

**CIVIL PRETRIAL
PRACTICE
Spring 2012 Syllabus**

Albert J. Bowden, III
Adjunct Professor

A. COURSE INFORMATION

OBJECTIVES

In this course, you will begin to develop the abilities necessary to function as an effective civil litigation attorney prior to trial. You will learn and then apply rules, procedures, and skills necessary for a broad spectrum of pretrial activities, beginning with initial interviews, and ending with mediation or the pretrial conference.

CLASS DAY, TIME, AND LOCATION

Monday evenings from 6:00 p.m. to 7:50 p.m. in the Advocacy Center, room A103.

REQUIRED MATERIALS

- (A). *Pretrial Litigation in a Nutshell*, by R. Lawrence Dessem (4th edition).
- (B). Occasionally, printed material may be placed on reserve for your copying, distributed in class, or posted on the course Blackboard.

CLASS PARTICIPATION

Much of the class involves role-playing, the review and discussion of written assignments, and the discussion of readings. Thus, to be prepared for class, and to get the most out of class, you should do the readings, and put a good effort into the preparation of each assignment. At the same time, a portion of your grade will be dependent upon your class participation.

CLASS ATTENDANCE

Class attendance is required for this course. Also, the College of Law requires a student to attend a minimum of 80 percent of class meetings to receive credit for the course. Attendance includes the obligation to arrive on time and to satisfactorily complete reading assignments prior to class. In this class, being late three times counts as an absence. You are late if you arrive at class after 6:15 p.m.

GRADING

This course is pass/fail. Thus, you will receive either an S or a U for a grade. The “S” will be given if your work demonstrates that you have made an adequate attempt to develop and utilize your pre-trial litigation knowledge and abilities. The division between written assignments and class participation (except at noted below) will be the following:

- (A). 75% - Written class assignments. Your grade for each assignment will be based on how you understood the concepts involved in the task, and your ability to draft the assignment in a professional manner. Assignments must be submitted timely, and completed in order to pass the course.
- (B). 25% - Class participation. This will be based on your preparation for, and participation in, class role-playing, discussions, etc.

However, if, at my discretion, a quiz is administered the last week, the division of the grading will be 33 1/3 % written class assignments, 33 1/3 % quiz results, and 33 1/3 % class participation. A 70% or better on the quiz is a passing grade.

HONOR CODE

The College of Law's Student Conduct Code is found at:

http://www.law.fsu.edu/current_students/rules/studentconduct.pdf. Each student should read and be familiar with that conduct before submitting any assignments or performing any work in this class. This governs the academic conduct of students at the Florida State University College of Law. Students are bound by the College of Law's Code in all of their academic work. The Code outlines the College of Law's expectations for the integrity of students' academic work, the procedures for resolving alleged violations of those expectations, and the rights and responsibilities of students and faculty members throughout the process.

STUDENTS WITH DISABILITIES

Students with disabilities needing academic accommodations should: (1) register with and provide documentation to the Student Disability Resource Center; and (2) bring a letter to Nancy Benavides, Associate Dean for Student Affairs, indicating the need for accommodation and what type. This should be done within the first week of class. Note that this syllabus and other class materials are available in alternative format upon request.

TELEPHONE AND E-MAIL CONTACT INFORMATION

Since I am an adjunct, I do not have regular office hours; however, if you need to discuss something related to class that cannot wait until class, I may be able to be contacted during the day at my office, which is 850-414-3300 (Office of the Attorney General), or my cellular phone, which is 850-591-1130. You can also send me an email at al.bowden@myfloridalegal.com (work), or bowdena@embarqmail.com (home).

SUBMITTING WRITTEN ASSIGNMENTS

First, you need to e-mail your completed assignment to me at both my work and home e-mail addresses no later than Friday at 3:00 p.m. Second, on Monday, the next business day, no later than 12:00 noon, you need to file a hard copy by giving it to my faculty support person, Angela Milnes, who is located in Room 327A. Her telephone number is 644-0432. You will be advised if alternative arrangements are necessary for submission of the assignment (date, location, etc.). Before turning the hard copy in, please also "date stamp" it by marking on the top right corner of the first page the date and time of the submission, e.g. 9/12/11 @ 11:32 a.m.

TIMESHEETS

You will keep a time sheet that will describe any preparation work for class, and the amount of time expended, along with the date of that work. A time sheet is required in most law firms, corporations, or agencies that perform litigation work. A form for this will be distributed on the first day of class. You will be required to submit this to me for review near the end of the semester.

COURSE BLACKBOARD

During the semester, announcements, information, etc. may be posted on the course Blackboard. Therefore, please check it from time to time.

MAKE UP CLASSES

I may need to cancel a class. Every effort will be made to publicize the cancellation prior to class by email, or by posting on the course Blackboard. All cancelled classes must be made up, and they cannot be made up during the last week of the semester. Hence, every effort will be made to schedule a make-up date and time according to the general agreement of the class. Wednesday from 3:10 p.m. to 5:00 p.m. is a universal make-up period, and this time, or another mutually agreed upon day and time, may need to be used. Also, although not desired, Friday may need to be utilized for a make-up.

OFFICE HOURS

Although I work off campus, I can be available to meet with anyone who has questions regarding the material if those questions cannot be addressed in class. Room 306 is the office assigned to the adjuncts. Please speak to me to make an appointment for such a meeting.

