

1311

SAULT COLLEGE OF APPLIED ARTS & TECHNOLOGY

SAULT STE. MARIE, ONTARIO

BUS 210-5
Course Number

PHILOSOPHY GOALS:

COURSE OUTLINE

Course Title: BUSINESS LAW AND LEGAL PROCEDURES

Code No.: BUS 210-5

Program: SECRETARIAL (LEGAL)

Semester: FALL & WINTER

Date: SEPTEMBER 1983

Author: PHIL LEMAY

New: _____ Revision: X

APPROVED:

Phil Lemay

Chairperson

Date

Sept 83

The purpose of this subject is to provide the student with an understanding and knowledge of the content and terminology of the more common procedures involving legal matters that the student may experience as a legal secretary and to develop a positive attitude toward the legal system and their complexities. This course is designed as five-fifty minute periods per week.

1. Basis: The student will be required to complete a minimum of a four assignments, all of equal value.

2. Assignments & Tests: The student will be required to complete a minimum of a four assignments, all of equal value.

NOTE: ASSIGNMENTS TO BE SUBMITTED SHOULD BE TYPEWRITTEN
 1. Grading: A teacher grading A, B, C, I or R will be used to indicate the achievement or value of the student's work.

2. Grade Interpretation: This grade means that the student has a high degree of understanding of, and/or ability with, the portion of the subject assessed and thus understands more than seventy percent of the work tested.

3. This grade means that the student has a basic understanding of all the elementary essentials of the portion of the subject assessed, and/or able to perform all the basic elementary essentials of the work tested and thus understands more than fifty-eight percent of the work tested.

4. This grade means that the student has a basic understanding of all the elementary essentials of the portion of the subject assessed, and/or able to perform all the basic elementary essentials of the work tested and thus understands more than fifty-eight percent of the work tested.

Business Law and Legal Procedures

Course Name

BUS 210-5

Course Number

PHILOSOPHY/GOALS:

The purpose of this subject is to provide the student with an understanding and knowledge of the content and terminology of the more common procedures involving legal documents and papers that the student may experience as a legal secretary and thus enable the student to better perform the duties assigned as well as, to develop a positive attitude toward the legal systems and their complexities. This course is designed as five-fifty minute periods per week for two semesters.

METHOD OF ASSESSMENT (GRADING METHOD):

1. Basis: The student's grade will be determined by the administration of a maximum of sixteen tests and the completion of a maximum of four assignments, all of equal value.
2. Assignments & Tests: The assignments will require work to be done outside of class time and will require submission to the instructor for assessment and grading, of these there are eight. They are specifically designated in the course content outline; when they are assigned and due is also recorded.

NOTE: ASSIGNMENTS TO BE SUBMITTED SHOULD BE TYPEWRITTEN

3. Grading: A letter grading A, B, C, I or R will be used to indicate the achievement or value of the student's work.
4. Grade Interpretation:
 - A This grade means that the student has an exceptional understanding of, and/or ability with, the portion of the subject assessed, to such an extent that he/she has a complete or near complete grasp of or ability with, the material or work and thus understands more than eighty-five percent of the work tested.
 - B This grade means that the student has a high degree of understanding of, and/or ability with, the portion of the subject assessed and thus understands more than seventy percent or able to perform more than seventy percent of the work tested.
 - C This grade means that the student has a basic understanding of all the elementary essentials of the portion of the subject assessed, and or able to perform all the basic elementary essentials or the work tested and thus understands more than fifty-eight percent, or be able to perform more than fifty-eight percent of the work tested.

- I In tests and assignments this grade means that the student has not successfully demonstrated a basic elementary understanding of the material assessed to achieve a "C" grade, and the results of this assessment therefore, will be weighed as a zero* in the calculation of the final average grade of all the tests etc.
- R This grade means that the student has not achieved a minimum of a "C" grade in the final average calculation of all his tests etc. or has demonstrated a lack of serious intention in acquiring a basic understanding of the material during the semester.

*NOTE: This means there will be no make-up tests etc.

TEXTBOOK(S):

The Law & Business Administration in Canada, Third Edition, Soberman & Smythe.

Procedures for the Legal Secretary, Revised Edition, Elsie E. Swartz.

Assignments for Procedures for the Legal Secretary, Revised Edition, Elsie E. Swartz.

Ontario Annual Practice - 1980, Carthy.

Conveyancer's Guide to Real Estate Practice in Ontario, Donoghue and Supplements.

