

**FLORIDA A & M UNIVERSITY**

**Florida Practice I Syllabus\***

**Course 6303, Class 3655, Section 301**

**Room TBA, T TH 8:30am-9:20am**

**Instructor:** Chad A. Barr, Esq.  
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**Texts:** **REQUIRED READINGS:**

- *Florida Civil Practice*, 2014 Edition, Philip J. Padavano, West Florida Practice Series, ISBN 9780314610287. (Chapters referred to as “CIV.”).  
*(AVAILABLE FOR FREE ON WESTLAW – Logon to WestlawNext. Click “Tools”. Click “My Content”. Type “Florida Practice Series” in the search box. Select “Florida Practice Series”. Select “Civil Practice-Florida Practice Series”. Note: Do not select “Civil Procedure-Florida Practice Series” as this is a different text). I just saved you \$370.00.*
- Florida Rules of Civil Procedure (Download from Florida Supreme Court website).
- *Florida Criminal Procedure*, 2013 Edition, Volume 22, Michael E. Allen, West Florida Practice Series, ISBN 9780314610447. (Chapters referred to as “CRIM.”).  
*(AVAILABLE FOR FREE ON WESTLAW – Logon to WestlawNext. Click “Tools”. Click “My Content”. Type “Florida Practice Series” in the search box. Select “Florida Practice Series”. Select “Florida Criminal Procedure”). I just saved you \$200.00.*
- Florida Rules of Criminal Procedure (Download from Florida Supreme Court website)
- Florida Rules of Judicial Administration (Download from Florida Supreme Court website)
- Florida Statutes

**Objective:** This course will examine basic Florida civil and criminal practice, with an emphasis on pretrial practice and procedure. The course will be graded according to performance on the final exam and the administration’s grading requirements. Your grade may be effected based on your class participation.

**Assignments:** All assignments listed below will be posted to the “Hypotheticals” Forum found on the class TWEN site. The assignments will be posted in Word format so that you can download the assignments and type in the answers. The TWEN class is entitled “Florida Practice Fall 2014”. The TWEN class is password protected; the password is “famulaw”. Please do not give this password to any person who is not a member of this class to ensure privacy is maintained. Any breach will be considered a violation of the Honor Code.

**Attendance:** Class attendance is mandatory. You are allowed the maximum number of administrative absences according to the most current student handbook as of the start of class in order to qualify for a final grade. You are solely responsible for ensuring that you have received credit for your attendance by signing the roll. It is presumed you were absent if you fail to sign the roll. *Leaving class while it is in session is not permissible unless there is an emergency. Such a practice will be considered and designated as an absence.* Please DO NOT enter class once the lecture has begun.

**Recording:** Taping of the class is not permitted by any means, including but not limited to audio, digital, or through the use of a computer unless previously authorized by the professor and/or administration.

**Computers/Internet/Cell Phones:**

Use of the Internet or a cell phone, for purposes unrelated to class, is not permitted during class. *Such a practice will be considered and designated as an absence.* While it is understood that emergencies will arise, please take care of all phone calls before or after class. Please silence your cell phones when you enter the classroom.

**Participation:** Preparation and participation is a mandatory requirement of this course. There is no talking during class unless recognized by the professor. While there is no mandatory allocation of participation points toward your final grade, your final grade may be increased or decreased based on your individual participation at the discretion of the. *If your lack of participation during class is considered distracting, you will be asked to leave the class which will be considered and designated as an absence.*

**Policy Statement on Non-Discrimination:**

It is the policy of Florida Agricultural and Mechanical University to assure that each member of the University community be permitted to work or attend classes in an environment free from any form of discrimination including race, religion, color, age, disability, sex, marital status, national origin, veteran status and sexual harassment as prohibited by state and federal statutes. This shall include applicants for admission to the University and employment.

**Academic Honor Policy:**

The University's Academic Honor Policy is located in the current version of the FAMU Student Handbook under the Student Code of Conduct.

