

PRE-TRIAL PRACTICE SPRING 2025

UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW SEMESTER SYLLABUS LAW 6320, CLASS 26436, SECTION A, 3 CREDIT HOURS

PROFESSOR: Donna Eng
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CLASS MEETING TIME: Tuesdays and Thursdays, 1:15 p.m.-2:40 p.m.
CLASS LOCATION: Holland Hall 355D

OFFICE HOURS:

Tuesdays and Thursdays, 3-4 p.m., and by appointment (email: eng@law.ufl.edu). I know my designated office hours may not fit your schedule. If you cannot make it to these office hours, please email me and I will be happy to schedule a time that works for both of us. I look forward to meeting my students and getting to know you better during my office hours.

Email is the best way to reach me. I try to respond to emails as quickly as I can. (note: emails received after business hours may get a response the next day). Please contact me if you have any questions regarding the course or a specific assignment.

REQUIRED READING MATERIALS:

1. Roen & Paulsen, *Civil Litigation: Pretrial Case Development & Discovery* (2d ed.)
2. An up-to-date digital or paper copy of the Federal Rules of Civil Procedure.
3. An up-to-date digital or paper copy of the Federal Rules of Evidence.
4. Supplemental materials and case file materials posted on our class Canvas page.

COURSE WEBSITE: <https://elearning.ufl.edu/>. You are responsible for reviewing the page for course updates and for accessing course content.

COURSE DESCRIPTION AND OBJECTIVES:

This course is designed for students who are planning to become civil litigators after graduation. More than 95% of civil cases settle before trial, so most of your legal practice will be “pre-trial” practice. The course therefore offers in-depth study and training in civil litigation up until trial, with the aim of making you practice-ready. We will cover fact and theme development, pleadings, the discovery process—including written requests and responses, motion practice, and depositions—settlement negotiation, and strategic decision-making at each step of the process.

WORKLOAD

This course complies with ABA Standard 310. ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. We will spend approximately 3 hours in class each week, requiring at least **6 hours of preparation** outside of class

including reading the assigned materials, completing writing assignments, preparing for simulations, and conferring with the other members of your law firm and opposing counsel.

Please note that although this course is graded Satisfactory/Unsatisfactory, the workload is no less than in any graded course, including near-weekly written assignments. As for any three-credit course, the ABA requires that you spend an average of at least six hours per week on work for this course, in addition to time spent in class.

STUDENT LEARNING OUTCOMES:

At the end of this course, students should be able to:

- ✓ Evaluate a new case
- ✓ Prepare claims and defenses
- ✓ Write and respond to discovery requests
- ✓ Prepare, respond to, and argue discovery motions
- ✓ Take and defend depositions
- ✓ Work with experts
- ✓ Negotiate a settlement

COURSE EXPECTATIONS AND GRADING EVALUATION:

There will be no final exam in this course. Rather, at the end of the semester, I will award you a grade of Satisfactory or Unsatisfactory based on the following metrics:

- Professionalism and good faith participation in discussion and simulation exercises.
- Quality of written assignments.
- Quality of performance in hands-on exercises, including motion arguments, deposition taking and defense, and negotiations.
- Preparation for class sessions.
- Attendance and punctuality (see policies below).

I may also award a limited number of “S+” grades to those who students whose performance really stands out.

LAW FIRMS, LITIGATION TEAMS & GOOD FAITH PARTICIPATION

Students will be paired with one or two other students in separate “law firms” and assigned to one of four litigation teams. Throughout the semester, you will litigate against each other using a simplified but realistic case file from the text. You will complete most written assignments in your firm as a group assignment.

Though you will be working in a team, you must pull your weight within your team. If I find that you are relying on your team to do (or redo) your work for you, I will assign you individual make-up work or, in extreme cases, have you removed from the course.

PROFESSIONALISM

This course presents a valuable opportunity to practice professionalism and to begin to create and explore your own professional identity. Throughout the semester, you are expected to behave as, and to treat your colleagues and counterparts as, practicing lawyers.

