

**LAW 307B A01 – CIVIL PROCEDURE – SPRING 2012
COURSE OBJECTIVES, METHODOLOGY, AND EVALUATION**

COURSE	Law 307B Civil Procedure with Drafting
UNIT VALUE	2.0 Units (4 hours per week)
INSTRUCTOR	M. Cheryl Crane
TERM OFFERED	Spring 2012
CLASS TIMES	Tuesday and Thursday, 1:30 to 3:30 p.m.
CLASSROOM:	Room 157
INSTRUCTOR:	Professor Cheryl Crane, Office 228 Telephone: 853-3167; Email: mccrane@uvic.ca
PREREQUISITES/CO-REQUISITES	None

COURSE WEBSITE AND CLASS LIST-SERVE

Everyone enrolled in the course is subscribed to a Moodle course website at (<http://moodle.uvic.ca/>) which all students must be able to access and use. The website will be used to post various required class readings, course updates, handouts and overheads, etc.

Any student who has concerns about using the Moodle website, or difficulties accessing it, should contact me immediately to discuss the matter so that alternate arrangements can be made if necessary. A list-serve for the course will also be used, as needed, to provide class notices and updates.

OBJECTIVES

To provide a theoretical framework for considering the rules of civil procedure in the context of larger questions about the role of the civil justice system and access to justice;

To introduce and become familiar with the basic fundamentals of civil procedure in British Columbia and the main steps and rules of procedure for conducting civil proceedings in the Supreme Court of British Columbia;

To study the role and professional responsibilities of lawyers and other legal professionals involved in civil disputes;

To explore the inter-relationship between civil litigation and other dispute resolution methods and processes; and

To develop the knowledge and skill needed to draft some of the basic legal documents related to a civil action.

COURSE CONTENT

Law 307B offers an overview of common law civil procedure with reference to the Supreme Court Civil Rules governing Supreme Court of British Columbia practice. Topics covered include:

- access to justice: current problems and civil justice reform initiatives
- the traditional adversarial model of civil justice and alternatives
- limitation periods (*Limitation Act*, RSBC 1996, c.266)
- jurisdiction of civil courts in BC: the BCSC and the Small Claims Court;
- roles and professional responsibilities of legal professionals in conducting civil litigation;
- the various stages and specific rules of civil litigation under the *Rules of Court* from the commencement of an action, through pleadings, discovery processes, and pre-trial resolution processes to the trial and post-trial stages;
- class actions legislation (*Class Proceedings Act*, RSBC 1996, c. 50) and
- principles of drafting some of the basic legal documents related to a civil action.

METHODOLOGY

The course will consist primarily of lectures and class discussion. Some small group work may be included. Students are expected to have read assigned readings prior to class and are encouraged to participate in class discussions and ask questions during class. Application of knowledge and skills development will be promoted through drafting assignments. Several guest lectures will be scheduled.

COURSE MATERIALS

The **required** course materials are:

(1) Janice R. Dillon and Gordon Turriff, Q.C., *British Columbia Annual Practice 2012* (Aurora, Ont.: Canada Law Book, 2011) – known as the “*White Book*” – can be purchased from the Book Store. (This book should accompany you to every class. It contains not only the *Supreme Court Civil Rules* but also various other statutory materials that form part of the required readings for the course.)

(2) Two short in-house produced Course Packs – Supplementary Materials and Course Materials Part II – which can be purchased from the CDC;

(3) Various other materials and readings as posted or linked to on Moodle or otherwise made available to students.

COURSE SYLLABUS

The course syllabus outlines the schedule and required readings for the course. Part I of the syllabus will be provided at the outset of the course. Part II will be made available later. In each case, the readings listed may be changed, added to, or deleted as the course proceeds. The schedule for proceeding through the topics and materials may also be adjusted, as needed.

EVALUATION COMPONENTS

Evaluation of the course consists of the following components:

- (1) Drafting Assignment #1 – Notice of Civil Claim – worth 10% of final grade
Distributed by February 9. Due February 25
 - (2) Drafting Assignment #2 – Documents for a Chambers Application – worth 10% of final grade
Distributed by March 1. Due March 13.
 - (3) Chambers Observation Journal/Exercise – worth 10% of final grade.
Distributed by January 15. Due March 23.
 - (4) Final Exam on Tuesday, April 17, 2012, worth 70% of final grade
- (Details and instructions for the first three components will be provided later.)

Students are **not** able to write a major paper in this course.

EXTENSIONS AND LATE PENALTIES

Extensions to the above assignment deadlines may be granted on grounds such as illness, disability, family or personal emergencies, religious observance, and other exigent circumstances.

If you are having, or anticipate having, difficulties meeting any of the relevant due dates, please discuss the problem with me, or with the Associate Dean, **before** the due date.

In the absence of an extension, failure to submit an assignment by the relevant deadline will result in the grade being reduced one grade level (A down to A-, B+ down to B) for each partial day that the assignment is late. For example, an assignment that is ½ day late and is graded as a B+ will receive a letter grade of B. If the same paper were 1.25 days late, it would receive a letter grade of B-

ACADEMIC INTEGRITY

As part of the academic community of both the Faculty of Law and the University as a whole, academic integrity is centrally important in the work of faculty and students. Please consult the University Calendar for policies respecting paraphrasing, plagiarism, and cheating. The relevant policy can be found here: <http://web.uvic.ca/calendar2011/FACS/UnIn/UARE/PoAcl.html> If you have any concerns or questions, or require clarification, do not hesitate to drop by my office or to send me an e-mail. You may also, of course, consult Associate Dean Raven (lawassoc@uvic.ca) regarding such matters.

