University of Florida Levin College of Law

Compressed Course Syllabus

**Introduction to Litigation Skills**

Monday through Thursday, 9:30 a.m. – 4:00 p.m.

Jacksonville, FL

*Fall 2023*

**INSTRUCTOR INFORMATION**

The Hon. Melissa W. Nelson, State Attorney

Office Location: 311 W. Monroe St., Jacksonville, FL, 32202
Office Phone: (904) 255-3002
Email: mwnelson@coj.net

The course’s primary instructor will be State Attorney Melissa Nelson. All guest lecturers are experienced criminal trial lawyers and judges. See final section below for detailed biographies of all instructors.

**COURSE DESCRIPTION**

In Florida’s criminal justice system, the State of Florida is represented by two separate yet equally important groups: the police, who investigate crime, and the state attorneys, who prosecute the offenders. These are their stories—and the skills used to pursue justice on their behalf.

This one-credit class will give you the opportunity to see what it’s like to be a trial lawyer. The class is open to 2L students only. This course is not as a substitute for the Pre-Trial Practice or Trial Practice courses, but rather to get students interested in litigation, and to learn introductory litigation skills. This class will provide an opportunity for focused, hands-on training and learning in a stress-free, encouraging environment. There are no prerequisites for this course. The Rules of Evidence and Rules of Criminal Procedure relevant to our trainings will be discussed during the course of this program.

This class will be held Monday through Thursday from 9:30 a.m. to 4:00 p.m. at the State Attorney’s Office in Jacksonville, FL, in our historic courtroom. All trainings will be delivered by experienced criminal prosecutors. Students will be given a criminal case file to review, receive training on how to deliver an opening statement, direct examination, and a cross examination, and then will have the opportunity to display these skills. Final grades will be determined by students’ class participation and skills demonstration. Students will receive feedback on these demonstrations from experienced prosecutors.

Students will also learn about the operations of the office’s Conviction Integrity Unit—the first in Florida—tour our Forensic Art Studio and historic building, and met with state and federal judges and prosecutors.

**LEARNING OBJECTIVES**

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

* Articulate the lifespan of a criminal case—from investigation and charging to interviewing, motions, jury selection, and argument;
* Demonstrate an understanding of litigation skills, including how to structure an opening statement, how to prepare evidence and predicates for direct examinations, and how to successfully cross examine a witness or criminal defendant; and
* Develop or refine a professional identity that reflects the core values of the legal profession and embraces ethical problem-solving in the criminal justice arena.

**CLASS MEETING LOCATION AND TIME AND OFFICE HOURS**

This course will meet beginning Monday, August 14 and conclude Thursday, August 17, 2023. It will meet daily from 9:30 a.m. to 4:00 p.m. at the Jacksonville State Attorney’s Office, located at 311 W. Monroe St., Jacksonville, FL 32202.

Office hours will be held immediately following class each day.

**CLASS ATTENDANCE**

Attendance at each session of this compressed course is mandatory. Any missed session will result in a five-point reduction in a student's final grade (on a 100-point scale) for each missed session. Additional information about UF Law’s attendance policy is available [here](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies#:~:text=co%252Dcurricular%2520activities.-,Attendance,regular%2520and%2520punctual%2520class%2520attendance.&text=UF%2520Law%2520policy%2520permits%2520dismissal,of%252012%2520credits%2520per%2520semester.).

**CLASS ATTIRE**

Standard business/courtroom attire is required. Please wear or bring with you a blazer each day.

**REQUIRED READING**

* No textbook is required for this course. All materials needed are available online for free.
* Please refer to each individual day in the Course Schedule section for list of required readings.

**RECOMMENDED MATERIALS**

* “[Juvenile Civil Citation: An Effective Innovation in Reducing Crime and Recidivism](https://sao4th.com/wp-content/uploads/2019/08/Juvenile-Civil-Citation-Article.pdf),” The Hon. Laura Lothman Lambert, American Bar Association, Criminal Justice, Volume 34, Number 2, Summer 2019 publication

#### [SAO4 Juvenile Justice Advisory Committee Final Report and Recommendations](https://sao4th.com/wp-content/uploads/2019/06/SAO4-Juvenile-Justice-Advisory-Committee-Final-Report-and-Recommendations.pdf)

