



# CAPILANO UNIVERSITY

COURSE OUTLINE		
TERM: Fall 2019	COURSE NO: LAW 421	
INSTRUCTOR:	COURSE TITLE: Civil Litigation	
OFFICE: LOCAL: E-MAIL: @capilanou.ca	SECTION NO(S):	CREDITS: 3.0
OFFICE HOURS:		
COURSE WEBSITE:		

Capilano University acknowledges with respect the Lil'wat, Musqueam, Squamish, Sechelt, and Tsleil-Waututh people on whose territories our campuses are located.

## COURSE FORMAT

Three hours of class time, plus an additional hour delivered through on-line or other activities for a 15-week semester, which includes two weeks for final exams. This course may also be offered via mixed mode or online.

## COURSE PREREQUISITES

LAW 101, LAW 110, LAW 210, and LAW 200 or LAW 300

## CALENDAR DESCRIPTION

In this course, students will focus on the entire process of a civil litigation claim from commencing proceedings, including parties and pleadings, to trial and appeal. The course will examine the main issues faced during a typical litigation claim during discovery, including the various potential interlocutory applications. Students will gain an understanding of the substantive law relating to civil litigation, as opposed to the procedure.

## COURSE NOTE

None

## REQUIRED TEXTS AND RESOURCES

- Janice R. Dillon and Gordon Turriff, *British Columbia Annual Practice* (Toronto: Canada Law Book, most recent annual edition)
- Other required cases and legislation will be posted on Moodle.

## COURSE STUDENT LEARNING OUTCOMES

**On successful completion of this course, students will be able to do the following:**

- Answer questions on civil litigation matters in writing in a clear, concise manner
- Analyze weekly review questions in small groups and then present the group's conclusions/recommendations on Moodle
- Prepare a legal memorandum analyzing a complex civil litigation issue

- Determine the most appropriate course of action in which to proceed in a civil lawsuit
- Describe and analyse the process of civil litigation and the law and rules that apply in British Columbia; analyze different fact patterns and determine the appropriate law and rules and recommend a course of action based on a reasoned legal analysis
- Conduct research regarding basic civil litigation law and rules through online resources such as the BC Courts website
- Work in discussion groups to analyze civil litigation issues and present analysis to the instructors
- Work in groups to research, analyze, interpret and share information relating to civil litigation
- Discuss current events from newspapers and the internet concerning civil litigation on a local, national and international level.

## COURSE CONTENT

WEEKLY COURSE CONTENT	
WEEK	CONTENT
1	<b>INTRODUCTION TO CIVIL LITIGATION</b> The civil litigation process, constitutional rights to legal services, and the structure of a civil proceeding in British Columbia
2	<b>OCCUPIERS LIABILITY and PRODUCTS LIABILITY</b> The law relating to two different types of civil proceedings – occupiers liability and products liability
3	<b>CLASS PROCEEDINGS</b> Class action lawsuits
4	<b>COMMENCING CIVIL PROCEEDINGS</b> The different courts, including jurisdiction and limitation of actions
5	<b>PLEADINGS and SERVICE</b> The nature and function of pleadings and their substantive content; Time for service, extensions, and service (personal and substituted)
6	<b>PARTIES</b> The general rules of third party claims, standing, joinder of multiple parties, and amendments to pleadings
7	<b>MID-TERM EXAM</b>
8 & 9	<b>DISCOVERY</b> Discovery: - Documentary discovery and physical discovery - The law regarding Examinations for Discovery
10	<b>INTERLOCUTORY APPLICATIONS</b> The many potential pre-trial motions

WEEKLY COURSE CONTENT	
WEEK	CONTENT
11	<b>MANAGING THE PROCESS</b> Case management, settlement, and pre-trial conferences
12	<b>“NON-TRADITIONAL” TRIAL METHODS and DISPOSITION WITHOUT TRIAL</b> A look at the ways to conclude a matter without going through what is generally known as the “traditional method” and ways that a matter may be concluded without any trial at all
13	<b>TRIALS, JURIES, and APPEALS</b> The trial of a civil action, the civil jury, and civil appeals
14 & 15	<b>FINAL EXAM</b>

### EVALUATION PROFILE

Mid-term Exam	25 – 30%
Final Exam	25 – 30%
Case Scenarios	15 – 20%
Research Paper	25 – 30%
Participation	0 – 10%
<b>TOTAL</b>	100%

#### Research Paper

This course will include a research paper on a matter related to civil litigation.

#### Case Scenarios

Students will be asked to “run” a civil litigation file from start to finish and will be required to undertake several tasks typically associated with such a file. These may be done either in a group or individually, at the discretion of the instructor.

#### Participation

If a participation grade is provided, then it is allocated to the consistency, quality, and frequency of contributions to class discussions and class presentations. Consistency means attending every class and actively contributing to discussions on a regular basis. Quality means demonstrating respect for peers and their contributions, listening attentively during lectures and when other students are speaking, and participating in all activities with an open and inquisitive mind.

#### Mid-Term and Final Exams

There will be a mid-term exam in Week 7 covering Weeks 1-6 and a final exam covering Weeks 8-13. The format of the exams will be determined by the instructor and may include a combination of true/false, multiple choice, matching, short answer, and essay questions. The final exam will be scheduled at a date to be determined by the Registrar’s Office. Please plan to be available to write the final exam at any point during the final exam period.