Specific instructions regarding academic integrity expectations for the course assignments will be provided along with the general assignment instructions and must be carefully observed.

GRADING

The Faculty's grading system will be used to translate numerical grades to letter grades. The chart below describes the grading system and the relevant equivalencies between numerical and letter grades:

Letter Grade	Grade Point Value	Percentage Value	Narrative Description	
A+	9	90-100%	Exceptional	Grades in this range are normally achieved by a minority of students. These grades indicate a student who is self-initiating, exceeds expectation, and has an insightful grasp of subject matter.
A	8	85-89%	Outstanding	
A-	7	80-84%	Excellent	
B+	6	75-79%	Very Good	Grades in this range are normally achieved by the largest number of students. These grades indicate a good grasp of subject matter or excellent grasp in one area balanced with satisfactory grasp in the other area.
B	5	70-74%	Good	
B-	4	65-69%	Solid	
C+	3	60-64%	Satisfactory	These grades indicate a satisfactory performance and knowledge of subject matter.
C	2	55-59%	Minimally Satisfactory	
D	1	50-54%	Marginal	A student receiving this grade demonstrates a superficial grasp of subject matter.
F	0	49 and below	Unsatisfactory	Unsatisfactory performance.

CLASSROOM CLIMATE

The University of Victoria and the Faculty of Law are committed to promoting, providing and protecting a positive, supportive and safe learning and working environment for all its members. As an instructor, my goal is to establish an inclusive, respectful, and diverse classroom environment in which all class members feel welcomed and equally able to contribute to class discussions. If concerns arise about the climate of the class, please feel free to discuss them with me or with Associate Dean Heather Raven (lawassoc@uvic.ca).

Students using laptop computers are asked to extend to me and to your fellow students the courtesy of not displaying on your laptops during class time material that is not related to the class.

Without my express prior permission, laptops or other devices may not be used to tape or otherwise record a class, or any portion thereof.

ILLNESS, DISABILITY, FAMILY CIRCUMSTANCES, AND RELIGIOUS OBSERVANCE ACCOMMODATION

The Faculty of Law provides reasonable accommodation to students on the basis of factors such as illness, disability, family circumstances, family or personal emergencies or affliction, or other similar special needs, when such factors interfere with the ability of a student to attend and participate, or to complete assignments or examinations on the regularly scheduled dates, or in other circumstances.

Accommodation to enable religious observance is also provided in accordance with University policy (see <http://web.uvic.ca/calendar2011/GI/GUPo.html>). Students should feel free to consult me or the Associate Dean of Academic and Student Relations Heather Raven (lawassoc@uvic.ca) regarding such matters.

OTHER FACULTY REGULATIONS AND POLICIES

Students should also ensure that they are familiar with all regulations and policies pertaining to their status as students. The University's regulations and policies for undergraduates appear in the University Calendar at: <http://web.uvic.ca/calendar2011/FACS/UnIn/UAre/index.html>.

The academic regulations of the Faculty of Law are included in the University Calendar at <http://web.uvic.ca/calendar2011/FACS/FoLa/FARe.html> and are also posted on the Faculty of Law website at: http://law.uvic.ca/current/academic_regs.php

More detailed information about Faculty policies and practices regarding various matters related to students, including examinations and grades, can be found on the Associate Dean's Page on the Faculty of Law website at: <http://law.uvic.ca/current/associatedean.php>. You are strongly encouraged to familiarize yourself with this information.

[See overleaf for a list of useful resource references for Civil Procedure.]

CIVIL PROCEDURE RESOURCE MATERIALS AND LINKS

A. SOME HELPFUL HARD COPY RESOURCE MATERIALS

Seckel and MacInnis, *BC Supreme Court Rules Annotated*. Very similar to the White Book, but provides useful short essays on each Rule.

B. McLachlin and J. Taylor, *British Columbia Practice* (2nd ed.). This is organized by Rules and offers the most complete collection of judicial application of the rules.

Fraser and Horn, *The Conduct of Civil Litigation in British Columbia* (2 vol); organized by procedures and themes rather than by rules.

B. McLachlin and J. Taylor, *British Columbia Court Forms* (2nd ed). This is the authoritative British Columbia book of precedents.

Bullen & Leake & Jacob's Precedents of Pleading. This is a classic pleadings text but is based on English law.

B. SOME USEFUL ELECTRONIC RESOURCES

Supreme Court Civil Rules

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/168_2009_00

Information about the BC Justice Review Task Force (recent reform process):

<http://www.bcjusticereview.org/>

Professional Responsibility and Ethics

Canons of Legal Ethics and Professional Conduct Handbook of The Law Society of British Columbia: <http://www.lawsociety.bc.ca/page.cfm?cid=383&t=Professional-Conduct-Manual>

Small Claims Matters in the Provincial Court

<http://www.provincialcourt.bc.ca/aboutthecourt/smallclaimsmatters/smallclaimsmattersusefullinks/smallclaimsmattersusefullinks.html>

C. CONTINUING LEGAL EDUCATION SOCIETY OF BC PUBLICATIONS

BC CLE has a wealth of helpful publications related to civil procedure. Much of this available online through the Law Library. There is a separate database for this at:

<http://online.cle.bc.ca/Login.aspx> It is my understanding that all students have access to this site.

The site includes both online practice manuals such as the BC Civil Trial Handbook and online CLE course materials which can be browsed by practice area. In the latter case, the tabs for “Litigation” and for “Professional Responsibility and Ethics” are the most useful for this course.