* *Bone Valley* podcast, Lava for Good and Gilbert King, 2022
* “[The Innocent Man, Part One](https://www.texasmonthly.com/true-crime/the-innocent-man-part-one/),” Michael Morton, Texas Monthly, Nov. 2012
* “[Valentino Dixon's Redemption](https://www.golfdigest.com/story/valentino-dixon-golf-digest),” Max Adler, Golf Digest, Dec. 2018
* “[Famous (and Infamous) Cases - Opening Statements and Closing Arguments: Making Your Case](https://libraryguides.law.pace.edu/c.php?g=319373&p=2133435),” Research Guides at Pace University, Elisabeth Haub School of Law, Oct. 2022
* “[Famous (and Infamous) Testimony - Examination and Cross-Examination: Getting the Facts](https://libraryguides.law.pace.edu/c.php?g=319389&p=2134318),” Research Guides at Pace University, Elisabeth Haub School of Law, Oct. 2022
* “[Trial Practice Skills - Examination and Cross-Examination: Getting the Facts](https://libraryguides.law.pace.edu/c.php?g=319389&p=2134387),” Research Guides at Pace University, Elisabeth Haub School of Law, Oct. 2022
* “[The Investigating Officer’s Direct Exam](https://evawintl.org/wp-content/uploads/2018-01_TB-Direct-Examination.pdf),” Herb Tanner, End Violence Against Women International (EVAWI), June 2020
* “[King was arrested in St. Augustine](https://www.staugustine.com/story/news/local/2011/01/17/king-was-arrested-st-augustine/16213930007/),” Justine Griffin, staugustine.com, Jan. 2011; “[Dr. Martin Luther King Jr.'s connection to First Coast has ties to Civil Rights Act of 1964](https://www.firstcoastnews.com/article/news/history/dr-martin-luther-king-jrs-connection-to-first-coast-has-ties-to-civil-rights-act-of-1964/77-829b68f6-28a6-467e-9758-81bafd612b15),” Kailey Tracy, firstcoastnews.com, Jan. 2021; and “[PHOTOS: Martin Luther King, Jr. in St. Augustine, 1964](http://totallystaugustine.com/photos-martin-luther-king-jr-in-st-augustine-1964/),” totallystaugustine.com, Jan. 2018 about the historic State Attorney’s Office building

**PERFORMANCE EXPECTATIONS AND GRADING INFORMATION**

The components of the final grade for the course are:

* Written reflections on the readings listed in this syllabus: 50% (responses are due prior to class and should be submitted in Canvas)
* Classroom preparation and participation: 50%

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

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 [here](https://ufl.instructure.com/courses/427635/files/74674656?wrap=1). This information is also posted on the Student Resource Canvas page.

**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. Our weekly class time is approximately 26 hours in length, requiring at least 34 hours of preparation outside of class including reading the assigned materials and completing the at-home exercises and assignments. Please note that due to the compressed nature of this course, the bulk of your preparation must be done in the days prior to the start of class.

**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 slight modification. Specific assignments and supplemental reading may be announced in class and/or in Canvas.

**Monday, August 14, 2023: Opening Statements**

* Welcome & Tour of Historic Office
* “What is the Role of a Prosecutor?” presentation about the office and its role in the Northeast Florida community
* Brown Bag Lunch with the Hon. London Kite, Circuit Court Judge, Fourth Judicial Circuit of Florida
* Receive Skills Intensive assignment guidelines and instructions; receive and review a criminal case file to be used for opening statement, direct examination, and cross examination portions of the Skills Intensive
* Opening Statements training presented by State Attorney Melissa Nelson

**Due by 9:00 a.m. Monday, August 14**, watch/read and be prepared to discuss:

* “[How Courts Work: Steps in a Trial](https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/directexam/),” American Bar Association, Sept. 2019
* “[Tips for Developing an Effective Opening Statement](https://www.americanbar.org/groups/litigation/committees/trial-practice/articles/2020/spring2020-tips-for-effective-opening-statements/?login),” American Bar Association, April 2020
* “[10 Tips for effective opening and closing arguments](https://www.americanbar.org/news/abanews/publications/youraba/2017/july-2017/10-tips-for-effective-opening-and-closing-arguments/),” American Bar Association, July 2017
* “[Effective Opening Statements](https://www.law.uh.edu/center4clp/streetlaw/Mock%20Trial/Mock%20Trial%20AY%202017-18/Handouts%20%26%20Activities/Opening%20Statements%20Handout%202.pdf),” University of Houston Law Center, 2003
* “[How Courts Work: Opening Statements](https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/openingstatements/),” American Bar Association, Sept. 2019
* Florida Evidence Code § 90.401-410
* “[Lions of the Trial Bar](https://www.abajournal.com/magazine/article/lions_of_the_trial_bar/),” Mark Curriden, American Bar Association, March 2009
* *Ehrhardt’s Florida Evidence* (2022) - various readings and discussion

