

UNIVERSITY OF FLORIDA
LEVIN COLLEGE OF LAW

FLORIDA CIVIL PROCEDURE
COURSE 6303-12676
3-CREDITS

PROFESSOR WILLIAM HAMILTON



Class time: Mondays and Wednesdays, 3:00 – 4:25 PM, Room: HH 355C

Office Hours:

Mondays and Wednesdays between 5:00 – 6:00 PM or by office or Zoom appointment, any day at a mutually agreeable time.

Course Description:

This course will thoroughly cover the rules, statutes, cases, and principles of Florida civil procedure. It will focus on real litigation problems and strategies. This course is vital for anyone planning a career involving litigation in Florida courts. It will give you a clear understanding of what it means to be a practicing litigator and how to hit the ground running when you start practicing. An additional goal is to prepare students for the Florida Bar exam.

Course Learning Objectives:

After successfully completing this course, you will have obtained:

Knowledge of the principal rules governing Florida civil practice, understanding of how to use the rules to achieve litigation goals, knowledge of the relationship between Florida civil procedure rules and statutory requirements for civil procedure, the structure and jurisdiction of Florida courts, and the Florida civil procedure rule-making process.

Who Is Your Professor?

I joined UF Law after 30 years of practicing complex civil litigation in state and federal courts with Holland & Knight (Miami and Tampa) and Quarles & Brady (Tampa). I had the privilege of teaching at UF Law as an adjunct professor for ten years before joining the UF Law faculty as a legal skills professor in 2018.

I'm originally from Philadelphia and have spent my entire adult life in Florida. I earned a BA in philosophy from Lehigh University in Bethlehem, Pennsylvania, and an MA in philosophy from Washington University in St. Louis, Missouri. I graduated from UF Law in 1983.

Here are a few links where you can learn more about me.

<https://www.law.ufl.edu/faculty/william-hamilton>
<https://www.law.ufl.edu/areas-of-study/institutes/icair>
<https://www.linkedin.com/in/williamfhamilton>

How Can You Get In Touch with me?

I want to hear from you. Send me an email, call, or text.

Email	Cell Telephone	Office
hamiltonw@law.ufl.edu	480.993.8777	HH376

Please let me know if you have something to share with me – an inspiration, a new thought, a frustration, or a concern.

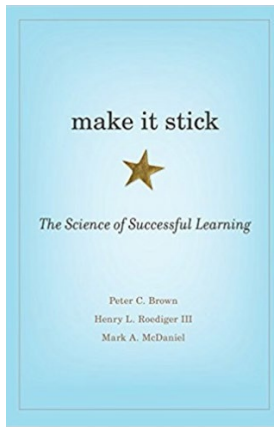
We can have a face-to-face video conference anytime (even on tablets and smartphones).

Zoom
https://ufl.zoom.us/j/4591597877

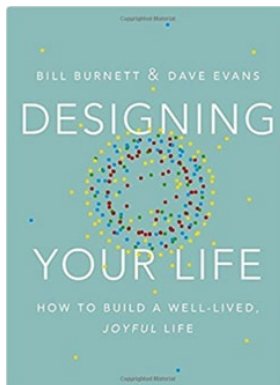
Teaching Philosophy and Instructional Methods:

This course is practically oriented. You will learn the Florida Rules of Civil Procedure, applicable statutes, and case law. The focus of the course is on solving real-world problems. We will have many class discussions, practical exercises, and practice multiple-choice questions.

You may wish to review the literature on experiential learning. Peter C. Brown's *Make It Stick: The Science of Successful Learning* largely captures my philosophy.



This course aims to introduce students to various career paths related to litigation. For useful strategies on discovering career directions that suit you, I suggest the book *Designing Your Life: How to Build a Well-Lived Joyful Life* by Burnett and Evans, Alfred A. Knopf (2016).



Is this Course Graded on a Curve?

This course is graded on a curve. The Registrar provides me with a curved grade range; the class grade average must be within that range.

