



Federation of Law Societies of Canada

National Committee on Accreditation

SAMPLE

Examination for Family Law (BC)

Candidate No.: _____

*(To ensure your anonymity, please **DO NOT** include/type your name in any part of your exam)*

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General conditions of NCA online exams:

To help NCA applicants transition to online long form examinations, the NCA now allows an extra hour, or **four (4) hours in total**, for completion of each exam.

NCA exams are open-book. **Only hard copy study materials** will be permitted; you will **NOT** have access to electronic copies of your notes or textbooks.

The examination will be graded on a **pass/fail** basis (50% is a pass).

The contents of the examination, including the exam questions, **must not be disclosed** or discussed with others

If you finish early, you must stay in place, with your computer still locked down, for the full 4 hours. **Failure to follow the proctor's instructions regarding sequestering is a violation of the Candidate Agreement and will result in your exam being disqualified.**

NCA online exams are available through a secure, browser-based platform that locks down your computer. This means the computer cannot be used for any other purpose or to access any other material during the exam.

As you write your exam, a person designated as proctor will check your identification and monitor you **using two cameras**; a web camera on your computer and a camera on a tablet or phone.

For more information concerning the NCA's online exams, including, exam rules, technical requirements and the candidate agreement please see the links below:

<https://nca.legal/exams/online-exam-rules/>
<https://nca.legal/exams/technical-requirements-and-testing-for-online-exams/>
<https://nca.legal/exams/nca-candidate-agreement/>



Each exam may have its own special instructions, therefore, it is important for you to read these carefully before starting.

Instructions specific to this exam:

1. This examination contains **XYZ questions**, worth a total of **100 marks**.
2. Answer all the questions with full sentences.

This sample exam provides an indication of the style/type of questions that may be asked in each exam. It does not reflect the content or actual format/structure of questions nor their value. Actual exams for a specific subject vary from exam session to exam session.



QUESTION ONE (10 MARKS)

Gianna and Jassar were married in Vancouver in 2008. Gianna refused to consummate the marriage and Jassar withdrew from cohabitation three weeks after the wedding. Shortly thereafter, Gianna met Emile and they lived together for several months. They then decided to “regularize” their relationship and were married in New York having passed themselves off as singles to the licensing authorities. Consider the legal position of all three parties in the alternative contexts of nullity and divorce proceedings.

QUESTION TWO (20 MARKS)

Jane and Tarzan were married eight years ago and have a six year old son named David. Both parents have always worked outside the home. Until David started school, he was cared for during the day by Tarzan’s parents. Since he started school, the paternal grandparents have continued to look after David during the day in the summer months. Four months ago, the parents separated when Tarzan discovered that Jane was having an affair. Although Tarzan indicated at the time that he intended to seek custody of David, he agreed that David should live with Jane in the matrimonial home until Tarzan “got settled”. Tarzan has now applied for an order for joint custody of David whereby he will spend equal time with each parent on a rotating weekly basis. Alternatively, Tarzan seeks generous access coupled with joint guardianship rights entitling him to enjoy equal decision-making authority with respect to major decisions respecting David’s health, welfare and education. Jane has applied for sole custody of David and seeks to terminate the paternal grandparents’ close association with David. The paternal grandparents have applied for an access order that reflects their previous close relationship with David. Define and apply the legal principles that govern the issues of custody and access under the *Family Relations Act of British Columbia* and indicate the probable outcome of the judicial proceedings.

QUESTION THREE (20 MARKS)

Joan has 3 children, Adam, Eve and Rebecca. They are 10, 7 and 3 years of age respectively. George is Adam’s father. George earns \$40,000. Malcolm is Eve’s father. Malcolm earns \$60,000. Rodney is Rebecca’s father and has stood in the place of a parent to both Adam and Eve for the past year. Rodney earns \$90,000. Joan has launched an action for the support of all three children against Rodney. You have been consulted by Rodney. Advise him as to his legal position.



QUESTION FOUR (20 MARKS)

Lydia and Jason were married for twenty-seven years. They separated three years ago. Jason is a lawyer who earns \$100,000 per annum. Lydia was a homemaking spouse who had primary responsibility for raising their four children, all of whom are now financially independent. She is currently employed as a cashier at a retail store. She earns \$20,000 per annum. When they obtained an uncontested divorce two years ago, Lydia and Jason entered into a separation agreement without any legal advice. They equally divided all of their assets, valued at \$400,000. The separation agreement contained an express covenant whereby Lydia agreed to accept \$500 per month for life in full satisfaction of all future claims for support and expressly undertook to present no application to the court for spousal support. Jane seeks your advice whether she can now apply for spousal support in spite of the covenant and on the amount and duration of any order that might be granted. Discuss the applicable provisions of the *Divorce Act* and the potential application of the *Spousal Support Advisory Guidelines*.

QUESTION FIVE (10 MARKS)

Gerda and Stefan have had a turbulent marriage for the last fifteen years and have been living separate and apart under the same roof for the last eighteen months. Gerda is unemployed. Stefan continues to pay all household and personal expenses out of his income of \$40,000 per year. There are four children of the marriage, ranging in age from 4 to 13. Stefan is frequently drunk and this usually leads to his verbal abuse of Gerda in the presence of the children. Gerda can no longer cope with Stefan's objectionable behaviour. She wishes to obtain an exclusive possession order to exclude Stefan from the matrimonial home. Advise her on the assumption that she will have the primary care of the children.

QUESTION SIX (20 MARKS TOTAL, 5 MARKS for each case)

Write a brief comment on each of the following cases:

Leskun v. Leskun, [2006] S.C.R. 920

Bruker v. Marcovitz, [2007] 2 S.C.R. 607

Stein v. Stein, [2008] 2 S.C.R. 263

Rick v. Brandsema, 2009 SCC 10

End of Examination



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