General Instructions

This Final Examination consists of two parts:

- Part 1 requires you to answer two of three short answer questions: 20 marks (22%) each, for a total of 40 marks. Recommended time: 40 minutes each.

- Part 2 consists of a Fact Pattern: one question, no choice: 50 marks (55%). Recommended time: 100 minutes.

We strongly urge you to thin out your answers before committing pencil to paper. Focus on the specific issues raised in each question. In marking, we will reward reflection and economy of prose, rather than broad regurgitation. Less is usually more: excessive discussion of unimportant or irrelevant issues will lower the mark, rather than be ignored.

The examination is open-book subject to any restrictions contained in the Faculty of Law exam procedures, such as access to the Internet.

Good Luck.

THIS EXAMINATION CONSISTS OF 4 QUESTIONS IN TOTAL,
ONLY 3 OF WHICH MUST BE ANSWERED:
2 OF 3 SHORT ESSAYS, AND 1 FACT PATTERN
PART 1

SHORT ESSAYS (20 marks each)
(ANSWER ONLY TWO OF THE FOLLOWING THREE QUESTIONS)

1. Discuss the difficulties of and strategies for dealing with a client who has difficulty telling the truth. In your answer, refer to rules, ethical considerations, and other aspects of civil procedure considered in our class.

2. To what extent does British Columbia have a true "loser pays" cost regime?

3. Discuss, with examples, how judges can and do impose moral pressure on litigants and their counsel to behave in an ethical, proportionate, fair, and/or economic manner.

PART 2

FACT PATTERN (50 marks)
(YOU MUST ANSWER THE FOLLOWING ONE QUESTION)

4. It is late April 2016. You are a first year associate practicing civil litigation at a Vancouver litigation boutique, Putnam Rice & Ernst ("PURE"). PURE is known to act for citizens and groups against governments and corporations in regulatory, environmental and other public interest litigation.

You are approached by a number of individuals from Victoria who are concerned about a large nuclear project underway in British Columbia. You know the broad outlines of the story from media reports, but the story the potential clients relate to you is as follows.

CJPF Ltd. ("CJPF") has commenced construction on giant nuclear facility to be located near Kamloops, B.C. (the "Project"). CJPF is a corporation incorporated under the Business Corporations Act, S.B.C. 2002, c. 57. It is a joint venture of Atomic Energy B.C. ("AEBC"), a provincial Crown corporation that possesses nuclear know-how and technology, and New Atlantis Inc. ("New Atlantis"), a corporation incorporated in Panama.

AEBC and CJPF were created for the purpose of constructing and operating the Project. They reflect the policy of the current provincial government, the B.C. Party, which believes that nuclear power is a safe, efficient and environmentally sustainable means of generating power. Based on AEBC's projections, approximately 50% of the power generated by the Project will go to meeting projected growth in domestic
demand, and the other 50% will be sold on the world market. This, it is expected, will result in very substantial revenues for the Province once the Project is operational.

New Atlantis owns “the Rouge”, a large offshore drilling platform stationed in fertile fishing grounds in international waters in the Pacific Ocean, and on which it is developing a new, high tech city-state.

Under the shareholders’ agreement between AEBBC and New Atlantis, New Atlantis is contributing 75% of the capital costs to build the Project in exchange for the transfer of AEBBC’s confidential nuclear know-how and technology. New Atlantis has covenanted to only use the technology for peaceful and civilian purposes. However, New Atlantis’ principal, Bob Brumpf (“Brumpf”), himself a controversial figure, has made no secret that he wishes to develop nuclear capacity for military purposes.

By reason of the Treaty on the Non-Proliferation of Nuclear Weapons (to which Canada is a state party) (the “Non-Proliferation Treaty”), the Nuclear Safety and Control Act, S.C. 1997, c. 9 and the Nuclear Non-proliferation Import and Export Control Regulations, SOR/2000-210, Canada is obliged to prevent the diversion of nuclear energy from peaceful uses to nuclear weapons and any export of nuclear technology requires the issuance of an export license approved by the Canadian Nuclear Safety Commission (the “Commission”).

The Project is, not unexpectedly, a massive one. Its estimated capital cost is $5 billion. The current completion date for the Project is 2021.