Punctuality is part of professionalism. I will promptly begin class at the designated start time. Please be on time to class and do not leave early absent extenuating circumstances. If you have to leave class during class time, please close the door quietly so as to not disturb your colleagues. As a law student and future lawyer, you are expected to conduct yourself with professionalism in the classroom and in all course-related

activities. This includes common courtesy in the classroom as well as in all email messages, threaded discussions, and chats. Please silence cell phones and computer notifications and minimize any other class disruptions.

In addition to completing any written assignment, you will need to revise and proofread your documents numerous times before submitting them, just as you would in the practice of law.

In all course activities, students are expected to participate in good faith. If you have questions about professionalism, do not hesitate to ask me directly during class, or during a visit to my office.

As a future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. I encourage you to speak thoughtfully, listen carefully, and commit to examining your own values and assumptions. All students have the right to be treated with respect by their instructors and classmates.

CLASS ATTENDANCE POLICY:

Attendance in class is required by both the ABA and the Law School. Attendance will be taken at the start of each class. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found [here](#).

Attendance is important in this course because it is a courtroom skills course. The course is interactive. Although the assigned reading is essential, students cannot develop advocacy skills from reading or relying on passive learning techniques. Moreover, skipping classes in this course often creates more work for your teammates. Therefore, **students are allowed no unexcused absences during the semester, and all absences must be excused in advance.**

Any student desiring to request an excused absence must request and receive the excused absence at least a week in advance (except in the instance of a true emergency, as discussed below). Any request for an excused absence must contain a statement explaining the reasons for the excused absence. Because absences may impact your team, requests for excused absences will be considered on a case-by-case basis, and may or may not be approved.

Important: students will generally not be granted an excused absence on key dates for your team, such as your deposition days or your motion hearing days.

If you are unexpectedly ill or have other critical/extenuating/emergency circumstances that prevent you from being in class, you must contact me prior to the start of class to request an excused absence. In the case of a true emergency that prevents you from contacting me prior to class, you must contact me as soon as possible thereafter to request an excused absence. If I grant your request, you will need to complete the steps noted below, in the section titled "Policies to Prevent the Spread of Sickness," before I will convert your unexcused absence to an excused absence.

POLICIES TO PREVENT THE SPREAD OF SICKNESS

If you are sick, out of respect for your colleagues, please do not come to class. If you insist on coming to class sick, please consider wearing a mask to prevent the spread of germs and illness.

If you will miss class due to illness, you must contact me by email prior to the start of class to request an excused absence. Or, in the case of a true emergency that prevents you from contacting me prior to class,

you must contact me as soon as possible thereafter to request an excused absence. If I grant your request, you will need to complete the following steps before I will convert your unexcused absence to an excused absence:

1. Watch the class recording—link will be available on our Canvas Page.
2. Email me no more than ten days after the missed class and include the following:
 - a. A statement that you watched the video in full;
 - b. Any in-class exercise that you can complete independently (modify as needed).
 - c. If there is no in-class exercise that you can complete independently, please note three things you learned by watching the video.

TECHNOLOGY

You must bring a laptop or tablet to every class so that you can access handouts on Canvas, participate in in-class exercises, and work on assignments with your teammates. Please silence and put away cellphones, smartwatches, and similar devices before class begins. If you are using electronics to do anything not directly related to this class, I will penalize you. I may revisit or revise this policy as needed.

BUSINESS ATTIRE REQUIRED FOR CERTAIN CLASSES

While you may dress casually for regular class sessions, please note that business attire is required for the motion arguments (hearings), depositions, and mediations. Please see course schedule for specific dates and mark your calendars now. I will also do my best to remind you in advance.

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

RECORDING LECTURES

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are: (1) for personal educational use; (2) in connection with a complaint to the university; or, (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor. A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or guest lecturer during a class session. Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor and Student Conduct Code.

