adapt to the provision of non-regulated legal products and services. The board thinks that would extend the firm's reach and also establish it as a trusted adviser for individuals and businesses seeking comprehensive legal guidance. The reputations of some businesses have recently been damaged by their unethical behaviour and by scandals involving former employees. One scandal was a leak of sensitive client data and information. Some important data about the HL's business strategy was leaked. Some clients sued the firm for their losses as a result of the leaked data. This action led to a loss of profits. The firm was also investigated by the regulatory body.

The firm would like to work more closely with other legal institutions and other stakeholders. However, it is worried that improving its data privacy and confidentiality processes could slow down the rapid sharing of relevant information.

To make the required changes, the firm has outlined a series of initiatives. The firm would need to assemble a team of lawyers specialising in non-regulated legal services. The other option is to train the current staff so that the firm has the required expertise to manage complex legal issues.

You must use Scenario 2 to answer Questions 9(a) – 9(d).

9 (a) Explain **one** non-contentious issue that could be carried out by *Heavei Legal* on behalf of its clients.

(2)

(b) Explain **one** impact of Weronika not attending physiotherapy appointments.

(3)

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HL wants to introduce more non-regulated products and services.

(c) Evaluate the impact of *Heavei Legal* introducing more non-regulated products and services.

(9)

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The board at *Heavei Legal* has discussed the possibility of changing its practices in relation to privacy and confidentiality of business, client and colleague information.

It is considering two options:

- improving its systems for maintaining privacy and confidentiality of business, client and colleague information

or

- keeping its current systems even though there have been recent data leaks.

(d) Evaluate which of these **two** options would be more suitable for HL.

(12)

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(Total for Question 9 = 26 marks)

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Scenario 3

Legal firm *Flimani, Solka & Partners* (FSP) is a well-established firm with a diverse clientele, including multinational corporations, small businesses and individuals. Lots of its clients are financial businesses. FSP has gained a reputation for its professionalism and for providing good legal advice.

The global financial landscape has had a period of uncertainty. The financial markets have become unpredictable. This uncertainty and unpredictability is because of investment speculation and the lack of regulation. The recent interest rate rises have impacted businesses of all sizes, including FSP.

FSP's clients are concerned about these financial pressures. Several clients have reported declining profits, reduced liquidity and rising debts. The firm's corporate lawyers are trying to help their clients navigate these issues. The lawyers are advising them on restructuring, purchasing, refinancing, and potential mergers or acquisitions.

One of FSP's clients is a manufacturing company called *Caturee Creations* (CC). CC is in a dispute with one of its largest suppliers. The supplier has not delivered the correct textiles, causing significant production delays and financial losses for CC. CC is concerned that these delays may have impacted its reputation as a reliable clothes manufacturer. CC is also concerned that it may now be seen as a company who isn't strong enough to enforce contractual terms. FSP's commercial litigation team is trying to enforce the contract and get damages for the client.

During a recent audit of its work, FSP has found situations where clients have provided false or misleading information. This information resulted in the firm overlooking fraudulent activity and accepting inaccurate explanations. This behaviour resulted in FSP losing some cases they should not have taken to court. It also led to financial losses for FSP. The directors are concerned with the level of professional scepticism of some of its staff. However, some staff do have a good level of professional scepticism. The directors are considering training all staff in professional scepticism or using existing staff to mentor and train other staff who have had problems with identifying the issues.

FSP's directors are considering questions about their own failures to realise problems with the firm and the resulting breakdown of trust within the firm, between clients and FSP and between colleagues. They are also concerned about having to retrain staff who are at maximum workload capacity.

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You must use Scenario 3 to answer Questions 10(a) –10(d).

Flimani, Solka & Partners advises many clients, one of which is *Caturee Creations*.

10 (a) Explain **two** financial factors that may impact on the running of CC.

(4)

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CC is engaged in a contractual dispute with one its suppliers about the delivery of textiles.

(b) Explain **one** way CC could enforce the contract with its supplier.

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(c) Evaluate the possible implications for CC of engaging in court action with its supplier.

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Flimani, Solka & Partners suffered financial losses when acting on behalf of some of its clients. These losses were partly because of a lack of professional scepticism. FSP had not checked some facts and some clients had not given all the required information. These issues meant that FSP has engaged in court action with inaccurate information.

FSP has two options:

- to formally train staff to improve their levels of professional scepticism

or

- to create a system of mentoring its lawyers with existing staff.

(d) Evaluate which of these **two** options is most appropriate for FSP.

(12)

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(Total for Question 10 = 28 marks)

TOTAL FOR SECTION B = 72 MARKS
TOTAL FOR PAPER = 90 MARKS

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