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CHAPTER 2 RESOLUTION OF DISPUTES

Chapter Commentary

After reviewing the concepts of types, sources and areas of law in Chapter 1, this chapter focuses solely on the concept of civil law. Students should understand that businesses, at one time or another, may encounter a lawsuit. It is important that students, regardless of their position within a business, understand the importance of reducing the risk of a lawsuit from happening.

Students may hear the terms lawsuit, litigation, plaintiff and defendant and in Section 2.1, those terms are defined. Although the chances of an employee being embroiled personally in a lawsuit when employed by a business might be slight, knowing what the process is can be helpful. Understanding key terms such as plaintiff, defendant, discovery and other litigation terms can better prepare a business person for litigation. For example, knowing that litigation, lawsuit, action or case are synonymous is important to know. It will be interesting to ask your students if they know of any lawsuits that they have been involved in or someone they know was involved in or whether there are cases that come to mind. Lately, large cases such as Enron can be subjects for discussion. Although it is a US case, it shows how employees are affected by unethical decisions of officers of a business.

Students generally know the criminal terms of 'innocent until proven guilty' from movies and TV but understanding the balance of probabilities may be more difficult. The concept of something 'more likely to have occurred than not have occurred' can take some time to drive home. By looking at various cases such as Childs v. Desormeaux and other cases can help students understand the decision of the court.

The notion that cases can go before a court and be settled or that the case goes to one level of court and stop there… or be put through each level of court and possibly arrive at the Supreme Court of Canada must also be discussed. Understanding the judicial history of a case helps a student realize the final disposition of the case. By reviewing various cases that are completed at various levels (supreme/superior court, court of appeal and the Supreme Court of Canada), helps the student realize that these are potential outcomes. By reviewing and discussing the hierarchy of the Canadian civil legal process will assist students with the roadmap of litigation.

The litigation process is an interesting part of the resolution of disputes. Students are generally not aware of the many steps that need to take place before a case goes to trial. The various documents and processes such as the pleadings, exchange of documents, notice of trial and discovery are great eye openers to the very costly and intensive development of a case, on both the Plaintiff and Defendant sides.

At the end of the day, ADR (alternative dispute resolution) is the 'kindest' of methods for both parties, if it is appropriate. Students should realize that some cases are not mention for ADR become of their complexity or because one or both sides are not amenable to

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resolution and a court has to make that decision. However, if both sides are agreeable, students will understand that it can be a definite consideration and alternative to going to court, and may understand that it can also be a choice in their personal lives.

Discussion Forum Topics

Increasingly discussion forums are being incorporated into courses to foster discussion between students that expand or augment that which has already taken place in class.

The following are suggested discussion board topics for this chapter, along with a suggested establishing paragraph.

For some ground rules on online discussion forums at the post-secondary level, we refer you to the following website:

http://teaching.colostate.edu/tips/tip.cfm?tipid=128

You are required to make at least two thought-provoking postings each week to help facilitate the discussion. We hope this will ensure a lively discussion.

Please remember this is not a writing assignment but a conversation, please be respectful of the opinions of others.

1. Discuss the both the drawbacks and advantages of using "Balance of Probabilities" as the standard of proof in Civil Law cases.

2. Watch the following video:

http://www.ted.com/talks/philip_howard

Discuss whether Phillip Howard's suggested remedies are needed in Canada.

3. Discuss whether the increase in judicial power in the Canadian political system due to the introduction of the Charter is good thing or not?

4. The Federal Government has announced that all appointees to the Supreme Court of Canada must be bilingual in both French and English. Discuss the advantages and drawbacks of this requirement.

5. From this Chapter , I want you to discuss the following questions:
   a. What is the most important thing you learned and;
   b. What is the most challenging concept you learned in this section.

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Flipped Classroom

The Flipped classroom is an opportunity for students to prepare for class and for the instructor's to expand the students' learning through various activities and discussions. By reading the textbook, watching a YouTube or completing a short assignment prior to their class, the discussions and activities in the classroom become more robust and command an interesting learning experience.

