

# LAWS 7045 CIVIL PROCEDURE AND ARBITRATION

**Credit Points** 10

**Legacy Code** 201061

**Coordinator** Patrick Foong ([https://directory.westernsydney.edu.au/search/name/Patrick Foong/](https://directory.westernsydney.edu.au/search/name/Patrick%20Foong/))

**Description** This subject provides a comprehensive analysis of the practical and theoretical issues encountered in Australian civil procedure. It examines the major roles and practices governing court supervised processes which are involved in superior court litigation as well as key aspects of arbitration. This subject will include a selection from the following or similar topics: characteristics of an adversarial system, case management procedure, the rules of pleadings, jurisdiction and joinder, service, discovery and Interrogatories, means of gathering evidence at pre-trial including subpoenas and notice to produce, judgment and appeals, enforcement and costs, and arbitration.

**School** Law

**Discipline** Legal Practice

**Student Contribution Band** HECS Band 4 10cp

**Level** Postgraduate Coursework Level 7 subject

**Pre-requisite(s)** LAWS 7056 Fundamentals of Australian Law AND LAWS 7061 Legal Analysis and Critique

**Incompatible Subjects** LAWS 4013 Civil Procedure and Arbitration

**Restrictions**

Students must be enrolled in a postgraduate program.

## Learning Outcomes

On successful completion of this subject, students should be able to:

1. Analyse the legal principles and processes of Australian civil litigation, with a particular focus on the law in New South Wales to resolve legal problems, including legal issues relating to First Nations peoples;
2. Analyse the legal principles and processes of arbitration to resolve legal problems;
3. Present and defend a legal argument on civil procedure and arbitration in a coherent and effective manner;
4. Create a legal document relevant to civil procedure suited to audience and context;
5. Assess the ethical and legal ethical issues surrounding Dispute Resolution models and practice.

## Subject Content

1. Characteristics of an adversarial system
2. Case management procedure
3. The rules of pleadings and joinder
4. Jurisdiction
5. Service
6. Discovery and Interrogatories

7. Means of gathering evidence at pre-trial including subpoenas and notice to produce
8. Judgment and appeals
9. Enforcement and costs
10. Arbitration.
11. Access to justice for Indigenous communities'

## Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Type	Length	Percent	Threshold	Individual/Group Task
Research Report Part A Assignment	2000 words	40	N	Individual
Research Report Part B Bibliography	500 words	5	N	Individual
Participation	Ongoing	10	N	Individual
Final Exam	2 hours	45	N	Individual

Prescribed Texts

- Stephen Colbran et al, Civil Procedure: Commentary and Materials (LexisNexis Butterworths, 8th ed, 2022).

Teaching Periods

## Spring (2023)

### Campbelltown

**On-site**

**Subject Contact** Patrick Foong ([https://directory.westernsydney.edu.au/search/name/Patrick Foong/](https://directory.westernsydney.edu.au/search/name/Patrick%20Foong/))

View timetable ([https://classregistration.westernsydney.edu.au/odd/timetable/?subject\\_code=LAWS7045\\_23-SPR\\_CA\\_1#subjects](https://classregistration.westernsydney.edu.au/odd/timetable/?subject_code=LAWS7045_23-SPR_CA_1#subjects))

**Online**

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### Parramatta - Victoria Rd

**On-site**

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