

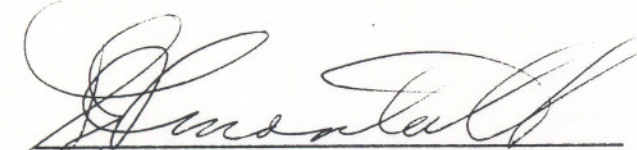
SAULT COLLEGE OF APPLIED ARTS & TECHNOLOGY
SAULT STE. MARIE, ONTARIO

COURSE OUTLINE

Course Outline: BUSINESS LAW AND LEGAL PROCEDURES
Code No.: BUS 210-5
Program: SECRETARIAL (LEGAL)
Semester: FALL & WINTER
Date: SEPTEMBER 1988
Author: PHIL LEMAY

New: _____

Revision: _____ X

APPROVED: 
Chairperson

88-06-09
Date

Course Name

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 INSTRUCTION:

Reading assignments, lectures, discussion, cases, *articles, tests, and assignments.

***ARTICLE** - is defined as: the topic may be about a case which actually took place in the courts, or about a set of circumstances that has actually occurred, but in either situation the information about it was reported in a NEWSPAPER, MAGAZINE, or some other PUBLICATION, reference to which was made in class, or was in fact read by, or to the class. However, it does not include cases or examples in the text or mentioned in explanation by the instructor or student, not in a publication. And, please note the spelling of the word - **ARTICLE!**

METHOD OF ASSESSMENT (GRADING METHOD):

1. **Basis:** The student's grade will be determined by the administration on a maximum of twelve tests, all of equal value.

Miss a Test: If a student misses a test, it is the student's responsibility to contact the instructor in the first class the student has with the instructor after the test, or upon returning to the College, and make arrangements to take the test. The student, of course, must have valid reason for not writing the test in the first instance. If the student fails to contact the instructor within a reasonable time, the student may be refused the opportunity to take the test at a later time. If the student is to write the test, it will be either a multiple-choice type or essay type test, at the discretion of the instructor.

2. **Grading:** A letter grading A, B, C, I, or R will be used to indicate the achievement or value of the student's work.

3. **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, of 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. 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.
There will be no merging of "I" grades.

SPELLING:

Correct spelling and grammar in all test papers and written submissions are essential to effectively communicate proof of understanding of the subject content. Any serious frequency of spelling errors, particularly of subject terminology or of grammar errors will probably reduce the receiver's or marker's ability to accurately interpret the communication, and thus should be avoided, and may also therefore justify the lowering of the mark by one grade or more, and even possibly the granting of an "I" grade.

PUNCTUALITY:

Classes will commence on time, that is, precisely on the hour, students are expected to be in class beforehand. Anyone not present as aforesaid will be refused entry. Tardiness causes interruption in the class process and is, therefore, thereby prohibited.

TEXTBOOK(S): Recommended - "Rules of Civil Procedure"

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

Supreme and District Court Practice 1985, Watson & McCowan (paperback)

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

The Revised Statutes of Ontario, (R.S.O.) 1980, Volumes 1-6.

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

BUSINESS LAW AND PROCEDURES (BUS 210-5)

| ITEM TOPIC | LECTURE EMPHASIS |
|----------------------------------|--|
| 1 Introduction | Course outline and distribution |
| 2 | Definition of law, nature of the legal personalitiy. Articles |
| 3 Canadian Legal System | Sources of law, precedent system, judicial interpretation, citations, classifications Articles TEST 2-3 |
| 4 | Legal profession, education, nomenclature, fees, duality of legality, confidentiality rule, hierarchy of the judiciary importance of Provincial courts (criminal and civil divisions), general nomenclature, settlement out of court. Articles TEST ON 4 ONLY |
| 5 Litigation | Definition, legal problem process, contract law, retainers, kinds, change of solicitor, self-representation, Book on Civil Procedure rules, content, direction, demand, release settlement Rules, Articles |
| 6 Supreme and District Courts | Commencement of civil proceedings, the rules of civil procedure for the Suprer Court, overview of a civil action, Forms, Rules, Articles |
| 7 | When, where an action may be taken, place of trial, who may sue, who to sue specific titles of proceeding Forms, Rules, Articles |

TEST ON ITEMS 5-7

8 Preservation of rights pending litigation, Courts of Justice Act, Initiation of litigation, definition of pleadings, issued, issuing, originating process, Statement of Claim contents, time, computation of time, Notice of Action, content, when used, preparator and issuing process

Forms, Rules, Articles

9 Service methods, personal, alternatives to, proof of service, Sunday rule, Ex, Juris, delivery, effective service,

Forms, Rules, Articles

10 Notice of intent to defend, contents, time, extension, Statement of Defence, contents, reply, purpose, civil rules, criminal, content, time, counter-claim, Third Party Claim, Defence to Counter-claim, reply to the Defence to the Counter claim, Crossclaim, Third Party Claim, use

