

# **CIVIL PROCEDURE**

## **Laws 2061.05**

### **Course Outline 2009-2010**

#### **1. Office Hours, etc.**

David Blaikie, Weldon 314  
Office Telephone: 494-1010  
Email: david.blaikie@dal.ca  
Lectures: Mondays 1:00 to 3:00 p.m. (room 104 Fall; room 105 Winter)  
Office Hours: Mondays 3:15 to 5:00 p.m.  
or by appointment anytime

#### **2. Required Texts**

Thompson, Currie and Blaikie, *Civil Procedure 2008-2009*, 2 volumes  
*Civil Procedure Statutory Supplement 2008-2009* (Materials Room handout)  
*Nova Scotia Civil Procedure Rules*, Lexisnexis, 2009-2010 Student Edition

Only the *Statutory Supplement* and the *Rules* can be used during the final exam, with highlighting, underlining and tabbing (for labeling purposes/5 word limit) permitted but no marginal notations or other notes.

#### **3. Workshops**

There will be 7 Workshops, each one hour in duration, in groups of approximately 10 students. In addition, each group will visit Supreme Court Chambers. The Workshops will be offered at various times and there will be a sign-up period announced in class. They will begin in mid October and continue through the Winter term.

#### **4. Evaluation**

Your Workshop Instructors will mark three assignments and the mock Chambers oral presentations. The Workshop assignments will be evaluated by the Instructors on a scale from High Pass, Pass, Low Pass to Fail. One half a mark (.5) will be deducted from your Workshop mark for any Workshop missed without an acceptable excuse, up to a maximum of 3 marks out of 20.

Professors will mark two drafting assignments, the mid-term quiz, and the final exam. Assignments and exams marked by professors will be given a numerical grade.

Failure to hand in any assignment will result in a grade of 0% for that assignment.

By Professors:

- 10%: Pleadings Assignment (Fall)
- 10%: Mid-term quiz (December)
- 15%: Chambers Application Assignment (Winter)
- 45%: Final Examination, 3-hour closed book (April)

By Workshop Instructors:

- 20%: Drafting and Presentation Assignments:  
Chambers essay (3%); discovery application (5%); mock settlement conference (2%);  
mock Chambers presentation (10%)

**5. General Texts for Reading and Reference**

**Canadian**

- Abrams and McGuinness, Canadian Civil Procedure Law (Markham: LexisNexis, 2008)
- Archibald and Echlin, Annual Review of Civil Litigation 2008 (Toronto: Carswell, 2008)
- Crane and Brown, Supreme Court of Canada Practice 2008 (Toronto: Carswell, 2008)
- Meagher and Meagher, Civil Procedure Simplified (Toronto: Butterworths, 1983)
- Olah, The Art and Science of Advocacy (Toronto: Carswell, looseleaf, 1990- )
- Saunders *et al.*, Federal Courts Practice 2009 (Toronto: Carswell, 2008)
- Sopinka, Houston and Sopinka, The Trial of an Action, 2nd ed. (Toronto: Butterworths, 1998)
- Stockwood, Civil Litigation, 5th ed. (Toronto: Carswell, 2004)
- Stuesser, An Advocacy Primer, 3rd ed. (Toronto: Carswell, 2005)
- Walker *et al.*, The Civil Litigation Process: Cases and Materials, 6th ed. (Toronto: Emond Montgomery, 2005)
- Watson and McGowan, Ontario Civil Practice 2010 (Toronto: Carswell, 2009)
- Watson and Perkins, Holmsted and Watson: Ontario Civil Procedure (Toronto: Carswell, looseleaf, 1984- )

**English**

- Casson and Dennis, Odgers' Principles of Pleading and Practice, 21st ed. (London: Stevens & Sons, 1975)
- Rose, Pleadings Without Tears: A Guide to Legal Drafting, 6th ed. (Oxford: Oxford University Press, 2002)

**American**

- Hazard and Taruffo, American Civil Procedure: An Introduction (New Haven: Yale University Press, 1993)
- Fleming, Hazard and Leubsdorf, Civil Procedure, 5th ed. (St. Paul: West, 2001)

## **6. Accommodation**

### **Students with Special Needs/Requests for Accommodation**

Professor Dianne Pothier is the faculty advisor to students with disabilities. Students wishing to discuss in-class accommodation or in-class study assistance needs should see Professor Pothier.

Students seeking special accommodation with regard to any aspect of course evaluation (including exam deferrals and extensions to deadlines) must make an application to the Studies Committee. Academic regulations require such requests to be made as soon as possible and, in any event, no later than the date on which the exam is to be written or the paper or other assignment is to be submitted. Students should contact Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes for more information about requests for accommodation and about the Studies Committee process.

### **Pandemic H1N1 Influenza Advisory in Relation to Academic Continuity**

In the event of an escalation of the pandemic H1N1 influenza virus, the University may need to authorize Academic Units to change elements of class schedules and/or evaluation plans as outlined in course syllabi. Any change is intended to support the primary goal of reducing the risk of spreading a pandemic influenza among students, faculty and staff.

Although it is difficult to predict the severity of the pandemic, the University is committed to minimizing the impact on student's academic progress. Therefore, every effort will be made to provide students with options for continued learning and for continued fair evaluations.

Changes may include but are not limited to:

- Adjustments to course assignments;
- Changes to the dates of exams;
- Arrangements for alternative evaluations for students affected by H1N1 influenza virus;
- Adjustments to work terms;
- Modification of marks awarded for participation;
- Adjustments to attendance policies.

Any alternative plan made in individual courses may be superseded by University-wide or government measures to reduce the spread of the pandemic H1N1 influenza virus.

## 7. **Plagiarism**

All students in this course must read:

the University policies on plagiarism and academic honesty referenced in the Policies and Student Resources sections of the plagiarism.dal.ca website; and

the Law School policy on plagiarism, as set out in our regulations, available in hard copy from the Associate Dean's office and online at:

[http://law.dal.ca/Current\\_Students/Course\\_Selection\\_Materials/RegulationsHandbook/index.php](http://law.dal.ca/Current_Students/Course_Selection_Materials/RegulationsHandbook/index.php)

Any paper or assignment submitted by a student at Dalhousie Law School may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the Law School, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above.

Ignorance of the policies on plagiarism will not excuse any violation of those policies.