The planning for the Project began in 2009. There was an extensive assessment process which included an environmental assessment, First Nations consultations and extensive public consultations. To complete the environmental assessment under federal and provincial legislation -- the Environmental Assessment Act, S.B.C. 2002, c. 43 and the Canadian Environmental Assessment Act, 2012, S.C. 2012, c. 19, s. 52 - - a Joint Review Panel (the “JRP”) was created.

The report of the JRP was issued in October 2014. The JRP found that the Project would cause a series of significant adverse environmental effects for the residents and property located in the vicinity of Kamloops and surrounding communities, known as the Thompson Nicola Regional District (“TNRD”). At the same time, it also found that the Project would create a large, cost-effective and stable long term supply of energy in a way that would produce fewer greenhouse gas emissions than any other alternative, including hydro-electricity, providing long term environmental and economic benefits to the Province as a whole.

In January 2015, a provincial Environmental Assessment Certificate (the “Certificate”) and a federal Decision Statement, were issued following the environmental assessment. Each included multiple conditions CJPF had to satisfy in order to proceed with the Project. Following the issuance of the Certificate and the
Decision Statement, the Project was approved as being in the public interest by both the provincial and federal cabinets, a step required under applicable provincial and federal legislation. The Canadian Nuclear Safety Commission (the “Commission”) also issued the required export license (the “Export License”).

One of the striking features of the Project is that despite the findings of the JRP concerning the local environmental effects, the Project enjoys the strong and widespread support of residents of the TNRD, as well as the local First Nations, all of whom have indicated their satisfaction with the consultations process and have signed impact benefit agreements with CJPF. There is, however, a strong constituency of citizens in Vancouver and on Vancouver Island who are opposed to the Project. They are not persuaded of its economic benefits, they question the safety of nuclear power, and they are very concerned about the significant adverse environmental effects identified by the JRP. They are also opposed to what they see as the dangerous policy implications of placing nuclear technology that could be weaponised in the hands of New Atlantis and Brumpf.

In February 2015, a small group of concerned citizens from Vancouver, under the aegis of an unincorporated association called Nuclear Free B.C. (“Nuclear Free”), brought an application in Federal Court for judicial review of the Commission’s decision to issue the Export License on the basis that it was contrary to Canada’s obligations under the Non-Proliferation Treaty and the federal legislation, referred to above, which implements those obligations. The respondents to that application were the Commission, the federal Crown and CJPF.

The federal Crown brought a preliminary application to quash Nuclear Free’s application, arguing that Nuclear Free had no standing, the application for judicial review was an abuse of process and it had no reasonable prospect of success. The federal Crown’s preliminary application was dismissed, and the Federal Court gave reasons for judgment in which it concluded that Nuclear Free’s application raised issues of public importance and had a reasonable prospect of success. The hearing on the merits of Nuclear Free’s application is scheduled for September 2016.

The planning and construction schedule for the Project is complex. This is not surprising considering its magnitude. The construction process requires the coordination and sequencing of multiple activities and contractors, addressing seasonal constraints, and the mobilization of a large amount of equipment and a substantial number of workers. All of the work on the Project must meet the regulatory requirements set out in the Certificate, the Decision Statement, and other provincial and municipal permits which must be obtained to authorize construction activities.

Following the lengthy planning process and the issuance of the Certificate, Decision Statement, the provincial and federal cabinet approvals and other permits, CJPF commenced construction on the Project in January 2016. At the present time, CJPF has entered into dozens of contracts for construction activities, site preparation and road construction. The total value of these contracts is $2 billion. Work on many of
these contracts is underway, employing hundreds of workers, a significant benefit to the Kamloops and TNRD local economy. CJPF expects to spend $400 million on the Project over the balance of 2016. The Project is well underway.

An important part of the ongoing work on Project involves clearing the Project site, an area adjacent to the South Thompson River, approximately 30 kilometres from Kamloops. In an act of civil disobedience, on February 15, 2016, members of the group consulting you erected a protest camp on the site which has prevented CJPF’s contractors from carrying out the required clearing work. Approximately half of the group are occupying the camp, rotating in and out every few days. The other half of the group are assisting and providing material support to the occupying protestors.

