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| Law 435C.001 | Personal Injury Advocacy | 2020 Term 2 |
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COURSE OUTLINE

COURSE DESCRIPTION

The statistics for personal injury in Canada are daunting: most individuals will suffer a significant personal injury during their lifetime, injury is the leading cause of death for children and young adults, and injury is the dominant cause of disability for Canadians. Personal injury litigation has become increasing prevalent and accounts for nearly 25% of all civil pleadings filed in the British Columbia Supreme Court. This course examines the structure of personal injury claims and is focused on personal injury advocacy. The first half of the course is devoted to an overview of personal injury claims, the different legislative regimes governing personal injury claims in Canada, the key elements of personal injury claims and the various categories of damages for personal injury claims (non-pecuniary damages, wage loss, future loss of earnings capacity, special damages, future cost of care, and punitive damages). The second half of the course examines the anatomy of a personal injury claim (interviewing the claimant, preliminary investigations, commencing the action, discovery, settlement discussions, trial, and post-trial matters), defences to personal injury claims (liability, causation, intervening events, credibility, and statutory restrictions on claims), and trial advocacy in a personal injury claim.

COURSE OBJECTIVES

The course is designed to give students a thorough understanding of personal injury claims, to engage students in reading the relevant case law and drafting legal arguments to advance the interests of their client, and to develop the advocacy skills required in personal injury claims. By the end of the course, students should understand:

* The relevant statutes and key judicial decisions governing personal injury claims in British Columbia and in other Canadian jurisdictions.
* The structure of a personal injury claim including the various heads of damage, the anatomy of a personal injury claim, and defences to a personal injury claim.
* The advocacy skills required to pursue a personal injury claim.

REQUIRED READING MATERIALS

The following readings are required for LAW 435C.001 Topics in Tort Law: Personal Injury Advocacy.

* Lecture notes, case law and other materials are distributed electronically (links provided or posted on web materials).

COURSE EVALUATION

The course evaluation is comprised of three factors that are meant to ensure substantive knowledge, written advocacy and oral advocacy in personal injury claims.

* Final Exam (75%)
* Class Participation (25%): students will attend class, participate in class discussion, and email “weekly reflections” commenting on the lecture.

ACADEMIC INTEGRITY

Please familiarize yourself with the UBC Calendar rules and penalties for plagiarism, cheating, and other offences: <http://www.students.ubc.ca/calendar/index.cfm?tree=3,54,0,0>

Academic honesty is an essential requirement in an institution of higher learning. Academic misconduct not only has serious consequences for your education at law school, it may also have implications for your future plans in the legal profession.