**After training, upload to Canvas your written response to one of these questions:**

Please select one of the following topics and submit a (insert word length here) response for discussion:

1. Lawyers spend three years learning how to use legal terminology specific to their craft. What types of language are most effective when communicating with a jury and why?
2. Describe the concepts of primacy and recency, and how these concepts would affect construction of an opening statement.

**Tuesday, August 15, 2023: Direct Examinations**

* Forensic Art Studio tour with Jim McMillian
* Conviction Integrity Unit presentation and training with Director Shelley Thibodeau
* Brown Bag Lunch with Assistant State Attorneys
* Direct Examinations training with Director John Kalinowski

**Due by 9:00 a.m. Tuesday, August 15**, watch/read and be prepared to discuss:

* “[The Innocent Man, Part Two](https://www.texasmonthly.com/true-crime/the-innocent-man-part-two/),” Texas Monthly, Michael Morton, Nov. 2012
* *Brady v. Maryland,* 373 U.S. 83 (1963)
* *Giglio v. United States*, 405 U.S. 150 (1972)
* “[How Courts Work: Direct Examination](https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/directexam/),” American Bar Association, Sept. 2019
* Florida Evidence Code Statute 90.401-410, 90.701-702.
* *Jackson v. Household Finance Corp*., 298 So.3d 531 (2020) - laying predicate
* *Bolin v. State of Florida*, 41 So.3d 151 (2010) - lay witness opinion testimony
* *Ehrhardt’s Florida Evidence* (2022) - various readings and discussion

**After training, upload to Canvas your written response to these question(s):**

1. There is currently no mechanism in Florida for a prosecutor’s office to exonerate someone. Do you think there should be, and if so, why?

**Wednesday, August 16, 2023: Cross Examinations**

* Crime Gun Intelligence Center (CGIC) tour and discussion of aggressive prosecutions of prohibited and habitually offending persons
* CGIC and Targeted Prosecution training with Director Mark Caliel
* Brown Bag Lunch with the Hon. Marcia Morales Howard, U.S. District Court Judge; the Hon. Patricia Barksdale, U.S. Magistrate Judge; and the Hon. Laura Lothman Lambert, U.S. Magistrate Judge, U.S. District Court for the Middle District of Florida
* Cross Examinations training with Director Alan Mizrahi or Chief Assistant L.E. Hutton

**Due by 9:00 a.m. Wednesday, August 16**, watch/read and be prepared to discuss:

* “[Famous (and Infamous) Testimony - Examination and Cross-Examination: Getting the Facts](https://libraryguides.law.pace.edu/c.php?g=319389&p=2134318),” Research Guides at Pace University, Elisabeth Haub School of Law, Oct. 2022
* [Irving Younger's 10 Commandments of Cross Examinations](https://www.nebarfnd.org/sites/default/files/2019-04/10commandments.pdf),” and “[Irving Younger's 10 Commandments of Cross-Examination](https://www.youtube.com/watch?v=cFT5qEquiVE),” summarized from *The Art of Cross-Examination* by Irving Younger, nebarfnd.org, Aug. 1975
* Florida Evidence Code § 90.601-616, 90.803
* *Brown v. State of Florida*, 580 So.2d 327 (5th DCA 1991)
* *Riechmann v. State of Florida*, 581 So.2d 133 (1991)
* “[How Courts Work: Cross Examination](https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/crossexam/),” American Bar Association, Sept. 2019
* *Ehrhardt’s Florida Evidence* (2022) - various readings and discussion
* [SAO4 Gang Reduction Strategy Paper](file:///%5C%5Citdfleprd07%5CSAOAll%5CInternship%20Program%5C%E2%80%A2%09https%3A%5Csao4th.com%5Cwp-content%5Cuploads%5C2019%5C01%5CGang-Reduction-Strategy.pdf), Jan. 2019
* [Written Testimony to the President’s Commission on Law Enforcement and Administration of Justice](https://sao4th.com/wp-content/uploads/2022/06/Melissa-W.-Nelson-Testimony-Florida-SAO4.pdf), State Attorney Melissa Nelson, April 2020

