



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

COURSE OUTLINE

Course Outline: LAW AND LITIGATION PROCEDURES

Code No.: BUS213

Program: OFFICE ADMINISTRATION (LEGAL)

Semester: THREE

Date: SEPTEMBER 1994

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New: _____ Revision: X _____

APPROVED: Dean, Business & Hospitality _____ 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 and tests.

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 as indicated on course outline.

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+" 90% 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 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 sixty percent, of be able to perform more than sixty 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.

*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 discouraged. 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. If the student is late, he/she should knock on the door and the professor will discuss at that time whether to permit the student to enter.

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, 1992-93
- (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 personalitiy. Articles TEST
3 Canadian Legal System	Sources of law, precedent system, judicial interpretation, citations, classifications Articles TEST
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
5 Litigation	Definition, legal problem process, contract law, 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

ITEM TOPIC

LECTURE EMPHASIS

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,

TEST - 8 only

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,

Forms, Rules, Articles

ITEM TOPIC

LECTURE EMPHASIS

12

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, judge-
ment, tariffs, assessment request,
allowed, Notice of Appointment,
order, time, certificate, factors
in assessment, set-off, objections

Forms, Rules, Articles

Test on 13

13

Appeal, enforcement, creditor, mechan-
isms of, Notice of Examination, Writ of
Seizure and Sale, process, time, re-
newals, Direction to Enforce, garnish-
ment, process, requisition, Affidavit,
Notices, garnishee, Writ of Sequest-
ration, Appointment of a Receiver

Forms, Rules, Articles

TEST ON 14

14

Final Session

Report on student grade assessment

above belongs to chrisz-bus

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 - (Fill in the blanks, True & False, and Essay).

21
Conveyancing
(real estate)

Definition, historical development of the interests in land, feudal 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
TEST on 21

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 22

23

Procedure for Vendor, initial requests to client, draft transfer, contract 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

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