I. INTRODUCTION:

A. This course presents fundamental concepts of the law of wills, trusts, and probate administration with emphasis on the paralegal’s role.

B. LGLA 1353, Wills, Trust and Probate is a required course in the Paralegal / Legal Assistant degree program.

C. This course is occupationally related and serves as preparation for careers in law.

D. Prerequisites: LGLA 1345.

II. LEARNING OUTCOMES

General Objectives:
Upon successful completion of this course, Wills, Trust and Probate, the student will:

A. Conduct preliminary fact gathering and analysis in order to begin the estate planning process.
B. Use intestacy laws to determine how property will be divided when a person dies without a will.
C. Draft, change, and challenge a will in a particular state.
D. Determine the types of trusts, if any that are appropriate for a particular estate-planning scenario.
E. Prepare advance directives as part of the estate-planning process.
F. Research, draft, and communicate matters related to administering an estate in a particular state. Define and properly use terminology relating to wills, trusts, and probate administration.
G. Locate, describe, and analyze sources of law relating to wills, trusts, and probate administration.
H. Draft documents commonly used in wills, trusts, and probate administration.
I. Analyze the ethical considerations of the paralegal in wills, trusts, and probate administration.
Student Outcomes:

A. To demonstrate knowledge of the substantive and procedural laws that govern wills, trust and estates.
   **Measure:** Students will take quizzes, and possibly a mid-term and final examinations following lectures and discussions’ relating to wills, trusts and estate law.
   **Standard:** At least 80% of all students will receive a grade of “C” or better on each of these examinations.

B. To demonstrate effective communication skills.
   **Measure:** Students will conduct mock client interviews and utilize the information obtained to draft a will that embodies the client’s wishes.
   **Standard:** At least 80% of all students will receive a grade of “C” or better for this project.

C. To demonstrate effective drafting skills.
   **Measure:** Students will draft simple estate planning documents.
   **Standard:** At least 80% of all students will receive a grade of “C” or better for this project.

D. To demonstrate “real world skills” in applying what you have learned in this course.
   **Measure:** Students will complete a Final Project.
   **Standard:** At least 80% of all students will receive a grade of “C” or better for this project.

III. INSTRUCTIONAL MATERIALS

A. Text: The instructional materials identified for this course are viewable through [www.ctcd.edu/books](http://www.ctcd.edu/books).


C. Legal writing references will be assigned by the instructor.

IV. COURSE REQUIREMENTS

A. **Reading Assignment:**
   As assigned by Instructor.

B. **Projects, Oral Reports, Case Studies, Book Reports, Research Papers:**
   Students will be expected to complete and submit all assigned projects, reports, and other assignments as indicated by the instructor.

C. **Class Performance:**
   All students are required and expected to maintain the highest standards of
scholastic honesty in the preparation of all course work and during examinations. For a description and consequences of scholastic dishonesty see the CTC Catalog.

D. Class Participation:
The Student is expected to be on time to class, to have read the assigned materials, and be prepared to discuss the assignment in class. All persons must be present on exam day unless properly excused in advance. Students who are late for or absent from class have the absolute responsibility for obtaining the missed information. Students will be expected to take all scheduled examinations in the class period in which they are assigned. Students are expected to observe the Central Texas College policy for attendance as explained in the current catalog.

E. Each student is expected to act in a manner consistent with the College’s functions and goals as an institution of higher education. The Board of Trustees of Central Texas College states the following examples of misconduct constitute an interference with the lawful and orderly use of college premises, facilities, and activities for which students may be subject to disciplinary action. This is not an all-inclusive list of prohibited behavior.

a. Interference with teaching, research, administration or CTC’s other responsibilities through disorderly conduct or disruptive behavior. This includes the use of or ringing of cell phones in the classroom. The instructor has the right to ask the student to leave the classroom and if the incident is repeated, the instructor has the right to ask the student to leave the class.

b. Refusing to depart from any property or facility of the College upon direction by College officials.

For more information on Non-Academic Misconduct please see the Student Handbook.

F. Academic Dishonesty: The College and its official representatives may initiate disciplinary proceedings against any student accused of any form of academic dishonesty. Academic dishonesty includes, but is not limited to, cheating on academic work, plagiarism and collusion.

a. Cheating on academic work includes:
   1. Copying another student’s test paper, research paper or term paper.
   2. Using materials during a test that are not authorized by the test administrator.
   3. Collaborating with another student during a test or in academic preparation without permission.
   4. Using, buying, selling, stealing, transporting, or soliciting the contents of an un-administered test.

b. Plagiarism is defined as presentation for credit as one’s own idea or product derived from an existing source.
c. Collusion is defined as the unauthorized collaboration with another person in preparing written work for credit. All questions of academic dishonesty are reviewed by the faculty member. If the student does not accept the decision of the faculty member, the student may appeal to the department chairperson. If the student disagrees with the decision of the department head, the student’s case will be referred to the Dean of the Central Campus. The student will be allowed to remain in class until the process is exhausted except when immediate suspension or expulsion is deemed necessary for the continuance of the educational mission or when the safety of persons or property is in jeopardy. (See Student Handbook for more details.)