Please note that not all pre-class activities are required. The authors have prepared a sample of items that can be provided to the student during a four-day, one hour course. Instructors may choose the items they feel are appropriate for their classroom time allocation and their expectations on out-of-classroom time.

In anticipation of Chapter 2 – Day 1, students should:

Preparation:

- Read Section 2.1 and do a search for Imperial Tobacco's lawsuits. Read relevant articles on this case.
- Review the concept of Balance of Probabilities. Research the concept of the reliability of witnesses. Find a case where the balance of probabilities (or balance of proof) and witnesses was paramount in the court's decision.

In class:

- Discuss how a witness's statement plays a major part on the balance of probabilities/burden of proof.
- Discuss the concept of settlement. Examine one of the largest settlement in Canada at http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7957/index.do?r=AAAAAQAQSW1wZXJpYWwgdG9iYWNjbwE

In anticipation of Chapter 2 – Day 2, students should:

Preparation:

- Read Sections 2.2.
- Find examples of cases that have a final judgement in the superior court of a province, a case where the final judgement is in the court of appeal and another that has its final judgment in the Supreme Court of Canada.

In class:

- Discuss the types of cases that are considered by the Supreme Court of Canada.
    - Watch the YouTube entitled "Final Argument: A Young Litigator's First Trip to the Supreme Court of Canada found at https://www.youtube.com/watch?v=KKNKHJnpROU
    - Watch a portion of the YouTube entitled "Air Guns @ the Supreme Court of Canada found at https://www.youtube.com/watch?v=TryQMSqYJRU to understand how this Court works. (NOTE: This is a 50 minute video so you may want to watch a portion of it for students to get the general idea)
    - Discuss Questions 1-5.

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In anticipation of Chapter 2 – Day 3, students should:
Preparation:
- Read Sections 2.3.
- Find an example of a pleading.
- Watch the YouTube entitled Examination for Discovery at
  https://www.youtube.com/watch?v=44J9AeNabFs

In class:
- Discuss the types of pleadings that exist in a lawsuit.
- Have students show the pleading documents they have found.
- Discuss the Examination for Discovery video. What are some observations of the students regarding this process.

In anticipation of Chapter 2 – Day 4, students should:
Preparation:
- Read Section 2.4 and 2.5
- Although it is a US law firm, they have a very good website about ADR: Go to YouTube entitled "Alternative Dispute Resolution – What is ADR?" found at https://www.youtube.com/watch?v=5IfPqPIPSmI
- Prepare a mini case in your own words about a situation that would be used for ADR.
- Research and explain when a lawyer would be needed. Provide a scenario when you, as an employee, should contact your employer about a situation that might have legal consequences.

In class:
- Review the students' mini cases and discuss.
- Review and discuss the scenario.
- Discuss the pros and cons of ADR
- Short quiz.
- Provide answers to the crossword.

HELP

The fact situations described in the **Help!** feature of the chapter can be used to assist students in developing a logical, progressive approach to the analysis of a fact situation and identification of issues involved in the law of tort.

Based on the information and definitions provided in the chapter, the students could be asked to: a) identify and describe the action that has been committed by the individual or business that has caused harm to another party;
b) determine whether the action was intentional or unintentional, and name the type of tort that has taken place (for example: defamation).

The fact situations can be further used to review and/or initiate discussion amongst students about the various component parts that make up a legal action based on tort.

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The following are some suggestions for this purpose along with references to the sections in the text where the issues have been addressed.

As a businessperson, you may experience any of these scenarios below:

- **HELP! I have just received a legal notice with my company's name on it but I'm not sure what it is.**

This fact situation can be used to introduce students to the different forms of 'legal notice' a business might encounter (Statement of Claim, Notice of a Hearing, notice under landlord and tenant legislation) all of which will lead to interaction with some sort of court or administrative body. This could be used to enter into a discussion of the civil courts systems in Canada for example. This situation can be used as well to begin the process of having students become more analytical and detailed in their description of documents or in identifying issues.

