

PRE-TRIAL PRACTICE FALL 2025

UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW FALL SEMESTER SYLLABUS LAW 6320, CLASS 27245, SECTION B, 3 CREDIT HOURS

PROFESSOR: Nicholas J. Christopolis, JD, MBA
Email: christopolis@law.ufl.edu
Office: Holland Hall, 370C
Phone: (904) 534-7154

CLASS MEETING TIME: Monday and Wednesday, 1:15 p.m.-2:40 p.m.
CLASS LOCATION: MLAC 213

OFFICE HOURS:

Monday and Wednesday 11a.m. to noon. In addition, I make myself readily available according to your schedule. If you want office hours, simply email me three available time blocks and we will find a mutually agreeable time either in person or by Zoom. I look forward to meeting my students and getting to know you better so please do not be shy – this is not a profession for the timid!

REQUIRED READING MATERIALS:

1. Roen & Paulsen, *Civil Litigation: Pretrial Case Development & Discovery* (2d ed.)
2. The Federal Rules of Civil Procedure
3. The Federal Rules of Evidence
4. Supplemental materials and case file materials posted on our class Canvas page.

COURSE WEBSITE: The Canvas page is the central hub for this class. You are responsible for reviewing the page for course updates and accessing course content.

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, motion practice, depositions, settlement negotiation - and strategic decision making at each step of the process.

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 of 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 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 to those who students whose performance really stands out. The law school grading policy is available [here](#).

LAW FIRMS, LITIGATION TEAMS & GOOD FAITH PARTICIPATION

Students will be paired with two or three other students in separate “law firms” and assigned to a litigation team. Throughout the semester, you will litigate against each other using a simplified but realistic case file from the text. You will complete most written assignments in your firm as a group assignment.

Though you will be working in a team environment, you must pull your weight within your team. If I find that you are over relying or outright taking advantage of your teammates’ efforts to do work for you, I reserve the right to assign individual make-up work or assign a grade of Unsatisfactory.

PROFESSIONALISM

This course presents a valuable opportunity to practice professionalism and to begin to create and explore your own professional identity. Throughout the semester, you are expected to behave as a practicing lawyer and treat your colleagues as such.

Punctuality is part of professionalism. I will promptly begin class at the designated start time. Please be on time to class and do not leave early absent extenuating circumstances. If you have to leave during class time, please close the door quietly so as to not disturb your colleagues. As a law student and future lawyer, you are expected to conduct yourself with professionalism in the classroom and in all course-related activities. This includes common courtesy in the classroom as well as in all email messages, threaded discussions, and chats. Please silence cell phones and computer notifications and minimize any other class disruptions.

In addition to completing any written assignment, you will need to revise and edit your documents numerous times before submitting them, just as you would in the practice of law. In all course activities, students are expected to participate in good faith. If you have questions about professionalism, do not hesitate to ask me directly during class or during a visit to my office.

As a future lawyer, it is important that you are 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.

COMPLIANCE WITH UF HONOR CODE

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Law Honor Code located here: [Law School Honor System – Regulation and Policy Hub](#). The UF Law Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments unless expressly authorized by the professor to do so.

ARTIFICIAL INTELLIGENCE AND TECHNOLOGY

The UF Law Honor Code also prohibits use of artificial intelligence, unless I expressly authorize you to use it.

Regarding “Generative AI,” you may use generative AI only when I have expressly allowed you to do so in written assignment instructions or other written communication and you must follow the given instructions, precisely. At present, I consider generative AI to mean any technology tool that is a large language model that can be prompted to generate or synthesize text. Examples are Lexis+AI, CoPilot, ChatGPT (all versions), Claude, Gemini, CoCounsel, Spellbook, and Grammarly Go. You may use tools with “Extractive AI” on all assignments. At present, I consider extractive AI to include Grammarly (spelling and grammar only, without generative AI), Word's Editor, "traditional" Lexis or Westlaw, and Google (or similar online natural language research tools). If you have a question about whether a particular tool is allowed, it is your responsibility to discuss it with me. I reserve the right to make changes to this policy, and, if I do, I will do so in writing.

When permitted to use any AI (extractive or generative), you must verify all content and citations. You are wholly responsible for doing so. You are also wholly responsible for the style, tone, and format of the document and for following any additional AI-use instructions I have provided to you for that assignment.

You must bring a laptop or tablet to every class so that you can access handouts on Canvas, participate in in-class exercises, and work on assignments. Please silence and put away cellphones, smartwatches, and similar devices before class begins. If you are using electronics to do anything not directly related to this class, I will penalize you. I may revisit or revise this policy as needed.