B. COURSE OUTLINE

Reading Prior

To The First

Class: Chapters 1-2, and pages 55-61 in Chapter 3, *Pretrial Litigation in a Nutshell*; along with the 1/03/12 memorandum from “Senior Partner.”

WEEK 1: January 9

Discussion: Introduction to the course. Interviewing. Factual and legal context for the case of *Hampton v. Tallahassee Dining, Inc., d/b/a Wooden Horse Café*.

Classroom Activity: Interview Brian Armstrong and Allison Armstrong.
Critique/Discussion of the interview.

Assignment

For Next Class: Prepare for the witness interview.

Reading

For Next Class: Pages 30-55 in Chapter 3, *Pretrial Litigation in a Nutshell*.

WEEK 2: January 16

Martin Luther King, Jr. Day – no class

WEEK 3: January 23

Discussion: Planning and evaluation. Establishment of the attorney-client relationship. Interviewing. Investigation.

Classroom Activity: Interview of a fact witness.
Critique/Discussion of the interview.

Assignment

For Next Class: Memo to the file, re: witness interview.

Reading

For Next Class: Re-read, if necessary, Chapters 1-3; and read Chapter 4 in *Pretrial Litigation in a Nutshell*.

WEEK 4: January 30

Discussion: The complaint.

Classroom Activity: Interview of Morgan Hampton.
Critique/Discussion of interview.

Assignment

For Next Class: Plaintiff's complaint.

Reading

For Next Class: Chapter 5 in *Pretrial Litigation in a Nutshell*; and complaint forms.

WEEK 5: February 6

Discussion: Responses to the complaint; and defense case planning and evaluation.

Classroom Activity: Review Plaintiff's complaint.
Possible: demonstration of a motion to dismiss.

Assignment

For Next Class: Defendant's answer.

Reading

For Next Class: Chapter 6 in *Pretrial Litigation in a Nutshell*; and answer forms.

WEEK 6: February 13

Discussion: Discovery.

Classroom Activity: Review defendant's answer.
Possible: demonstration of a motion to dismiss.

Assignment

For Next Class: Interrogatories.
Request to Produce Documents.

Reading

For Next Class Chapters 7 and 9 in *Pretrial Litigation in a Nutshell*; and forms for interrogatories and requests to produce.

WEEK 7: February 20

Discussion: Responding to Discovery; Depositions.

Classroom Activity: Review interrogatories, and request to produce documents.

Assignment:

For Next Class: Answer Interrogatories.
 Respond to request to produce documents.

Reading

For Next Class: Chapter 8 in *Pretrial Litigation in a Nutshell*.

WEEK 8: February 27

Discussion: Depositions (cont.)

Classroom Activity: Review answers to interrogatories, and responses to requests to produce documents.

 Watch deposition preparation film.

Assignment

For Next Class: Outline for deposition of Jamie Boyd, Defendant's owner.

Reading

For Next Class: Re-read, if necessary, Chapter 8 in *Pretrial Litigation in a Nutshell*.

WEEK 9: March 5

Spring Break – no class

WEEK 10: March 12

Discussion: Depositions (cont.).

Classroom Activity: Deposition of Jamie Boyd, Defendant's owner.
Discussion/Critique of deposition.

Assignment

For Next Class: Prepare for deposition of Morgan Hampton, the Plaintiff, or Dr. Shannon Waters, Defendant's examining physician (but only those involved in the examination need to submit a written outline).

Reading

For Next Class: Chapter 10 in *Pretrial Litigation in a Nutshell*.

WEEK 11: March 19

Discussion: Video taped depositions; discovery motions.

Classroom Activity: Deposition of Morgan Hampton, the Plaintiff, or Dr. Shannon Waters, Defendant's examining physician.
Discussion/Critique of deposition.

Assignment:

For Next Class: Prepare for deposition of Morgan Hampton, the Plaintiff, or Dr. Shannon Waters, Defendant's examining physician (but only those involved in the examination need to submit a written outline).

Reading

For Next Class: Chapter 12 in *Pretrial Litigation in a Nutshell*.

WEEK 12: March 26

Discussion: Expert depositions. Motion for summary judgment.

Classroom Activity: Deposition of Morgan Hampton, the Plaintiff, or Dr. Shannon Waters, Defendant's examining physician.
Discussion/Critique of deposition.
Possible: demonstration of a hearing on motion to compel.

Assignment

For Next Class: None.

Reading

For Next Class: Chapter 14 in *Pretrial Litigation in a Nutshell*.

WEEK 13: April 2

Discussion: Mediation.

Classroom Activity: Mediation lecture.

Assignment

For Next Class: Mediation Summary.

Reading

For Next Class: Chapters 11 and 13 in *Pretrial Litigation in a Nutshell*.

WEEK 14: April 9

Discussion: None.

Classroom Activity: Mediation.
Critique/Discussion of mediation.

Assignment

For Next Class: Possible: Motion in Limine (but only those involved in the motion hearing need to submit a motion or

a response).

Reading

For Next Class: Re-read, if necessary, chapters 1-14 in *Pretrial Litigation in a Nutshell*.

WEEK 15: April 16

Discussion: Motion in Limine; pretrial motion practice; pretrial conference; pretrial orders; review of some prior assignments; and wrap up.

Classroom Activity: Possible: hearing on Motion in Limine.
Possible: quiz on the semester's material, including chapters 1-14 in *Pretrial Litigation in a Nutshell*.
