

COUNCIL OF LEGAL EDUCATION  
NORMAN MANLEY LAW SCHOOL

LEGAL EDUCATION CERTIFICATE  
FIRST YEAR EXAMINATIONS 2024

LAW OF REMEDIES

(WEDNESDAY, MAY 8, 2024)

**Instructions to Students**

- (a) Time: **3½ hours**
- (b) Answer **ALL** questions.
- (c) In answering any question, a candidate may reply in accordance with the law of a Commonwealth Caribbean territory zoned for this school, **but must state at the beginning of the answer the name of the relevant territory.**
- (d) It is unnecessary to transcribe the questions you attempt.
- (e) Answers should be written in black or dark blue ink. Erasable pens are not allowed.

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**PLEASE REMAIN SEATED UNTIL YOUR SCRIPT HAS BEEN COLLECTED.**

**The facts below relate to both questions (1) and (2)**

You are a junior attorney-at-law at a firm in your jurisdiction. On May 3, 2024, Precious comes to your office and provides the following information:

On the morning of April 1, 2023, at about 10:30 a.m., Precious and her daughter, Unis, were standing on the sidewalk, at the intersection of Juicy Lane and Kilmore Crescent. Before proceeding to enter the pedestrian crossing, they checked the signal and noted that the sign was flashing “DO NOT WALK”. Precious and Unis checked the road, looking up and down and saw that there were no vehicles in the vicinity on either side. Satisfied that it was safe to cross, they proceeded to do so.

Precious recalls that when they were halfway across the road, she saw, as if coming out of nowhere, a black vehicle approaching them at high speed. Precious heard Unis scream and she felt when the vehicle hit her, on the right side of her body. She was flung some distance away, falling eventually on the sidewalk and hitting her back. Unis was hit directly by the black vehicle, and Precious recalls seeing her body lying, unconscious on the roadway with blood coming from her mouth.

Jane, a law student who had witnessed the accident, was shocked by what she had seen, but came to her senses quickly and called the police from her mobile phone. Shortly thereafter, an ambulance with medical support teams arrived on the scene along with the police. Constable Moore, one of the police officers, proceeded to question Dense, the driver of the black vehicle, who was behaving erratically.

Dense admitted to Constable Moore that he was the owner and driver of the black vehicle, a Mitsubishi Pajero. Constable Moore observed that Dense's speech was slurred and that he smelled of alcohol. Dense denied that he was at fault, claiming that the two women just ran onto the road into the path of his vehicle. A police investigation was carried out and the findings revealed that Dense was at fault.

## **QUESTION 1**

Precious was taken to the hospital in an ambulance. On arrival, X-rays were done to her spine, chest and both legs. Her right knee was bandaged and she was given medication for pain. She spent four days in the hospital.

Precious continued to feel excessive pain after being discharged from the hospital and subsequently visited Dr Karer, an orthopaedic surgeon, for medical treatment. Dr Karer ordered more X-rays to be done to her spine and knee. She was given additional medication and was instructed to attend physiotherapy sessions two days a week. The injuries listed in the medical report from Dr Karer showed that Precious suffered from abrasions to the right thigh, leg, foot and ankle. She also suffered from lower back pain, knee sprain, cervical strain and whiplash injury. Precious provided the firm with receipts to support her total medical bills which amount to \$3,000.

Precious, aged 55, is a teacher at Franklin High School where she earns an annual gross salary of \$55,000. She is entitled to six months' paid sick leave. She is also a part-time hairdresser who earns \$150 per client, and services approximately 20 clients per month.

Precious also indicated that since the accident she has been having difficulty walking and has had to engage the services of a taxi to take her to physiotherapy sessions. She has also been unable to care for herself, and has had to ask her sister Joyce, to assist her with the performance of her daily chores. Joyce provided her with free nursing care for three months after she was discharged from hospital. Precious has not been able to work for one year as both her jobs had required her to stand for long periods.

Advise on the legal issues, the remedies which can be sought and the legal basis for the claim(s), providing an explanation of the assessment and any limiting factors that may arise from the information given.

## **QUESTION 2**

Unis was directly hit by the Mitsubishi Pajero and was taken to the hospital to receive medical attention. On arrival at the hospital she regained consciousness. X-rays and several other procedures, which she paid for, were done based on the severity of Unis' injuries.

