CIVIL PROCEDURE
Laws 2061.05

Course Outline
2009-2010

1. Office Hours, etc.

Rob Currie, Weldon 313
Office Telephone: 494-1012
Email: robert.currie@dal.ca
Lectures: Mondays 1:00 to 3:00 p.m.
Office Hours: By appointment (via e-mail), or drop in. Monday after class often good.

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, Holmested 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)

Students with Special Needs/Requests for Accommodation

Professor 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 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.

Civil Procedure 2009-2010 Schedule and Reading List

CLASS	**TOPIC**	**READINGS**
September 14	An Introduction	Preface, Chapters 1 & 2
September 21	Guest Lectures: "Meet the Prothonotary" by Annette Boucher, Prothonotary of the Supreme Court of Nova Scotia	Handout
	"Who Let the Dogs Out?" by Michael J. Wood, Q.C. (cc)[1]	
September 28	The Canadian Civil Court System	Chapter 3
October 5	Commencing Proceedings	Chapter 4
October 12	Thanksgiving—No Class	
October 19	Jurisdiction and Convenience	Chapter 7
Workshops begin	*Week One: Overview of the Civil Process; Discussions of Hypo and Assignments*	
October 26	Pleadings	Chapter 5
Workshops	*Week Two: Pleadings*	
November 2	Motions and Chambers Practice	Chapter 6
November 9	Limitation of Actions	Chapter 8
November 16	Joinder: The Size of Litigation	Chapter 9
November 23	Compulsory Joinder & *Res Judicata*	Chapter 10
	Pleadings Assignments Due by Noon, November 23rd at Weldon Reception	
November 30	Suing the Government and Amendments	Chapters 11 & 12
	Chambers Essay Due by Noon, November 30th at Weldon Reception	
December 7	In-Class Quiz	

[1] "cc" indicates a joint class of all Civ Pro students, held in Room 105.

Civil Procedure 2008-2009 Schedule and Reading List

Winter Term

January 4	Discovery: Part One	Vol. II Preface: Disclosure and Discovery Chapter 13
January 11	Discovery: Part Three	Chapter 15
Workshops	*Week Three: Discovery Application*	
January 18	Discovery: Part Two	Chapter 14
Workshops	*Week Four: Pre-Trial Settlement Exercise*	
January 25	Discovery Review & Problems *Chambers Demonstration (cc 2nd hour)*	
February 1	Pre-trial Disposition: Part One	Chapter 16-1 to 33
February 8	Pre-Trial Disposition: Part Two	Chapter 16-33 to 64
Workshops	*Week Five: **** Application; Discovery Application Assignment Due to Instructors*	
February 15	The Trial and Enforcement	Chapters 17 and 19
Workshops	*Week Six: Discussion of Chambers and Arrangements for Mock Chambers Application;* *Instructors Hand Back Discovery Assignment*	
February 22	Study Break-no classes or workshops	
March 1	Guest Lecture: "The Law of Costs" by W. Augustus (Gus) Richardson, QC (cc) *** *Application Due by Noon, March 1st at Weldon Reception*	Chapter 18
Workshops(3hours)	*Week Seven: Mock Chambers Presentation Half of All Students*	

March 8	Economical Procedures	Chapters 20 and 22
	Guest Lecture: "Appeals" by Justice Jamie Saunders, Nova Scotia Court of Appeal (cc 2nd hour)	
Workshops (3 hours)	*Week Eight: Mock Chambers Presentation Half of All Students*	

Civil Procedure 2008-2009 Schedule and Reading List

Winter Term

March 15	Class Actions	Chapter 21
March 22	Alternative Dispute Resolution (cc)	Chapter 23
March 29	Reforming the Civil Justice System	TBA

The final exam is scheduled for Monday, April 5th, 2010. A review class will be scheduled.