The placement of the protest camp has resulted in material delays in the construction work on the Project. Brumpf has publicly threatened that New Atlantis may declare force majeure under the shareholders’ agreement and walk from the Project. CJPF’s outside counsel from the firm Bigger Nutter & Terrible (“BigNTerrible”) have written to those of the protesters they can identify, demanding that they remove the camp and cease interfering with the Project, failing which they will take further steps without notice. The deadline set by BigNTerrible has come and gone, but your prospective clients have the sense that something is about to happen. The RCMP are maintaining a watching brief at the site but their public position has been that as long as the protestors are peaceful, they intend to treat the matter as a civil dispute and not a criminal case.

The prospective clients provide you with studies they obtained from representatives of Nuclear Free. Nuclear Free in turn obtained some of these studies through access to information requests under the applicable provincial and federal legislation, and others from the federal Crown pursuant to a document disclosure order made in the Federal Court litigation. The studies show that any material delay to the Project could cost CJFS $1 million per week in delay claims by contractors. They also point to the real threat that delay poses to the “critical window” of the projected 2021 completion date for the Project, which is necessary to secure long term energy purchase contracts on the market for the surplus power the Project is expected to generate. The studies obtained from the federal Crown pursuant to the discovery order appear to show that the cabinet received legal advice that it did not have to consider or address the environmental concerns identified by the JRP in deciding whether to approve the Project as being in the public interest. You are surprised to learn this and believe this could disclose an important error of law.

One member of the group of prospective clients is Sue Successful (“Successful”), a retired scientist and billionaire. She urges you to find a creative way to help the group, which is informal and has no funds of its own, finance any litigation. Successful tells you that while she would prefer to deploy her capital on environmental projects elsewhere, if absolutely necessary she is prepared to provide a financial backstop for any purpose the group requires. Successful also tells you that she has prepared an expert opinion that can be used to support the group’s position that the decisions to issue the Certificate and Decision Statement were materially
flawed. Successful has collaborated on the report with a number of respected scientists around the world who are part of her professional network, but she has promised to keep their involvement confidential because of the high profile and political nature of the Project.

The prospective clients ask you to advise them about the procedural issues that arise for consideration on these facts, both offensive and defensive.

It is not necessary for you to be familiar with the legislation referred to or to know any substantive law beyond what is set out above. If you conclude that additional facts are required to provide your advice, you may identify reasonable assumed facts. It should not be necessary to do so at any length and you should concentrate on the facts provided.

END OF EXAMINATION

*It has been our great pleasure teaching you this term. We appreciated your enthusiasm and interest. Our best wishes to you all for a happy summer and a successful and enriching career, in law, or otherwise.*
LAW 469.003: CIVIL PROCEDURE
COURSE OUTLINE 2016

7 January to 7 April 2016
(Thursday evenings 17:30 – 20:30)

ANDREW NATHANSON, Fasken Martineau DuMoulin LLP (anathanson@fasken.com) and
DAVID CRERAR, Borden Ladner Gervais LLP (dcrerar@blg.com)

Class website: www.law.ubc.ca/1469-003

Objectives
1. Introduce the fundamentals of civil procedure and familiarize students with the structure of a civil action.
2. Provide a theoretical framework for the rules of procedure and identify the values and policies on which the rules are based.
3. Place these rules in a practical context to encourage future practitioners to wield the rules in a responsible, strategic, and cost-effective manner.

Materials
2. Crerar / Nathanson, Civil Procedure Casebook 2016 (the “Casebook”): available in printed hard-copy and online at the class website.
3. Supreme Court Civil Rules*. You may use any of these sources:
   - Bouck, Dillon, and Turriff, British Columbia Annual Practice 2016 (Canada Law Book Inc.) (the “White Book”)
   - Seckel & MacInnis, Supreme Court Rules Annotated 2016 (Carswell) (the “Black Book”)

We may at times hand out, post on the class website, or otherwise refer to recent judgments or other supplementary readings, for which students are also responsible.

Evaluation
(a) 10%: based on two very simple and brief pass-fail assignments: a pleadings drafting exercise (3-4 pages) and a report on an independent visit (1 page) to the British Columbia Supreme Court Civil Chambers (at any British Columbia Courthouse); and
(b) 90%: a final open-book examination set during the Faculty examination period.