I have requested that our class be recorded through the UFIT department. UFIT will be creating a MediaSite channel for our course. I will share the link to this channel with all students in the course by adding a link to the videos in the Canvas page. The uses and prohibitions delineated by the University for self-made videos apply equally to these MediaSite videos. If you use MediaSite or self-made videos in ways not approved by the University and without my written consent, you may be subject to civil liability, as well as to discipline under the UF Student Honor Code and Student Conduct Code.

STUDENT COURSE EVALUATIONS

“Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens, and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.”

RESOURCES:

UF LAW STUDENT RESOURCE GUIDE (CANVAS)

Please familiarize yourself with the law school’s UF Law Student Resource Guide in Canvas. It currently includes sections for:

- Attendance, Registrar, and Financial Aid, Outside Scholarships, Writing Competitions
- Weekly Calendar
- Students Organizations and Journals
- Academic Advising and Career Advising

OFFICE OF ACADEMIC SERVICES

If you have a need related to academic policies or course concerns, including disability accommodations, the Office of Academic Services, led by Dean Mitchell, will support you. Contact gatoraid@law.ufl.edu or contact Dean Mitchell directly at mitchell@law.ufl.edu.

UF LAW STUDENT LIFE

Please familiarize yourself with the law school’s Student Life page on the UF Law website: <https://www.law.ufl.edu/student-life>. It is a tremendous resource for both law school and university resources. Services include:

- Academics (e.g., Schedules, Calendars, Policies, Experiential Learning)
- Campus Logistics (e.g., Reserving a Study Room)
- Technology (e.g., Zoom, Canvas, ExamSoft, Helplines)
- Research Tools (e.g., Law Library, Westlaw, Lexis)
- Diversity & Inclusion (e.g., Statements, Policies, D&I Dean’s Information)
- Career and Professional Development (e.g., Advisors, Appointments, Symplicity)
- Health and Safety (e.g., Wellness, Title IX)
- Contact Information (e.g., Law School Departments)

MENTAL HEALTH AND WELLBEING

Law school can be very stressful. Knowing when to seek assistance for issues impacting your wellbeing is part of being a professional. At a minimum each of us needs a safe place to live, sufficient food, and access to healthcare.

All members of the UF Community who are experiencing food insecurity are eligible to visit UF's Hitchcock Field & Fork food pantry. Learn more at the website, here: <https://pantry.fieldandfork.ufl.edu/>. Should you find yourself needing assistance with other basic needs, please notify me or the Office of Student Affairs so that we can direct you to appropriate resources. The Office of Student Affairs can be reached at 352-273-0620 or student.svc@law.ufl.edu.

Psychological needs and unexpected personal challenges are also not uncommon and may interfere with academic progress, social development, and emotional wellbeing. The law school and the Gainesville community offer a variety of services to assist you. Some entities equipped to assist include:

UF Law Mental Health Counselor: At UF Law we are fortunate to have a mental health counselor, **Ritzy Ettinger**, who is dedicated to the law school community. Ritzy assists with both crisis and non-crisis services. You may reach out to Ritzy by email or call the Student Life main office.

Name: Ritzy Ettinger

Direct Email: rettinger@ufl.edu

Student Life Phone: 352-273-0620

Direct phone: 352-273-0914

Link and QR Code to make confidential appointments:

https://ufl.yu1.qualtrics.com/jfe/preview/previewId/de79d8eb-d8d8-4944-94b2-3e531d9743bc/SV_6Kxe53aDDBYjZUq?Q_CHL=preview&Q_SurveyVersionID=current

UF (Main Campus) Counseling & Wellness Center: Provides crisis and non-crisis services.

Phone: 352-392-1575 (UF Crisis Hotline 24 hours/7 days/week)

Website: <https://counseling.ufl.edu/services/crisis/>

UF "U Matter We Care": Provides services if you or someone you know is in distress.