Class Preparation, Participation, and Attendance:

Students are expected to attend class, to be prepared, and to participate in class discussions. It is your responsibility to complete the daily attendance assignment on Zoom. By completing the assignment, you affirm that you are physically present in class during that class period. It will be considered a violation of the course rules and the Honor Code to falsely indicate that you were present in class, or to assist a classmate in such misrepresentation.

According to ABA guidelines, students with four or more unexcused absences will be barred from taking the final exam and will automatically fail the course. Having two or three unexcused absences may lead to a grade reduction, as outlined in the section on grade adjustments for participation. Absences due to religious holidays and professional commitments (such as job interviews) are exempt from this policy, provided you give advance notice. If you're concerned about nearing the absence limit, it's a good idea to keep me informed so we can discuss possible accommodations.

Course points may be earned as follows:

1. Class Attendance and Participation: 50 points (2 points per class).

Class attendance and participation are expected. Each class is worth 2 points. The requirements for class attendance, make-up exams, assignments, and other work in this course are consistent with university policies, which can be found at <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

Class participation requires:

- (1) Asking and answering questions that illuminate the issues,
- (2) Asking and answering questions that enrich the class dialogue and advance the class's understanding of the issues,
- (3) Participating in the class dialogue and discussions,
- (4) Participation in team debates and mock exercises,
- (5) Engaging in-class activities, exercises, and projects.
- (6) Demonstrating class preparation.

Classes will contain numerous individual and group exercises and problems. The classes will be recorded, and access will be provided to all students enrolled in the class. You may not take, circulate, or post photos or videos of classroom discussions, whether in-person, hybrid, or completely online. Students failing to follow this rule will be referred

to the College of Law Honor Code Council and the university's Office of Student Conduct and Conflict Resolution.

You may have legitimate and compelling personal and professional requirements that may cause a class absence. If you will not attend a class for personal or professional reasons, please notify me in advance as a professional courtesy. ***I will provide attendance points for students who notify me before an absence.*** When you have not provided me with advanced notice of your absence, attendance points will be provided for missed classes only based on compelling circumstances

Please let me know how you would like to be addressed in class if your UF-rostered name does not reflect your name and pronouns.

2. Mid-Term Examination (150 points):

There will be a 1 hour and 25-minute, 25-question multiple-choice, in-class, closed-book mid-term exam. The final exam will require you to analyze factual scenarios, identify the relevant legal rules, apply them, and reach a conclusion. In the weeks leading up to the mid-term, there will be numerous in-class and take-home practice questions.

3. Final examination: 300 points.

There will be a 2-hour, 50-question, multiple-choice, on-campus closed-book final exam. It will require you to analyze factual scenarios, identify the correct legal rules, apply them, and reach a conclusion. You will have several in-class and take-home practice questions in the weeks leading up to the mid-term.

Class Cancellations

Occasionally, due to professional demands, I may have to reschedule a class. If this happens, I may record video lectures for the class to watch or conduct the class remotely via Zoom. Information about such changes will be sent on Canvas and by email.

Are Smartphones and Laptops Permitted in the Classroom?

You may use laptops in class to take notes. Please limit your laptop use to note-taking only. Do not visit social media sites, send texts, or check emails. Keep your browser closed to resist temptation. Do not abuse this privilege. I expect your full attention in class.

What Notes Should I Take in Class?

I suggest you avoid taking "word-for-word" notes. This isn't a court reporting class! Instead, focus on what is happening in class and write down the key ideas. Handwriting your notes is a valuable legal skill. You need to learn to take effective witness interviews, depositions, and trial notes. A computer won't always be available or suitable to use.

Assigned Text:

There is no specific textbook for the course. I will assign reading materials. All class readings and resources are online and freely available to you.