- **HELP! A company owes my organization money but I'm not sure how to collect it.**

This fact situation leads into a discussion of the litigation process and the rules involved in commencing and maintaining a legal action. Students can be asked to explore practical resolutions to collecting the money before turning to civil litigation and the procedures that come into place once that route is chosen.

- **HELP! A former employee is suing my business for unjust dismissal. Can he do that?**

This fact situation predicts issues that will be explored in Chapter 8 on Employment. Students can be asked to describe what they think constitutes 'unjust dismissal' prior to referring them to Chapter 8 to find the explanation. With the definition in mind, a discussion of the litigation process and the court systems can be held.

- **HELP! My lawyer is using words like "discovery" and "interlocutory" in the lawsuit against my company and I'm very confused.**

Students should be directed to Understanding civil litigation process and proceedings *in section 2.3 of the text for explanations of terminology. This is an opportunity to open a discussion on the unique language of the law and its use.*

HELP! I don't like the result of my lawsuit in court. What can be done?

This fact scenario can serve as an introduction to the Civil Court Systems in Canada, which are explained in this chapter.

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- **HELP! I don't want to go through an expensive lawsuit in the court system. What are my alternatives?**

A discussion on the use of a mediator to avoid the time and expense of a lawsuit in these circumstances can be used to introduce a broader conversation about alternative dispute resolution (ADR). Students can be referred to that section in the chapter to obtain more detail following the general discussion of the topic of ADR.

- **HELP! I need to ensure my organization won't get into any legal trouble, when should I be talking to a lawyer?**

Risk management is a critical element in running a commercial enterprise and the ability to recognize it and determine how to address it is important. This scenario offers an opportunity to open a discussion on the balance to be achieved between making decisions based on generalized knowledge and knowing when to turn to professional help.

For Review

Questions

1. What is the difference between a plaintiff and a defendant? Can you have more than one plaintiff or defendant? Explain. **(LO 2.1)**

The difference between a plaintiff and defendant is that the plaintiff is the person who brings an action (or case) against the defendant. The defendant must defend themselves against the plaintiff's claim. You can have multiple plaintiffs and defendants.

2. Find three cases from three different courts. Who are the parties in each case? **(LO 2.1)**

Answers will vary.

3. Explain what is involved in a "settlement" of a civil litigation matter, and what benefits or problems it may present. **(LO 2.1)**

A settlement can occur at anytime during a lawsuit. Up until a decision is rendered by a judge (or judge and jury), two parties can agree on a settlement – an agreement that has both parties agreeing on a monetary amount or other resolution. The benefits is that the costs are lower the farther the case is from trial. The problems it may present is that one party may feel pressured, financially or otherwise, to settle so that the matter is resolved.

4. What is the difference between the balance of probabilities and beyond a reasonable doubt? **(LO 2.1)**

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The difference between these two concepts are:

Balance of probabilities is that the plaintiff must prove that the defendant has done them a 'wrong' in a civil case while Beyond a Reasonable Doubt exists in a criminal case where the Crown/prosecution must prove, beyond a reasonable doubt that the Defendant is guilty of the wrong according to criminal law.

5. List other titles/expressions for civil litigation. **(LO 2.1)**

Also called: matters, actions, cases, lawsuits, proceedings, and applications.

6. Why does it take so long for some cases to be resolved? **(LO 2.4)**

Litigation cases take a considerable time to be resolved because, in some cases, their complexity but also that they need to be put into a 'line up' of cases before the court. Also, it takes time for the litigation process to occur – pleadings, exchange of documents, discovery and then trial.

7. What does it mean to "appeal a case"? **(LO 2.3)**

When a party in any case that appears before the courts is unhappy with the decision of the Court, they can appeal to a higher court to look at the matter again in the hope that they will get a resolution in their favour. The party that is appealing is the Appellant and they must have specific reasons that the decision was in error.

