

FALL 2010 & DISTANCE EDUCATION

# Civil Litigation 102

## *Fundamentals of the New Rules*

This program is designed for juniors to gain an understanding of the civil litigation process and its new Rules. Choose between distance education or in-class training!

At the end of their studies, the students will be able to put the theory into practice and they will have the tools to successfully assist in a civil litigation file from start to finish.

OCT & NOV DATES ADDED



Civil Litigation Procedures in BC Desk Reference Manual

**Location**  
SFU Harbour Centre Campus  
515 Hastings St West, Vancouver BC

**Reservations**  
Please complete the form on reverse and return to:  
Law Courts Center, Legal Education Program,  
840 Howe Street, #150,  
Vancouver, BC Canada V6Z 2L2.  
Make cheques payable to Law Courts Center.

**For more information**  
In Vancouver call 604.685.2727,  
or call toll free 866.685.2727,  
or fax 604.685.2773.

- Each session offers:**
- interactive learning with hands-on practice in preparing documents
  - printed and digital versions of the Desk Reference Manual, including useful checklists, flowcharts and precedents
  - a detailed report card issued to you at completion

**Course Reporting**  
For your mandatory reporting of hours, this course is **14 hours** for this session with no hours that fulfill the requirement of professional responsibility and ethics, client care and relations and practice management. . A **Certificate of Attendance** is given to you; or, if you successfully complete at least 70% of the requisites of this course, a **Certificate of Completion** is issued to you.

**REGISTRATION CIVIL LITIGATION 102 HST INCLUDED**

Single Seat Rate \$1097.60  
 Multi Seat Rate each (must be registered at the same time) \$1042.72  
 I want to do this course via distance education.  
 Select date:  September 11 & 25 (Saturday)  
 October 21 & 28 (Thursday)  
 November 18 & 25 (Thursday)

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# Civil Litigation 102 – July 1, 2010: A New Beginning for Civil Trials in BC

*This time is coming.*

*The date is here!*

*Are you ready?*

*That's not what I hear!*

Yes, July 1st has indeed arrived! Many of us have considered, if not studied, the new Rules with a view to how they will impact our practices. Most of us have questions about the new procedures but those questions can only be answered with the passage of time as we grow into the new Rules and use them on a daily basis. There are several aspects of the new Rules that have piqued the interest of the profession and we look forward with curiosity and anticipation to seeing how they will play out.

Starting at the beginning, Writs and Appearances are now a thing of the past. The information found in a Writ has been incorporated into the Notice of Civil Claim, which is the pleading that will commence most actions. The Response to Civil Claim takes the place of an Appearance and Statement of Defence.

The importance is in the procedural impact of the absence of these documents. The absence of the Writ means that we no longer have the opportunity to file an endorsed Writ when a limitation date looms on the horizon. And the absence of the Appearance removes the opportunity to deem service to have been effected upon delivery of a filed Appearance.

It is understood that the filing of a “bare bones”

Notice of Civil Claim will be allowed in order to file proceedings for the purpose of preserving a claim in advance of a looming limitation date but there has not been any notice from those in the

know as to whether a “bare bones” Response to Civil Claim may be filed and served to eliminate the necessity of personally serving a defendant.

The Demand for Discovery of Documents has been eliminated and the obligation to provide a List of Documents is now triggered by the close of pleadings after which all parties of record must provide their Lists of Documents to all other parties of record at the same time - specifically within 35 days of the close of pleadings. The effect of exchanging Lists of Documents so early in the litigation process may mean in some cases that there are very few documents to be listed in that first List of Documents. The obligation to full disclosure remains and as a result amended List will still be necessary throughout the life of the action.

A secondary effect of eliminating the Demand for Discovery of Documents is that the Notice to Produce, which for quite some time has been combined with the Demand for Discovery of Documents, will once again be a “stand on its own” document. The concern is that because we have become so accustomed to providing the Notice to Produce along with the Demand for Discovery of Documents, it could be quite easy to forget to serve the Notice to Produce (which is still a mandatory document) now that we won't be serving a Demand for Discovery of Documents. One way to safeguard against this is to make it your practice to serve the Notice to Produce along with the first List of Documents - then your are done. 🚩

*Join Dee Rogers as she leads the course for junior support staff.*

## WHAT IS THE SCOPE OF THE COURSE?

- overview of procedures for commencing a civil litigation action in the Provincial and Supreme Court of BC
- mastering the calculation of time, due dates, and various types of service
- Notice of Civil Claim (Rule 3-1) and
- Responding to a Notice of Civil Claim (Rule 3-3)
- learn the basics for drafting Pleadings
- evidence, disclosure and information-gathering
- the discovery processes
- know the BCSC Rules of Court - essential to understanding procedural civil litigation
- obtain an overview of the Forms and Appendices in the Rules of Court
- keys to trial preparation: organization
- document management and List of Documents
- documents for trial - Books of Documents
- an overview of trial including Summary Trial, Fast Track Litigation
- understand the mechanics of interlocutory applications
- brief overview of case planning conferences
- learn about pre-trial resolutions (offers to settle, notices to withdraw, notices of discontinuance)