

## OFFICIAL COURSE OUTLINE

<b>Course Code:</b>	CRES-1411
<b>Short Title:</b>	Civil Procedure (Online)
<b>Long Title:</b>	Civil Procedure (Online)
<b>Prerequisites:</b>	CRES-1100 (formerly CCR100) or CRES-1101 (formerly CCR101), and CRES-1180 (formerly CCR180)
<b>Co-requisites:</b>	None
<b>School:</b>	Health, Community and Social Justice
<b>Division/Academy/Centre:</b>	Conflict Resolution
<b>Previous Code &amp; Title:</b>	CCR211 – Civil Procedure
<b>Course First Offered:</b>	June 1, 2008

<b>Credits:</b>	1.0
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### Course Description

This course is for those who want to practice mediation in the context of the civil justice system. It is required for mediators who do not have a law degree and want to be considered for the BC Mediator Roster. The course examines the aspects of civil procedure that mediators need to be familiar with: what the litigation track looks like, including the practicalities of time and cost as a typical case proceeds through the system, as well as the role of lawyers in litigation and mediation. You will also learn how court rules use expense to encourage settlement, the difference between the formal legal parties and the real decision-makers in a lawsuit, and the rules of evidence that commonly arise in mediation. On-line course methodology includes a series of readings, exercises, assignments and group discussions.

### Course Goals

At the completion of this 2-day (14-hour) course, the learner will be able to:

- Understand aspects of civil procedures essential for practicing mediation in the context of the civil justice system.

### Learning Outcomes

Upon successful completion of this course, the learner will be able to:

1. Identify the major steps that a lawsuit may have gone through before mediation and what major legal steps a lawsuit will go through after the mediation, should it not result in settlement.
2. Identify the role of lawyers in litigation and mediation.
3. Define the meaning of litigation terminology that commonly arises in mediation.
4. Describe the evidentiary rules that commonly arose in mediation and be able to discuss them from an interest-based point-of view.
5. Identify points in the mediation where the parties should understand how the litigation process works.

6. Explain the rules which apportion the expenses of litigation, and describe the differences between the “formal parties” and the real decision makers in a lawsuit and in mediation.
7. Describe how the rules of court use expense to encourage parties to settle.
8. Articulate the fundamental differences between the rights-based adversarial approach to litigation, and an interest-based, problem solving approach to mediation.
9. Identify points in mediation where parties should understand how the litigation process works, and other options for settlement including judicial settlement tools.

### Course Topics/Content

- Four phases in a lawsuit.
- Lawyer’s role in mediation vs litigation.
- Evidentiary rules common in mediation.
- How rules of court use expenses to encourage settlements.
- Parties at mediation.
- Differences between adversarial and interest-based approaches.
- Judicial settlement tools.
- Formalizing an agreement.

### Text & Resource Materials

**Required:**

Harris, T. (2006). *Civil Procedure Study Guide*. New Westminster: Justice Institute of BC.

### Equivalent JIBC Courses

None

Instructional Method(s) <i>(select all that apply)</i>	Hours
<input checked="" type="checkbox"/> Direct Instruction (lecture, seminar, role plays, independent study, etc.)	14
<input type="checkbox"/> Supervised Practice (includes simulations & labs)	
<input type="checkbox"/> Practice Education, Field Placement, Internship or Co-op	
<b>Total</b>	<b>14</b>

### Course Evaluation

The evaluation criteria used for this course are represented below. Specific course evaluation information will be provided by the instructor at the start of the course.

Criterion	% of Final Grade <i>(may be represented as a range)</i>
Course work (activities, assignments, essays, reports, etc.)	60%
Quizzes and exams	
Simulations/Labs	

Attendance/Participation (in class or online)	40%
Practice Education/Internships	
<b>Total</b>	<b>100%</b>

### Comments on Evaluation

### Course Grading Scheme\*

- JIBC1 (A to F)     
  JIBC2 (MAS/NMA)     
  JIBC3(CM/IN)     
  JIBC4 (P/F)

(\* <http://www.jibc.ca/policy/3304> Grading policy)

### Other Course Guidelines, Procedures and Comments

Learners must attend the full course to receive credit.

View official versions of related JIBC academic regulations and student policies in the JIBC Calendar on the following pages of the JIBC website:

#### Academic Regulations:

<http://www.jibc.ca/programs-courses/jibc-calendar/academic-regulations>

Student Academic Integrity Policy  
 Academic Progression Policy  
 Admissions Policy  
 Academic Appeals Policy  
 Evaluation Policy  
 Grading Policy

#### Student Policies:

<http://www.jibc.ca/about-jibc/governance/policies>

Access Policy  
 Harassment Policy – Students  
 Student Records Policy  
 Student Code of Conduct Policy

### JIBC Core Competencies

The JIBC promotes the development of core and specialized competencies in its programs. Graduates of our programs will demonstrate high levels of competence in the following areas:

- Critical thinking:** Identify and examine issues and ideas; analyze and evaluate options in a variety of fields with differing assumptions, contents and methods.
- Communication, Oral and written:** Demonstrate effective communication skills by selecting the appropriate style, language and form of communication suitable for different audiences and mediums.
- Leadership:** Inspire individuals and teams to reach their potential by embracing innovation through strategic thinking and shared responsibility.
- Problem solving:** State problems clearly; effectively and efficiently evaluate alternative solutions; choose solutions that maximize positive and minimize negative outcomes.
- Interpersonal relations:** Know and manage ourselves; recognize and acknowledge the needs and emotions of others including those with diverse cultures, backgrounds and capabilities.
- Inter-professional teamwork:** Understand and work productively within and between groups, respect others' perspectives and

- Independent learning:** Show initiative by acting independently in choosing effective, efficient and appropriate applied learning, research and problem solving strategies.
  - Globally minded:** Self-aware of own identity and culture, recognize the interconnectedness of world events and issues; interact respectfully and authentically across cultures; value multiple perspectives; utilize curiosity to learn with and from others.
  - Information literacy:** Recognize and analyze the extent and nature of an information need; efficiently locate and retrieve information; evaluate it and its sources critically, and use information effectively and ethically.
- provide constructive feedback with special attention to inter-professional relationships.