G. Feedback is the return of data about the result of a process. Feedback will be provided via test scores, graded assignments, and/or instructor evaluation of the students’ progress. Each student is encouraged to take advantage of the many avenues for feedback available to them. For example, office hours are established primarily to provide students access to their instructors to discuss their academic performance, to answer their substantive questions, and in some cases, to give them other academic guidance. While adjunct faculties do not normally have office hours, they are generally available before or after class to meet with you. E-mail is another easily available medium to obtain feedback. Additional feedback may be provided at the discretion of the instructor or upon the request of the student.

V. EXAMINATIONS

A. There will be drafting assignments, emphasizing probate forms, wills, and trusts, and unproctored quizzes.
B. The student must be present for all examinations. Students who know in advance they will be absent from an examination due to valid reasons must arrange to take an early examination. Unexpected absences due to illness or extenuating circumstances will require the student to see the instructor about make-up exams.
C. Students without excused absences will be given a zero for the examination missed.
D. There may be a Final Project assigned in lieu of a Final Examination.

VI. SEMESTER GRADE COMPUTATIONS

See teacher's notes

VII. NOTES AND ADDITIONAL INSTRUCTIONS FROM COURSE INSTRUCTOR

A. Withdrawal from course: There are occasions when it may be necessary to drop a course. In order to be officially withdrawn from the course, a student must obtain and complete a withdrawal form and have it signed thereon. The student’s transcript will show “W” or “F”, depending on whether the student is passing or failing in his/her course at the time of withdrawal.
Friday of 3rd week for 5-week courses
Friday of 4th week for 6-week courses
Friday of 6th week for 8-week courses
Friday of 7th week for 10-week courses
Friday of 9th week for 12-week courses
Friday of 12th week for 16-week courses

B. An Administrative Withdrawal: Results when a student is absent an excessive number of times, as defined in the current Central Texas College Catalogue and/or other published amendatory documentation. In such a case, the student is dropped from the course with a grade of “F”.

C. An Incomplete Grade: May be given only in those cases where, because of personal illness, death in the immediate family, school sponsored trip, or military orders, the student is unable to complete the final examination for the course. Prior approval from the instructor is required before the grade of “I” is recorded. A student who merely fails to show for the final examination will receive a zero for the final and “F” for the course.

D. American’s with Disabilities Act (ADA): Disability Support Services provide services to students who have appropriate documentation of a disability. Students requiring accommodations for class are responsible for contacting the Office of Disability Support Services (DSS) located on the central campus. This service is available to all students, regardless of location. Review the website at www.ctcd.edu/disability-support for further information. Reasonable accommodations will be given in accordance with the federal and state laws through the DSS office.

E. Instructor Discretion: The instructor reserves the right of final decision in course requirements.

F. Nonattribution Policy: In order to facilitate the free flow of information, no statements of personal opinion concerning lawyers, judges, cases, or the legal system may be attributed to the speaker and is meant to be a confidential communication. This educational institution encourages complete freedom of expression in all academic endeavors. Comments made by instructors and students will not be attributed to them in any public forum or to any individual likely to transmit such statements to a public forum. However, participation in CTC academic events does not create a category of privileged communication. Our nonattribution policy protects all participants in our program -- staff, faculty, students, speakers, and other guests -- against having their remarks and opinions publicly quoted or otherwise attributed to them without their express consent; allows such statements to be discussed, away from CTC, provided care is taken to avoid publicly identifying the speaker; and encourages speakers to be responsible for the substantive content of their statements.
VIII. COURSE OUTLINE