8. Why is having a small claims court important? **(LO 2.3)**

Small Claims Court allows claims under a certain amount to be adjudicated – meaning that lawyers conduct the trial in a more casual way, the costs are less and the process is easier for both parties. The courts are not 'clogged' up with cases of lesser monetary value but still have a significant decision that affects the party who loses.

Activities – *answers will vary*

1. Browse newspapers, magazines or websites and other periodicals for a recent civil case. Explain the background of the case, the issues of the case and provide the outcome. (LO 2.1)
2. Interview a lawyer or look for an interview of a Canadian lawyer online who talks about the legal system in Canada or a case they were involved with. (LO 2.1)
3. Find a case in each level of court (Supreme, Appeal and Supreme Court of Canada) and explain the case and its final outcome. (LO 2.2)
4. Create your own civil case and explain the issues, the parties and the court in which it will be heard. Indicate the steps that your plaintiff or defendant will have to go through. (LO 2.2, 2. 3)
5. Choose a province and explain the hierarchy of its court system. (LO 2.2)
6. Choose a province, other than British Columbia: research and outline the litigation process for that province. (LO 2.3)

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7. Briefly explain the differences between mediation and arbitration and provide examples of circumstances in which one of these forms of ADR might be more effective than the other in resolving a dispute. (LO 2.4)
8. Discuss individually or in small groups the various risks that businesses might experience. Provide a list of 5 risks and find a case that represents those risks and discuss the outcome. (LO 2.5)

Cases for Discussion

Case #1

Jared ran a small business selling customized signs and banners. Dennila ordered 15 custom designed and printed banners from Jared for an event she was planning. The order cost $26,500.00. Unfortunately the event was a disaster when only a third of the people Dennila had hoped to attract, showed up and bought tickets. As a result, Dennila defaulted on her payment to Jared for the order he delivered.

Jared, needless to say, is very angry and cannot afford to write off the money owed to him. Knowing you took an excellent course on business law at your college and still have your textbook, *Canadian Business Law Today,* for reference, he has come to you to ask advice as to what his options are in these circumstances. You know that the monetary limit for a claim in the Small Claims Court where Jared operates his business is $25,000.00.

Outline for Jared the different methods available to him in trying to collect his outstanding account against Dennila. Explain the benefits and problems that each approach may present. (LO 2.1)
Based on the information available to the students in the text, the response to this case should involve Jared taking such practical steps as writing a demand letter with a final date for payment before taking further steps. A student might raise the possibility of handing the matter over to a collection agency or using ADR methods such as a mediator or arbitrator. Finally commencement of a court action would be a possibility, but the decision would have to be made whether to drop the claim to the level at which it can be started in Small Claims Court, or go to a higher-level court with the accompanying costs.

Students should provide an analysis of time, cost and risk for each of these options. Although a recommendation for Jared is not requested, asking the students for their recommendation and the reason behind it would help to cement the lessons from the chapter.

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Case #2

The Sinclairs, a young couple, had purchased their dream home on a lovely street in their home town. It was in a newly developed neighborhood with a great price of $250,000. The young couple decided that they would get funding from a bank through a mortgage but required a down payment. It was decided that they would get their down payment from their friends, the Millers, close friends who had come into some money when they sold their business a few years ago. The down payment of $30,000 was given to the Sinclairs with a verbal agreement to pay it back over five years.

As the years went on, the Sinclairs made their mortgage payments but they had not paid one cent back on the down payment that they had borrowed from their friends, the Millers. The Millers had made numerous requests to the Sinclairs, after two years of non-payment, for their $30,000 or even a payment schedule. The Sinclairs ignored all requests.

The Millers really weren't sure what to do. This process put a serious strain on their friendship. At this point, they knew they couldn't go to small claims court because of the amount they were claiming. Also, they were at a point in their lives where they had children in sports and also had purchased some assets and didn't have the money to get involved in a lawsuit.

