

The Civil Litigation Process

Cases and Materials

Sixth Edition

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Preface to the Sixth Edition

The law of civil procedure continues to develop rapidly in Canada to keep pace with changing demands in civil dispute resolution. Mandatory mediation is well established in some provinces, and various forms of alternative dispute resolution are widely being considered throughout the country. Class actions regimes have been instituted in a number of provinces, and the challenges posed by group claims to traditional procedural values are now being debated in the case law and in the academic commentary. Even in more traditional areas—for example, in the law of standing, jurisdiction, limitation periods, and costs—fundamental issues of broad practical significance have been the subject of recent legislation and judicial pronouncements. Indeed, there is hardly an area of the law of civil procedure that has not changed in some important way since the release of the fifth edition of this casebook.

Just as the law has changed, so, too, have we changed. Where the fifth edition was co-authored by six Ontario authors, the sixth edition has benefited from the expertise of ten authors from across the country. Our six new authors have brought with them fresh insights and perspectives from their own work in the field and from their own parts of the country. We hope that this casebook will now constitute a truly Canadian work, and that it will be of direct relevance to all those wishing to learn about civil litigation in Canada, regardless of the place where they study law or the place where they might aspire to practise it.

Finally, the structure of the casebook has also changed. Recognizing that the teaching semester in most Canadian law schools is 12 or 13 weeks long, the book is divided into 11 chapters to provide a suitable structure for a semester-long course in the subject. Of course, individual instructors will have their own particular interests, and they may wish to emphasize one topic more than another, and even to supplement one or more topics with their own suggested readings. And, in any event, it is expected that this casebook will be used in conjunction with the rules of civil procedure in the province in which the course is taught. Apart from this, we hope that this 11-chapter structure will prove useful to adjunct faculty and to full-time faculty in planning the syllabus for the course.

On one further note, teaching in such a vibrant area of the law inspires continuous re-evaluation of the approach that we take to the subject and to the course materials in order to best help students to learn the core principles. We welcome feedback from all those who use this casebook in their courses. As you work with it, please consider letting us know the ways in which it proves to be an effective teaching tool, and the ways in which we might revise it in coming editions to make it even more effective. In the meantime, we hope that your experience of teaching or learning with this casebook is an enjoyable one!

Janet Walker
December 2004