The Revised Statutes of Ontario, (R.S.O.) 1970, Volumes 1-6.

Williston & Rolls' - Court Forms, Volumes 1, 2 & 3.

NOTE: In the course content outline (VII,B) reference will be made to the above texts as follows: (RT#c.p.) meaning, Reference Text and number, chapter, page (if specific) or (RR#) meaning recommended Readings and number.

RECOMMENDED READINGS:

1. What's Wrong With the Law - Zender & Scarman.....Library
2. The Power of the Law - Correy.....Instructor
3. The Law & the Police - Bourne.....Instructor
4. The Law & You - Chapman.....Library
5. It's Still The Law - Hyman.....Library
6. The Law & The Lay Person - "Small Claims Court".....Instructor
7. The Law & The Lay Person - "Courts & Trials".....Instructor
8. The Law & The Lay Person - "The Market Place".....Instructor
9. The Law & The Lay Person - "Tenants Handbook".....Instructor
10. Real Estate Guide (Buying and Selling) - Abramson.....Instructor
11. Law: A Case Study Approach - Velanoff.....Library
12. Summary of Canadian Commercial Law - Anger.....Library
13. The Revised Statutes of Ontario 1970 -Instructor
14. Canadian Business Law - Amirault & Archer.....Instructor
15. Newsmagazines & Newspapers - current & those distributed in class.....Downtown
16. You and Your Rights -Instructor

BUSINESS LAW AND PROCEDURES (BUS 210-5)

COURSE OUTLINE CONTENT

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
1	Introduction	Course outline, distribution & review,	RT#1, c.1	
2		Law & Society definition, personality & nature of the Law. Articles _____	As above	
3	Legal Systems	<u>CANADIAN LEGAL SYSTEM</u>		
	(a)	Sources of law, judge made precedent system, statute, judicial interpretation, citations, implications of, classification, legal profession nomenclature of the judiciary.	RT#1, c.1, & p. XX-XXI RT#1, c.3 RT#2, c.4, c.1, p.1 & c.18	Test #1 on Ch. 1, 2 & part 3A of Ch. 3
	(b)	Duality of an Act, Hierarchy & jurisdiction of the courts, importance of Provincial, Small Claims & District Courts, pre-action consideration, settlement out of court, satisfaction of judgment Articles, charts.	RT#1, c.2, p. 22-26	
4	Litigation	Definition, retainers, releases, introduction to rules of practice, purpose, table of contents, cases, acts, headigs, index, annotations. Changes of solicitors, who may sue, (F.L.R.A. sec. 2(4, 60, 65)	RT#2, c.21 RT#4 RT#2,c.19, p. 188 RT#7	Test # 2 on item 3(b)

BUSINESS LAW AND PROCEDURES (BUS 210-5)

COURSE OUTLINE CONTENT

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
5	Supreme Court	Definition of pleadings, outline of steps in a civil action. Writ of summon, originating notices of motion kinds, history, content. Forms.	RT#2, c.21 RT#2, c.22 RT#3, c.21, p. 203 RT#3, c.19, p. 162 (a) Ex. A RT#2, c.20 RT#4 RT#6	Test #3 on item 4
6		Style of causes, service, rules, motions, affidavits, substitutional memorandum of service, Forms, Articles	RT#2, c.19, p. 190-1 RT#3, c.20, p. 178 RT#4 & 6	
7		Appearances, affidavit of search, default judgment, affidavit of merits, motions, bill of costs. Forms.	RT#3, c.21, p. 203 RT#4 & 6	Test #4 on items #5 & #6
8		Statement of claim, purpose, content, time, default. Forms, articles.	RT#4 RT#3, c.20, p. 185 & c.21, p. 205	
9		Statement of defence, purpose, content, time counter claim, affidavit of search, default, defence to counter-claim, discontinuance of action notice, appointments, general, affidavit of merits, examination for discovery, notices to third parties, affidavit to produce medical report at trial, to affidavits, order	RT#4 & #6 RT#3, c.29, p. 189-193 RT#2, c.20, p. 206 RT#4 & #6 RT#3, c.21, p. 211 RT#3, c.20, p. 177-178 RT#2, c.21, p. 266-239 RT#3, c.21, p. 214	

BUSINESS LAW AND PROCEDURES (BUS 210-5)