Forms, Rules, Articles

TEST on 8-10

11 Default, failure of delivery, time, source requisition, consequences, liquidated, unliquidated damages, setting aside, discontinuance, withdrawal, notice of, discovery, purpose, types, Affidavit of Documents, penalty request to inspect, Notice of Examination, inspection of property process, medical examination, notice of

Forms, Rules, Articles

Possible Test

12 Summons to Witness, meaning, kinds, examination, cross-examination, attendance money, motions, process, documents, Notice of Readiness, Record service, Notice of Listing for Trial, time, consequences, Request to Admit,

purpose, time, effect, Response to Request, silence rule, refusal

Forms, Rules, Articles

13

Settlement out of Court
Offer to Settle, purpose, who, when, time, effect, acceptance, consequences, Party-Party Costs, solicitor-client costs, Defendant's Offer, Withdrawal of Offer, notice, expiry of time, judgement, Bill of Costs, tariffs, assessment request, allowed, Notice of Appointment, order, time, certificate, factors in assessment, set-off, objections

Forms, Rules, Articles

Possible Test

14

Appeal, enforcement, creditor, mechanisms of, Notice of Examination, Writ of Seizure and Sale, process, time, renewals, Direction to Enforce, garnishment, process, requisition, Affidavit, Notices, garnishee, Writ of Sequestration, Appointment of a Receiver

Forms, Rules, Articles

TEST ON 11-14

15
Provincial Court
(Civil Division)

Book-Ontario Provincial Court
Civil Division Practice 1985, Courts of Justice Act comparison to Supreme Court, jurisdiction of Court, general headings, consents, Plaintiff's Claim, process, defence, default, Notice of Default, Third Party Claims, Request Notice of Pre-trial Conferences, Notice of Motion, of trial, Summons to Witness

Offer to Settle

Forms, Rules, Articles

16

Writ of Seizure and Sale, (of Land/Goods), Notice of Examination, garnishment, warrant

Forms, Rules

17
Consolidations

Definition, reasons for, kinds, letter of, court consolidation, requirements, notice, Affidavit Order, effect, new debts, new judgements, termination, notice

Forms, Rules, Articles

TEST ON 15-17

18
Construction Lien

Mechanic/construction lien, definition, history, purpose, arises, duration, times, registration, credit installments, Statement of Claim, Certificate of Action, Defence Application for Trial, order, sale, Notice of Discharge Construction Lien Act

Forms, Sections, Articles

19
Partnership

Definition, kinds, liability, factors for consideration before formation, agreements, firm name, Declaration, of formation, of dissolution, registration, late registration, publication, Partnership Act, Partnership Registration Act

Forms, Sections, Articles

20
Corporation

Definition, jurisdictions, methods of creation, private, public, Ontario Articles of Incorporation, ownership management structure, criminal liability British North America Act, Federal and Provincial legislation

Forms, Sections, Articles

TEST ON 18-20

21
Conveyancing
(real estate)

Definition, historical development of the interests in land, federal system, co-ownership, methods of conveyancing, Quia Emptores 1290, Law of Property Act Family Law Reform Act 1978, Statute of Frauds 1677, Real Property Act

Articles

22

Contract of sale, real estate listings Lord's Day Act, Statute of Frauds, Vendors and Purchasers Act, Agreement

of Purchase and Sale, contents, standard and additional clauses

Forms, Articles

TEST ON 21-22

23

Procedure for Vendor, initial requests to client, draft transfer, contentm substantive law relevant thereto, terms of reference, approval of transfer, interlineations, alterations, Land Registration Reform Act 1984, FLRA, Planning Act, Land Transfer Tax Act

Forms, Articles

24

Statement of Adjustment, purpose, approval, notice to tenants, mortgage statement, reply to the letter of requisitions, letter of direction, cessation of charges, appointment and routine on closing advantages of registration, reporting letter, purpose content, letter to assessment office

Forms, Articles

TEST ON 23-24

25

Procedure for the purchaser, letter of title, financing arrangements, utilities, insurance, charges

Forms, Articles

26

Searching Title, purpose, basic steps, plotting land descriptions, divisions of land in Ontario, an in-class abstract search, letter of requisitions, standard and possible requests, abstract of title, Certificate of Title, approval of transfer and statement of adjustments

Forms, Articles

27

Appointment and routine on closing, Sheriff's Office, sub-search, certified cheque, reporting letter

Forms, Articles

TEST 25-27

28

Return of tests, report on student's
grade standing, assessment of course
