University of Florida

Levin College of Law

Florida Civil Procedure

Course 6303 Class 16533 3-credits

Course Syllabus

Spring 2019



***Course:*** Florida Civil Procedure

Spring Semester 2019

***Class time*:** M, T, W 11:00 AM – 11:50 AM, Room 285C

***Office Hours*:**

Tuesdays 1:00 PM – 3:00 PM, or by appointment. I am also available for Zoom video conferences at other times. Just send me a request by email or we can set an appointment before or after class.

***Why You Should Take This Course*:**

This is a skills-based course will provide a through introduction to the rules, regulations, cases and principles of pre-trial Florida civil procedure. The course will emphasize concrete litigation problems and strategies.This course is essential for anyone anticipating a career that involves litigation in Florida courts. This course will give you a good feel for what it means to be a practicing litigator and how to hit the ground running when you start practicing. The course will also cover materials that you will see in the Florida Bar Examination. This course does not cover trial, post-trial, or appellate practice.

***Who Is Your Professor?***

****

I joined the UF Law faculty as a Legal Skills Professor after 30 years practicing complex civil litigation in state and federal courts with Holland & Knight (Miami and Tampa) and Quarles & Brady (Tampa). Prior to joining the faculty, I had the privilege of teaching as an adjunct professor at UF Law for 10 years.

I earned my undergraduate degree (philosophy) from Lehigh University in Bethlehem, Pennsylvania, and a Master’s Degree (philosophy) from Washington University in St. Louis, Mo. 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>

<http://www.quarles.com/william-bill-hamilton/>

I am married to Cynthia Tejcek. Cindy graduated from Loyola University in Chicago with a BS in mathematics. She holds an MBA from Kellogg School of Management at Northwestern University. We meet when she was the chief information officer of the ABA. Yes, we are big Cubs and Rays baseball fans

We have a son who earned a BA in mathematics at the University of West Florida and is now commissioned as an Army second lieutenant stationed at Ft. Stewart, GA.



We have another son who is just starting a career as a Registered Nurse.



Our daughter will graduate in May 2019 from UF with a BS in sociology and criminology.



***How Can You Get In Touch with me?***

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

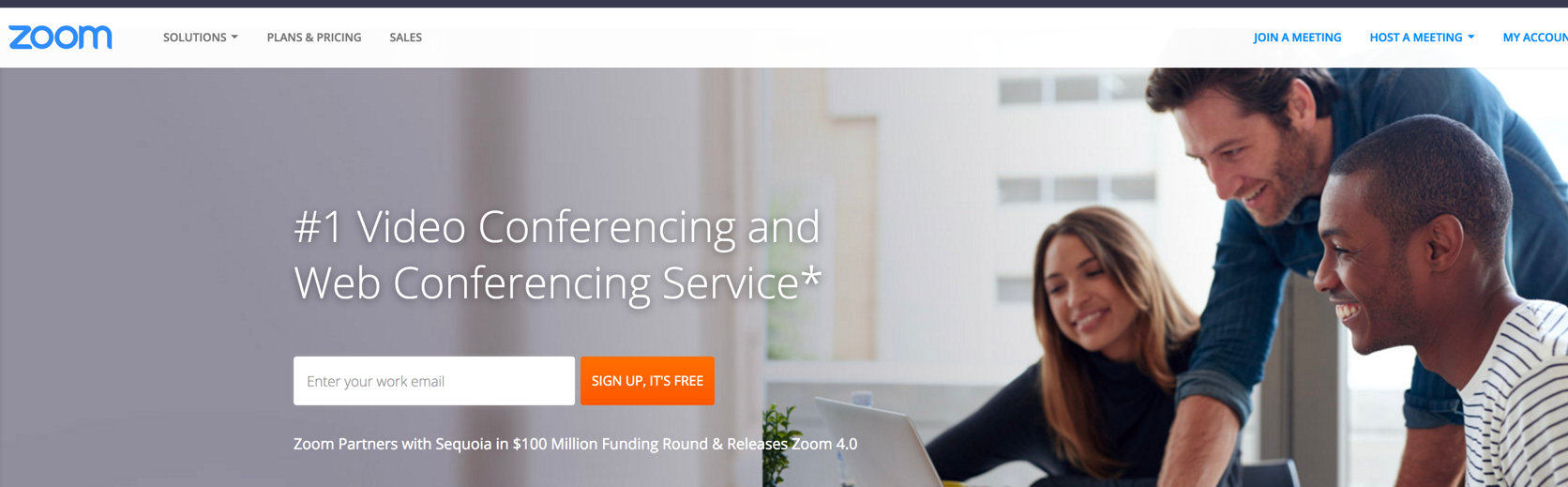
|  |  |  |  |
| --- | --- | --- | --- |
| Email | Telephone | Text | Office |
| hamiltonw@law.ufl.edu | 480.993.8777 | 480.993.8777 | 342 Holland: Tuesdays 1-3 |