Phone: 352-294-CARE (2273)

Email: umatter@ufl.edu

Website: <https://umatter.ufl.edu>

Alachua County Crisis Center: 24 hr./day crisis and suicide intervention phone counseling for all county residents.

Phone: 352-264-6789

<https://www.alachuacounty.us/Depts/CSS/CrisisCenter/Pages/CrisisCenter.aspx>

HEALTH AND SAFETY

UF Student Health Care Center: Find the healthcare you need, including free vaccines.

Phone: 352-392-1161

Website: <https://shcc.ufl.edu/>

UF Health Shands Emergency Room/Trauma Center

Phone: 9-1-1 for emergencies

Phone: 352-733-0111

Or go to the emergency room at:

1515 Archer Road, Gainesville, FL 32608

Website: <https://ufhealth.org/uf-health-shands-emergency-room-trauma-center>

University Police Department

Phone: 9-1-1 for emergencies

Phone: 352-392-1111

Website: <https://police.ufl.edu/> (including victim assistance, UFAlert, self-defense classes, etc.)

Gator Safe App:

For a personal safety toolbox and other helpful links, download the GatorSafe App

<https://police.ufl.edu/services/community-services/gatorsafe-app/>

FORMATTING REQUIREMENTS FOR WRITTEN ASSIGNMENTS

When you are in practice, all court filings will be required to be formatted according to the applicable rules of the court. As a result, for this class, all assignments are to be submitted electronically via the course Canvas website, **in Word format**. In addition to any formatting requirements specific to an assignment, documents should conform to the following: (1) the text should be double-spaced, except for the headings (which should be single-spaced); (2) all writing assignments this term should be written in **14-point Times New Roman font, double-spaced, with full justification so that the document has smooth edges of text**; (3) each page should be numbered (bottom, center), except for the first page; and, (4) all citations should comply with the rules of *The Bluebook*. You may use either underlining or italics for case names, but please be consistent throughout your motions and responses in opposition that you will draft in this class.

TENTATIVE COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

Disclaimer: the following table is designed to give you a sense of the course's coverage and workload. **This outline is only tentative; you must check Canvas regularly for your assignments and deadlines.** *Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change.* Such changes, communicated clearly, are not unusual and should be expected.

All readings are from the textbook, the Federal Rules of Civil Procedure ("FRCP"), Federal Rules of Evidence ("FRE"), and any materials I post on Canvas unless otherwise indicated.

COURSE SCHEDULE

First Assignment due by 11:59 p.m. on January 13, 2025:

- (1) Read syllabus in full.
- (2) Respond to Discussion Page on Canvas titled "Truth, Lie, and Fun Fact;" and,
- (3) Send me a professional email, eng@law.ufl.edu, with answers to the questions listed below.
Please address me as "Professor Eng."
 - a. Do you go by your first name, or you prefer a nickname? Please advise of any nickname.

- b. Is English your first language? If not, what is your first language?
- c. Did you take the Trial Practice class?
- d. Are you a member of UF Law Moot Court or Trial Team?
- e. Are you involved with any other co-curricular activities? If so, what are they?
- f. Did you enjoy Legal Writing I and II?
- g. Are you the first member of your family to attend law school?
- h. Why did you come to law school?
- i. Do you have an idea of what area of the law you would like to go into, or do you have a position lined up for after graduation? If so, please tell me.
- j. What do you do like to do for fun?

Week 1

Reading for the week: Syllabus; Ch. 1, 2

Class 1: 1/14 Topic: Intro to Class
 Class 2: 1/16 Topic: Pre-Complaint Investigation

Week 2

Reading for the week: Ch. 2; FRCP 7(a), 8, 10; 11; your client's case file

Class 3: 1/21 Topic: Pleadings
 Class 4: 1/23 Topic: Pleadings

Case evaluation memo and first version of evidence map due- UPLOAD to CANVAS by Sunday, January 26, at 11:59 p.m. Consult Ch. 2, pgs. 23-24, to draft evidence map.

