

PL211 Wills, Trusts, and Estates Administration

Course Objectives

Upon successful completion of this course, the student will be able to:

1. Describe the paralegal's role in the preparation of wills, trusts, estates as well as in the probate process;
2. Explain the components of legal documents associated with wills, trusts, estates and the probate process;
3. Outline the process for creating and modifying documents associated with wills, trusts, estates and the probate process;
4. Prepare documents associated with wills, trusts, estates and the probate process;
5. Explain the purpose and benefits of putting wills, trusts, and estates in place;
6. Identify the steps of the probate process;
7. Analyze the rights of surviving spouses, family members and other beneficiaries after a person dies; and
8. Identify the courts that have jurisdiction over wills, trusts, estates and the probate process.

Learning Unit 1

Objectives: All

Time	In-Class	Time	Out-Of-Class
Hours 1-2	<p>Lectures: Chapter 1: Purpose and Need for a Will Chapter 2: Property Chapter 3: Testate or Intestate</p> <p>Topics include:</p> <ul style="list-style-type: none"> • The Importance of a Will • The Absence of a Will in Death • Will Characteristics • Will Terminology • Real Property vs. Personal Property • Property Ownership • Estates in Property • Probate Assets and Non-Probate Assets • Gifts, Devises and Bequests • Per Stirpes and Per Capita Distribution • Consequences of Intestate 	Hours- 2 hours	<p>Preparation for Discussion: Chapter 1: Purpose and Need for a Will Chapter 2: Property Chapter 3: Testate or Intestate</p>
2-4	<p>Class Discussion: Class Discussion topics may be pulled from your text, assigned websites, or other resources as determined by your instructor. Topics may include:</p> <ul style="list-style-type: none"> • Reasons Why People Don't Create a Will • Wills are Ambulatory • Intestate vs. Testate • The State's Role in Intestate Death • Real Property Examples • Personal Property Examples • Tenancy Classifications • Estate Examples 	1-2	<p>Homework/Assignments:</p> <ul style="list-style-type: none"> • Instructor assigned end of chapter "Projects" and/or "Review Questions" • Other instructor assignments

	<ul style="list-style-type: none"> • Legacies vs. Devises • Residuary Disposition • Abatement vs. Ademption • Anti-Lapse Statutes • Intestacy • Family Rights Examples • Escheat 		
4-5	Lab/Class Activities/Group Assignment: Instructor assigned Review Questions, Bonus Questions, end of chapter Projects, web-based legal research, or other activities.	2	Project Research/Preparation: Lesson 1 – Topic selection and approval
	Media Ancillaries Media ancillaries as identified by your instructor.		Media Ancillaries Media ancillaries as identified by your instructor.
2	Grading and Assessment Exam 1 Participation Grade (discussion/group assignment or Lab participation) See Rubric		Preparation for Assessment: Review Chapter work products Review Homework Assignment
			Grading and Assessment Homework/Assignment/Activity Project/Portfolio submission (see rubric) Lesson 1 – Topic approval

Learning Unit 2

Objectives: All

Time	In-Class	Time	Out-Of-Class
Hours 1-2	Lectures: Chapter 4: The Will Chapter 5: Will Preparation and Drafting Chapter 6: Advance Directives Topics include: <ul style="list-style-type: none"> • Gifts, Devises and Bequests • Per Stirpes and Per Capita Distribution • Consequences of Intestate • Family Rights • History of Wills • Statutory Will Requirements • Revoking a Will • Joint Will vs. Mutual Will • Contesting a Will • Preparing to Draft a Will • Important Will Information • Ethical Concerns for Paralegals • Properly Prepared Wills 	Hours- 5	Preparation for Discussion: Chapter 4: The Will Chapter 5: Will Preparation and Drafting Chapter 6: Advance Directives

