Code: LAW304  
Title: Civil Procedure

Faculty: Arts, Business and Law  
School: USC Law School  
Teaching Session: Semester 2  
Year: 2018

Course Coordinator: Dale Mitchell  
Email: dmitchell@usc.edu.au

Course Moderator: Drossos Stamboulakis  
Email: dstambou@usc.edu.au

Please go to the USC website for up to date information on the teaching sessions and campuses where this course is usually offered.

1. What is this course about?
   1.1 Course description
   This course introduces you to the procedural rules that govern how civil litigation is conducted in the courts. The course contains an overview of the entire body of rules of civil procedure ranging from commencement of proceedings, to defining issues for trial, to enforcement of judgments. There is particular emphasis upon case management procedures adopted by courts and the various alternative dispute resolution mechanisms that are used to assist people to resolve civil disputes without recourse to a contested hearing and judgment by a court.

   1.2 Course content
   • An overview of civil litigation in the courts  
   • Alternative Dispute Resolution  
   • Case management by the courts  
   • Jurisdiction  
   • Commencing proceedings  
   • Service  
   • Notice of intention to defend  
   • Parties and causes of action  
   • Pleadings  
   • Summary disposition  
   • Gathering evidence and refining issues  
   • Interlocutory procedures  
   • Settlement  
   • Trial
Course Outline: LAW304 Civil Procedure

- Appeals
- Costs
- Enforcement

2. Unit value
12 units

3. How does this course contribute to my learning?

<table>
<thead>
<tr>
<th>Specific Learning Outcomes</th>
<th>Assessment Tasks</th>
<th>Graduate Qualities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Explain the process for the resolution of civil disputes in Queensland through the courts and via alternative dispute resolution means.</td>
<td>1, 2 and 3</td>
<td>Knowledgeable. Sustainability-focussed.</td>
</tr>
<tr>
<td>Analyse a civil procedure problem and apply the relevant rules to suggest an appropriate solution.</td>
<td>2 and 3</td>
<td>Knowledgeable. Ethical.</td>
</tr>
<tr>
<td>Draft, using the appropriate drafting technique, a range of court documents that are compliant with the relevant law.</td>
<td>2</td>
<td>Empowered.</td>
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4. Am I eligible to enrol in this course?

Refer to the Coursework Programs and Awards - Academic Policy for definitions of “pre-requisites, co-requisites and anti-requisites”

4.1 Enrolment restrictions
Enrolled in any Laws program

4.2 Pre-requisites
LAW102

4.3 Co-requisites
Nil

4.4 Anti-requisites
Nil

4.5 Specific assumed prior knowledge and skills
Not applicable

5. How am I going to be assessed?

5.1 Grading scale
Standard – High Distinction (HD), Distinction (DN), Credit (CR), Pass (PS), Fail (FL)
5.2 Assessment tasks

<table>
<thead>
<tr>
<th>Task No.</th>
<th>Assessment Tasks</th>
<th>Individual or Group</th>
<th>Weighting %</th>
<th>What is the duration / length?</th>
<th>When should I submit?</th>
<th>Where should I submit it?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Short essay</td>
<td>Individual</td>
<td>20%</td>
<td>1000 words</td>
<td>Friday, Week 4</td>
<td>Blackboard</td>
</tr>
<tr>
<td>2</td>
<td>Memorandum of advice with legal</td>
<td>Individual</td>
<td>30%</td>
<td>1500 words</td>
<td>Friday, Week 10</td>
<td>Blackboard</td>
</tr>
<tr>
<td>3</td>
<td>Final examination</td>
<td>Individual</td>
<td>50%</td>
<td>2 hours plus 30 mins reading time)</td>
<td>Central examination period</td>
<td>In exam venue</td>
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</table>

Assessment Task 1: Short essay

**Goal:** To demonstrate your understanding of key concepts and principles concerning the resolution of civil disputes through means other than litigation.

**Product:** Essay, 1000 words, with references in AGLC3 format.

**Format:** This is an individual assessment which will comprise an essay that analyses and evaluates the role of ADR in the resolution of civil disputes.

**Criteria**
- your ability to explain and critique the role of ADR in the resolution of civil disputes
- your ability to use your legal research skills to identify relevant secondary sources
- your capacity for succinct and clear writing

**Generic skill assessed** | **Skill assessment level**
---------------------------|------------------------
Information literacy       | Developing             
Communication              | Developing             

Assessment Task 2: Memorandum of advice with legal document

**Goal:** To demonstrate your understanding of key concepts and principles covered in weeks 3 - 8 of the course and your skill of legal drafting.

**Product:** Legal advice with attached draft legal document, 1500 words.

**Format:** This is an individual assessment which will comprise an answer to a legal problem together with the associated legal document drafted to comply with the law and in an appropriate format.

