



COURSE SYLLABUS

Course Number: 368-001
Course Title: PRETRIAL PRACTICE
Credit Hours: 2 Credits
Grading Mode: LETTER GRADE
Meeting Time(s): TUE 6:05– 8:05PM
Meeting Mode: ON CAMPUS
Exam Time(s): N/A
Exam Mode: N/A
Prerequisite(s): N/A
Corequisite(s): N/A

Instructor(s):
Jacob Alzamora

Contact Info:
jalzamora@gmu.edu

Please feel free to contact me via email at the address listed above. If you prefer to talk in person, see me before or after class, or email me to arrange office hours. If anything is unclear at any point, please ask questions! During class, by email, before or after class, or in office hours – just ask!

Reading(s) & Supplement(s):
Pretrial, Mauet and Marcus, 11th Edition

This text is very informative and an easy read. Mauet also has several case files, which we will use for all of the assignments. We will divide the class into small groups and assign one case to each group. Please note that both counsel may stipulate to additional facts beyond what is copied in the case files if you wish, but you must prepare an agreed upon written stipulation signed by both counsel and submit them to me via email in advance.

You should also have the Federal Rules of Civil Procedure.

Course Overview

The purpose of this course is to teach the nuts and bolts of pretrial practice. As fewer cases reach trial, there has been increased emphasis on the pretrial phase. But pretrial practice has always been critical because what transpires pretrial is what leads to a successful dispositive motion, a favorable settlement, a winning verdict – or defeat. If you plan to do civil litigation, this is what you will spend the

vast majority of your career doing. The goal is to familiarize yourself with the fundamentals of the key aspects of pretrial practice, including pleadings, discovery, motions practice, and settlement, as well as some of the other issues and challenges litigators regularly encounter. We will endeavor to make this course very practical, as reflected in the assignments and in class exercises: drafting a complaint and written discovery requests; writing and arguing motions and oppositions thereto; conducting a short deposition; and negotiating a settlement. This will also afford you an opportunity to work on your litigation writing – an invaluable skill

Course Learning Outcomes

At the conclusion of this course, the students will:

1. Have a better understanding of the flow, sequence, timing, and purpose of various aspects of pretrial practice.
2. Have experience preparing some of the documents frequently used and central to the pretrial phase of litigation
3. Have practical first-hand experience with depositions, motions arguments, and settlement negotiations.
4. Learn many of the day-to-day nuts and bolts of pretrial practice that will prepare them for the early years of civil litigation practice.

Grading Policies

Each student will:

- Prepare a short (no more than 4 pages) complaint. 10% of grade.
- Prepare a short set of interrogatories and document requests (no less than 6 and no more than 8 of each; general instructions and directions not necessary). 15% of grade.
- Conduct a deposition (15 minutes*). You and your opponent must agree in advance on which witness to depose. Both sides may use all of the materials in the case file. 20% of grade.
- Draft a motion to compel or opposition to motion to compel (no more than 5 pages); and argue the motion (10-12 minutes per side*). I will provide suggested topics for motions; you and your opponent must agree in advance on the issue for the motion, and notify me via email. 20% of grade.
- Draft a dispositive motion or opposition to dispositive motion (no more than 5 pages); and argue the motion (10-12 minutes per side*). I will provide suggested topics for motions; you and your opponent must agree in advance on the issue for the motion, and notify me via email. 20% of grade.
- Conduct a settlement negotiation (20-25 minutes total*). 10% of grade

*Time limits subject to change based on class size. Once the class is locked I will provide a case assignment and opponent matchup list with the final time limits for all assignments.

On each of the assignments you will be working on your own (no team projects). For the motions/oppositions; deposition; and negotiation you will have an opponent with whom you will need to coordinate. Unless indicated otherwise, we will generally assume that all cases are being tried in the Eastern District of Virginia.

Written assignments are due by the beginning of class on the date indicated on the Class Schedule (see below) unless an extension has been requested and approved prior to the deadline. Late assignments may be subject to a reduction in grade.