	<ul style="list-style-type: none"> The Paralegal's Role 		
2-4	<p>Class Discussion:</p> <p>Class Discussion topics may be pulled from your text, assigned websites, or other resources as determined by your instructor.</p> <p>Topics may include:</p> <ul style="list-style-type: none"> Wills of Past Generations Testamentary Intent and Testamentary Capacity Sound Mind Undue Influence Holographic and Nuncupative Wills Will Signatures and Witnesses Will Validity Changes to a Will Collecting Will Data Family Information Confidentiality Paralegal's Scope of Practice with Wills Key Will Components Testimonium and Attestation Clauses Self-Proof Affidavits 	1-2	<p>Homework/Assignments:</p> <ul style="list-style-type: none"> Instructor assigned end of chapter "Projects" and/or "Review Questions" Other instructor assignments
4-5	<p>Lab/Class Activities/Group Assignment:</p> <p>Instructor assigned Review Questions, Bonus Questions, end of chapter Projects, web-based legal research, or other activities</p>	2	<p>Project Research/Preparation:</p> <p>Lesson 2 – Outline and sources</p>
	<p>Media Ancillaries</p> <p>Media ancillaries as identified by your instructor.</p>		<p>Media Ancillaries</p> <p>Media ancillaries as identified by your instructor.</p>
2	<p>Grading and Assessment</p> <p>Exam 2</p> <p>Participation Grade (discussion/group assignment or Lab participation) See Rubric</p>		<p>Preparation for Assessment:</p> <p>Review Chapter work products</p> <p>Review Homework Assignment</p>
			<p>Grading and Assessment</p> <p>Homework/Assignment/Activity</p> <p>Project/Portfolio submission (see rubric)</p> <p>Lesson 2 – Outline and sources</p>

Learning Unit 3

Objectives: All

Time	In-Class	Time	Out-Of-Class
------	----------	------	--------------

<p>Hours 1-2</p>	<p>Lectures: Chapter 7: Planning for Non-Traditional Families Chapter 8: Trusts - Elements and Purpose Chapter 9: Specialized Trusts</p> <p>Topics include:</p> <ul style="list-style-type: none"> • Trusts Defined • Trust Terminology • Advantages of Trusts • Creating and Terminating Trusts • Types of Trusts • Specialized Trusts • Crummey Powers • Alternative Lifestyles • Defense of Marriage Act • Grandparents Rights • Post Mortem Conception • Step Families and Wills 	<p>Hours- 2-3</p>	<p>Preparation for Discussion: Chapter 7: Planning for Non-Traditional Families Chapter 8: Trusts - Elements and Purpose Chapter 9: Specialized Trusts</p>
<p>2-4</p>	<p>Class Discussion:</p> <p>Class Discussion topics may be pulled from your text, assigned websites, or other resources as determined by your instructor.</p> <p>Topics may include:</p> <ul style="list-style-type: none"> • Elements of a Trust • Parties Involved with a Trust • Trust Property • Purposes of a Trust • Express and Implied Trusts • Testamentary and Inter Vivos Trusts • Living Trusts • Pour over Wills • When to Terminate a Trust • What Can a Paralegal Do When It Comes To Trusts? • Spendthrift and Sprinkling Trusts • Marital-Deduction Trusts • Marital and Family Trusts • QTIP and Life Insurance Trusts • Charitable and Charitable Remainder Trusts • Cy Pres Doctrine • Totten Trusts • Lady Bird Deeds 	<p>1-2</p>	<p>Homework/Assignments:</p> <ul style="list-style-type: none"> • Instructor assigned end of chapter “Projects” and/or “Review Questions” • Other instructor assignments
<p>4-5</p>	<p>Lab/Class Activities/Group Assignment: Instructor assigned Review Questions, Bonus Questions, end of chapter Projects, web-based legal research, or other activities</p>	<p>2</p>	<p>Project Research/Preparation: Lesson 3 – Rough draft</p>
	<p>Media Ancillaries Media ancillaries as identified by your instructor.</p>		<p>Media Ancillaries Media ancillaries as identified by your instructor.</p>

2	Grading and Assessment Exam 3 Participation Grade (discussion/group assignment or Lab participation) See Rubric		Preparation for Assessment: Review Chapter work products Review Homework Assignment
			Grading and Assessment Homework/Assignment/Activity Project/Portfolio submission (see rubric) Lesson 3 – Rough draft

