

PL104

Wills, Trusts, and Estates

[Onsite]

Course Description:

This course will introduce students to the preparation and handling of wills, trusts, and estates. It will cover the responsibilities and duties in the field of estate administration that can be performed by a paralegal, emphasizing the drafting of estate planning documents, such as wills and trusts. Probate proceedings are also covered, including the preparation of probate court pleadings, collection and valuation of assets, review of claims, distribution of assets among beneficiaries and accounting.

Prerequisite(s) and/or Corequisite(s):

Prerequisite: PL103 Technology in the Law Office

Credit hours: 4

Contact hours: 40 (40 Theory Hours)

Syllabus: Wills, Trusts, and Estates

Instructor:	_____
Office hours:	_____
Class hours:	_____

Major Instructional Areas

1. Purposes of an estate plan
2. Content, legal requirements, circumstances, and execution guidelines of various estate planning documents
3. Paralegal's role, legal responsibilities, and ethical considerations when assisting with the administration of a decedent's estate
4. Trusts and the supporting documents

Course Objectives

1. Examine estate-planning considerations.
2. Analyze the rules of intestate succession.
3. Describe the requirements for a valid will.
4. Prepare a living will and powers of attorney.
5. Prepare a basic will.
6. Describe the requirements of trusts and supporting documents.
7. Describe the duties of a personal representative and procedure for appointment.
8. Recognize various estate administration documents.
9. Prepare an inventory document.
10. Examine creditor claims.
11. Describe tax law as it relates to estate administration.

12. Prepare final accounting and estate closing documents.
13. Identify additional estate administration concerns.

SCANS Objectives

SCANS is an acronym for Secretary's Commission on Achieving Necessary Skills. The committee, created by the National Secretary of Labor in the early 1990s, created a list of skills and competencies that the committee feels are necessary for employees to function in a high-tech job market.

1. Locate, understand, and interpret written information in prose and in documents such as manuals, graphs, and schedules.
2. Communicate thoughts, ideas, information, and messages in writing.
3. Draft documents such as letters, directions, manuals, reports, graphs, and flow charts.
4. Specify goals and constraints, generates alternatives, consider risks, and evaluate and choose the best alternative.
5. Use efficient learning techniques to acquire and apply new knowledge and skills.
6. Choose ethical courses of action.
7. Acquire, evaluate, organize, and maintain information.
8. Interpret and communicate information.
9. Use computers to process information.
10. Discover a rule or principle underlying the relationships between two or more issues and apply it when solving a problem.

Course Outline

Note: All graded activities, except the Paralegal Student Portfolio and Final Exam, are listed below in the pattern of <Unit Number>.<Assignment Number>. For example, Assignments: 2.1 refers to the 1st assignment in Unit 2.

Unit	Activities
1– Wealth, Property, and Estates	<ul style="list-style-type: none">• Content Covered: <i>Wills, Trusts, and Probate Law for Paralegals:</i><ul style="list-style-type: none">○ Chapter 1, “Wealth, Property, and Estates”

Unit	Activities
	<ul style="list-style-type: none"> • Assignments: 1.1
2— Intestate Succession	<ul style="list-style-type: none"> • Read from <i>Wills, Trusts, and Probate Law for Paralegals</i>: <ul style="list-style-type: none"> ◦ Chapter 2, “Intestate Succession” • Quizzes: 2.1 • Assignments: 2.1
3— Basic Estate Planning	<ul style="list-style-type: none"> • Read from <i>Wills, Trusts, and Probate Law for Paralegals</i>: <ul style="list-style-type: none"> ◦ Chapter 3, “Basic Estate Planning” • Assignments: 3.1
4— Drafting a Basic Will	<ul style="list-style-type: none"> • Read from <i>Wills, Trusts, and Probate Law for Paralegals</i>: <ul style="list-style-type: none"> ◦ Chapter 4, “Drafting a Basic Will” • Quizzes: 4.1 • Assignments: 4.1
5— Trusts	<ul style="list-style-type: none"> • Read from <i>Wills, Trusts, and Probate Law for Paralegals</i>: <ul style="list-style-type: none"> ◦ Chapter 5, “Trusts” • Assignments: 5.1, 5.2
6— Overview of Estate Administration and the Personal Representative	<ul style="list-style-type: none"> • Read from <i>Wills, Trusts, and Probate Law for Paralegals</i>: <ul style="list-style-type: none"> ◦ Chapter 6, “Overview of Estate Administration and the Personal Representative” • Quizzes: 6.1 • Assignments: 6.1 • Paralegal Student Portfolio Part 1: Start
7— Issuance of Letters of Appointment, Inventory Appraisal, and Creditors’ Claims	<ul style="list-style-type: none"> • Read from <i>Wills, Trusts, and Probate Law for Paralegals</i>: <ul style="list-style-type: none"> ◦ Chapter 7, “Step One—Issuance of the Letters of Appointment” ◦ Chapter 8, “Step Two—Inventory and Appraisal and Step Three—Creditors’ Claims”