* It is not necessary to memorize the minutiae of the Rules: familiarize yourself with their gist before each week’s class.
The (pre-July 2010) former rules are not required reading but are very useful for understanding the new Rules, and are the rules on which all of the case law in this course are based. We will frequently refer to the former rules. A concordance of the old and new rules: http://www.courthouselibrary.ca/docs/default-source/court-rules-practice-directions/civil-rules-concordance.pdf?sfvrsn=2.
(c) A discretionary amount of 1-5% may be added to the grades of students for insightful contributions to class discussions.

As per the Faculty's policy, "Mark Deduction For Late Assignments", a late penalty of 1 mark per day will be assessed.

Schedule

Please note it is our goal to keep classes in this order, limiting these topics to the assigned classes, but dates and contents are subject to change.

1. Topics:
   (a) Overview of course
   (b) The life cycle of a civil action

2. Readings:
   (a) Walker: pp. 40-67 (overview of a civil proceeding)
   (b) Handout: "Life cycle of an action in British Columbia Supreme Court"

3. (Optional Readings):
   (a) Andrew Nathanson & Gavin Cameron, Complex Litigation under BC's new Supreme Court Civil Rules, p. 1

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1. Topics:
   (a) The adversary system
   (b) The rule of law and judicial independence
   (c) Ethical issues

2. Readings:
   (a) Walker: pp. 12-24 (the adversary system), and 752-759 (mediation and settlement)
   (b) Casebook:
      (i) Murphy v. Dodd, 1989 (ethics in the adversary system), p. 21
      (ii) Meek v. Fleming, 1961 (ethics in the adversary system), p. 25
      (iii) British Columbia v. Imperial Tobacco Canada, 2005 (the adversary system, the rule of law and judicial independence), p. 30
      (iv) Cojocaru v. British Columbia Women’s Hospital and Health Centre, 2013 (reasons), p. 41
   (c) D. Kennedy, “The Responsibility of Lawyers for the Justice of Their Causes” (1987), 18 Texas Technical L. Rev. 1157:
http://www.duncankennedy.net/documents/The%20Responsibility%20of%20Lawyers%20for%20the%20Justice%20of%20their%20Causes.pdf

(d) Code of Professional Conduct for British Columbia ("BC Code"): see https://www.lawsociety.bc.ca/page.cfm?cid=2578

(e) "Indian Judge Bans Reporting on Trial of 5 Men in Gang Rape Case", New York Times online edition, January 7, 2013: see class website, "E-mail, January 7, 2013"


1. Topics:

(a) Pass-fail assignment discussion: Independent BCSC Chambers visit
(b) Different forms of procedure and consequences: notice of claim versus petition
(c) Ethical issues: Commencing a Claim
(d) Service
(e) Default judgment
(f) Jurisdiction
(g) Limitation Periods

2. Readings:

(a) Walker: pp. 223-226 (incl. KLB v. British Columbia)

(b) Casebook:

(i) Orazio v. Ciulla, 1966 (service), p. 56
(ii) Luu v. Wang, 2011 (alternative service), p. 59
(iii) Austin v. Rescon Construction, 1986 (default judgment), p. 63
(iv) Leung v. 568263 BC Ltd., 2000 (petition), p. 65
(v) East Kootenay Realty Ltd. v. Gestas Inc., 1986 (petition), p. 69
(vi) Bea v. The Owners, Strata Plan LMS 2138, 2015 (inherent jurisdiction), p. @@
(vii) Limitation Act, SBC 2012, c.13, p. 73
(viii) Court Jurisdiction and Proceedings Transfer Act, SCBC 2003, c.82, p. 81
(ix) former Professional Conduct Handbook, ch.11(12), p. 85
(x) new Code of Professional Conduct, art. 6.02(2), p. 86
(xi) Tabs A – E
(c) Rules 4-2 (old 4°), 2-1, and 3-1 (old 8), 3-2 (old 9), 16-1 (old 10), 4-2 and 4-3 (old 11), 4-4 (old 12), 4-5 (old 13), 3-3 (old 14), 3-8 (old 17 and 25), and 15-1 (old 66)

3. (Optional Readings):

(a) Walker: pp. 168-222 (jurisdiction); 227-243 (limitation periods); 675-676 (default judgment)

