

CIVIL PROCEDURE

Laws 2061

Syllabus 2018-19

Professor Cynthia Chewter

1. Contact Information

Classes: Mondays 1:00 to 2:50 p.m. in Room 104 (fall) and Room 207 (winter)
Office: Weldon Room 418 Office Telephone: 494-1029
Email: cynthia.chewter@dal.ca

Office Hours: Fall – Thursdays 3:30 – 4:30 and Fridays 10:30 – 12:30
Winter - Mondays 3:00 – 5:00 p.m.

Office hours are drop-in but you may also choose to make an appointment.
I am happy to chat at other times – just speak to me in class or send me an e-mail.

2. Required Texts

Civil Procedure 2018-2019 - 2 volumes (on Brightspace. Vol 1 is available now. Vol 2 will be posted in December)

Civil Procedure Statutory Supplement 2018-19 (on Brightspace)

Nova Scotia Civil Procedure Rules, 2018-2019 Student Edition (LexisNexis)

(bookstore – approx. \$90.00)

Getting to Yes, Fisher and Ury (Penguin USA, 2011) (bookstore – approx. \$20.00).

Please note that 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.

3. Required Audience Response System: TopHat

Dalhousie has adopted TopHat (an interactive learning tool) as its preferred audience response system. We will use TopHat in this class. Each student is required to sign up for an account at www.tophat.com. The cost is \$30 for the year, and the license covers all of your courses, so there is no additional cost to you if any of your other professors opt to use the tool this year. Once you have an account, you can use TopHat on your laptop, smartphone, or tablet (there is an app in addition to the website).

TopHat Join Code for this section of Civil Procedure: 769841

If you encounter technical difficulties, please use the help feature or the live chat feature

on the website (both at the top right hand side of the screen) for technical support.

3. **Workshops**

There will be eight workshops, each 1 hour in duration, in groups of approximately 10 students (three workshops in the fall term and five workshops in the winter term). The workshops will be offered at various times and there will be an electronic sign-up process announced in class and via e-mail. Workshops begin in early October and continue through the winter term.

Prof. Jon Shapiro is the workshop coordinator for all three sections of Civil Procedure. Please see Prof. Shapiro for matters relating to workshops.

4. **Evaluation**

Eighty percent of your final grade will be determined by your professor. Professors mark the pleadings assignment, the mid-term quiz, documents for the major chambers motion, and the final exam. Assignments and exams marked by professors are given a numerical grade. Failure to hand in any assignment will result in a grade of 0% for that assignment.

Evaluation By Professors (80%):

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

Twenty percent of your final grade will be determined by your workshop instructor. Workshop instructors mark three assignments and the mock Chambers oral presentations. Workshop assignments are evaluated by the Instructors on a scale of High Pass, Pass, Low Pass, Fail¹. Failure to hand in any assignment will result in a grade of 0% for that assignment. Attendance at the workshops is mandatory. 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%):

- 2% Negotiation Exercise (November)
- 3% Mock Settlement Conference (January)
- 5% Discovery Motion (February)

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

10% Mock Chambers Oral Argument (March)

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

If you wish to explore any civil procedure issues in greater detail, you may consult one or more of the following texts:

Canadian

Best for students (on reserve):

Walker and Sossin, *Civil Litigation* (Toronto: Irwin Law, 2010)

Walker *et al.*, *The Civil Litigation Process: Cases and Materials*, 8th ed. (Toronto: Emond Montgomery, 2016)

Abrams and McGuinness, *Canadian Civil Procedure Law*, 2nd ed. (Markham: LexisNexis, 2010)

Archibald and Echlin, *Annual Review of Civil Litigation 2018* (Toronto: Carswell, 2018)

(A yearly volume. The 2018 edition will be published at the end of October 2018)

Brown, *Supreme Court of Canada Practice 2017* (Toronto: Carswell, 2017)

Saunders *et al.*, *Federal Courts Practice 2017* (Toronto: Carswell, 2017)

Sopinka, Houston and Sopinka, *The Trial of an Action*, 3rd ed. (Toronto: Butterworths, 2016)

Stockwood, *Civil Litigation*, 5th ed. (Toronto: Carswell, 2004)

Watson and McGowan, *Ontario Civil Practice 2018* (Toronto: Carswell, 2017)

Olah, *The Art and Science of Advocacy* (Toronto: Carswell) (loose-leaf)

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*, 9th ed. (Oxford: Oxford University Press, 2017)

American

Hazard and Taruffo, *American Civil Procedure: An Introduction* (New Haven: Yale University Press, 1995)

Hazard, Leubsdorf and Bassett, *Civil Procedure*, 6th ed. (St. Paul: West, 2011)

ACCOMMODATION

Student Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or family emergency 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, and will generally require documentation. 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 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 (902) 494-2836.

Submission of Assignments

Students should submit assignments in to the manner stipulated by the instructor and ensure they are date and time stamped. Please read the law school policy on late penalties: <https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>

Please note students may also be required to provide an identical electronic copy of any assignment to the instructor by the due date. Assignments may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography

Plagiarism

All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <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.