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**Law 435C.001**

**Personal Injury  
Advocacy**

**2022 Term 2**

Professors:  
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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 increasingly 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 will focus on the procedural and substantive components of a personal injury claim, with reference to real case studies involving motor vehicle accidents, sexual assault claims, and occupier's liability claims.

### **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 will be provided or posted on website [UBC Faculty of Law: Law 435C.001 - Kazlaw](#)).

## **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.