COURSE OUTLINE CONTENT

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
10		Joinder of issue, note pleadings, closed, record, certificate of readiness affidavit of service, set action down for trial, affidavit forms, articles.	RT#2, c.21, p. 215-217 RT#2, c.21, p. 240 RT#3, c.20, p. 177	Test #5 on items 7, 8 & 9
11		Judgements, effect, set aside Bill of Costs, taxation, appointments, certificate, enforcement, Write of fieri facie, garnishment, affidavit, order, other documents, review. Forms, articles.	RT#4 RT#2, c.20, p. 202 RT#3, c.20, p. 195-197 RT#2, c.23	
12	Small Claims Court	Final notices by creditor, credit collection. Small Claims Court Act, Plaintiff's Claim. Sections, Forms.	RT#7, vol. 5, c.439 RT#2, c.18, p. 185 RT#6	Test #6 on items 10 & 11
13		Summons, purpose and content, general, garnishee replevin, third party, to witness, service, affidavits. Sections of the Small Claims Court Act. Forms.	RT#7, vol.5, c.439	
14		Dispute, purpose, content, consent, confession, default judgement, notice of no dispute, notice of trial, summary way, non-suit. Forms.	Same as above	

BUSINESS LAW AND PROCEDURES (BUS 210-5)

COURSE OUTLINE CONTENT

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
15	Satisfaction of Judgement	Purpose of judgment, summons to defendant after judgment, affidavit applications, summons, orders, show cause summons application order, service, committal warrant. Sections: 131, 132, 135, 137, 133, 137-139, 132. Forms.	RT#7, vol.5, c.439	
16		Garnishment, definition purpose, affidavit, order, direction, executions goods, land, time exemptions. Forms, articles.	Save as above	
17	Consolidation	Notice of judgment, judgment transcript, certificate, consolidations, finance companies, law offices, letter reason for, requirements for courts, affidavit notice, order, effect, new judgements, payment, termination, methods, notice, effect. REVIEW. Forms, articles.	RT#7, vol. 5, c.439	Test # 8 on items 12 to 16
18	Mechanics Lien	Mechanics Lien, definition, kinds, history, statute, purpose, arises, duration, priorities, times, registration, credit, certificate of action, statement of claim, of defence, application for trial, notice discharge, order, sale, Mechanics Lien Act. Forms, articles.	RT#7, vol. 3, c.267	Assignment #1 "Consolidations" Test # 9 on item 17

BUSINESS LAW AND PROCEDURES (BUS 210-5)

COURSE OUTLINE CONTENT

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
19	Partnership	Definition, liability, kinds, declaration agreements, dissolution agreements Partnership Act, Partnership Registration Act, registration system, cards, declaration of business, late registration, affidavit, dissolution, publication, F.L.R.A. (Business Assets). Forms, articles.	RT#7, vol. 4, c.339, 340	Assignment #1 due Assignment #2 Mechanic's Liens Test # 10 on item 18
20	Corporations	Corporations, definition, concept, kinds, federal, provincial, public, private, methods of incorporation articles of incorporation, British North America Act, Small Business Corporations Act, Canada Corporations Act, by-laws. Forms, articles.	RT#2, c.28, 29 RT#3, c.28, 29 RT#7, vol. 1, c.53	Assignment #2 due Assignment #3 "Registration Cards" Test # 11 on item 19
21	Conveyancing	Definition, real estate, land, history of interests in land, fee simple, fee tail, life to uses, dower, matrimonial home, words of limitation, co-ownership, joint tenants in common, consequences, death, intervivos, history of methods of conveyancing. Articles.	RT#2, c.9, p. 63 RT#2, c.10, p. 68	Assignment #3 due Assignment #4 "Articles of Incorporation" Test # 12 on item 20
22		Contracts of Sale, real estate listings Lord's Day Act, Statute of Frauds. Vendors and Purchasers Act, Conveyancing & Law of Property Act, F.L.R.A., Agreement of Purchase & Sale (Offer to Purchase) standard content, additional. Forms articles.	RT#7, vol.3, c.259 vol.5, c.444 & 478 vol.1, c.85 RT#3, c.13, p. 127 RT#2, c.13 "5, c.10	Assignment #4 due

BUSINESS LAW AND PROCEDURES (BUS 210-5)