Weekly Class Objectives, Schedule, and Assignments:

The outline of the course is as follows:

Week 1: The Complaint, Pleading Fraud, and Pleading Amendments

Week 2: The Answer, Defenses, and Affirmative Defenses

Week 3: Counterclaims and Punitive Damages

Week 4: Multiparty Litigation and Class Actions

Week 5: Florida Court's Personal Jurisdiction

Week 6: Waiver of Personal Jurisdiction and Forum Selection Clauses

Week 7: Venue and Venue Challenges

Week 8: Discovery Scope, Privileges, and Work Product

Week 9: Discovery Methods: Admissions, Interrogatories, Production Requests

Week 10: Depositions, Compelling Discovery, Sanctions and Protective Orders

Week 11: Electronic Discovery and Sanctions for Preservation Failures

Week 12: Offers of Judgment and Injunctions

Week 13: Summary Judgment, Declaratory Judgments, and Attorney's Fees

Please refer to the course pages on Canvas for details about the reading assignments and exercises.

Workload/class preparation and the 2:1 out-of-class/in-class requirement (ABA Standard 310):

1. Students should expect to spend an average of approximately two hours preparing for every hour of class. Reading assignments are posted on the "Modules" link on the Canvas site (located on the left side of the site).
2. It is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in-class assignments for every 1 hour in class.
3. ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction. (Course) Each week has 3 "classroom hours" of in-class instruction, requiring at least 6 hours of preparation outside of class.

Make-Up Examination, Quiz, and Assignment Policy:

The law school policy on exam delays and accommodations can be found [here](#).

Statement related to accommodations for students with disabilities

Students requesting an accommodation for disabilities must first register with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>). The Dean of Students Office will provide documentation to the student, who must then provide this documentation to me when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive. Therefore, students should contact the office as soon as possible in the term they seek accommodations.

Information on UF Law grading policies

<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Point</u>	<u>Grade</u>	<u>Point</u>
A (Excellent)	4.0	C+	2.33	D-	0.67
A-	3.67	C (Satisfactory)	2.00	E (Failure)	0.0
B+	3.33	C-	1.67		
B (Good)	3.00	D+	1.33		
B-	2.67	D (Poor)	1.00		

The law school grading policy is available at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>

University policy on academic misconduct:

Academic honesty and integrity are fundamental values of the University community. UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

Class Recordings:

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 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 Code and Student Conduct Code.

Discourse, Inclusion, and the Classroom Ethos:

As a law student and 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. This is even more important in the case of controversial issues and other topics that may elicit strong emotions.

As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in

the world—the law school classroom—and develop our unique personality as a class section, I encourage each of us to:

- commit to self-examination of our values and assumptions
- speak honestly, thoughtfully, and respectfully
- listen carefully and respectfully
- reserve the right to change our mind and allow for others to do the same
- allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers

Religious Holidays

UF Law respects students' observance of religious holidays.

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances

Online Course Evaluation:

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 professionally and respectfully 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>

Preferred Name and Pronouns:

It is important to the learning environment that you feel welcome and safe in this class; and that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise. I would like to acknowledge your preferred name, and pronouns that reflect your identity. If your name and pronouns are not reflected by your UF-rostered name, please let me know how you would like to be addressed in class.

You can change your "Display Name" in Canvas. Canvas uses the "Display Name" as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as "Ally" instead of "Allison." To update your display name, go to one.ufl.edu, click on the dropdown at the top right, and select "Directory Profile." Click "Edit" on the right of the name panel, uncheck "Use my legal name" under "Display Name," update how you wish your name to be displayed, and click "Submit" at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for official UF records.

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?preview=98226140>

UF Academic Policies and Resources:

Other information about uf academic policies and resources can be found at [this link](#).

Getting help:

For issues with technical difficulties for E-learning in Canvas, please contact the UF Help Desk at:

- Learning-support@ufl.edu
- (352) 392-HELP - select option 2
- <https://lss.at.ufl.edu/help.shtml>

Other resources are available at <http://www.distance.ufl.edu/getting-help> for:

- Counseling and Wellness resources
- Disability resources
- Resources for handling student concerns and complaints
- Library Help Desk support

Disclaimer: *This syllabus represents the current course plans and objectives. As the semester proceeds, these plans may be changed to enhance the class learning*

experience. Such changes, communicated clearly, are not unusual and should be expected.