**Criteria**
- your ability to explain and apply the relevant process for the resolution of a given civil dispute
- your ability to identify and reflect on the role of the legal practitioner in dispute resolution and as an officer of the court
- your capacity to analyse critically issues affecting civil dispute resolution for the sustainability of the legal system
- your ability to draft a relevant legal document using the appropriate rules and in accordance with the relevant law

**Generic skill assessed** | **Skill assessment level**
---------------------------|------------------------
Problem solving            | Developing             
Communication              | Developing             

Assessment Task 3: Final examination

<table>
<thead>
<tr>
<th>Goal:</th>
<th>To demonstrate your understanding of the concepts and principles studied throughout this course and your capacity to apply that understanding to a given fact scenario in a tight time frame that mirrors the exigencies of legal practice.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Product:</td>
<td>Answers to examination questions.</td>
</tr>
<tr>
<td>Format:</td>
<td>Answers to unseen questions completed in an open book invigilated exam, 2 hours plus 30 mins reading time.</td>
</tr>
</tbody>
</table>
| Criteria | You will be assessed on:  
- your knowledge of the relevant rules and principles governing the resolution of civil disputes in Queensland  
- your ability to apply that knowledge to a given problem scenario to devise an appropriate resolution to that problem in a tight frame  
- your ability to communicate clearly and effectively |

5.3 Additional assessment requirements

Plagiarism
In order to minimise incidents of plagiarism and collusion, this course may require that some of its assessment tasks, when submitted to Blackboard, are electronically checked through SafeAssign. This software allows for text comparisons to be made between your submitted assessment item and all other work that SafeAssign has access to.

Eligibility for Supplementary Assessment
Your eligibility for supplementary assessment in a course is dependent of the following conditions applying:
a) The final mark is in the percentage range 47% to 49.4%
b) The course is graded using the Standard Grading scale
c) You have not failed an assessment task in the course due to academic misconduct

5.4 Submission penalties
Late submission of assessment tasks will be penalised at the following maximum rate:
- 5% (of the assessment task's identified value) per day for the first two days from the date identified as the due date for the assessment task.
- 10% (of the assessment task's identified value) for the third day
- 20% (of the assessment task's identified value) for the fourth day and subsequent days up to and including seven days from the date identified as the due date for the assessment task.
- A result of zero is awarded for an assessment task submitted after seven days from the date identified as the due date for the assessment task.

Weekdays and weekends are included in the calculation of days late. To request an extension you must contact your course coordinator to negotiate an outcome.

6. How is the course offered?

6.1 Directed study hours
On campus lecture: 2 hours per week (Weeks 1-13)
On campus tutorial: 1 hour per week (Weeks 2-8 and 10-13)
6.2 Teaching semester/session(s) offered
Semester 2

6.3 Course activities
The Course activities for this course will be provided on Blackboard no later than one week before the first class.

7. What resources do I need to undertake this course?

7.1 Prescribed text(s)
Please note that you need to have regular access to the resource(s) listed below:

<table>
<thead>
<tr>
<th>Author</th>
<th>Year</th>
<th>Title</th>
<th>Publisher</th>
</tr>
</thead>
<tbody>
<tr>
<td>B C Cairns</td>
<td>2015</td>
<td>Principles of Civil Procedure in Queensland</td>
<td>Thomson Reuters</td>
</tr>
</tbody>
</table>

7.2 Required and recommended readings
Lists of required and recommended readings may be found for this course on its Blackboard site. These materials/ readings will assist you in preparing for tutorials and assignments, and will provide further information regarding particular aspects of your course.

7.3 Specific requirements
You will need to have access to the following legislation:
- Jurisdiction of Courts (Cross-Vesting) Act 1987 (Cth)
- Jurisdiction of Courts (Cross-Vesting) Act 1987 (Qld)
- Service and Execution of Process Act 1992 (Cth)
- Uniform Civil Procedure Rules 1999 (Qld)
- Civil Proceedings Act 2011 (Qld)

7.4 Risk management
Health and safety risks have been assessed as low. It is your responsibility to research and understand risks of specific courses and to review the USC's health and safety principles by viewing the online induction training for students.

8. How can I obtain help with my studies?
In the first instance, you should contact your tutor, then the Course Coordinator. Additional assistance is provided to all students through Academic Skills Advisers. To book an appointment or find a drop-in session go to Student Hub. Contact Student Central for further assistance: +61 7 5430 2890 or studentcentral@usc.edu.au

9. Links to relevant University policies and procedures
For more information on Academic Learning & Teaching categories including:
- Assessment: Courses and Coursework Programs
- Review of Assessment and Final Grades
- Supplementary Assessment
- Administration of Central Examinations
- Deferred Examinations
- Student Academic Misconduct
- Students with a Disability

10. General enquiries

In person:
- Sippy Downs - Student Central, Ground Floor, Building C
- USC SouthBank - Student Central, Building B, Ground floor (level 1)
- USC Gympie - Student Central, 71 Cartwright Road, Gympie
- USC Fraser Coast - Student Central, Building A
- USC Caboolture - Student Central, Level 1 Building J, Cnr Manley and Tallon Street, Caboolture

Tel: +61 7 5430 2890
Email: studentcentral@usc.edu.au