

Pre-Trial Civil Practice
University Of Florida Levin College Of Law
SPRING SYLLABUS – LAW 6930/CLASS #23876 – 3 CREDITS

Professor: William F. Hamilton
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Our Class Meeting Time: Monday, Tuesday, and Wednesday at 1:45 - 2:40 pm

Our Class Location: Holland Hall 283

My Office Hours:

My physical office hours are on Mondays and Tuesdays from 3:00-4:00 p.m., and by appointment. My office is HH 376. I encourage you to contact me regularly during the semester and to ask any questions that you may have about the course or about the practice of law. We can always meet by Zoom.

Class Coursebook:

Roan & Paulsen, *Civil Litigation: Pretrial Case Development & Discovery* (2d ed.)

Course Description and Learning 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. Your legal practice will mostly be “pre-trial” practice. The course offers in-depth study and training in civil litigation until trial, with the aim of making you practice-ready. We will cover case fact and theme development, pleadings, discovery (including written requests and responses, motion practice, and depositions), settlement negotiation, and strategic decision-making.

Your Professor:

I joined the UF Law faculty 6 years ago on a full-time skills instructor after 30+ years practicing complex civil litigation with Holland & Knight and with Quarles & Brady. I also taught at UF Law as an adjunct from 2007-2017. Here is my [LinkedIn address](#) that provides more information about me.



I am from Philadelphia. You will undoubtedly notice my Philadelphia accent. I attended Lehigh University in Bethlehem, Pennsylvania, as an undergraduate, and I did graduate work at Washington University in St. Louis, Mo. I graduated from UF Law in 1983.

Student 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 Grading and Expectations:

There will be no final exam in this course. Rather, at the end of the semester, you will have earned 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).

A limited number of “S+” grades may be awarded.

“Law Firms” and Good Faith Participation in Course Assignments:

You will be assigned to varying three- or four-person “law firms” and will litigate against each other throughout the semester using a simplified but realistic case file. You will complete most written assignments in your firm as a group assignment. Keep in mind that you will only get out of this course what you put into it.

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. In the “hands-on” exercise portions of the course you are expected to behave as, and to treat your colleagues and counterparts as, practicing lawyers.

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.

Please read [The Florida Bar’s Professionalism Expectations](#).

Class Attendance Policy:

This is a skills course. Attendance in class is required by both the ABA and the Law School. You cannot achieve the course objectives without attending class and actively participating in the discussions and simulation exercises. Moreover, skipping classes in this course often creates more work for your teammates. Thus, you may take a maximum of two absences through the semester – but **you may not take an unexcused absence on key dates for your team, such as your**

deposition days or your motion hearing days. For those days, you must request and receive the excused absence at least a week in advance (except in the instance of a true emergency), and I will grant one for necessary reasons only.

There are Attendance Assignments for each class on Canvas which you must complete. 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](#).

Technology:

You must bring a laptop or tablet to every class so that you can access materials 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. Do not check social media sites, email, or text messages during class. Develop a strong distraction filter. Nothing will happen during class time that you cannot attend to after class.

Class Attire:

Business attire is required for the motion arguments and depositions, which I will remind you about in advance.

UF 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 is available for you.

Health Policy:

If you are sick, out of respect for your colleagues, please do not come to class. You will not be marked absent if you cannot attend class because you are sick.

Course Schedule of Readings, Topics, and Assignments:

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.

All readings are from the coursebook ("CB") and the [Federal Rules of Civil Procedure](#) ("FRCP") and the [Federal Rules of Evidence](#) ("FRE") unless otherwise indicated.

Week 1: 8/21

Reading for the week: Syllabus, Ch. 1

Topic: Intro to Class, Reviews of Syllabus, Overview of civil litigation process

Week 2: 8/28

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

Topics: Pre-Complaint Investigation & Evaluation; Pleadings

**Plaintiffs must serve Complaint by Friday, September 1, at 11:59pm.
Defendants must serve Answer by Sunday, September 3, at 11:59pm.**

Week 3: 9/5

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

Topic: Case Development & Intro to Discovery

Case evaluation memo and first version of evidence map due to ME Friday, September 8, at 11:59pm.

Week 4: 9/11

Reading for the week: Ch. 7; FRCP 26(a)(1), 26(b)(1)-(2), 26(g), 33, 34, 36

Topic: Serving Written Discovery

Serve interrogatories, requests for production, and requests for admissions by Friday Sunday, September 15, at 11:59pm.

Week 5: 9/18

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

Topic: Responding to Written Discovery

Serve responses and objections interrogatories, requests for production, and requests for admissions by Friday, September 22, at 11:59pm.

Week 6: 9/25

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

Topic: Discovery Disputes & Motion Practice

Serve motions to compel discovery by Friday, Sept. 29, at 11:59pm.

Week 7 : 10/2

Topic: Opposing Motions

Serve responses to motions to compel discovery by Friday, October 6, at 11:59pm.

Week 8: 10/9

Topic: Hearing Prep

Activity: Hearings on Motions to Compel (Dress professionally!)

Team hearing report and individual reflection due to ME by Friday, October 13, at 11:59pm.

Week 9: 10/16

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

Topics: Hearings Debrief, Intro to Deposition

Second version of evidence due to ME by Friday, October 20, at 11:59pm.

Week 10: 10/23

Topic: Depositions (cont'd)

Week 11: 10/30

Activity: Plaintiff's Depositions (Dress professionally!)

Activity: Defendants' Depositions (Dress professionally!)

Team deposition report and individual reflection due to ME by Friday November 3, at 11:59pm.

Week 12: 11/6

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

Topics: Professionalism & Working with Expert Witnesses; Pre-Trial Negotiations & Settlement

Final version of evidence map and mediation statement due to ME by Friday, November 10, at 11:59pm.

Week 13: 11/13

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

Activity: Mediations (Dress professionally!)

Topic: Debrief the mediations & discuss trial prospects.

Accommodations For Students with Disabilities:

Students with disabilities who experience learning barriers and would like to request academic accommodations should connect with the [Disability Resource Center](#). It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester.

Health and Wellness Resources:

- *U Matter, We Care:* If you or someone you know is in distress, please contact umatter@ufl.edu, 352-392-1575, or visit [U Matter, We Care website](#) to refer or report a concern and a team member will reach out to the student in distress.
- *Counseling and Wellness Center:* [Visit the Counseling and Wellness Center website](#) or call 352-392-1575 for information on crisis services as well as non-crisis services.
- *Student Health Care Center:* Call 352-392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](#).
- *University Police Department:* [Visit UF Police Department website](#) or call 352-392-1111 (or 9-1-1 for emergencies).
- *UF Health Shands Emergency Room / Trauma Center:* For immediate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; [Visit the UF Health Emergency Room and Trauma Center website](#).

Basic Needs Assistance:

Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office of Student Affairs. If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

University Policy on Academic Misconduct:

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the [UF Law Student Honor Code](#).

Taking Notes Should in Class:

I recommended that you do not take word-for-word notes. This is not a court reporting class! Instead, think about what is happening in class and record the key ideas. Handwriting your notes is better for you than typing notes. Beyond that, it is a good legal skill. You will need to learn to take good witness interview notes, deposition notes, and trial notes. A computer will not always be available or good to use.

Recording Devices and Cell Phones:

Cellular telephones should not be used during class and ringers should be silenced.

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.

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.

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. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluer.com/ufl/>. Summaries of course evaluation results are available to students [here](#).

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.

DISCLAIMER: The terms of this Syllabus are subject to modification at the Instructor's discretion. If modifications are made, students will be notified through their Professor's Canvas page or in class.