CLASS ATTENDANCE POLICY:

Attendance in class is required by both the ABA and the Law School. Attendance will be taken at the start of each class. 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 may be dropped from the course. The law school's policy on attendance can be found here: [UF Law Student Handbook and Academic Policies - Levin College of Law](#)

Attendance is important in this course because it is a courtroom skills course. Although the assigned reading is essential, students cannot develop advocacy skills from reading or relying on passive learning techniques such as watching the class recording. Moreover, the course is interactive. Large portions of class time will be spent working with your law firm and litigation team members on assignments. Skipping classes in this course often creates more work for the colleagues of your law firms and litigation teams. Therefore, students are only allowed **three unexcused** absences during the semester, which can be taken at your discretion for any class sessions except for deposition days, motion hearing days, and mediation days. **For unexcused absences I do not need nor want to know your reason. Any other absences must be excused in advance as noted below.**

For excused absences, please treat absences from class as you would treat absences from your job. **If you need to request an excused absence, you must file a Motion for Excused Absence** (there will be a Canvas dropbox) as soon as the need for an excused absence arises, explaining the reason(s) for the absence, and to request your absence to be excused. **This serves as notice that a request for an excused absence not in motion form (except for emergencies discussed below) is summarily denied and will NOT be responded to.** When possible, for the sake of your teammates, please make these requests at least a week in advance. However, recognizing that emergencies can and will happen, please see statement below regarding excused absences for emergencies.

Excused absences for emergencies: if you are unexpectedly ill or have other exceptional circumstances that prevent you from being in class, you must contact me prior to the start of class to request an excused absence. In the case of a true emergency that prevents you from contacting me prior to class, you must still contact me as soon as possible thereafter to request an excused absence.

Important note: because the work in this class is performed and evaluated as a team, attendance by all members of the team on deposition days, motion hearing days, and mediation days is critical.

As a result, individual requests for excused absences for those class days will likely be denied, and no unexcused absences will be permitted for those class days.

POLICIES TO PREVENT THE SPREAD OF SICKNESS

If you are sick, out of respect for your colleagues, please do not come to class. If you miss class due to illness, you must contact me by email prior to the start of class to request an excused absence. Or, in the case of a true emergency that prevents you from contacting me prior to class, you must contact me as soon as possible thereafter to request an excused absence

OBSERVANCE OF RELIGIOUS HOLIDAYS

UF Law respects students' observance of religious holidays. The University policy can be found here: <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/#religiousholidaystext>

- 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.

BUSINESS ATTIRE REQUIRED FOR CERTAIN CLASSES

While you may dress casually for regular class sessions, please note that business attire is required for the motion hearings, oral arguments, presentations, depositions, and mediations. Please see the course schedule below for specific dates and mark your calendars NOW. I will also do my best to remind you in advance.

RECORDING LECTURES

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 guest 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 and Student Conduct Code.

STUDENT 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. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.ua.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.ua.ufl.edu/public-results/>.”

ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

Students with disabilities who experience learning barriers and who would like to request academic accommodations should connect with the Disability Resource Center (DRC). Click [here](#) to get started with the DRC. If you are approved for accommodations, you must present your letter to the Associate Dean for Academic Administration, Brian Mitchell. If you prefer to use your accommodations only on the final project, you may provide the letter only to Dean Mitchell. If, however, you would like me to grant any accommodations during the term, you must email your letter to me and arrange to meet with me to discuss your accommodations and to sign any remaining forms. Accommodations are not retroactive and obtaining your letter may take time; therefore, if you would like to learn more about accommodations or are interested in applying for them, please follow this procedure *as early as possible* in the semester. Please understand that I cannot grant accommodations that are not approved through this process. The law school’s policy on exam delays and accommodations can be found [here](#).

FORMATTING REQUIREMENTS FOR WRITTEN ASSIGNMENTS

When you are in practice, all court filings will be required to be formatted according to the applicable rules of the court. As a result, for this class all assignments are to be submitted electronically via the course Canvas website, **in Word format**. In addition to any formatting requirements specific to an assignment, documents should conform to the following: (1) the text should be double-spaced, except for the headings (which should be single-spaced); (2) all writing assignments this term should be written in **14-point Times New Roman font, double-spaced, with full justification so that the document has smooth edges of text**; (3) each page should be numbered (bottom, center), except for the first page; and, (4) all citations should comply with the rules of *The Bluebook*. You may use either underlining or italics for case names, but please be consistent throughout your motions and responses in opposition that you will draft in this class.