A. Readings, Assignments, and Other learning Activities

<table>
<thead>
<tr>
<th>Unit</th>
<th>Readings</th>
<th>Assignments &amp; Activities Contributing to a Grade</th>
</tr>
</thead>
</table>
| 1 Planning an Estate | Chapter 1: Where There Is a Will  
Chapter 2: Estate Planning  
Chapter 3: A Bundle of Rights  
Chapter 4: Intestate Succession | Complete Chapter Case Studies/Quizzes, and Assignments for each chapter |
| 2 Wills | Chapter 5: The Last Will and Testament  
Chapter 6: Structure of a Model Will  
Chapter 7: Family Protection, Lapses, and Ademption  
Chapter 14: Final Choices | Complete Chapter Case Studies/Quizzes, and Assignments for each chapter |
| 3 Trust | Chapter 8: Trusts  
Chapter 9: Specialized Trusts | Complete Chapter Case Studies/Quizzes, and Assignments for each chapter |
| 4 Estate Administration | Chapter 10: Probate Courts and Uniform Laws  
Chapter 11: The Personal Representative  
Chapter 12: Probating a Will and Administering an Estate  
Chapter 13: Estate Taxes | Complete Chapter Case Studies/Quizzes, and Assignments for each chapter |
B. **Learning Outcomes:**

1. **Unit One: Planning an Estate**

   a. **Learning Outcomes:** Upon successful completion of this unit, the student will be able to:
      1. Describe the benefits of having a will.
      2. Recognize the risks in writing one’s own will.
      3. Explain the implications of dying without a will.
      4. Explain the purpose of estate planning.
      5. Name the members of the estate planning team.
      6. List the four categories of facts that must be gathered in the estate planning process.
      7. Identify the principal tools available to the estate planner.
      8. Describe some postmortem estate planning devices.
      9. Describe the “bundle of rights” concept of property.
     10. Define probate property and explain its importance in the estate settlement process.
     11. Distinguish between real property and personal property.
     12. Describe the different kinds of nonprobate property, and explain their importance in the estate settlement process.
     13. Contrast the law that governs the passing of real property with the law that governs the passing of personal property when someone dies intestate.
     14. Describe when property passes according to the law of intestate succession.
     15. State the share that a surviving spouse inherits under the law of intestate succession in your state.
     16. Identify the people, other than a surviving spouse, who will inherit and the share each will receive under the law of intestate succession in your state.
     17. Indicate, under the law of your state, the disposition of property owned by people who die intestate survived by no spouse and no ascertainable kindred.

2. **Unit Two: Wills**

   a. **Learning Outcomes:** Upon successful completion of this unit, the student will be able to:
      1. Describe the legal requirements for executing a will in your state.
      2. Explain the methods of changing and revoking wills under the laws of your state.
      3. Recognize possible grounds for contesting a will.
      4. Discuss the guidelines for drafting a will.
      5. Name and identify the introductory paragraphs of a will.
      6. Describe the paragraphs that are found in the main body of a will.
      7. Discuss the fiduciary and tax provisions of a will.
8. Name and describe the ending paragraphs of a will.
9. Explain letters of instruction.
10. Explain the laws that have been enacted for the protection of family members.
11. Distinguish between lapsed legacies and ademption.
12. Summarize the law as it applies to the right to refuse medical treatment.
13. Describe the types of advance directives that are commonly used in your state.
14. Explain the methods of making anatomical gifts.
15. Determine who usually has the right to possession of the decedent’s body and the duty of burial.

3. Unit Three: Trust

a. Learning Outcomes: Upon successful completion of this unit, the student will be able to:
   1. Define a trust.
   2. Name the parties to a trust.
   3. Compare the methods of creating a trust.
   4. Describe the different kinds of express and implied trusts.
   5. Describe a Totten trust.
   6. Determine when to use a spendthrift trust and when to use a sprinkling trust.
   7. Compare assorted marital deduction trusts and the use of each.
   8. Describe several types of charitable trusts and discuss the use of each.
   9. Explain the use of a life insurance trust as a way to save taxes.

4. Unit Four: Estate Administration

a. Learning Outcomes: Upon successful completion of this unit, the student will be able to:
   1. Recognize the courts that have jurisdiction in the field of probate law in your state.
   2. Identify the office in your state that is responsible for the care and custody of probate records.
   3. Name and describe uniform laws enacted in your state that deal with probate law.
   4. Determine, in a given case, who should petition the court for appointment as a personal representative.
   5. List the duties of a personal representative.
   6. Distinguish among the titles of personal representatives and determine when each is used.
   7. Explain the reasons for the removal of a personal representative.
   8. Recognize the need for probate in particular cases.
   9. Outline the steps necessary when formal probate proceedings are undertaken in your state.
10. List the steps that are used when informal probate proceedings are undertaken in your state.
11. Explain the procedure used in your state when ancillary administration is undertaken.
12. Describe the initial steps that must be taken by a personal representative with regard to the decedent’s taxes.
13. Identify the income that must be included in the decedent’s final income tax return and the fiduciary income tax return.
14. Explain the occasion, date due, and form used for filing a federal estate tax return.
15. Differentiate between the gross estate and the taxable estate for estate tax purposes.
16. Compute a hypothetical estate tax.