Learning Unit 4

Objectives: All

Time	In-Class	Time	Out-Of-Class
Hours 1-2	Lectures: Chapter 10: The Personal Representative Chapter 11: Estate Administration Topics include: <ul style="list-style-type: none"> • Personal Representatives (PRs) Defined • Types of Personal Representatives • Duties and Obligations • PR Personal Liability • Probate Process • Settling an Estate • Ancillary Administration 	Hours- 2-3 hours	Preparation for Discussion: Chapter 10: The Personal Representative Chapter 11: Estate Administration
2-4	Class Discussion: Class Discussion topics may be pulled from your text, assigned websites, or other resources as determined by your instructor. Topics may include: <ul style="list-style-type: none"> • The Role of the Personal Representative • Paying Estate Debts • Distributing Assets • Executors and Administrators • Special Circumstances • PR Authority • PR Bonds • Removal of a Personal Representative • Steps in the Probate Process • Probate Documents • Notice to Interested Parties • What Can a Paralegal Do? 	1-2	Homework/Assignments: <ul style="list-style-type: none"> • Instructor assigned end of chapter “Projects” and/or “Review Questions” • Other instructor assignments
4-5	Lab/Class Activities/Group Assignment: Instructor assigned Review Questions, Bonus Questions, end of chapter Projects, web-based legal research, or other activities	2	Project Research/Preparation: Lesson 4 – Peer review

	Media Ancillaries Media ancillaries as identified by your instructor.		Media Ancillaries Media ancillaries as identified by your instructor.
2	Grading and Assessment Exam 4 Participation Grade (discussion/group assignment or Lab participation) See Rubric		Preparation for Assessment: Review Chapter work products Review Homework Assignment
			Grading and Assessment Homework/Assignment/Activity Project/Portfolio submission (see rubric) Lesson 4 – Peer review feedback

Learning Unit 5

Objectives: All

Time	In-Class	Time	Out-Of-Class
Hours 1-2	Lectures: Chapter 12: Tax Considerations in Estate Administration Chapter 13: The Probate Court and Uniform Laws Chapter 14: Paralegals and Ethics Topics include: <ul style="list-style-type: none"> • Final Tax Responsibilities • Tax Returns • Estate Valuation • An Estate's Tax Burden • Tax Law Changes • Post Mortem Estate Planning • Probate Court and Jurisdiction • The Probate Court Clerk • Uniform Laws and Probate • Unauthorized Practice of Law • What Is a Paralegal Permitted to Do? 	Hours- 2-3	Preparation for Discussion: Chapter 12: Tax Considerations in Estate Administration Chapter 13: The Probate Court and Uniform Laws Chapter 14: Paralegals and Ethics
2-4	Class Discussion: Class Discussion topics may be pulled from your text, assigned websites, or other resources as determined by your instructor. Topics may include: <ul style="list-style-type: none"> • IRS Responsibilities • IRS Forms • The Decedent's Tax Returns • The Estate's Tax Returns • The Gross Estate • Unified Tax Credit • Estate Valuation Exemptions • Gift and Estate Tax Rates • The Paralegal's Role in Estate Administration 	1-2	Homework/Assignments: <ul style="list-style-type: none"> • Instructor assigned end of chapter "Projects" and/or "Review Questions" • Other instructor assignments

	<ul style="list-style-type: none"> and Valuation • In Rem and In Personam Jurisdictions • Venue and the Probate Court • Probate Petition Filing • Probate-Related Laws and Wills • UPC 		
4-5	Lab/Class Activities/Group Assignment: Presentations	2	Project Research/Preparation: Lesson 5 – Final
	Media Ancillaries Media ancillaries as identified by your instructor.		Media Ancillaries Media ancillaries as identified by your instructor.
2	Grading and Assessment Exam 5 Participation Grade (discussion/group assignment or Lab participation) See Rubric		Preparation for Assessment: Review Chapter work products Review Homework Assignment
			Grading and Assessment Homework/Assignment/Activity Project/Portfolio submission (see rubric) Lesson 5 – Final