(b) Casebook:
   (i) Bank of Montreal v. Erickson, 1984 (default judgment), p. 87
   (ii) Schmid v. Lacey, 1991 (default judgment), p. 88
   (iii) 472900 B.C. Ltd. v. Thrifty Canada, Ltd., 1998 (jurisdiction), p. 89
   (iv) Pan-Afric Holdings Ltd. v. Ernst & Young LLP, 2007 (jurisdiction), p. 97
   (v) Robert J. Deane, Addressing Jurisdictional Complexity: The new Civil Rules and the CJPTA, p. 105

(c) David Crerar, Practice Tips for the New BC Limitation Act (on class website)


1. Topics:

(a) Pass-fail assignment discussion: Notice of Civil Claim Drafting Assignment
(b) Ethical issues: commencing a claim
(c) The function and purpose of pleadings
(d) Particulars
(e) Amendments
(f) Striking pleadings

2. Readings:

(a) Walker: pp. 397-407 (pleadings); 642-644
(b) Casebook:
   (i) W. Stanley Martin, “Pleadings”, p. 114
   (iii) CFAR v. Canadian Jewish Congress, 1999 (striking pleadings), p. 123
   (v) Sahyoun v. Ho (pleadings), p. 138

† The former rule numbers are included for reference and convenience only. It is NOT necessary to read the former version of each rule.
(vi) Code of Professional Conduct, art. 4.01(1)-(2), p. 146

(c) Rules 20-3, 20-4 & 22-5 (old 5), 20-2 (old 6), 20-1 (old 7), 3-7 (old 19), 3-1 (old 20), 3-4 (old 21), 3-6 (old 23), and 6-1 (old 24)

3. (Optional Readings):

(a) Walker: pp. 408-423 (pleadings)
(b) Nathanson & Cameron, Complex Litigation under the New Rules, pp. 6-7 (Week 1)
(c) Joly v. Pelletier, 1999 (striking pleadings), p. 148
(d) Murrell v. Simon Fraser University, 1997 (pleadings), p. 150
(e) National Leasing Group v. Top West Ventures Ltd., 2011 (striking pleadings), p. 156

4. Pleadings Resources (NOT necessary to read but useful for assignment):

(a) Casson & Dennis, Odgers’s Principles of Pleadings and Practice, chap. 6 & 7
(b) Bullen & Leake & Jacob, Precedents of Pleadings
(c) McLachlin & Taylor, British Columbia Court Forms

1. Topics:

(a) Discovery of documents
(b) Proportionality in discovery
(c) Discovery of documents from third parties
(d) The implied undertaking of confidentiality
(e) Postponing discovery of documents
(f) Privilege
(g) Ethical issues: discovery

2. Readings:

(a) Walker: pp. 435-445 (forms of discovery); 452-493 (document discovery and e-discovery: incl. Peter Kiewit Sons; Fric); 539-546 (privilege); 555-557 (incl. Imperial Tobacco Limited); 559-560 (litigation privilege); 571-580 (incl. Blank); 587-592 (waiver); 596-597 (implied undertaking); 774-780 (incl. Sable Offshore Energy)

(b) Casebook:
(i) Imperial Parking Canada Corporation v. Anderson (document production), p. 159
(ii) IBEW v. Hochstein, 2009 (implied undertaking), p. 167
(iv) Keefer Laundry Ltd. v. Pellerin Milnor Corp., 2006 (privilege), p. 182
(v) Dykeman v. Porohowski, 2010 (privilege/internet/list), p. 185
3. (Optional Readings):

(a) Walker: pp. 597-612 (incl. Jumon); 764-765 (settlement privilege)
(b) Casebook:
   (i) Kaladjian v. Jose, 2012 (document proportionality), p. 192
   (ii) Tai v. Lam, 2010 (document proportionality), p. 198
   (iii) Pro-Sys Consultants Ltd. v. Infineon, 2011 (document proportionality; electronic discovery), p. 199

1. Topics:

   (a) Examinations for discovery
   (b) Examinations of non-party witnesses
   (c) Interrogatories
   (d) Physical/medical examinations and inspections
   (e) BCSC Chambers and applications

2. Readings:

   (a) Walker: pp. 500-502 (purpose of examinations for discovery); 519-531 (Nwachukwu v. Ferreira)
   (b) Casebook:
      (ii) Fraser River Pile and Dredge v. Can-Dive Services Ltd., 1992 (discovery ethics), p. 205
      (iii) Sinclair v. March, 2001 (non-party examination), p. 207
      (iv) Practice Direction 34: Masters' Jurisdiction, p. 212
      (v) Fraser v. Houston, 1997 (privacy, proportionality), p. 214
      (vii) Jones v. Donaghey, 2011 (physical examination) (see above, Week 5), p. 118
      (viii) Tabs G, H
1. **Topics:**
   