TENTATIVE COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

Disclaimer: *The course schedule below 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. Such changes, communicated clearly, are not unusual and should be expected. All readings are from the textbook, the Federal Rules of Civil

Procedure (“FRCP”), Federal Rules of Evidence (“FRE”), and any materials I post on Canvas unless otherwise indicated.

COURSE SCHEDULE

<u>DATE</u>	<u>TOPIC AND TEAM PERFORMANCE ACTIVITY</u> <u>(GREEN)</u>	<u>READING FOR THE WEEK</u>	<u>WRITTEN ASSIGNMENT DUE (BLUE)</u>
WEEK 1 Mon. 8/18/25	- Introduction to the Litigation Process - Drafting Pleadings	- Syllabus - Ch. 1 - Case file and other handouts (Canvas)	
Wed. 8/20/25	- Investigating the File - Client Interviews		
WEEK 2 Mon. 8/25/25	<u>Client Interviews</u> <u>(conducted in class)</u>	- Ch. 2 - FRCP 7(a), 8, 10; 11 - Case file and other handouts (Canvas)	
Wed. 8/27/25	Complaints		
WEEK 3 Mon. 9/1/25	NO CLASS LABOR DAY	- Ch. 3, 4 - Class handouts (Canvas)	
Wed. 9/3/25	Answers and Affirmative Defenses		<u>Complaint due by 9 AM on Wed. 9/3/25 (via Canvas and served on opposing counsel)</u>
WEEK 4 Mon. 9/8/25	Motions to Dismiss	- Ch. 5, 6 - Class handouts (Canvas)	<u>Answer and affirmative defenses due beginning of class on Mon. 9/8/25 (via Canvas and served on opposing counsel)</u>
Wed. 9/10/25	Pretrial Oral Advocacy		

Sun. 9/7/20			Motions to Dismiss and Memorandum of Law due by 9AM (via Canvas and served on opposing counsel)
WEEK 5 Mon. 9/15/25	Hearings on Motion to Dismiss	N/A	
Wed. 9/17/25	Hearings on Motion to Dismiss		
WEEK 6 Mon. 9/22/25	Propounding Written Discovery Requests and Rule 26 Disclosures	- Ch. 7 - FRCP 26(a)(1), 26(b)(1)-(2), 26(g), 33, 34, 36 - Class handouts (Canvas)	
Wed. 9/24/25	Propounding Written Discovery Requests and Rule 26 Disclosures		
WEEK 7 Mon. 9/29/25	Responding to Written Discovery	- Ch. 12 - FRCP 26(a)(1) & 26(b)(5) - Class handouts (Canvas)	Written discovery requests due by beginning of class on Mon. 9/29 (via Canvas and served on opposing counsel)
Wed. 10/1/25	Privilege Logs and Objections		
WEEK 8 Mon. 10/6/25	Discovery Disputes & Motion Practice	- Ch. 13, 14 - FRCP 7(b), 11, 26(b)(2)(C), 26(c), 36(a)(6), 37 - Class handouts (Canvas)	Responses to written discovery requests due by beginning of class on Mon. 10/6 (via Canvas and served on opposing counsel)
Wed. 10/8/25	Prepare for Hearings on Motion for Protective Order or Motion to Compel		

Sun; 76-78-81			Motion.to.Compel.or. Protective.Order.and. Memorandum.of.Law.due. by.5AM.(via.Canvas.and. served.on.opposing. counsel)
WEEK 9 Mon. 10/13/25	Hearings on Motion for Protective Order and/or Motion to Compel	N/A	
Wed. 10/15/25	Hearings on Motion for Protective Order and/or Motion to Compel		
WEEK 10 Mon. 10/20/25	Introduction to Depositions	- Ch. 8 - FRCP 30, 32 - Class handouts (Canvas)	
Wed. 10/22/25	Introduction to Depositions		
WEEK 11 Mon. 10/27/25	- Expert Witnesses - Compulsory Medical Examinations	- Ch. 9 - FRCP 26 & 35; FRE 702- 704 - Class handouts (Canvas)	
Wed. 10/29/25	Daubert Challenges		
WEEK 12 Mon. 11/3/25	Depositions	N/A	Deposition outline due in Canvas by beginning of class
Wed. 11/5/25	Depositions		
WEEK 13 Mon. 11/10/25	- Mediation - Case Valuation - Proposals for Settlement	- Ch. 11, 15 - FRCP 26(a)(3) & 56 - Class handouts (Canvas)	

Wed. 11/12/25	- Dispositive Motions - Motions in Limine - Jury Instructions		
WEEK 14 Mon. 11/17/25	LAST CLASS! Mediation Openings	NA	