**ADA Compliance:**

To comply with the provisions of the Americans with Disabilities Act (ADA), please advise the professor of any accommodations required to insure participation in this course. Documentation of disability is required and should be submitted to the Learning Development and Evaluation Center (LDEC). For additional information please contact the LDEC at (850) 599-3180.

**Schedule:** You are responsible for required readings and it is suggested that you be familiar with the recommended readings in completing the weekly assignments. This is an outline, which may be revised as the course progresses, so it is your responsibility to stay ahead of the material. The rules cited below are an approximation of the rules that you will need to complete the weekly assignments and you may need to consult other sources such as the Florida Statutes, the Florida Rules of Judicial Administration, other Rules of Civil/Criminal Procedure:

**Dates to Remember:**

**AUGUST 12** – First Day of Class

**AUGUST 15** – Last Day to Drop/Add Course

**NOVEMBER 11** – Veteran's Day Holiday

**NOVEMBER 12** – Last Day to Withdraw from Course Without Receiving Failing Grade

**NOVEMBER 18** – Veteran’s Day Makeup Class

**NOVEMBER 18** – Last Day of Class

**NOVEMBER 19-30** – Reading Period

**DECEMBER 1-12** – Exam Period

**Reading/Coursework Schedule:**

- 1<sup>st</sup> WEEK      **Topics Covered:** Jurisdiction, Venue, Actions  
**Readings:** (CIV. 1) JURISDICTION; (CIV. 2) VENUE; (CIV. 3) ACTIONS; Rules 1.040 through 1.061, and 1.270 of the Florida Rules of Civil Procedure.  
**Assignment:** Hypothetical #1 (Posted on class TWEN website)
- 2<sup>nd</sup> WEEK      **Topics Covered:** Parties to a civil action, Judges, Attorneys  
**Readings:** (CIV. 4) PARTIES; (CIV 5.) JUDGES; (CIV. 6) ATTORNEYS; Rules 1.210 through 1.220, 1.250 and 1.260 of the Florida Rules of Civil Procedure.  
**Assignment:** Hypothetical #2 (Posted on class TWEN website)
- 3<sup>rd</sup> WEEK      **Topics Covered:** Pleadings  
**Readings:** (CIV. 7) PLEADINGS; Rules 1.030, 1.080 through 1.190, 1.230 and 1.240 of the Florida Rules of Civil Procedure  
**Assignment:** Hypothetical #3 (Posted on class TWEN website)
- 4<sup>th</sup> WEEK      **Topics Covered:** Service of Process, Defaults, Dismissals  
**Readings:** (CIV. 8) PROCESS & APPEARANCE (CIV. 9) DEFAULTS; (CIV. 12) DISMISSALS; Rules 1.070, 1.420 and 1.500 of the Florida Rules of Civil Procedure.  
**Assignment:** Hypothetical #4 (Posted on class TWEN website)
- 5<sup>th</sup> WEEK      **Topics Covered:** Settlements, Discovery in a civil action  
**Readings:** (CIV. 11) SETTLEMENTS; (CIV. 12) DISCOVERY; Rules 1.280 through 1.390, and 1.442 of Florida Rules of Civil Procedure.  
**Assignment:** Hypothetical #5 (Posted on class TWEN website)
- 6<sup>th</sup> WEEK      **Topics Covered:** Judgments, Pretrial Procedure  
**Readings:** (CIV. 13) JUDGMENTS; (CIV. 15) PRETRIAL PROCEDURE; Rules 1.200, 1.440, 1.460, 1.530 and 1.540 of the Florida Rules of Civil Procedure.  
**Assignment:** Hypothetical #6 (Posted on class TWEN website)
- 7<sup>th</sup> WEEK      **Topics Covered:** Trial Witnesses, Jury Selection, Jury Selection, and Jury Verdicts,  
**Readings:** (CIV. 17) JURY SELECTION; (CIV. 19) WITNESSES; (CIV. 24) JURY INSTRUCTIONS; (CIV. 25) JURY VERDICTS; Rules 1.410, 1.430, 1.431 and 1.452 of the Florida Rules of Civil Procedure.  
**Assignment:** Hypothetical #7 (Posted on class TWEN website)
- 8<sup>th</sup> WEEK      **Topics Covered:** Injunctions, Declaratory Relief, and Extraordinary Remedies.  
**Readings:** (CIV. 28) INJUNCTIONS; (CIV. 29) DECLARATORY RELIEF; (CIV. 30) EXTRAORDINARY REMEDIES; Rules 1.610 and 1.630 of the Florida Rules of Civil Procedure  
**Assignment:** Hypothetical #8 (Posted on class TWEN website)

