

CIVIL PROCEDURE

Laws 2061.02

Course Outline 2018-2019

1. Office Hours, etc.

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Classes: Mondays 1:00 to 2:50 p.m., Room 105

Office Hours: Monday 3:00 – 5:00pm/Wednesday 3:00 – 4:00pm or by appointment

2. Required Texts

Civil Procedure 2018-2019 - 2 volumes (online)

Civil Procedure Statutory Supplement 2018-19 (online)

Nova Scotia Civil Procedure Rules, 2018-2019 Student Edition (LexisNexis)
(bookstore - \$94.79)

Getting to Yes, Fisher and Ury (Penguin USA, 2011) (bookstore - \$23.00).

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

TopHat

In this class we will also be using TopHat – an interactive online learning tool which will allow you to interact in various ways in and out of the classroom using a tablet, smartphone, or laptop. TopHat is **not free** – you will have to sign up and pay for a student license. This is **mandatory** for this course; you can think of it as the price of a textbook (which we are saving you because the casebook is free). You get an account at www.tophat.com.

We will be using TopHat throughout both terms of the course. You will need to buy the \$30 full-year subscription.

The TopHat course code is: **551936**

3. Workshops

There will be 8 workshops, each one hour in duration, in groups of approximately 10 students (3 in the fall term and 5 in the winter term). The workshops will be offered at various times and there will be an electronic sign-up process announced in class. Workshops will begin in mid-October and continue through the Winter term.

4. Evaluation

Professors will mark 2 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.

Evaluation By Professors:

- 10%: Pleadings Assignment (November)
- 10%: Mid-term quiz (December)
- 15%: Chambers Motion Written Assignment (March)
- 45%: Final Examination, 3-hour closed book (April)

Your workshop instructors will mark 3 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 Fail¹. One half 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.

Evaluation By Workshop Instructors:

- 20%: Negotiating, Drafting and Oral Argument Assignments:
 - 2% - negotiation exercise
 - 3% - mock settlement conference
 - 5% - discovery motion
 - 10% - mock Chambers oral argument

5. Accommodation

Students with Special Needs/Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or personal circumstances will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, **before** a scheduled exam or a deadline for an assignment. **Retroactive accommodation will not be provided.** Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic

¹ The method of converting the Pass/Fail scale to a numerical grade is explained in the Course FAQ which is posted on Brightspace.

year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at 494-2836.

6. 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 <http://academicintegrity.dal.ca/> website, and the Law School policy on plagiarism, as set out in the law school regulations, available online at <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>.

Any paper or assignment submitted by a student at the Schulich School of Law 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 and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.