

# **CIVIL PROCEDURE REPORT**

## **List of members who attended**

Barbara	Holden-Smith	Cornell University Law School	United States
Mary Kay	Kane	University of California Hastings	United States
Kelali	Kiros	University of Gondar	Ethiopia
Wilfred	Konosi	Kisii University School of Law	Kenya
Rich	Leonard	Campbell School of Law	United States
Patricia	O'Sullivan	University of California, San Francisco	United States
David	Tan	National University of Singapore, Faculty of Law	Singapore

### 1. Review and final Study Group Recommendations

The group reviewed the 2015 study group report. The recommendations have been incorporated in this report.

### 2. Are there any gaps in the report: Knowledge, Skills and Values?

It was noted that *res judicata*, dispute resolution and comparative law should be added to the broad topics to be included in the curriculum for civil procedure. Students should be taught how to apply civil procedure rules to a given set of facts. They should learn analytical skills. They should also learn the art of persuasion as this is an essential component to anybody pursuing a law degree. Ethical values should be integrated in teaching civil procedure.

### 3. What other competencies are required to master the subject?

Students should learn how to locate judgements which may form precedents where the doctrine is applicable. They should be aware of the applicable rules at any given time.

### 4. What are the effective pedagogical strategies for teaching this subject matter?

Technological advancement has created challenges in teaching globally. This calls for finding innovative ways of delivering the course content in any given jurisdiction. Some of the strategies identified by the group include interactive sessions, simulations, online quizzes, peer corrections, working on common projects, moot courts among others.

### 5. What evaluative approaches should be used to assure those competencies?

Evaluation is important to test the effectiveness of strategies employed in teaching the subject. Approaches such as practical trainings, feedback from students, and team based exercises and learning can be used to assure competencies.

1. What is your ideal curriculum?

a) For undergraduate

An ideal curriculum for civil procedure should include the following broad topics, Pleadings, jurisdiction, pre-trial, trial, enforcement of judgments, costs, appeal and comparative studies of different jurisdictions.

b) For Graduate who will join legal profession

In some jurisdictions like Singapore, civil procedure does not form part of the curriculum at the universities. It is left to law schools that train students who will be admitted to the bar. Graduates who will join the legal profession should be equipped with advanced skills in litigation. They should be introduced to advanced courses such as international civil litigation and skills training to induct them into practice. This will create opportunities to develop advocacy, persuasive, oral and writing skills. Other opportunities may include skills training such as using ethical rules, arbitration and other alternative methods of dispute resolution.

2. Review and finalize suggested curriculum and knowledge, skills and values template.

This has been discussed above. (see number 2 above)

3. Agreement on Doctrinal Package

The curriculum for civil procedure should have appropriate scope and depth depending on the context and jurisdiction. The package will depend on expected learning outcomes of each law school. It will also depend on the different systems and the opportunities available. The package should include the broad topics, skills and values that have been agreed upon by the group as summarised above.