Please let me know If you have something to share with me – an inspiration, a new thought, a frustration, or concern. Let have coffee together in the commons.



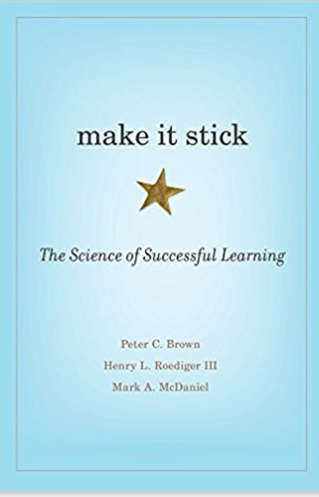
Zoom is one of my favorite videoconferencing tools. We can have a face-to-face video conference any time (even on tablets and smartphones). It is as simple as Facebook.

|  |  |
| --- | --- |
| Zoom | SKYPE |
| <https://zoom.us/j/5410389684> | william.hamilton.1120 |

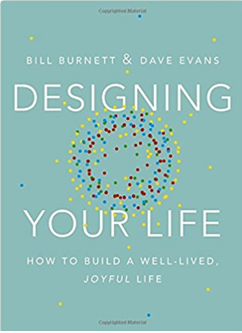


**Teaching Philosophy and Instructional Methods:** This course has a practical orientation. While you will learn the Florida Rules of Civil procedure and read cases, the emphasis of the course is on solving practical litigation problems. The course will feature class discussions, practical exercises, and periodic law stakes quizzes.

My educational approach is largely captured in ***Make It Stick: The Science of Successful Learning*** by Peter C. Brown.

[](file:///C:\Users\krisv182\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\8H3DI521\.%20http:\www.amazon.com\Make-It-Stick-Successful-Learning\dp\0674729013)

In part, this course is designed to introduce you to a variety of career paths. I recommend the book ***“Designing Your Life: How to Build a Well-Lived Joyful Life,”*** by Burnett and Evans, Alfred A. Knopf (2016), for helpful strategies to find career directions that will work for you.

[](https://designingyour.life/the-book/)

**Attendance:**

You are expected to attend all class sessions. You will be asked to read certain basic cases and secondary sources for each class. Every three weeks there will be an in-class 20-minute multiple choice quiz to give us some some feedback on how we are doing.

***Examination and Grading Policy*:** The final examination will count for 1/2 the final grade. The other 1/2of your grade will be determined by your quiz scores, class activities and exercises, and class attendance.

***Is this Course Graded on a Curve?***

This course is graded on a curve. Fortunately, it is **not** a classic bell curve!

I am provided a curved grade range by the Registrar and my class grade average must be within that range. In past semesters, my grade point average has been around 3.25.

Points may be earned as follows:

***1. Final examination***: 400 points.

There will be a 3-hour “take-home” open book examination composed of various short answer questions, multiple choice questions, and short essay questions. The final exam may be taken at any time during the finals period. The student Honor Code applies.

The examination will be administered by the Registrar’s office using ExamSoft. The examination will include materials and topics discussed in class in addition to the readings.

***2. Class Attendance and Participation:*** 200 points (5 points per class, except first two classes).

Class attendance and participation is expected. Each class is worth 5 points. Class participation will be evaluated on the following rubric:

1. Asking and answering questions that illuminate e-discovery issues,
2. Asking and answering questions that enrich the class dialogue and advance the classes understanding of the issues,
3. Participating in the class dialogue,
4. Demonstrating class preparation.