What would you suggest the Millers should do and why? (LO 2.4)

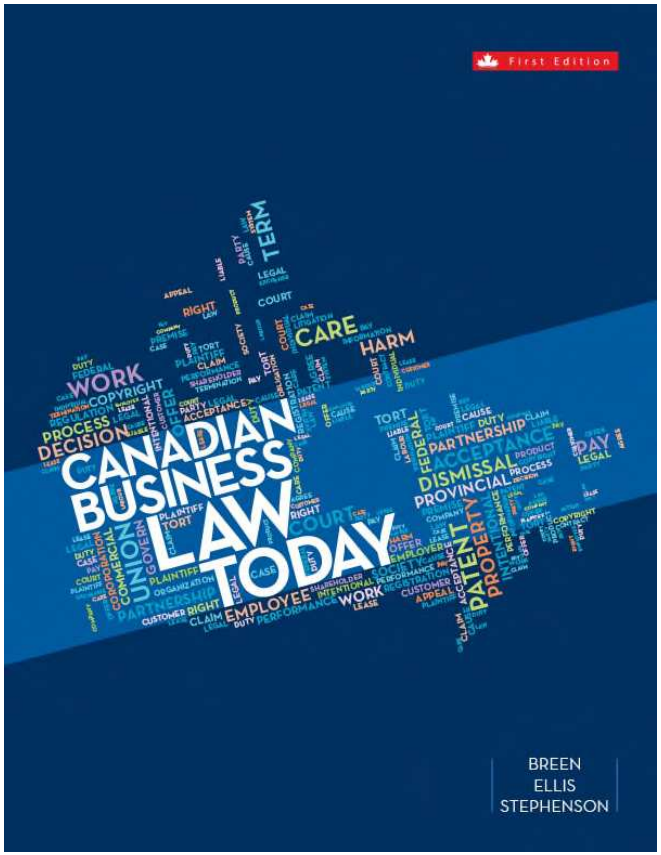
Depending on the province or territory the Millers reside in, the amount of money that would be claimed in any lawsuit is important. For example, most jurisdictions have a cap of $25,000 for Small Claims Court. If the Miller's dropped the amount of their claim by $5000 they could file their case with the local Small Claims Court, as it would meet the $25,000 threshold. The loss of the $5,000 can be justified by the costly process of litigation.

Another answer students might suggest is using ADR to resolve their issue with the Sinclairs. In order to get the Sinclairs' attention, it may be necessary for the Millers to file and serve the Small Claims Court claim, and then suggest using ADR. By engaging the Sinclairs in mediation, for example, they may be able to come to an agreement with the help of a mediator, and also perhaps save the friendship. The cost would be lower and the atmosphere could be conducive to a happy resolution for both sides.

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Chapter 2- Resolution of Disputes



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Learning Objectives

- LO 2.1 Understand the civil court systems in Canada
- LO 2.2 Understand the hierarchy of the Canadian civil courts
- LO 2.3 Understand the litigation process and civil court proceedings
- LO 2.4 Explain Alternative Dispute Resolution
- LO 2.5 Explain risk management and how lawyers help to resolve disputes

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2.1 The Civil Court Systems in Canada

- **Litigation**—a complex process to resolve a legal dispute in the civil court system based on the evidence presented by those involved in the dispute.
  - To understand and be able to use the legal process, a businessperson needs to be familiar with the court systems, provincially and federally.

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2.1 The Civil Court Systems in Canada

- **Lawsuit**—a dispute between two or more parties brought before a civil court for a decision.
  - Involves two sides; plaintiff (the person who sues) and defendant (the person being sued).