Precious has provided receipts for the various medical procedures and post-surgery medication. On April 24, 2023, Unis developed medical complications as a result of the accident and died in the hospital.

Precious paid for a death certificate and all the burial expenses associated with her daughter's death, including an extravagant monument which she constructed in her honour.

At the date of her death, Unis was 35 years old and was employed as a supervisor at a leading financial institution, earning an annual gross salary of \$ 70,000. She was the sole breadwinner for her son, daughter and her 'god-daughter', Annmarie, who lived with her.

Annmarie was 15 years old when Unis died. Unis had allowed Annmarie to live with her family after her (Annmarie's) mother died. She took care of all of Annmarie's school, food and medical expenses.

Her son, Paul, was 12 years and five months old at the date of his mother's death and was doing well in school.

Karol, the baby of the family, was eight years old when Unis died. She attends Mary Poppins School, a private institution.

Unis also provided Precious with a monthly cash allowance of \$200 for her general upkeep.

Precious describes her daughter as a woman who enjoyed a healthy lifestyle, sang in her church choir and was an avid sports enthusiast. She spent about \$100 weekly on herself. She also had a life insurance policy for \$80,000 which named her children as beneficiaries.

Unis died leaving a valid Will, naming her mother as sole executrix.

Advise on the legal issues, the remedies which can be sought and the legal basis for the award(s) providing an explanation of the assessment, and any limiting factors that may arise from the information given.

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### **QUESTION 3**

You are a junior attorney-at-law at a firm in your jurisdiction. On May 6, 2024, Diamond comes to your office and provides the following information:

Real Hair Limited (Real Hair) is a distribution company located in your jurisdiction that supplies premium quality hair extensions and wigs. The product range offered by Real Hair includes real human hair, lace wigs and other hair Products of the highest standard. On April 14, 2022, while attending a hair trade show, Diamond met Steve the marketing manager for Real Hair. At this trade show, they discussed the possibility of Diamond becoming a distributor for Real Hair.

The discussion continued by email and on August 12, 2022, Steve sent an email, asking Diamond to confirm that she would act as the sole distributor for Real Hair in the Caribbean region. Diamond replied saying that she would be delighted to act as Real Hair's sole distributor and that they should agree on the terms. On or about August 18, 2022, Steve sent samples to Diamond and letter of intent that confirmed that she would be Real Hair's sole distributor in the Caribbean.

Both parties orally agreed to the following terms contained in the letter of intent:

- (a) The distribution agreement between Real Hair (the Supplier) and Diamond (the Distributor) would commence on August 18, 2022, and end three years later (the Contracted Period).*
- (b) During the Contracted Period the Distributor is to be the sole distributor for Real Hair in the Caribbean region.*
- (c) The Supplier to provide the Distributor with hair extensions and other products (the Products) on 30 day credit when requested, and is*

*prohibited from distributing their Products to anyone else in the Caribbean region.*

*(d) The Supplier is to supply the Products in a timely manner and in good workmanship.*

*(e) Either party can terminate the contract by giving six months' written notice.*

Diamond indicated that Real Hair sent her the written agreement dated August 20, 2022, containing the terms set out in the letter of intent, but that she never signed the agreement, nor did they insist she do so.

Diamond placed and received several shipments of hair products from Real Hair and earned, on average, US\$20,000 net, monthly, from the distribution business.

On February 6, 2024, while visiting a friend on a neighbouring Caribbean Island, she noticed a hair salon that was advertising Real Hair Products. Curious, she entered the salon and inquired who was the supplier. She was told by the owner that it was Real Hair. Diamond emailed Steve on February 10, 2024, informing him that that she was aware that Real Hair was distributing their products to other persons, but that she was still interested in continuing their arrangement. She received no response to her email.

Diamond has instructed your firm that after emailing Steve in February she stopped receiving any products from Real Hair, despite further requests for new shipments. As a result of the failure to receive the products, she has lost several customers and has had to lay off three of five staff members. She has also contacted other suppliers to try to source hair products but has been unsuccessful.

Diamond also had to cancel her attendance at a hair show on a neighbouring island which she had pre-booked for March 1, 2024. Consequently, Diamond had to cancel her hotel accommodation and flight and lost the deposit of US\$1000 she had paid to secure her booth at the event.

Advise on the legal issues, the remedies which can be sought and the legal basis for the award(s) providing an explanation of the assessment, and any limiting factors that may arise from the information given.

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**END OF PAPER**