



NATIONAL COMMITTEE ON ACCREDITATION

SAMPLE EXAMINATION

ALBERTA CIVIL PROCEDURE

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Candidate Number: _____

INSTRUCTIONS

1. Time allotted: three (3) hours.
2. This examination contains a total of 15 questions on 26 pages (including this instruction page). Check to ensure that the examination is complete before starting.
3. Answer all of the questions. As far as possible, all answers should be written on this examination paper. Extra paper may be used only if absolutely necessary. Make sure that any extra sheets are adequately attached and clearly marked with your name.
4. The questions are primarily (although not always) based on the fact scenario set out on page 2 of the examination. Read the fact scenario carefully before starting. The various questions may also add, subtract and/or change facts included in the initial fact scenario.
5. The examination is worth a total of 100 marks.
6. The examination will be graded on a pass/fail basis (50 marks is a pass). Questions are not of equal value. Apportion your time accordingly.
7. Where appropriate, reference to specific rules and/or statutory provisions is strongly encouraged.
8. This is an open book examination to be completed on an individual basis. You may refer to any written materials you deem appropriate.
9. Adherence to the time limitation imposed for this examination is required.

Please turn to the next page for the fact scenario.



FACT SCENARIO

Four people, Cathy James, Bill Stone, Wendy Bird and Steve Jones, are avid go-kart drivers. They often go to a go-kart track together on weekends. Cathy, who is 26 years old, lives on an acreage property near Olds (outside of Calgary). Bill, Cathy's 24 year-old boyfriend, lives with her. Wendy, who is 16 years old, lives on a near-by farm with her mother, Susan Bird. Steve, who is also 16 years old, is Wendy's boyfriend. He lives with his parents, Bob and Grace Jones, in Calgary.

On January 1, 2008, the four decided to meet at Speedway go-kart track. Speedway is a private go-kart and recreation facility on the outskirts of Calgary owned and operated by Julia Smith. Even though it was raining heavily that day, the four were looking forward to an afternoon of fun and excitement. Speedway had just purchased 6 new 2-seater go-karts, which were manufactured and distributed by Motor Kart, Inc. ("Motor Kart"), a British Columbia corporation with its head and only office in Vancouver. Cathy and Bill were driving. Wendy was a passenger in Bill's go-kart. Steve was a passenger in Cathy's go-kart. After starting out and getting up to speed, the two go-karts came around a corner and down a slight incline. Suddenly, Bill lost control of his go-kart and crashed into Cathy's go-kart. The results of the accident were as follows:

- Cathy was not injured;
- Bill was not injured;
- the go-karts were not damaged, except for some small scrapes and a punctured tire;
- Wendy was seriously injured, suffering a broken arm, two broken legs and a separated shoulder; and
- Steve was killed instantly.

While the cause of the accident was not absolutely clear, it appears – at least at the outset – that three factors may have contributed to the event:

- Bill's carelessness;
- a potentially faulty steering column on Bill's go-kart; and
- the rainy weather conditions.

Fifteen days after the accident, Wendy contacted Sheila Parks, a litigator in Calgary who specializes in personal injury matters. Wendy informed Sheila that she was contacting her about the possibility of legal proceedings by her, and on behalf of her dead boyfriend Steve, against Cathy, Bill and possibly Motor Kart. Wendy further informed Sheila that her mother supports the idea of the litigation. She has also spoken to Steve's mother about it, who has been appointed the administrator of Steve's estate. She supports the idea too.

Sheila's initial assessment of potentially reasonable damages in this case is as follows:

- damages for Wendy's injuries in the amounts of: (1) \$250,000 in general damages; and (2) \$6,750 in special damages; and
- damages relating to Steve's death, including common law and statutory entitlements, in the total amount of \$500,000.

Please turn to the next page for the start of the examination questions.