## GRADING PROFILE

A+ = 90-100	B+ = 77-79	C+ = 67-69	D = 50-59
A = 85-89	B = 73-76	C = 63-66	F = 0-49
A- = 80-84	B- = 70-72	C- = 60-62	

### Incomplete Grades

Grades of Incomplete "I" will not be assigned in this course.

### Late Assignments

Homework assignments are due at the **start of class** on the due date unless otherwise advised by your instructor. Late assignments will only be accepted if prior approval for a late submission date has been given by the instructor.

### Missed Exams and Quizzes

Missed exams or quizzes will receive a grade of "0" unless PRIOR arrangements (wherever possible) are made with the instructor. Permission to make up an exam will only be given in extraordinary situations such as illness of the student or the death of a close family member. A doctor's certificate, or other proof supporting the reason for the absence, may be required.

### Attendance

Regular attendance and punctuality are both essential and expected due to the nature and format of the course materials.

### English Usage

All assignments are marked for correct English usage, proofreading, and formatting.

### Electronic Devices

Students may use electronic devices during class for note-taking only.

### On-line Communication (email, Moodle, etc.)

Outside of the classroom, instructors will (if necessary) communicate with students using either their official Capilano University email or Moodle; please check both regularly. Official communication between Capilano University and students is delivered to students' Capilano University email addresses only.

## UNIVERSITY OPERATIONAL DETAILS

### Tools for Success

Many services are available to support student success for Capilano University students. A central navigation point for all services can be found at: <https://www.capilanou.ca/student-life/>

Capilano University Security: download the [CapU Mobile Safety App](#)

**Policy Statement (S2009-06)**

Capilano University has policies on Academic Appeals (including appeal of final grade), Student Conduct, Academic Integrity, Academic Probation and other educational issues. These and other policies are available on the University website.

**Academic Integrity (S2017-05)**

Any instance of academic dishonesty or breach of the standards of academic integrity is serious and students will be held accountable for their actions, whether acting alone or in a group. See policy and procedures S2017-05 Academic Integrity for more information: <https://www.capilanou.ca/about-capu/governance/policies/>

Violations of academic integrity, including dishonesty in assignments, examinations, or other academic performances, are prohibited and will be handled in accordance with the Student Academic Integrity Procedures.

**Academic dishonesty** is any act that breaches one or more of the principles of academic integrity. Acts of academic dishonesty may include but are not limited to the following types:

**Cheating:** Using or providing unauthorized aids, assistance or materials while preparing or completing assessments, or when completing practical work (in clinical, practicum, or lab settings), including but not limited to the following:

- Copying or attempting to copy the work of another during an assessment;
- Communicating work to another student during an examination;
- Using unauthorized aids, notes, or electronic devices or means during an examination;
- Unauthorized possession of an assessment or answer key; and/or,
- Submitting of a substantially similar assessment by two or more students, except in the case where such submission is specifically authorized by the instructor.

**Fraud:** Creation or use of falsified documents.

**Misuse or misrepresentation of sources:** Presenting source material in such a way as to distort its original purpose or implication(s); misattributing words, ideas, etc. to someone other than the original source; misrepresenting or manipulating research findings or data; and/or suppressing aspects of findings or data in order to present conclusions in a light other than the research, taken as a whole, would support.

**Plagiarism:** Presenting or submitting, as one's own work, the research, words, ideas, artistic imagery, arguments, calculations, illustrations, or diagrams of another person or persons without explicit or accurate citation or credit.

**Self-Plagiarism:** Submitting one's own work for credit in more than one course without the permission of the instructors, or re-submitting work, in whole or in part, for which credit has already been granted without permission of the instructors.

**Prohibited Conduct:** The following are examples of other conduct specifically prohibited:

- Taking unauthorized possession of the work of another student (for example, intercepting and removing such work from a photocopier or printer, or collecting the graded work of another student from a stack of papers);
- Falsifying one's own and/or other students' attendance in a course;
- Impersonating or allowing the impersonation of an individual;
- Modifying a graded assessment then submitting it for re-grading; or,
- Assisting or attempting to assist another person to commit any breach of academic integrity.

### **Sexual Violence and Misconduct**

All Members of the University Community have the right to work, teach and study in an environment that is free from all forms of sexual violence and misconduct. Policy B401 defines sexual assault as follows:

Sexual assault is any form of sexual contact that occurs without ongoing and freely given consent, including the threat of sexual contact without consent. Sexual assault can be committed by a stranger, someone known to the survivor or an intimate partner.

Safety and security at the University are a priority and any form of sexual violence and misconduct will not be tolerated or condoned. The University expects all Students and Members of the University Community to abide by all laws and University policies, including B.401 Sexual Violence and Misconduct Policy and B.401.1 Sexual Violence and Misconduct Procedure (found on Policy page <https://www.capilanou.ca/about-capu/governance/policies/>)

**Emergencies:** Students are expected to familiarise themselves with the emergency policies where appropriate and the emergency procedures posted on the wall of the classroom.