LAWGENRL 421 : Civil Procedure (15 POINTS)

2021 Semester One

Course Prescription

Advanced studies in procedure in civil actions and other civil proceedings with reference to the evolution and history of the present form of civil action, pleadings, discovery and other pre-trial devices; joinder of parties; jurisdiction (including equitable jurisdiction); and appellate procedure.

Course Overview

The course will critically examine the rules and processes that apply to a New Zealand High Court proceeding from its commencement, through its various interlocutory steps to trial, and then on appeal. You will learn about starting and ending proceedings in different ways, seeking interim forms of relief, the role of summary judgment, what an originating application is, what case management and discovery are all about, and how costs work in our courts.

We will tackle some topical subjects like litigation funding, class actions, lay litigants, and how our procedures deal with small disputes. We will examine some procedural rules that apply in other forums (tribunals) that exist in New Zealand. You will see how all procedural rules share some common features (no matter how sophisticated, or indeed simple, they may try to be).

This course will blend practical litigation skills with critical analysis of processes and practice. You will be expected to draft court documents and demonstrate skills required to sort information and identify issues, as well as to critically evaluate the sufficiency of processes to achieve the aims of the justice system.

You will be expected to think critically about why procedure is important, how well New Zealand's current provisions serve the people they are designed to help, and how these could change in the future.

Course Requirements

Prerequisite: LAW 231 Restriction: LAW 413

Capabilities Developed in this Course

Capability 1: Disciplinary Knowledge and Practice
Capability 2: Critical Thinking
Capability 3: Solution Seeking
Capability 4: Communication and Engagement
Learning Outcomes

By the end of this course, students will be able to:

1. Recognise, understand and critique the importance of procedural rules to the vindication of substantive legal rights in all areas of law (Capability 1.1, 1.2, 1.3 and 2.1)
2. Identify and analyse the key components and features of the Senior Court procedural rule requirements as found in the High Court Rules and the Court of Appeal Rules and their application to common legal proceedings (Capability 1.2, 1.3, 2.1, 2.2 and 2.3)
3. Prepare a case or a defence, or make an application, together with any required supporting documents, and understand the role of different forms of applications (Capability 1.3, 2.3, 3.1, 3.2, 3.3, 5.1 and 5.2)
4. Interpret information for use in various civil litigation contexts, including how it should be presented to different audiences including the court, the client and opposing counsel (Capability 1.3, 2.1, 2.3, 3.3, 4.1 and 4.2)
5. Recognise common overarching features of all procedural frameworks and understand, critique and evaluate how they are reflected in the rules used in the Senior Courts as well as in other dispute resolution processes now common in New Zealand society (Capability 1.1, 2.1, 2.2 and 6.3)
6. Demonstrate effective research and written communication skills (Capability 1.2, 4.1, 5.1 and 5.2)
7. Demonstrate effective groupwork and creative presentation skills (Capability 4.1, 4.2, 4.3, 5.1 and 5.2)

Assessments

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<th>Assessment Type</th>
<th>Percentage</th>
<th>Classification</th>
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<td>Participation Exercises</td>
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<td>Quizz</td>
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<tr>
<td>Quizz</td>
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Workload Expectations
This is a standard 15-point course. There will be around 36 hours of lectures in this course. As a general guide, you should expect a workload of three hours outside of the classroom for each hour spent in class. The guideline for the total workload for this course is 150 hours.

Delivery Mode

Campus Experience
Attendance is expected at the lecture component of the course. Lectures will be available as recordings. However, learning will likely be enhanced by attendance. Attendance on campus is required for some of the assessments.
The activities for the course are scheduled as a standard weekly timetable.

Learning Resources

Recommended Text
There is no prescribed text, but Beck's Principles of Civil Procedure (3rd edition, Thomson Reuters) can be very useful. The practitioner looseleafs McGechan on Procedure and Sim’s Court Practice are also go-to reference texts.

Student Feedback
At the end of every semester students will be invited to give feedback on the course and teaching through a tool called SET or Qualtrics. The lecturers and course co-ordinators will consider all feedback and respond with summaries and actions.