**After training, upload to Canvas your written response to these question(s):**

1. How do you think the pursuit of justice versus public safety should be balanced?

**Thursday, August 17, 2023: Skills Intensive and Final Thoughts**

* Duval County Courthouse tour and meet-and-greet with judges (Class will meet at the SAO4 as normally scheduled. The two buildings are physically joined by an aerial bridge, and students will be escorted to and from the Courthouse.)
* Skills Intensive preparation, competition, grading, and feedback
* Concluding reception at the SAO4

**COMMUNICATION COURTESY AND CIVILITY**

Please follow rules of common courtesy in all email and text messages and class discussions. *Turn off your cell phone during class.* The instructors reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

**INTERNET USE DURING CLASS**

*Use of the Internet during class is not permitted, unless directed.*You may not check social media sites, check email (even Clinic or career related emails), or news sites. Think of class an important client meeting and schedule your emailing needs accordingly. Your internet use, even for a noble purpose, is a violation of the standards of professionalism. If you have concerns about this policy, please feel free to discuss them with your instructors.

**INSTRUCTOR & PRESENTER BIOGRAPHIES**

**Melissa W. Nelson, State Attorney**

Melissa W. Nelson took office as the State Attorney for Florida’s Fourth Judicial Circuit in January 2017 and was re-elected in 2021 without opposition. In the role, she leads more than 300 attorneys, staff, and investigators in their pursuit of justice. Since taking office, she has implemented policies to strengthen public safety and incapacitate dangerous individuals while establishing needed smart justice reforms and initiatives that have saved money for taxpayers, increased transparency, and kept the community protected. Nelson sits on several local and national boards, including ATF’s National Crime Gun Intelligence Governing Board and Florida’s Cold Case Advisory Commission. She earned her undergraduate and law degrees from the University of Florida and is a fellow of the American College of Trial Lawyers.

**L. E. Hutton, Chief Assistant State Attorney**

L. E. Hutton is a former Assistant State Attorney who returns to the State Attorney’s Office in a chief leadership role after a distinguished career in the private sector. Hutton began his legal career in 1998 as an Assistant State Attorney and prosecuted homicides, white collar crimes, drug-related violations, and violent felonies. He was appointed to the Special Prosecution Unit and also was a member of the hiring committee during his initial tenure with the office. In 2001, he joined the law firm of Willis, Ferebee & Hutton as a partner to continue his career in criminal law at the state and federal levels. During his almost 16 years with the firm, Hutton took on a variety of cases, including complex white-collar trials in federal court, state, and federal grand jury investigations, and capital murder cases. His efforts outside of the office have included serving as a member of the Grievance Committee for the United States District Court for the Middle District of Florida and serving as chair of the City of Jacksonville’s Ethics Commission. As Chief Assistant, Hutton supervises operations in all three counties. He earned both his bachelor’s degree in political science and law degree from the University of Florida.

**Mark Caliel,** Circuit Court Director

Mark Caliel is the Director of Circuit Court, also known as the felony division. Caliel is a graduate of the University of Arizona and Florida State University School of Law. Since March 1997, Caliel has served an Assistant State Attorney in Jacksonville, FL. During his time at the SAO, he has been lead counsel in more than 100 jury trials and specializes in homicide and violent crime prosecutions. Caliel has been a member of the Florida Bar Criminal Procedure Rules Committee and served as chair of the committee in 2012-13. Additionally, he has received numerous honors, including the State Attorney Office’s Rookie of the Year Award in 1998, the Distinguished Service Award in 2007, and the Mayor’s Judicial Victim Advocate Award in 2012. He also lectures on criminal trial practice at law schools and continuing legal education programs.

**John Kalinowski, County Court Director**

John Kalinowski is the Director of County Court and is the only Traffic Homicide Attorney in Duval County, a role in which he consults with law enforcement across Northeast Florida and South Georgia. Kalinowski is a double Gator—he graduated from the University of Florida with dual degrees in political science and theatre in 1998 and the University of Florida Levin College of Law in 2001. He joined the State Attorney’s Office in 2001 and has prosecuted cases in the Special Assault Division, Major Crimes Unit, and Homicide Division, and also has been a supervisor in both County and Circuit Court. For more than two years, he was a supervisor in the Nassau County office. Kalinowski authored the 400+ page New Attorney Orientation Manual, provides ongoing training and mentorship to new attorneys, and frequently trains local and statewide law enforcement relating to DUI. He received the 2018 Prosecutor Award of Excellence from MADD Northeast Florida as well as the office’s 2020 State Attorney Award.