Classroom Policies

Attendance: Per AR 3-1.4, “maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student’s program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements.”

Absences: Per AR 4-1.1, “if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session.”

Participation & Preparation:

In addition to the assignments listed above, class participation during the lectures and critiquing the arguments, depositions, and negotiations of your fellow students will constitute 5% of your grade.

Use of Technology & AI:

Strict Use Policy: The use of generative AI tools is not permitted for any coursework in this course. Unauthorized use will be treated as a violation of academic standards.

Course Schedule & Assignments

Class #	Date	Class Topic	Assignment(s)
1	Aug 19	<p>Overview of Course and Class Assignments</p> <ul style="list-style-type: none"> • Dividing class into small groups and assigning cases for purposes of assignments • Planning and Pretrial Issues • Informal Fact Investigation • Identifying Claims, Parties, and Jurisdiction • Establishing the attorney-client relationship • Planning the Litigation • Initial Pleadings and Responsive Pleadings • Litigation Hold • Removal <p>Mauet pp. 3-17; 19-55; 57-83; 85-118; 121-169; 261-265; 365-370</p>	
2	Aug 26	<p>Discovery – Overview</p> <ul style="list-style-type: none"> • Scope of Discovery • Discovery Strategy, Timing, and Sequence • Initial Disclosures • Experts • Interrogatories • Document Requests • Subpoenas to Third Parties • Electronically Stored Information • Physical and Mental Examination • Requests for Admissions <p>Mauet pp. 189-276; 320-332</p>	<p>Draft a Complaint based on case #2 (For this assignment, your case will be in the Circuit Court of Fairfax County, Virginia)</p>
3	Sep 2	<p>Preserving Evidence</p> <ul style="list-style-type: none"> • Spoliation • Objections • Answering Interrogatories • Responding to Document Requests • Supplementing Discovery • Discovery Review • Motions – Overview • General Requirements • Hearings and Argument • “Housekeeping” motions 	<p>Draft Interrogatories and Document Requests based on case and side assigned</p>

		<ul style="list-style-type: none"> • Dispositive Motions • Summary Judgment • Rule 12 Responses • Discovery Motions <p>Mauet pp. 149-154; 332-343; 345-365; 370-385</p>	
4	Sep 9	<p>Depositions – Overview</p> <ul style="list-style-type: none"> • Who to Depose and Why • Deposition Preparation • Expert Depositions • Rule 30(b)(6) Depositions • Witness Preparation • Defending Depositions • After the Deposition <p>Mauet pp. 277-320</p>	Half of class will draft Motion to Compel and serve opponent
5	Sep 16	In-Class Depositions – Each student will take and defend a deposition – Part 1 of 2	Other half of class will draft Opposition to Motion to Compel and serve opponent
6	Sep 23	In-Class Depositions – Each student will take and defend a deposition – Part 2 of 2	
7	Sep 30	Oral Arguments on Motions to Compel – Part 1 of 2	Half of class will draft Dispositive Motion and serve opponent
8	Oct 7	Oral Arguments on Motions to Compel – Part 2 of 2	Other half of class will draft Opposition to Dispositive Motion and serve opponent
9	Oct 14	Oral Arguments on Dispositive Motions – Part 1 of 2	
10	Oct 21	Oral Arguments on Dispositive Motions – Part 2 of 2	
11	Oct 28	<p>Settlement and Mediation – Overview</p> <ul style="list-style-type: none"> • Evaluating Your Case • Negotiation with Opposing Counsel • Settlement Conference • Mediation • Settlement Agreements • Closing the Case 	

		Mauet pp. 404-436	
12	Nov 4	No class for Election Day – Go Vote!	
13	Nov 11	Settlement Negotiations – Part 1 of 2	
14	Nov 18	Settlement Negotiations – Part 2 of 2	

[Student Resources](#)

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703 -380-1434 or Counseling and Psychological Services (CAPS) at 703 -993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703 -993-8730, or emailing titleix@gmu.edu.

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[Student Conduct](#)

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