

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

Fall 2011 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 2011
Class hours:	Tues, Thurs, 3:30pm-5:20pm
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 justice system. 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 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 and professional 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 and Alternatives
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

Legal Drafting in the Litigation Process Professional Responsibility

Teaching Methodology

The course will have an emphasis on a practical 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 on the civil justice system in order to acquire the theoretical and critical knowledge and skills necessary to work through the file issues in a professional 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 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

Dillon, Turriff, British Columbia Annual Practice, 2011-2012, Canada Law Book, (Contains the new Supreme Court Civil Rules that came in force July 1, 2010, Practice Directions, and related statutes)

Civil Procedure 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 a 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 an 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. The older editions are often more useful as they focus more on common law claims and defences and less on English statute law.

Evaluation

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 met the course learning objectives.

* Lecture Comprehension/Problem Solving Assignment	60%
* Civil Procedure Drafting Assignment	25%
*Civil Procedure in Action Simulation (law firm teams)	15%

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

All evaluation assignments with the exception of the simulation must be completed by each student independently.

The Civil Procedure Lecture Comprehension and Problem Solving Assignment will be based on the lecture materials covered in the course and the problem solving work. The assignment will be distributed in class on November 8 and is due to be handed in at the start of class November 10, 2011. Penalty for late submission 5% for each day or part day late.

The Civil Procedure Drafting Assignment will be distributed in class on November 10 and is due to be handed in no later than the start of class November 22 2011. Penalty for late submission 5% for each day or part day late.

The Civil Procedure in Action Simulation will be conducted from November 22- December 1. Students will be placed in law firms and work as teams on a litigation file, applying what they have learned in the course to a realistic litigation file as they complete identified tasks.