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2.1 The Civil Court Systems in Canada

- **Plaintiff**—a person(s) or organization that sues another person or organization.
- **Defendant**—a person(s) or organization that is being sued.
  - Plaintiffs and defendants can be individuals, corporations, governments

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2.1 The Civil Court Systems in Canada

- **Trial**—the formal hearing of a court case before a judge (or jury or both).
  - A civil court matter can be settled at any time or it may proceed to ***trial.***
  - Only a small percentage of civil cases ever go to trial.

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2.1 The Civil Court Systems in Canada

- **Settlement**—resolution of the dispute that is acceptable to both sides bringing the matter to its final disposition.
  - Settlements can happen before a matter goes to court or at any time during the trial.

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Civil Law

- **Civil Law**—the area of law that deals with parties that have a dispute.
- The parties go through a well-defined process in order to bring the matter to a resolution.
- The plaintiff must prove her/his case on the ***balance of probabilities.***
  - Is based on precedent and the common law.

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Civil Law

- **Balance of Probabilities**—in a civil matter, the standard of proof requiring that something be proven to have more likely occurred than not occurred.

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Civil Law

- There are various courts in civil law—trial courts, appeal courts, and the Supreme Court of Canada.

- Courts tend to have different procedures and maximums for a monetary ***claim.***
  - **Claim**—the plaintiff's legal assertion or demand for a loss; the defendant can respond to this claim.

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2.2 Hierarchy of the Canadian Civil Courts

- The Supreme Court of Canada is the highest court in Canada and is the highest ***appeal*** court.
  - **Appeal**—when the losing party in any court case disagrees with the decision of the court, it will wish to have a higher court look at the case and come to a decision.

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Supreme Court of Canada

- This high court hears only cases that may affect Canadian society as a whole, and the fabric of our country now and/or in the future.
  - Deals with criminal, civil, administrative, and constitutional cases.
  - There are nine Supreme Court of Canada justices
  - A decision that is made in the Supreme Court of Canada cannot be appealed.

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Supreme Court of Canada

- A case is generally heard at the provincial level in a superior court.
- If the plaintiff(s) or defendant(s) are not happy with the decision, they can appeal the decision to the provincial Court of Appeal.
- The result of this appeal may be appealed to the Supreme Court of Canada but only under certain conditions.

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Supreme Court of Canada

- **Leave to Appeal**—permission for a case to be heard in the Supreme Court of Canada.
  - If "***leave to appeal***" is given (that is, permission by three Supreme Court Justices), the case may be brought before the Supreme Court of Canada because of its importance to the public.

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(Provincial) Court of Appeal

- In order to appeal a case, it must be because the trial judge made an error in some way.
  - For example, when a judge errs because of an application of law or because some evidence was overlooked, then the unsuccessful party can lodge an appeal.
- Often there are time limitations for a party to appeal a decision.

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(Provincial) Supreme Court or Queen's Bench (Superior Courts)

- The highest trial court in a province or territory is called either the Supreme Court or Queen's Bench, depending on the province.
  - Also referred to as the Superior Court.
  - Deal with matters with a financial claim of over $25,000 (in most provinces).
  - Cases are before this court are generally represented by lawyers, due to procedural complexities.

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Provincial Court

- Provincial courts deal with criminal matters that generally fall under the *Criminal Code of Canada*.
  - This is not a court that deals with disputes, but rather with crimes.
  - A criminal matter may appear in a provincial (or supreme) court first and then go to a civil court.

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Small Claims Court

- Businesses today often appear in small claims court if the monetary amount of a claim is less than $25,000 (this may be lower or higher depending on the province).

- An adjudicator (who is also a lawyer) presides over this court and parties are generally not represented by a lawyer.

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Federal Court of Canada

- **Federal Court of Canada**—deals with cases between individuals or organizations and the federal government
  - income tax disputes
  - patents, customs, immigration, and maritime.
  - Consists of two divisions, the trial division and an appeal division law.

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2.3 Understanding Civil Litigation Processes and Proceedings

- **Action**—a litigation term where one party sues another.
  - Each province has a set of processes and rules (civil procedure rules) so that an action can begin or be defended and the case brought to its conclusion.

