

University of Victoria Faculty of Law
LAW 307B - CIVIL PROCEDURE WITH DRAFTING

Fall 2010 Term

Professor Andrew Pirie

Course Description

Course Particulars

Pre-requisites/co-requisites:	Required in second or third year
Unit value:	2.0 units
Hours per week:	4 hrs
Term offered:	Fall 2010
Class hours:	Mon, Wed, 8:30am-10:20am
Location:	Room 157 Fraser Building
Instructor:	Professor Andrew Pirie
Contact:**	Rm 223, Fraser Building Telephone: 250-721-8179 (office) e-mail: apirie@uvic.ca

**I have an open-door policy. If you need to speak with me for any reason please drop by my office or contact me by telephone or email.

Major Educational Goals

This course is about the workings and principles of the civil litigation process. In the course, students will

- Learn fundamental knowledge and skills necessary to understand and work in the civil justice system with a particular emphasis on developing a professional and ethical approach to recognizing and effectively solving civil procedure problems.
- Develop a sound theoretical and practical understanding of the underpinning of a civil justice system in common law jurisdictions, particularly B.C.
- Apply the knowledge, principles, processes, skills, and rules you have learned, along with associated analytical and drafting skills, to realistic civil procedure cases in order to achieve client, professional, and personal goals.
- Critically evaluate the civil justice system including recent civil justice reforms and compare this system to inquisitorial, indigenous systems and non-adversarial models.

Subject Matter to be Covered in the Course

In order to achieve the above broad goals, the following specific subject matters will be covered in the course:

The Adversarial System of Justice
Legal Ethics and Professional Responsibility
Court Structure, Jurisdiction, and the Major Stages of Litigation
Supreme Court Civil Rules and Principles of their Interpretation
Civil Justice Reforms
Limitation Periods
Structured Problem Solving: Legal Analysis and Theory of the Case
Case Management
Procedures for Ascertaining Facts (Discovery)
Pre-Trial Resolution Procedures

Negotiation and Settlement Out of Court Legal Drafting in the Litigation Process

Teaching Methodology

The course will have an emphasis on a practical and team work approach through learning by doing in order to help students master the materials and successfully achieve the learning objectives in the course. Students will work in “law firms” and will get hands-on practice with several litigation files in the same way that a practising lawyer would handle these file. Prior to and while working with these files, students will attend a series of lectures in the course in order to acquire the theoretical and critical knowledge and skills necessary to work through the file issues in a professional and ethical manner. Many matters come up, sometimes unexpectedly, in litigation files. Part of your learning on these litigation files will be to develop analytical, problem solving, and drafting skills through a series of practice assignments. Throughout this learning experience, students will have the opportunity through lectures, small group and class discussions, in-class exercises, problem scenarios, and other techniques to get a deep understanding of what takes place in the civil litigation context and what a lawyer needs to know and be able to do in order to make decisions about how best to proceed in realistic and ethical ways. This knowledge and these skills will be useful even if your practice is not civil litigation, if you do not practice traditional law, or if your career is outside law.

Course Reference Materials

The course reference materials are referred to and assigned in the accompanying "**Course Outline and Readings**".

Students will need to acquire the following required materials that are available from the University bookstore.

Required Materials

Walker, Sossin, Civil Litigation, (Toronto: Irwin Law Inc., 2010)

Dillon, Turriff, British Columbia Annual Practice, 2010-2011, Canada Law Book, (Contains the new Supreme Court Civil Rules in force July 1, 2010, Practice Directions, and related statutes)

Drafting Materials will be distributed electronically early in the term.

Evaluation

1. There are 3 evaluation components. They will allow me to evaluate how well you have achieved proficiency in the attainment of the major educational goals set out above and the course learning objectives. Please refer to Faculty of Law policies on 9 point grade descriptions.

*Final Exam, "Mastering the Readings"	60%
*Memo Assignment, "Problem Solving"	20%
* Major Drafting Assignment	20%

2. Clear instructions will be given on how to successfully complete each evaluation component.

3. All evaluation assignments must be completed by each student independently.

4. The Final Exam will take place on Monday December 6, 2010 at 9am. This is an open book exam and will cover all assigned readings and all materials covered in class.

5. The Memo Assignment will be distributed in class and is due to be handed in no later than start of class December 1, 2010. Penalty for late submission.

6. The Major Drafting Assignment will be distributed in class and is due to be handed in no later than start of class December 1, 2010. Penalty for late submission.

7. **Mid term code names**, obtained from the law school front office staff, will be used on the Memo and Major Drafting Assignment.