- 9<sup>th</sup> WEEK      **Topics Covered:** Arrests, Pretrial Release, and the Right to Counsel.  
**Readings:** (CRIM. § 2:19-22) ARRESTS AND OTHER SEIZURES OF PERSONS;  
(CRIM. § 9:1-7) RELEASE PENDING RESOLUTION OF CRIMINAL  
PROCEEDINGS;(CRIM. §§8:1, 8:9-14) COUNSEL FOR THE DEFENSE;  
Rules 3.010 through Rule 3.131 of the Florida Rules of Criminal Procedure  
**Assignment:** Hypothetical #9 (Posted on class TWEN website)
- 10<sup>th</sup> WEEK      **Topics Covered:** First Appearance, Charging documents, Pleas, Change of Venue,  
Defendant's Right to be Present, Motion to Suppress, and Plea Agreements.  
**Readings:** (CRIM. 10) CHARGING DOCUMENTS; (CRIM. 11) PLEAS OF GUILTY  
OR NOLO CONTENDRE; (CRIM. §13:11) PRETRIAL MOTIONS; (CRIM §12:2)  
THE RIGHT TO BE PRESENT AND TO CONFRONT WITNESSES; Rules 3.132  
through Rule 3.180; and Rule 3.240 of the Florida Rules of Criminal Procedure  
**Assignment:** Hypothetical #10 (Posted on class TWEN website)
- 11<sup>th</sup> WEEK      **Topics Covered:** Speedy Trial, and Incompetence, and Insanity.  
**Readings:** (CRIM. 14) SPEEDY TRIAL; (CRIM. 16) INCOMPETENCE AND  
INSANITY; Rules 3.191 through Rule 3.220 of the Florida Rules of Criminal Procedure  
**Assignment:** Hypothetical #11(Posted on class TWEN website)
- 12<sup>th</sup> WEEK      **Topics Covered:** Discovery in a criminal case, Jury Selection (Voir Dire), Jury  
Instructions, Jury Sequestration, Motion for New Trial, Motion  
for Arrest of Judgment, and Motion for Acquittal.  
**Readings:** (CRIM. 15) DISCOVERY; (CRIM. 17) IMPARTIAL JUDGE AND JURY);  
(CRIM. §§18:13, 18:5, 18:8-29) TRIAL, POST-TRIAL MOTIONS, AND SENTENCING;  
Rules 3.370 through Rule 3.430 of the Florida Rules of Criminal Procedure  
**Assignment:** Hypothetical #12 (Posted on class TWEN website)
- 13<sup>th</sup> WEEK      **Topics Covered:** Contempt, Sentencing, Judgments and Post-Trial Relief.  
**Readings:** (CRIM. §§18:30-34) TRIAL, POST-TRIAL MOTIONS, AND  
SENTENCING; (CRIM. §§9:8-13) RELEASE PENDING RESOLUTION OF  
CRIMINAL PROCEEDINGS; (CRIM. 21) POSTCONVICTION PROCEDURES;  
Rules 3.650 through Rule 3.691; Rule 3.700; Rules 3.710 through Rule 3.721;  
Rules 3.780 through Rule 3.853 of the Florida Rules of Criminal Procedure  
**Assignment:** Hypothetical #13 (Posted on class TWEN website)
- 14<sup>th</sup> WEEK      **Review Session (Civil and Criminal Practice Exam)**

*\*This syllabus may change or be altered at any time by the professor or at the requirement of the Law School Administration*