



Syllabus

Civil Procedure (Ontario)

(Revised June 7, 2010)

Candidates are advised that the syllabus may be updated from time-to-time without prior notice.

Candidates are responsible for obtaining the most current syllabus available.



Evidence Law

GENERAL INFORMATION AND COURSE OUTLINE

1. The purpose of this course is to acquaint you with the processes of dispute resolution in civil matters. While a good deal of the material deals with process, the course also emphasizes questions of jurisdiction, structures, personnel and standard procedural methods and steps in the civil courts in adjudicating the causes and issues that come before them.
2. The course focuses on what are known as the “Rules of Civil Procedure”. Reference will also be made from time to time to certain statutes that have a bearing on the application of the Rules and to reported cases. We will be concerned with the procedures involved from the initiation of a civil court proceeding until the case is ready for trial, including pleadings and pre-trial discovery.
3. Examination will be by a written three-hour, open book examination. Students may take with them into the examination room any copy of the Rules of Civil Procedure, any relevant statutes and the course Casebook. No other materials are permitted.
4. The following Course Outline indicates the topics and materials to be considered. You will find it helpful to consider the material in the order indicated. The indexed materials refer to the materials found in Walker, The Civil Litigation Process: Cases and Materials, 2010, (7th ed.) (hereafter referred to as the “Casebook”). The Casebook is published by Emond, Montgomery and should be acquired. You will also need an up-to-date copy of the Rules of Civil Procedure. For this purpose, you can use either Archibald, Killeen, Morton “Ontario Superior Court Practice”, LexisNexis, or Watson and McGowan, “Ontario Civil Practice”, Carswell. A useful book for reference purposes is Abrams and McGinness, Canadian Civil Procedure Law, 2008, LexisNexis.
5. The Course Outline is the Table of Contents of the Casebook with several additions as noted.
6. For examination purposes, you are only responsible for the material in the Casebook included in the Course Outline and all of the Rules of Civil Procedure and statutes related to in the material. CANDIDATES ARE RESPONSIBLE FOR THE NEW RULES THAT CAME INTO FORCE ON JANUARY 1, 2010.



COURSE OUTLINE

For the Course Outline, refer to the detailed TABLE OF CONTENTS at pp. ix to xv of the Casebook.

- CHAPTER ONE **CIVIL LITIGATION IN CONTEXT 1-94**
Read all of Chapter One
- CHAPTER TWO **THE ECONOMIC AND PROFESSIONAL CONTEXT 95-212**
Read all of Chapter Two
- CHAPTER THREE **COMMENCING CIVIL PROCEEDINGS 213-308**
Read all of Chapter Three
* at p. 261 read: Pro Swing Inc. v. ELTA Golf Inc. (2006), 41 C.P.C.(6th) 1 (S.C.C.)
- CHAPTER FOUR **THE SCOPE OF THIS MATTER 309-379**
Read all of Chapter Four
- CHAPTER FIVE **PARTIES AND PARTICIPANTS 381-485**
Read all of Chapter Five
- CHAPTER SIX **PLEADINGS 487-528**
Read all of Chapter Six
* at p. 528 read: Jourdain v. Ontario (2008), 91 O.R. (3d) 506 (S.C.J.)
- CHAPTER SEVEN **DISCOVERY 529-601**
Read all of Chapter Seven
- CHAPTER EIGHT **PRIVILEGE AND DEEEMED UNDERTAKINGS 603-680**
Read all of Chapter Eight
- CHAPTER NINE **PRE-TRIAL RELIEF AND DISPOSITION WITHOUT TRIAL 681-756**
Read all of Chapter Nine
- CHAPTER TEN **MANAGING THE PROCESS 757-863**
Read all of Chapter 10
- CHAPTER ELEVEN **CLASS PROCEEDINGS 865-974**
Read all of Chapter Eleven



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Access to Quicklaw (Lexis Nexis)

Please contact the Lexis Nexis Customer Service Department at: service@lexisnexis.ca or call 1-800-387-0899 for a free account. You must provide your NCA File Number which will be used as a student number (CS will contact me directly for further verification). You will be able to get an immediate response to requests evenings and on weekends. CS also offers immediate research and/or technical assistance.

Internet Sites for Provincial Legislation

www.canlii.org

This is a listing for all the provinces and is highly recommended

Ontario:

<http://www.attorneygeneral.jus.gov.on.ca/english/legis/>

British Columbia (Queen's Printer):

<http://www.bclaws.ca/>

Alberta (Queen's Printer):

<http://www.qp.alberta.ca/>

Supreme Court Judgments

<http://scc.lexum.umontreal.ca/en/index.html>