

PRETRIAL PRACTICE

Law # 6930/ Class # 16126

Spring 2019

Professor Zedalis
Monday 4:30 -6:20pm, Wednesday 4:30 -5:20pm
MLAC 100 (Big Courtroom)

Professor Zedalis' office: 327 Holland Hall
Office hours: 2-3 Wednesdays and Thursdays, or by appointment/ walk-ins welcome.
zedalis@law.ufl.edu; 352-273-0814

Texts and Materials:

Pretrial, Mauet and Marcus (Aspen, latest edition preferred)

Florida Rules and Statutes
Federal Rules and Statutes
Selected case law and litigation materials (these will be posted on TWEN)

Grading: Satisfactory/Unsatisfactory

In order to receive a satisfactory grade, students must be prepared for class and all workshop assignments, and must participate in the workshops and class discussions in a meaningful way. There is an expectation that students will finish assigned text prior to class discussions. All students will have a law firm assignment and a witness assignment.

Workload: ABA Standard 310 calls for 120 minutes of preparation for each hour of classroom instruction. This is a 3 credit-hour course. Pretrial practice has both classroom and simulation components. It is expected that over the course of a 14 week semester, students will spend at least 84 hours engaged in the following activities: Study, planning, research, and preparation of workshop assignments, observation and critical reflection in simulated interviews, depositions, and courtroom proceedings, and preparation of assigned client and witness roles.

Attendance: Important and expected. Absences will be excused for necessary reasons only and all absences should be requested in advance. Because this is a skills course, it is not possible to achieve the course objectives without active participation in the discussions and the "hands-on" workshops.

Preparation:

The reading assignments in this course are limited (so easily managed) and very important. Students will be expected to know the assigned material during class discussions. Students will be expected to read all TWEN messages and study materials posted on TWEN for this course. All students should be prepared for their lawyer and witness assignments.

Course Objectives: Introduction to the knowledge base and skills necessary to conduct pretrial litigation with intelligence, professionalism, and success. Success is measured in terms of achieving the most beneficial or positive outcomes possible for a client based on the facts,

circumstances, and law.

Learning Outcomes: At the conclusion of the course, students will have entry level knowledge in informal discovery methods, development of claims and defenses, taking and defending depositions, working with experts, presenting and defending expert testimony, and the fundamentals of motion practice.

The workshop portion of this course will provide an opportunity for students to work on interviewing, preparing witnesses for deposition, taking and defending depositions, including lay and expert witnesses, motion practice, and pretrial conferences.

Students will be assigned to law firms for purposes of the workshops. Students will work with clients and other witnesses in simplified but realistic fact patterns.

Workshops will take place on the Monday class days (the 2-hour periods). Students are expected to be prepared for each workshop.

Schedule and Reading Assignments:

- 1/7 Chapters I and II Introduction to Litigation Planning (no workshop first week)
Informal Fact Investigation
- 1/9 Interviewing Clients: Key Goals and Techniques. Working “inside” the attorney-client relationship.
- 1/14 WORKSHOP: Interviewing clients, key witnesses: Students will interview assigned clients. Each student should have an outline of areas that need to be covered.
- 1/16 Chapter IV Case Evaluation and Strategy
- 1/21 No class, observance of Martin Luther King Day
- 1/23 Case Evaluation and Strategy continued.
- 1/28 WORKSHOP: Interviewing clients and key witnesses (continued).
- 1/30 Chapter V and VI Pleadings and Discovery
- 2/4 WORKSHOP: Preparing Complaint; Answering a Complaint
- 2/6 Discovery Strategy and Methods
- 2/11 WORKSHOP: Preparing and Responding to Discovery Requests

- 2/13 Preparing Your Client for Deposition
- 2/18 WORKSHOP: Preparing Clients for Depositions
- 2/20 Preparing to Take Depositions
- 2/25 WORKSHOP: Party Depositions
- 2/27 Chapter VII Motion Practice
- March 4-8 SPRING BREAK**
- 3/11 WORKSHOP: Drafting Motions
- 3/13 Working with Experts
- 3/18 WORKSHOP: Motion Practice
- 3/20 Expert Witness Consultation/Prep
- 3/25 WORKSHOP: Expert Witness Consultation
- 3/27 Chapter VIII Pretrial Conferences and Settlements
- 4/1 WORKSHOP: Expert Witness Deposition
- 4/3 Pretrial Conferences, Decisions
- 4/8 WORKSHOP: Post Discovery Motions
- 4/10 Preparing for Trial; Jury Selection
- 4/15 WORKSHOP: Jury Selection
- 4/17 Settlements and Judgments

Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the instructor when requesting accommodations. Students with disabilities should follow this procedure as early as possible in the semester.

Students are expected to abide by all University rules and regulations during the course, including the Honor Code.