**The Honorable London Kite,** Circuit Court Judge, Florida’s 4th Judicial Circuit

Judge London Kite was appointed by Florida Gov. Ron DeSantis in Sept. 2021 to serve on the Fourth Circuit Court. Previously, Kite served on the Duval County bench as the third African-American woman named to the position. Kite served for 17 years as a prosecutor with the State Attorney’s Office in the Fourth Judicial Circuit. As Director of Attorney Development and Select Prosecutions for the SAO, she was responsible for prosecuting complex murder cases, including cases involving multiple co-defendants, gang-related murders, and the death penalty. Kite was a member of the SAO’s homicide unit for more than 14 years and tried over 140 felony jury trials as an ASA, 75 being homicide prosecutions. Her homicide work was featured on Dateline NBC. Kite received numerous awards for her trial work, including the SAO’s 2004 Rookie of the Year Award, the 2005 Jury Trial Award, and the Distinguished Service Award in 2018. Before attending law school, Kite taught middle school Exceptional Education Students, following her graduation *magna cum laude* from the University of South Florida. She graduated from the UF Levin College of Law in 2002.

**The Honorable Laura Lothman Lambert,** U.S. Magistrate Judge, U.S. District Court for the Middle District of Florida

Judge Laura Lothman Lambert was appointed in Nov. 2021 to serve as U.S. Magistrate Judge. Immediately prior, she was the director of the Juvenile Division at the State Attorney’s Office for Florida’s Fourth Judicial Circuit. Lambert received her undergraduate degree in English Literature from Davidson College in North Carolina. She graduated *magna cum laude* from the UF Levin College of Law, where she served as an Executive Editor of the *Florida Law Review*, a member of the Jessup Moot Court Team, was elected to the Order of the Coif, and received Book Awards in Legal Research and Writing, Appellate Advocacy and International Law. Preceding her time as an ASA, she served as an Assistant United States Attorney for the Middle District of Florida, Civil Division. Before moving to Jacksonville, Lambert served as a trial attorney in the Constitutional Torts Section of the U.S. Department of Justice. Lambert also served as a law clerk, first to the Hon. Harvey E. Schlesinger of the U.S. District Court for the Middle District of Florida and then to the Hon. Phyllis A. Kravitch of the U.S. Court of Appeals for the Eleventh Circuit.

**Alan Mizrahi,** Homicide Division Director

Alan Mizrahi graduated from the University of Florida with a bachelor’s degree in psychology before earning his law degree, with honors, from the University of Miami. Mizrahi first started with the State Attorney’s Office in 1997 and left briefly to join the general litigation firm of Milton Leach in Jacksonville. Mizrahi returned in 2004 and became a Division Chief in 2005. In 2007, he was named the Special Assault Unit’s Division Chief and became the division’s director in 2010. Mizrahi has prosecuted homicide cases since 2000, and has tried more than 180 jury trials, 57 of which were homicide trials. Mizrahi received the State Attorney’s Office’s Distinguished Service Award in 2012 and the Judicial Victim Advocate Award in 2009.

**Lisa Page, Recruitment and Workforce Development Director**

Lisa Page is a former Assistant United States Attorney for the Middle District of Florida who arrived at the State Attorney’s Office with extensive community involvement and volunteerism. Her legal career includes her time as an AUSA as well as with the law firm of McDermott, Will & Emery, and a federal clerkship with the Hon. Ursula Ungaro of the Southern District of Florida. Page earned a bachelor’s degree from the University of Florida and graduated Phi Beta Kappa before earning her law degree from the New York University School of Law.

**Shelley Thibodeau,** Conviction Integrity Director

Shelley Thibodeau graduated from Florida State University College of Law in 1995, after also earning her bachelor’s degree from FSU. She grew up in Orlando but moved to Jacksonville after graduation and joined a private firm where she practiced criminal law for over two decades. In 2018, she left private practice to join the State Attorney’s Office, where she was asked to create the first Conviction Integrity Review Unit in the State of Florida. The CIR reviews cases where claims of actual innocence have been made by the convicted. In 2019, Thibodeau received the State Attorney’s Award for her division’s work in the Nathan Myers and Clifford Williams cases.