   (a) *Res Judicata*
   
   (b) Issue estoppel

2. **Readings:**

   (a) Walker: pp. 249-292 (incl. *Shaffner; Britannia Airways; Danyluk; Toronto (City) v. CUPE*)

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1. **Topics:**

   (a) Joinder of claims and parties
   
   (b) Third-party proceedings
   
   (c) Class proceedings

2. **Readings:**

   (a) Walker: pp. 314-358 (joinder of claims, counterclaims, and third party claims), 869-983 (class proceedings)
   
   (b) Casebook:
   
   (i) *R. v. Imperial Tobacco Canada Ltd., 2011* (third party proceedings), p. 225
   
   (ii) A. Nathanson & G. Cameron, *Complex Litigation under BC's new Supreme Court Civil Rules* (see above, Week 1), p. 1

   (c) Rules 20-3, 20-4 and 21-2 (old 5), 6-2 (old 15), 21-9 (old 22), and 6-1 (old 24)

3. **(Optional Readings):**

   (a) Casebook:

(b) *Class Proceedings Act*: review generally, but focus on ss. 1, 25, 28

1. **Topics:**

   (a) Summary trial (Part 9-7 (old Rule 18A))
   (b) Summary judgment (Part 9-6 (old Rule 18))
   (c) Interlocutory injunctions
   (d) *Mareva* injunctions
   (e) *Anton Pillar* orders

2. **Readings:**

   (a) Walker: pp. 617-627 (incl. *RJR-MacDonald Inc.*); 644-652 (incl. *Inspiration Management Ltd.*)
   (b) Casebook:
      (ii) Tracy v. Instaloans Financial Solutions Centres (B.C.) Ltd., 2007 (*Mareva injunction*), p. 238
      (iii) Insurance Corp. of British Columbia v. Patko, 2008 (*Mareva injunction*), p. 251
      (vi) Celanese Canada Inc. v. Murray Demolition Corp., 2006 (*Anton Pillar order*), p. 253
      (v) Western Delta Lands Partnership v. 3557537 Canada Inc. #1, 2000 (*summary trial*), p. 265
      (vi) Western Delta Lands Partnership v. 3557537 Canada Inc. #2, 2000 (*summary trial*), p. 272
   (c) **Rules 9-6 (old 18), 9-7 (old 18A), and 10-4 (old 45)**

3. **(Optional Readings):**

   (b) Casebook:
      (i) Orangeville Raceway Ltd. v. Wood Gundy Inc., 1995 (*summary trial*), p. 275
      (iv) David Crerar, *"How to Lose Your Own Rule 18A Summary Trial"* (on class website)
1. **Topics:**

(a) Party and party costs and special costs  
(b) Offers to settle  
(c) Security for costs  
(d) Contingency fees  
(e) Costs in class proceedings  

2. **Readings:**

(a) Casebook:
   (iii) *Fraser v. Houston, 1997* (see above, Week 7) (security for costs), p. 214  
   (iv) *CFAR v. Canadian Jewish Congress, 1999* (see above, Week 5) (security for costs), p. 123  
   (v) *Nazmdeh v. Spraggs*, 2010 (costs against lawyer personally), p. 309  
   (vi) *Robson v. Chrysler*, 2001 (class action costs), p. 315  
   (vii) *Ward v. Klaus*, 2012 (offers to settle), p. 318  
   (x) Tab I  

(b) **Rules 9-1** (old 37B), 14-1 (old 57), and Appendix B  

(c) *Class Proceedings Act*: ss. 37 & 38 (costs provisions)

3. **(Optional Readings):**

(a) "Da Vinci Code Appeal is Dismissed" (UK v. Canada costs), p. 360  
(b) *Bystedt (Guardian ad litem of) v. Hay*, 2005 (costs against lawyer personally), p. 362  
(c) *Jayetileke v. Blake*, 2010 (offer to settle; special costs), p. 363
(a) Notices to Admit
(b) Expert evidence
(c) Standing
(d) Intervention
(e) Evidence and procedure at trial

