

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

COURSE OUTLINE

Course Outline: LAW AND LITIGATION PROCEDURES

Code No.: BUS 213-5

Program: OFFICE ADMINISTRATION (LEGAL)

Semester: FALL

Date: SEPTEMBER 1992

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New: _____

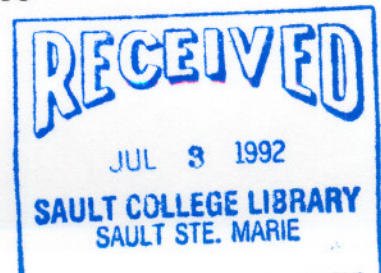
Revision: X

APPROVED:

Montali
Dean, Business & Hospitality

Date

92-07-03



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 and tests.

***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!** Articles will be placed on reserve in the Library and students are responsible for their content.

METHOD OF ASSESSMENT (GRADING METHOD):

1. **Basis:** The student's grade will be determined by the administration of a maximum of thirteen tests, all of equal value. Some tests may be composed of multiple-choice and true-false questions.

Miss a Test: If a student misses a test, it is the student's responsibility to contact the professor in the first class the student has with the professor after the test, or upon returning to the College, and make arrangements to take the test. The student, of course, must have a 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 professor.

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

"A+" 96% or more

"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. The letter grade weight is 2.0.

"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.

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. If a student foresees circumstances that may result in being late, the student should discuss these situations with the professor and flexibility can be agreed upon.

ATTENDANCE:

Since there is not a text for this subject, it is crucial students attend in order to obtain the information and understanding, therefore, attendance is partially indicative of having acquired the aforesaid, and so will be considered in the grading. Attendance will be kept and graded on a percentage basis which is to be incorporated in the grade calculations.

TEXTBOOK(S): Recommended

- (1) Ontario Civil Practice, 1991-92
- (2) The Law and Business Administration in Canada, 5th edition, Soberman and Smythe.

LAW AND LITIGATION PROCEDURES (BUS 213-5)

ITEM TOPIC	LECTURE EMPHASIS
1 Introduction	Course outline and distribution
2	Definition of law, nature of the legal personaltiy. Articles TEST
3 Canadian Legal System	Sources of law, precedent system, judicial interpretation, citations, classifications Articles TEST 3
4	Legal profession, education, nomenclature, fees, duality of legality, confidentiality rule, settlement out of court, The Ontario Court, Case Management System, general nomenclature. 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 Ontario Court (and the Small Claims Court)	Commencement of civil proceedings, the rules of civil procedure for the Ontario Court (and Small Claims Court), overview of a civil action, Forms, Rules, Articles TEST on 5 and 6

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.

TEST

Notice of Action, content, when used,
preparation 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 vs
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 9-10

Fall semester ends here - Litigation continues in winter semester

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- 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
-
- 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
- TEST ON 11 and 12**
-
- 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
- Test on 13**
-
- 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 14

15
Small Claims Court

NOTE: Much will be covered when covering the Ontario Court General Division.

Book-Ontario Provincial Court
Small Claims Court Practice 1990, 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

Notice of Examination, Writ of Seizure and Sale, (of Land/Goods), 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
Final Session

Report on student grade assessment