COURSE OUTLINE CONTENT

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
23	Vendor	Procedures for Vendor, opening file, Vendor's check-list, initial requests to client for basic information & papers, letters, preparation of draft deed, an understanding of contents, clauses, signatures, purpose, effect, title searching, importance of land description plotting, Matrimonial Home, F.L.R.A., short form & Conveyancing Act, transfers. Forms.	RT#7, vol.5, c.435 vol.2, c.135 RT#3, c.9, 10	Test # 13 on items 21, 22
24		Affidavits attached to deed purpose & content. Registry Act, of witness as to age & Spousal Status, Law Reform Act (1978) of Planning Act, Land Transfer Tax Act, of residence, of Mortmain (Mortaim & Charitable Uses Act). Advantages of Registration, summary of content of deed, terms of references, approval of draft deed, interlineations, alterations effect. Forms.	RT#7, vol.4, c.409 vol.4, c.349 vol.2, c.235 vol.3, c.280	
25		Tax receipts, insurance, utilities, tenants of vendor, mortgage statement, letter, calculation declaration of possession, statement of adjustments, purpose, content, calculations, approval, reply to letter of requisition, letter of direction, discharge of mortgage. Forms.	RT#2, c.14 & 15 RT#3, c.14, p. 142	Test #14 on items 23, 24.

BUSINESS LAW AND PROCEDURES (BUS 210-5)

COURSE OUTLINE CONTENT

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
26		Signatures on documents, appointments, routine on closing, reporting letter, purpose, content, review of procedure for Vendor. Forms.		
27	Purchase	Representing the purchaser, offer to purchase copy, open file, purchaser's check list, letter to take title, utilities, insurance, financing, search of title, purpose, basic, steps, plotting land descriptions, an in-class search, letter of requisitions, standard, possibilities, examination & approvals of deed, statement of adjustments certificate to title, effect. Forms.		Test # 15 on items 25 & 26
28		Financing, mortgages, charges, definitions, kinds, content, effect, remedies, payment clauses, amortization, applications, preparation, appraisals, fees, assignments, assumptions, discharge, registration. Forms, articles.	RT#2, c.11 RT#3, c.11	Test # 16 on item 27
29		Client signature, appointments, certified cheques, routine on closing, reporting letter, letters to assessment, Taxation, review of procedure for Purchaser.	RT#2, c.15	
30	Conclusion	Return of Test # 17, report on "I" grades outstanding, review, law crossword puzzle.		Test # 17 on items 28 & 29

LIST OF DOCUMENTS AND PAPERS

SUPREME COURT:

Retainers
Writ of Summons
 General
 Special
Motion for Substitutional Service
Affidavit for Substitutional Service
Order for
Affidavits of Service
 General
 Special
A. R. Card
Undertaking
Acceptance by Solicitor
Undertaking to Appear
 On a Writ
 On an Originating Notice
Affidavit of Service
Affidavit of Search
Default Judgement
Bill of Costs
Appearance (II)
Affidavit of Merits
Notice re: Examination on Affidavit of Merits
Notice of Appointment
Notice to Produce
Affidavit In Reply
Notice to Third Party
Notice for Examination for Discovery
Notice to Produce at Trial
Notice to Amend Pleadings
Affidavit
Order
Subpoena (general)
Statement of Claim
Affidavit of Search
Default Judgment
Statement of Defence
Counter-Claim
Reply to Counter-Claim
Defence to Reply to Counter-Claim
Discontinuance of Action
Reply and Joinder of Issue
Record
Note Pleadings closed
Set Action down for trial
Certificate of readiness
Affidavit of Service
Notice of Trial
Notice of motion of change of Place of Trial
Affidavit

Notice of postponement
Judgement
Appointment for Examination of Judgement Debtor
Praecipe for Writ of Fife
Writ of Fieri Fiacia
Order in Replevin

SMALL CLAIMS COURT:

Final Notice
Plaintiff's Claim
Summons
 General
 Garnishee
 Replevin
 Third Party to Witness
Dispute
Consent - confession
Notice of NO Dispute
Notice of Trial
Notice of Judgement
Affidavit for Summons to Defendant after Judgement
Application
Summons
Order
Committal Warrant
Affidavit of Show Cause Summons
Application
Order
Affidavit for Direction To Garnishee
Direction to Garnishee
Execution of Granishee
Execution against Goods
Transcript of Judgement
Certificate of Judgement
Notice of Application for Consolidation Order
Affidavit for an Application for Consolidation Order
Consolidation Order
Notice of Termination
Certificate of Termination

PARTNERSHIP:

Partnership or Business Registration Card
Affidavit of Late Registration Card
Dissolution of Partnership or Proprietorship Card
Sample Agreements

CORPORATIONS:

Application for Articles of Incorporation
By-Laws

CONVEYANCING: