COUNCIL OF LEGAL EDUCATION

NORMAN MANLEY LAW SCHOOL

LEGAL EDUCATION CERTIFICATE

FIRST YEAR EXAMINATIONS 2025

LAW OF REMEDIES

(FRIDAY, MAY 23, 2025)

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.

PLEASE REMAIN SEATED UNTIL YOUR SCRIPT HAS BEEN COLLECTED.

Since there are different currencies across jurisdictions, monetary sums are, for convenience, stated instead in United States dollars only. You are not required to convert to your local currency.

QUESTION 1

Sugar, aged forty-four years, died on January 4, 2025 from injuries he sustained when Turbo's SUV struck his motorcycle. Turbo ran a red light at high speed and collided with Sugar, who was proceeding through the intersection on a green light. Sugar was not wearing a helmet at the time of the collision. He died instantly.

Sugar was a highly sought-after fitness instructor who had built a solid reputation throughout the country. This allowed him to command extraordinary fees, earning him approximately US$70,000 annually. He was positioned for significant professional growth.

Sugar was in excellent health prior to the accident and had no pre-existing medical conditions. He maintained a healthy lifestyle, consistent with his profession, and regularly participated in triathlons and adventure races.

His sudden death has devastated his partner, Tammy, a hairstylist, with whom he lived for the past 20 years. Although they were never married, they had built a life together, raising two children. Their seventeen-year-old son, Ace, was recently accepted into a three-year degree programme at the local university, and their eight-year-old adopted daughter, Zee, is still in primary school. Sugar had often spoken of his pride in Ace's academic achievements and his plans to continue supporting him through completion of his degree. Similarly, he had expressed equal commitment to Zee's future education.

Tammy planned an elaborate funeral to honour Sugar's memory and commissioned a striking monument at his grave, featuring a life-sized bronze replica of his beloved motorcycle. Despite the considerable expense, she felt this extravagant tribute was essential to properly commemorate Sugar's passion for motorcycling, and the adventurous spirit that had defined him throughout his life.

In his household, Sugar contributed half the rent, covered all utilities, and paid for all his children's expenses including education, clothing, medical costs, and extracurricular activities. He also handled all home plumbing repairs, maintained the yard year-round, and performed basic maintenance on the family vehicles.

Sugar financially supported his seventy-five-year-old mother as well, providing her with a monthly allowance, weekly groceries, and paying all her utilities. Following Sugar's death, his mother received a substantial payout from a life insurance policy that he had maintained for her benefit.

Sugar's sister, Rose, who is the sole executrix of his estate, has come to see you. Still visibly distraught, she explains that Sugar's immediate family members are struggling profoundly with both grief and sudden financial hardship. Rose also mentions that Sugar's Will names Tammy and his children as the beneficiaries of his estate.

Rose seeks your advice regarding potential claims that could be pursued against Turbo, and the legal bases on which damages might be awarded.

Advise her.

QUESTION 2

Two years ago, Mira, a thirty-five-year-old accountant, sustained severe injuries in a motor vehicle accident, caused by Nino, who has accepted full liability.

Mira suffered a complete spinal cord injury, which has left her paralysed from the waist down, requiring her to use a wheelchair. She also sustained a mild traumatic brain injury and a severe right shoulder injury. She spent four weeks hospitalised, followed by nine months of rehabilitation. She continues to require physical therapy and pain management. Her mother took early retirement to assist with her care.

The shoulder injury required surgical repair. Despite surgery, Mira experiences chronic pain and limited range of motion in her shoulder, significantly impacting her ability to propel her manual wheelchair and perform many self-care activities.

Since the accident, Mira experiences chronic neuropathic pain below her spinal injury. This pain is rated at 7-8/10 on most days, disrupting her sleep and requiring strong medication that causes drowsiness and poor concentration. She also experiences painful muscle spasms in her legs.

During her recovery, Mira received full pay for the first three months but no pay for the following nine months. After twelve months, she returned to her accountant position, at the same salary (US$2,000 monthly). However, the brain injury has resulted in occasional cognitive difficulties affecting her work performance. Mira now experiences problems with sustained concentration, numerical processing, and complex calculations. She requires additional time to review financial reports, occasionally makes computational errors that require correction, and struggles with the fast-paced demands during audit periods. The medical prognosis is that her cognitive difficulties will likely be permanent.

Before the accident, Mira was an avid hiker and volleyball player. She can no longer participate in these activities.

To accommodate her new condition, Mira has had to make substantial modifications to her home at significant expense. These modifications included wheelchair ramp installation, comprehensive bathroom modifications, widened doorways and kitchen adaptations. She has also had to purchase necessary assistive equipment, including a manual wheelchair for indoor use, a power wheelchair for longer distances, and a modified vehicle at considerable additional cost over a standard vehicle.

Advise Mira on the measure of damages and the likely approach a court will take in the assessment of any damages which she may be awarded.

QUESTION 3

Your client, Eunice, was a human resource manager at Core Manufacturing Ltd. (CML), a large manufacturing company located in the capital. She was hired on a three-year fixed-term contract of employment, effective March 1, 2023, which was due to run until February 28, 2026. Her monthly salary was US$3,500.

During her first year at CML, Eunice successfully implemented several human resource policy improvements and was regarded highly for her work. Her most recent performance review rated her as "exceptional", and her personnel file contained no prior warnings or disciplinary actions.

In July 2024, CML underwent a leadership change when Mr. Blunt was appointed as the new Chief Executive Officer (CEO). He introduced a more aggressive management approach that frequently bypassed the established company procedures and policies that Eunice had helped develop during her tenure.

In April 2025, Eunice formally raised concerns with senior management regarding what she believed were discriminatory hiring practices that favoured younger applicants over qualified, older candidates. She also voiced concerns about potential breaches by CML of Jurisdiction's labour laws.

Two weeks after raising these concerns, on May 14, 2025, she was summoned to a meeting with Mr. Blunt. Also present at this meeting were the Chief Financial Officer, and Mr. Blunt's executive assistant who was taking notes. During this meeting, Mr. Blunt accused Eunice of "disloyalty" and "creating a hostile work environment". When she attempted to defend her position, Mr. Blunt repeatedly cut her off and raised his voice to the point where employees in the adjacent conference room later reported hearing the exchange. Eunice calmly stated she would "take further steps", if the company did not address her concerns about potential legal violations.

The following day, on May 15, 2025, Eunice was handed a termination letter while in the middle of conducting a scheduled training session with twenty-five departmental managers. Security guards entered the conference room, and she was instructed to leave immediately. She was escorted from the premises and denied access to her work email and personal belongings.

The termination letter alleged she had openly challenged the CEO's authority during management meetings by questioning hiring decisions in front of other managers in an aggressive and unprofessional manner, undermining leadership, and creating a hostile work environment. Her termination letter contained a cheque in the amount of one month's pay.

Eunice’s employment agreement provided for early termination in the following terms:

> “ **Early Termination**
>
> 8. The employer or the employee may terminate this agreement at any time, on giving (at the option of the terminating party) either three (3) months’ written notice or paying one (1) month’s salary in lieu of notice.”

Within hours of Eunice’s dismissal, Mr. Blunt sent a company-wide email stating that Eunice was no longer employed with the company, and that she had been terminated for "attempting to undermine company leadership”. Several industry colleagues contacted Eunice to ask about these allegations, indicating the information had spread beyond CML.

No formal disciplinary procedure was followed before Eunice’s dismissal. She explains that she is confused about the grounds for her termination and disappointed at the manner in which she was dismissed.

She describes CML's behaviour as "corporate bullying that needs to be addressed” and wants to pursue all available remedies. She is reluctant to seek new employment immediately as she believes her dismissal was unlawful, and that she should regain her position at the company and/or be paid substantial compensation.

Advise Eunice.

END OF PAPER