2. Readings:

(a) Walker: pp. 293-314 (standing; incl. Canada v. Downtown Eastside Sex Workers); 367-379 (intervention); 379-396 (expert evidence, incl. White & Burgess)

(b) Casebook:
   (i) Skillings v. Seasons Development Corporation (#1 & #2), 1992 (notice to admit), p. 368 and p. 369
   (ii) Vancouver Community College v. Phillips Barratt, 1988 (role and duty of experts), p. 373
   (iii) Surrey Credit Union v. Willson, 1990 (admissibility of expert evidence), p. 378
   (iv) Yewdale v. ICBC, 1995 (admissibility of expert evidence), p. 382

(c) Rules 7-7 (old 31), 9-2 (old 35), 12-1 to 12-6 (old 39), 12-5 (old 40), and 11-6 & 11-7 (old 40A)

3. (Optional Readings):

(a) Pedersen v. Degelder, 1985 (expert evidence), p. 386

(b) Delgamuukw v. B.C., 1988 (expert evidence), p. 392

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To be held at Fasken Martineau DuMoulin LLP (2900 - 550 Burrard Street, Vancouver: Bentall 5 Building) or Borden Ladner Gervais LLP (12th Floor, 200 Burrard Street): to be announced.

(a) Contents and structure of exam
(b) General review of the course
(c) Pizza
(d) Beer
(e) Further and in the alternative, other beverages
Rule Books

- Bouck, Turriff & Dillon, *British Columbia Annual Practice* (the “White Book”): the standard British Columbia Rule book, it provides short summaries of the key cases interpreting each rule. KN361.B74 C658
- Seckel & MacInnis, *BC Supreme Court Rules Annotated* (the “Black Book”): like the White Book, but with very useful mini-essays on each Rule. KN361.B742

Civil Procedure Guides and Commentaries

- Fraser & Horn, *The Conduct of Civil Litigation in British Columbia* (2 volumes): organized by procedures and themes, rather than by rules. It is useful but at times sparse. It tends to cite venerable and ancient black-letter cases. KN350.F738
- McLachlin & Taylor, *British Columbia Practice* (3 volumes): organized by Rule numbers, it offers the most complete (if sometimes excessive and bewildering collection of judicial application unwieldy and interpretation of each rule. KN361.M325
- May et al., *Civil Procedure* (the English “White Book”): organized like our White Book, on which it is based. Often older editions of the book (circa 1960) are more useful as at that time the English and British Columbia rules were very similar. Often a more appropriate interpretative tool than, say, Ontario rules. KN350.C595 1972
- Stevenson & Côté, *Civil Procedure Encyclopedia* (5 volumes): a valuable survey of different procedural topics, focusing on Alberta, BC, and Ontario. It will often provide just the case you are looking for where other sources come up dry. KN361.S849 2002

Pleadings

- *Atkin's Court Forms*: English Encyclopedia of court forms. KN351.A855
- *Bullen & Leake & Jacob's Precedents of Pleadings*: the classic pleadings text; sometimes older editions (e.g. 1975) will be more useful as they focus more on common law claims and defences and less on English statute law. KN380.3.B843 2004
- Casson & Dennis, *Odgers on Pleadings and Practice*: another classic text, with an enormously useful introductory chapter on pleadings and practice. KN380.3.O349 1991

Discovery

- L. Harris, QC, Discovery Practice in British Columbia (CLE) KN390.61.C65 H37 (not at UBC)

Summary Trials

Ethics

- **Code of Professional Conduct for British Columbia** (the “BC Code”)
  http://www.lawsociety.bc.ca/docs/practice/resources/bc-code/bc-code.pdf

Other Useful Litigation Texts

- Hon. Mr. Justice David C. Harris, ed., *British Columbia Civil Trial Handbook 4th ed.*: an invaluable series or pithy and up-to-date essay on all aspects of civil litigation, including pleadings, gathering evidence, interlocutory applications, witnesses, trials, ethical and professional responsibility issues, and costs. **KN350 .B73**

- Hon. Chief Justice A. McEachern, “Professionalism for Litigators”: an edited version can be found at http://www.lawsociety.bc.ca/docs/becoming/material/Civil.pdf (pp. 103-112).


Websites

- http://www.courts.gov.bc.ca/