I recognize that you may have legitimate and compelling personal and professional requirements that may cause a class absence. If you will not be attending a class for a personal or professional reason, please notify me in advance as a courtesy. You have four “free” excused absences. After four absences, you will lose class attendance points for each class missed thereafter, absent compelling circumstances.

***3. Low Stakes Check-Ups and Class Exercises*:** 200 points

There will be four 20-minute in class “check-ups” that will consist of multiple choice, true/false, and matching or short answer questions. Each of the checkups will be worth 50 points. The multiple-choice check-ups are designed to give you feedback and a reality check on how well you understand the course materials presented so far and to provide feedback to me on what course areas and topics may need additional coverage

***Class Cancellations***

Occasionally, I may have to reschedule a class due to professional demands. If this happens, I may record video lectures for the class to watch or conduct the class remotely by Zoom.

***Are Smartphones and Laptops Permitted in the Classroom?***

You may use laptops in class to take notes. I will turn my phone off when I come to class. Please do the same. Please restrict the use of your laptop to taking notes. Do not visit social media websites, texting, or emailing. Keep your browser closed to avoid temptation. Turn off notifications. Do not abuse this privilege. I expect your attention in class. Nothing life changing will happen while you are offline in class.

***What Notes Should I Take in Class?***

I recommended that you do not take word-for-word literal notes. This is not a court reporting class! Instead, think about what is happening in class and record the key ideas. Actually, handwriting your notes is better for you then typing notes. Check out this article***:*** [***Note-Taking: Writing vs. Typing Notes***](https://studyskills.com/students/note-taking/%5d.)***.*** 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.

***Assigned Text:***

*There is no assigned text. All the materials consist of publicly available cases that I have selected, Florida Rules of Civil Procedure, statutory laws, and selected sections of secondary sources.*

***Our principal secondary sources:***

# LexisNexis® Practice Guide: Florida Pretrial Civil Procedure (LexisNexis)

# LexisNexis® Practice Guide Florida E-Discovery and Evidence (LexisNexis)

# LexisNexis® Florida Civil Procedure (LexisNexis)

# Trawick's Florida Practice & Procedure (Westlaw)

[2 Florida Civil Procedure § 19-1 (2018)](https://advance.lexis.com/api/document/collection/analytical-materials/id/53MD-86X0-R03M-80H7-00000-00?cite=2%20Florida%20Civil%20Procedure%20%C2%A7%2019-1&context=1000516)

[2 Florida Civil Procedure § 19-1 (2018)](https://advance.lexis.com/api/document/collection/analytical-materials/id/53MD-86X0-R03M-80H7-00000-00?cite=2%20Florida%20Civil%20Procedure%20%C2%A7%2019-1&context=1000516)

***Weekly Class Objectives, Schedule, and Assignments:***

Please refer to the Course page on Canvas. The course will cover the essentials of pretrial civil procedure practice commencing with the complaint through discovery and summary judgment. The topics we will cover will include:

* pleading practice
* motions to dismiss
* answers
* interpleader
* intervention
* necessary and required parties
* third party practice
* personal jurisdiction
* subject matter jurisdiction
* class actions
* multi-party and multi-claim actions,
* declaratory judgment
* temporary and permanent injunctions
* election of remedies
* interrogatories
* requests for production
* electronic discovery
* depositions
* offers of judgment
* summary judgment.

I reserve the right to make reasonable adjustments and modifications to the weekly schedule as required by the pace and progress of the class.

***Statement related to accommodations for students with disabilities***

Students requesting 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 for which they are seeking accommodations.

***Information on UF Law grading policies***

Grade Points Grade Point Grade Point

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: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

# *Student Course Evaluations*

You can provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but you will receive notice of the specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>

***University policy on academic misconduct*:**

Academic honesty and integrity are fundamental values of the University community. You should be sure that they understand the UF Student Honor Code at http://www.dso.ufl.edu/students.php.

**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.*