Week 3

Reading for the week: Ch. 4 & 5; FRCP 16(a), 16(b), 26(d); 26(f), 38

Class 5: 1/28 Topic: Case Development & Intro to Discovery
 Class 6: 1/30 Topic: Case Development & Intro to Discovery (cont'd)

Week 4

Reading for the week: Ch. 7 and pg. 182 (Common Interest Agreements); FRCP 26(a)(1), 26(b)(1)-(2), 26(g), 33, 34, 36

Class 7: 2/4 Topic: Serving Written Discovery
 Class 8: 2/6 Topic: Serving Written Discovery (cont'd)

Serve interrogatories, requests for production, and requests for admissions on opposing counsel by professional email by Sunday, February 9, at 11:59 p.m. (CC Professor Eng on your email)

Week 5

Reading for the week: Ch. 12; FRCP 26(a)(1) & 26(b)(5)

Class 9: 2/11 Topic: Responding to Written Discovery
Class 10: 2/13 Topic: Responding to Written Discovery (cont'd)

Serve responses and objections to interrogatories, requests for production, and requests for admissions on opposing counsel by professional email by Sunday, February 16, at 11:59 p.m. (CC Professor Eng on your email).

Week 6

Reading for the week: Ch. 13; FRCP 7(b), 11, 26(b)(2)(C), 26(c), 36(a)(6), 37

Class 11: 2/18 Topic: Discovery Disputes & Motion Practice
Class 12: 2/20 Topic: Discovery Disputes & Motion Practice (cont'd)

Serve professional email to opposing counsel summarizing results of meet and confer discussion by Thursday, February 20, at 11:59 p.m. (CC Professor Eng on your email).

UPLOAD motions to compel discovery IN CANVAS by Sunday, February 23, at 11:59 p.m.

Week 7

Class 13: 2/25 Topic: Opposing Motions
Class 14: 2/27 Topic: Opposing Motions (cont'd)

UPLOAD responses to motions to compel discovery IN CANVAS by Sunday, March 2, at 11:59 p.m.

Week 8

Class 15: 3/4 Topic: Hearing Prep
Class 16: 3/6 Activity: Hearings on Motions to Compel (**Business Attire required!**)
***ATTENTION: Special Location for March 6 hearings: MLAC 209**

Team hearing report and individual reflection due by Sunday, March 9, at 11:59 p.m. (UPLOAD TO CANVAS).

Week 9

Reading for the week: Ch. 8; FRCP 30, 32

Class 17: 3/11 Topic: Hearings Debrief
Class 18: 3/13 Topic: Intro to Depositions

Second version of evidence map due- UPLOAD TO CANVAS by Sunday, March 16, at 11:59 p.m.

SPRING BREAK (3/17-3/21)

Week 10

Class 19: 3/25 Topic: Depositions (cont'd)
Class 20: 3/27 Topic: Depositions (cont'd)

Week 11

Class 21: 4/1 Activity: Plaintiff's Depositions (**Business Attire required!**)
Class 22: 4/3 Activity: Defendants' Depositions (**Business Attire required!**)

Team deposition report and individual reflection due- (UPLOAD TO CANVAS) by Sunday April 6, at 11:59pm.

Week 12

Reading for the week: Ch. 9, 11; FRCP 26 & 35; FRE 702-704

Class 23: 4/8 Topic: Professionalism, Implicit Bias, Expert Witnesses
Class 24: 4/10 Topic: Pre-Trial Negotiations & Settlement

Final version of evidence map and mediation statement due – UPLOAD TO CANVAS by Sunday, April 13, at 11:59 p.m.

Week 13

Reading for the week: Ch. 15; FRCP 26(a)(3) & 56

Class 25: 4/15 Activity: Mediations (**Business Attire required!**)
Class 26: 4/17 Topic: Last class!
Activity: Debrief mediations, discuss other motions (MSJ?)/trial prospects

Commencement: Friday, May 16 (congratulations!)

Schedule prepared 12/17/2024; subject to change