Your feedback helps teachers to improve the course and its delivery for future students.

Class Representatives in each class can take feedback to the department and faculty staff-student consultative committees.

Other Information

Learning and teaching
The course is taught through lectures, starting on Monday 2 March 2020 and ending on Wednesday 3 June 2020.
The lectures will be on Monday and Wednesdays between 5pm and 7pm. Monday 27 April 2020 is ANZAC Day.
Monday 1 June 2020 is Queen’s Birthday. There will be no classes on those days.

Teaching staff
Julian Long (course director) Phone: 027 233 8277
E: julian.long@shortlandchambers.co.nz Jessica Storey
Phone: 09 307 9818
E: jstorey@shortlandchambers.co.nz

The email address civilpro@julianlong.co.nz will send an email to both Julian and Jessica. It is preferable to use this address than the individual emails as you increase your chances of a swift reply.

We also encourage the use of the online facility called “Piazza” (explanation will be given on Canvas and in lectures) as a way to deal with questions and queries for the benefit of the whole class.

Both Julian and Jessica are barristers at Shortland Chambers. If email and Piazza are not doing it for you, then one or both are happy to see you individually either after class, or by prior appointment, through the working week.

Digital Resources
Course materials are made available in a learning and collaboration tool called Canvas which also includes reading lists and lecture recordings (where available).

Please remember that the recording of any class on a personal device requires the permission of the instructor.

Academic Integrity
The University of Auckland will not tolerate cheating, or assisting others to cheat, and views cheating in coursework as a serious academic offence. The work that a student submits for grading must be the student's own work, reflecting their learning. Where work from other sources is used, it must be properly acknowledged and referenced. This requirement also applies to sources on the internet. A student's assessed work may be reviewed against online source material using computerised detection mechanisms.

Inclusive Learning
All students are asked to discuss any impairment related requirements privately, face to face and/or in written form with the course director, lecturer or tutor.

Student Disability Services also provides support for students with a wide range of impairments, both visible and invisible, to succeed and excel at the University. For more information and contact details, please visit the Student Disability Services’ website http://disability.auckland.ac.nz

Special Circumstances
If your ability to complete assessed coursework is affected by illness or other personal circumstances outside of your control, contact a Student Academic and Support Adviser as soon as possible before the assessment is due.
If your personal circumstances significantly affect your performance, or preparation, for an exam or eligible written test, refer to the University's aegrotat or compassionate consideration page https://www.auckland.ac.nz/en/students/academic-information/exams-and-final-results/during-exams/aegrotat-and-compassionate-consideration.html.

This should be done as soon as possible and no later than seven days after the affected test or exam date.

Learning Continuity

In the event of an unexpected disruption we undertake to maintain the continuity and standard of teaching and learning in all your courses throughout the year. If there are unexpected disruptions the University has contingency plans to ensure that access to your course continues and your assessment is fair, and not compromised. Some adjustments may need to be made in emergencies. You will be kept fully informed by your course co-ordinator, and if disruption occurs you should refer to the University Website for information about how to proceed.

Student Charter and Responsibilities

The Student Charter assumes and acknowledges that students are active participants in the learning process and that they have responsibilities to the institution and the international community of scholars. The University expects that students will act at all times in a way that demonstrates respect for the rights of other students and staff so that the learning environment is both safe and productive. For further information visit Student Charter https://www.auckland.ac.nz/en/students/forms-policies-and-guidelines/student-policies-and-guidelines/student-charter.html.

Disclaimer

Elements of this outline may be subject to change. The latest information about the course will be available for enrolled students in Canvas.

In this course you may be asked to submit your coursework assessments digitally. The University reserves the right to conduct scheduled tests and examinations for this course online or through the use of computers or other electronic devices. Where tests or examinations are conducted online remote invigilation arrangements may be used. The final decision on the completion mode for a test or examination, and remote invigilation arrangements where applicable, will be advised to students at least 10 days prior to the scheduled date of the assessment, or in the case of an examination when the examination timetable is published.