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2.3 Understanding Civil Litigation Processes and Proceedings

- There are three specific parts to civil court proceedings:
  - The **filing** and serving of pleadings
    - **Filing**—presenting your documents: claim, defence, or counter-claim, for example, to the court and the opposing parties.
  - The questioning of each party and witnesses
  - The trial

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Terms used in a Civil Litigation

- **Defence**—the response by the defendant to the claims/demands made by the plaintiff.
- **Counter-Claim**—a claim made by the defendant against the plaintiff in the same matter.
- **Cross-Claim**—a claim against a co-defendant.
- **Pre-trial Applications**—motions made before the court and made in chambers (less formal) where the judge decides on small matters connected with the case.

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Terms used in a Civil Litigation

- **Chambers**—where judge and lawyers present motions that affect the case for a decision by the judge (in some provinces, e.g., Nova Scotia).
- **Pleadings**—written legal documents that start and defend a claim/allegation (e.g., statement of claim, defence, cross-claim, counter-claim, etc.).
- **Discovery**—a meeting where questions and answers are asked of the parties and their witnesses, held under oath, prior to trial to obtain further information and evidence.

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Terms used in a Civil Litigation

- **Interrogatories**—written questions provided by one party to the other that are answered in writing and signed under oath.
- **Judgment**—the remedy given to the successful party by the court.
- **Costs**—the judgment may include a portion of the costs (legal fees, filing fees, etc.) the successful party incurred during the course of the case and paid by the unsuccessful party.

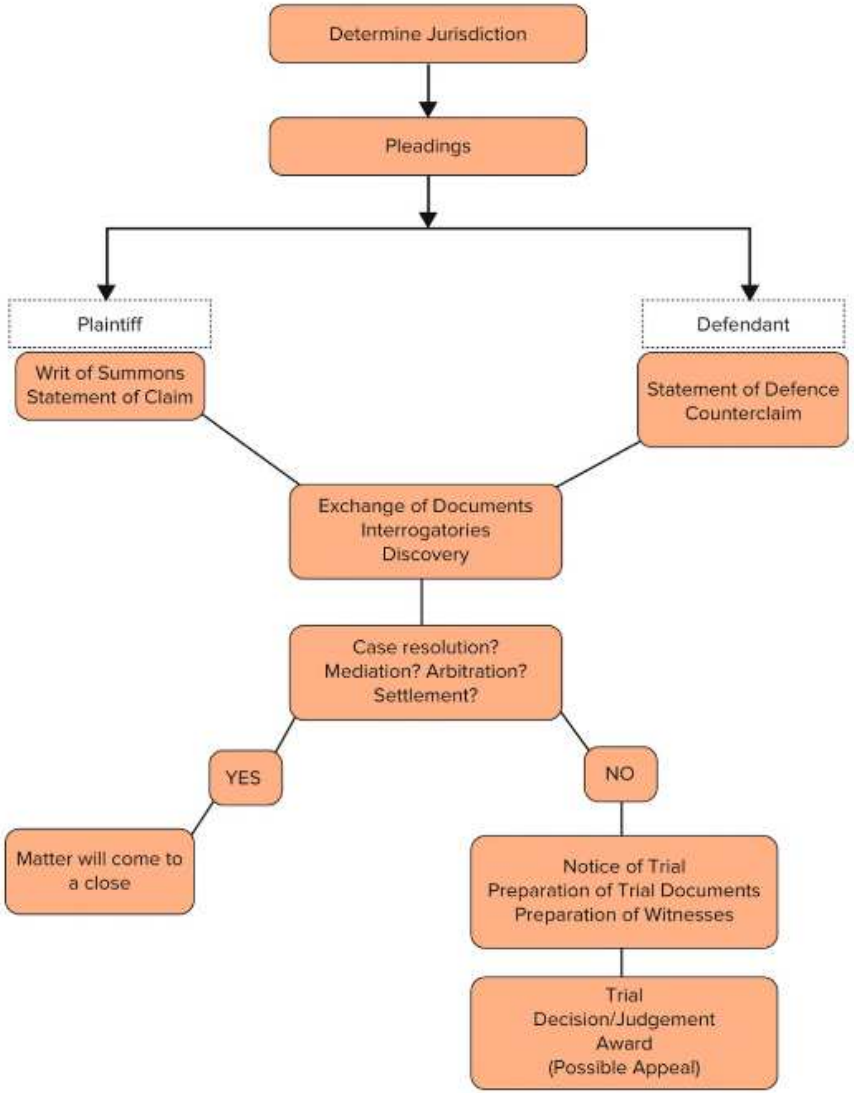
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Civil Litigation Process