Unit	Activities
	<ul style="list-style-type: none"> • Assignments: 7.1, 7.2
8— Tax Documents	<ul style="list-style-type: none"> • Read from <i>Wills, Trusts, and Probate Law for Paralegals</i>: <ul style="list-style-type: none"> ◦ Chapter 9, “Step Four—Tax Documents” • Assignments: 8.1 • Paralegal Student Portfolio Part 1: Submit • Paralegal Student Portfolio Part 2: Start
9— Final Accounting and Closing the Estate	<ul style="list-style-type: none"> • Read from <i>Wills, Trusts, and Probate Law for Paralegals</i>: <ul style="list-style-type: none"> ◦ Chapter 10, “Step Five—Final Account and Step Six—Closing the Estate: Additional Estate Administration Procedures,” stop at section titled, “Will Contests,” pp. 201-212 • Assignments: 9.1 • Paralegal Student Portfolio Part 2: Submit draft
10— Additional Estate Administration Considerations	<ul style="list-style-type: none"> • Read from <i>Wills, Trusts, and Probate Law for Paralegals</i>: <ul style="list-style-type: none"> ◦ Chapter 10, “Step Five—Final Account and Step Six—Closing the Estate: Additional Estate Administration Procedures” start at section titled, “Will Contests,” pp. 212-232 • Assignments: 10.1
11— Course Review and Final Exam	<ul style="list-style-type: none"> • Course Review • Final Exam • Paralegal Student Portfolio Part 2: Submit

Instructional Methods

The Wills, Trusts, and Estates course incorporates a variety of teaching methods designed to help you complete the course objectives defined for this course. Various methods and media are used including classroom lectures, classroom discussions, assignments, quizzes, a final exam, and a paralegal student portfolio. The portfolio assignment will allow you to apply the concepts learned in this course to prepare an inventory document and a final account document for an

estate. This portfolio should be included in the Paralegal Student Portfolio that you have been developing throughout the Paralegal Studies program.

Instructional Materials and References

Student Textbook Package

- Gibson, Pamela. *Wills, Trusts, and Probate Law for Paralegals*. Upper Saddle River, NJ: Pearson Prentice Hall, 2009.

References

ITT Tech Virtual Library

Log on to the ITT Tech Virtual Library at <http://library.itt-tech.edu/> to access online books, journals, and other reference resources selected to support ITT Tech curricula.

Periodicals

You may click “Periodicals” or use the “Search” function on the home page to find the following periodical.

- LexisNexis Academic
Organized into five categories, this extensive legal database includes legal cases, articles from legal newspapers and magazines, and Shepard’s citation tool. This site also includes the Uniform Probate Code (UPC).

School of Study

You may click on “School of Study” or use the “Search” function on the home page to find the following links.

- School of Criminal Justice> Law> FindLaw
This site provides a comprehensive set of legal resources for professionals, businesses, and individuals such as Web search utilities, cases, and codes, legal news, informational articles, and more.
- School of Criminal Justice> Law> Legal Information Institute
Maintained by the Cornell Law School, this site provides information on legal topics and links to state and federal law and court decisions.

- School of Criminal Justice> Law> Harvard Law School: Research Guides
This site prepared by the Harvard Law School Library provides guides on a variety of legal topics.

Other References

The following resources can be found **outside** of the ITT Tech Virtual Library.

Books

- Hanft, John K., and Gerry Beyer. *Wills, Trusts, and Estates for Legal Assistants, Third Edition*. New York: Aspen Publishing, 2009.

Web sites

- Uniform Probate Code Locator
<http://www.law.cornell.edu/uniform/probate.html> (accessed 12/10/09)
This site is maintained by Cornell University and provides a wealth of information pertaining to the Uniform Probate Code (UPC).
- Internal Revenue Web site
www.irs.gov (accessed 12/10/09)
This site includes tax forms necessary to file taxes for estates.

Course Evaluation and Grading

Evaluation Criteria Table

The final grades will be based on the following categories:

CATEGORY	WEIGHT
Assignments	35%
Quizzes	15%

CATEGORY	WEIGHT
Paralegal Student Portfolio	25%
Final Exam	25%
Total	100%

Note: Students are responsible for abiding by the Plagiarism Policy.

Grade Conversion Table

The final grades will be calculated from the percentages earned in the course, as follows:

A	90-100%	4.0
B+	85-89%	3.5
B	80-84%	3.0
C+	75-79%	2.5
C	70-74%	2.0
D+	65-69%	1.5
D	60-64%	1.0
F	<60%	0.0

(End of Syllabus)