

LAWS 4013 CIVIL PROCEDURE AND ARBITRATION

Credit Points 10

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. This Subject 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

Check your HECS Band contribution amount via the Fees (https://www.westernsydney.edu.au/currentstudents/current_students/fees/) page.

Level Undergraduate Level 4 subject

Pre-requisite(s) LAWS 1003 Fundamentals of Australian Law OR LAWS 1006 (200006) Introduction to Law AND LAWS 1009 Legal Analysis and Critique OR LAWS 1008 (200007) Law Foundation

Equivalent Subjects LAWS 4005 Dispute Resolution and Civil Procedure LAWS 3008 Civil Procedure and Arbitration

Learning Outcomes

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
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
4. Create a legal document relevant to civil procedure suited to audience and context

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

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.

Item	Length	Percent	Threshold	Individual/ Group Task
Participation	Ongoing	10	N	Individual
Report	1 500 words	40	N	Individual
Report	500 words	5	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 Campbelltown

Day

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View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS4013_22-SPR_CA_D#subjects)

Evening

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Parramatta - Victoria Rd

Evening

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