- **Civil Litigation Process**—the process that the party suing or being sued must go through from the beginning to the final disposition.
  - The litigation process for civil cases is different for each province and territory.

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Figure 2.1: Basic Litigation Process



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Civil Litigation Process

- Important details to keep in mind during a litigation:
  - All documents pertaining to a case MUST be disclosed.
  - Any information in a document or record that is not relevant can be redacted (blacked out).
  - All records that are in your possession or control are subject to disclosure to the other party in the legal action.

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Civil Litigation Process

- Important details to keep in mind during a litigation:
  - You may be required to provide additional documents or answer questions that the opposing counsel may request.
  - Instances where you do not need to disclose documentation:
    - Solicitor–client privilege
    - Litigation privilege
    - On a “without prejudice basis”

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2.4 Alternative Dispute Resolution (ADR)

- There are alternative ways to resolve disputes between parties that don't require litigation.

- ADR compared to litigation offers the following advantages:
  - Is less costly
  - Provides speedy results
  - Allows parties to resolve their difficulties in a more friendly manner
  - Allows parties to have more involvement in the resolution of their dispute

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Mediation

- **Mediation**—parties come together and solve their issue(s) with the assistance of a trained ***mediator.***
  - **Mediator**—a trained and certified third party who will assist the parties with their dispute through negotiation.

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Arbitration

- **Arbitration**—parties come together in a process that is more formal than mediation but less formal than a court setting to resolve their issues with the assistance of a selected ***arbitrator.***
  - Arbitrator is prepared to make a decision on the issue that is final and binding.
  - Arbitration is traditionally found in union/management disputes.

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2.5 Risk Management and How Lawyers Help Resolve Disputes

- Businesspeople must make decisions on whether a dispute can be easily dealt with or whether a lawyer must get involved.
- Businesspeople must evaluate the situation and the risk that the situation will escalate because of words or actions.
- It is critical for businesses and individuals to recognize when to obtain legal advice, and also to seek the best method of resolution for the dispute.

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Chapter Summary

- **Litigation**—a complex process to resolve a legal dispute in the civil court system based on the evidence presented by those involved in the dispute.
- **Lawsuit**—a dispute between two or more parties brought before a civil court for a decision.
- **Trial**—the formal hearing of a court case before a judge (or jury or both).

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Chapter Summary

- **Settlement**—resolution of the dispute that is acceptable to both sides bringing the matter to its final disposition.
- **Civil Law**—the area of law that deals with parties that have a dispute. The plaintiff must prove her/his case on the *balance of probabilities*.
- **Supreme Court of Canada**— the highest court in Canada and is the highest *appeal* court.

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Chapter Summary

- **Federal Court of Canada**—deals with cases between individuals or organizations and the federal government.
- **Action**—a litigation term where one party sues another.
- **Civil Litigation Process**—the process that the party suing or being sued must go through from the beginning to the final disposition.

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Chapter Summary

- **Mediation**—parties come together and solve their issue(s) with the assistance of a trained *mediator*.
- **Arbitration**—parties come together in a process that is more formal than mediation but less formal than a court setting to resolve their issues with the assistance of a selected *arbitrator*.

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