RESOURCES:

UF LAW STUDENT RESOURCE GUIDE (CANVAS)

Please familiarize yourself with the law school's UF Law Student Resource Guide in Canvas. It currently includes sections for:

- Attendance, Registrar, and Financial Aid, Outside Scholarships, Writing Competitions
- Weekly Calendar
- Students Organizations and Journals
- Academic Advising and Career Advising

OFFICE OF ACADEMIC SERVICES

If you have a need related to academic policies or course concerns, including disability accommodations, the Office of Academic Services, led by Dean Mitchell, will support you. Contact gatoraid@law.ufl.edu or contact Dean Mitchell directly at mitchell@law.ufl.edu.

UF LAW STUDENT LIFE

Please familiarize yourself with the law school's Student Life page on the UF Law website: <https://www.law.ufl.edu/student-life>. It is a tremendous resource for both law school and university resources. Services include:

- Academics (e.g., Schedules, Calendars, Policies, Experiential Learning)
- Campus Logistics (e.g., Reserving a Study Room)
- Technology (e.g., Zoom, Canvas, ExamSoft, Helplines)
- Research Tools (e.g., Law Library, Westlaw, Lexis)
- Diversity & Inclusion (e.g., Statements, Policies, D&I Dean's Information)
- Career and Professional Development (e.g., Advisors, Appointments, Symplicity)
- Health and Safety (e.g., Wellness, Title IX)
- Contact Information (e.g., Law School Departments)

MENTAL HEALTH AND WELLBEING

Law school can be very stressful. Knowing when to seek assistance for issues impacting your wellbeing is part of being a professional. At a minimum each of us needs a safe place to live, sufficient food, and access to healthcare.

All members of the UF Community who are experiencing food insecurity are eligible to visit UF's Hitchcock Field & Fork food pantry. Learn more at the website, here: <https://pantry.fieldandfork.ufl.edu/>. Should you find yourself needing assistance with other basic needs, please notify me or the Office of Student Affairs so that we can direct you to appropriate resources. The Office of Student Affairs can be reached at 352-273-0620 or student.svc@law.ufl.edu.

Psychological needs and unexpected personal challenges are also not uncommon and may interfere with academic progress, social development, and emotional wellbeing. The law school and the Gainesville community offer a variety of services to assist you. Some entities equipped to assist include:

UF Law Mental Health Counselor: At UF Law we are fortunate to have a mental health counselor, **Ritzy Ettinger**, who is dedicated to the law school community. Ritzy assists with both crisis and non-crisis services. You may reach out to Ritzy by email or call the Student Life main office.

Name: Ritzy Ettinger

Direct Email: rettinger@ufl.edu

Student Life Phone: 352-273-0620

Direct phone: 352-273-0914

Link to make confidential appointments:

https://ufl.yu1.qualtrics.com/jfe/preview/previewId/de79d8eb-d8d8-4944-94b2-3e531d9743bc/SV_6Kxe53aDDBYjZUq?Q_CHL=preview&Q_SurveyVersionID=current

UF (Main Campus) Counseling & Wellness Center: Provides crisis and non-crisis services.

Phone: 352-392-1575 (UF Crisis Hotline 24 hours/7 days/week)

Website: <https://counseling.ufl.edu/services/crisis/>

UF “U Matter We Care”: Provides services if you or someone you know is in distress.

Phone: 352-294-CARE (2273)

Email: umatter@ufl.edu

Website: <https://umatter.ufl.edu>

Alachua County Crisis Center: 24 hr./day crisis and suicide intervention phone counseling for all county residents.

Phone: 352-264-6789

<https://www.alachuacounty.us/Depts/CSS/CrisisCenter/Pages/CrisisCenter.aspx>

HEALTH AND SAFETY

UF Student Health Care Center: Find the healthcare you need, including free vaccines.

Phone: 352-392-1161

Website: <https://shcc.ufl.edu/>

UF Health Shands Emergency Room/Trauma Center

Phone: 9-1-1 for emergencies

Phone: 352-733-0111

Or go to the emergency room at:

1515 Archer Road, Gainesville, FL 32608

Website: <https://ufhealth.org/uf-health-shands-emergency-room-trauma-center>

University Police Department

Phone: 9-1-1 for emergencies

Phone: 352-392-1111

Website: <https://police.ufl.edu/> (including victim assistance, UFAlert, self-defense classes, etc.)

Gator Safe App:

For a personal safety toolbox and other helpful links, download the GatorSafe App

<https://police.ufl.edu/services/community-services/gatorsafe-app/>