

## Pre-trial Practice Syllabus

Fall Semester, Section A, Law 23150  
University of Florida Levin College of Law  
January \_\_, 2026

**PROFESSOR:** Ben L. Fernandez, 316 Holland Hall, 352 225 8031,  
[Fernandez@law.ufl.edu](mailto:Fernandez@law.ufl.edu). Office Hours: Monday, Wednesday, 12:00 p.m. to 1:00 p.m.; 3:00 p.m. to 4:00 p.m., and by appointment.

**CLASS TIME AND LOCATION:** Monday, Wednesday, 1:15 to 2:40 pm, MLAC, Room 106.

### **COURSE DESCRIPTION AND OBJECTIVES:**

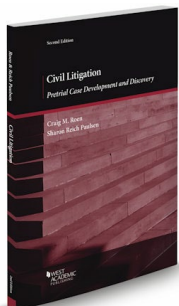
This course is designed for students who are planning to become civil litigators after graduation. More than 95% of civil cases settle before trial, so most of your legal practice will be “pre-trial” practice. The course therefore offers in-depth study and training in civil litigation up until trial, 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, mediation, and strategic decision-making at each step of the process.

### **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

### **REQUIRED READING MATERIALS:**



1. Roen & Paulsen, **Civil Litigation: Pretrial Case Development & Discovery** (1st or 2d ed.)
2. An up-to-date digital or paper copy of the Federal Rules of Civil Procedure (to be provided by Professor).
3. An up-to-date digital or paper copy of the Federal Rules of Evidence (to be provided by Professor).

4. Supplemental materials and case file posted on the course Canvas website.

### **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.

You are expected to participate in class. If you don’t participate voluntarily, I will likely “cold call” on you. If you still don’t participate, your final grade may be reduced by up to 5% (1% each time that happens). Homework assignments that are not timely completed before class are also subject to a deduction of up to 5% (1% for each assignment not turned in).

### **CLASS ATTENDANCE AND MAKEUP POLICY:**

Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are allowed four absences during the course of the semester. 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](#).



### **UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:**

Other information about UF Levin College of Law policies can be found at [this link](#).

### **UF ACADEMIC POLICIES AND RESOURCES:**

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

## **ABA OUT-OF-CLASS HOURS REQUIREMENTS:**

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. [Each weekly class is approximately 2 hours in length, requiring at least 4 hours of preparation outside of class including reading the assigned materials, writing critical analyses, and developing your final paper.

## **COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS**

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change.

<b>Class</b>	<b>Assigned Reading (Due Before Class)</b>	<b>Assigned Writing (Due before Next Class)</b>	<b>Class Discussion; In-Class Activities</b>
1/21	Chapter 1, Civil Litigation		Factual Investigation, Legal Research, Pleadings, Discovery, Dispositive Motions
26	Case File: Magna Lev		Go Over Case File, Assign Law Firms
28	Chapter 2 & 3 Case Development, Litigation Management	Draft Case Map, Upload to Canvas by 2/2	Case Development, Litigation Management
2/2	Complaint Drafting Handout, FRCP 8(a), 8(d)	Draft Complaint, Upload to Canvas by 2/4	Complaint Drafting
4	FRCP 8(b), 8(c)	Draft Answer, Upload to Canvas by 2/9	Drafting an Answer
9	Chapter 4 & 5, Scheduling Order, Initial Disclosures, FRCP 16(b)(3), 26(a)	Draft Proposed Scheduling Order, Upload to Canvas by 2/11	Scheduling Order, Initial Disclosures
11	Chapter 6 & 7, Overview of Discovery, Written Discovery, FRCP 33(a)	Draft Interrogatories, Upload to Canvas by 2/16	Overview of Discovery, Written Discovery

16	Chapter 12, Reasons for Withholding Information, FRCP 33(b), 26(b), 26(c)	Draft Answer to Interrogatories, Upload to Canvas by 2/18	Reasons for Withholding Information
18	FRCP 34	Draft Request for Documents, Upload to Canvas by 2/23	Request for Documents
23		Draft Response to Request for Documents, Upload to Canvas by 2/25	Response to Request for Documents
25	FRCP 36	Draft Request for Admissions, Upload to Canvas by 3/2	Request for Admissions
3/2		Draft Response to Request for Admissions, Upload to Canvas by 3/4	Response to Request for Admissions
4	Chapter 8, Depositions, FRCP 30	Draft Depo Outline, Depo Notice, Upload to Canvas by 3/9	Depositions
9			Take Plaintiff Depos
11			Take Defendant Depos
	<b>SPRING</b>	<b>BREAK</b>	
23	Chapter 9, Experts, FRE 702-704	Draft Expert Interrogatories, Upload to Canvas by 3/25	Experts
25	Chapter 10, E-Discovery		E-Discovery
30	Chapter 11, Physical and Mental Exams, FRCP 35	Draft Request for Physical or Mental Exam, Upload to Canvas by 4/1	Physical and Mental Exams
4/1	Chapter 13 & 15, Discovery Disputes, Discovery Record, FRCP 7(b), 37	Draft Motion to Compel, Upload to Canvas by 4/6	Discovery Disputes, Discovery Record

6		Draft Opposition to Motion to Compel, Upload to Canvas by 4/8	Motion to Compel
8			Hearings on Motions to Compel
13			Hearings on Motions to Compel
15	Mediation Handout	Draft Mediation Statement, Upload to Canvas by 4/20	Mediation
20			Mediation Sessions
22			Mediation Sessions
27	Chapter 14, Litigation Technology		Litigation Technology
	<b>SUMMER</b>	<b>BREAK</b>	

