

PELLISSIPPI STATE TECHNICAL COMMUNITY COLLEGE
MASTER SYLLABUS

ESTATES & TRUSTS
LAW 2040

Class Hours: 3.0

Credit Hours: 3.0

Laboratory Hours: 0.0

**Date Revised: Spring
00**

Catalog Course Description:

A study of common forms of wills and trusts, analysis of administration of estates by probate courts and the assistant's role in preparation of legal documents for planning and distribution of estates.

Entry Level Standards:

College-level competencies in logic, reading, and English are required.

Prerequisites:

LAW 1000, 1005

Corequisite:

LAW 1040

Textbook(s) and Other Reference Materials Basic to the Course:

Hower, Dennis R., *Wills, Trusts, and Estate Administration for the Paralegal: The Essentials*, (West, 1996).

I. Week/Unit/Topic Basis:

Week	Topic
1	Purpose and Need for a Will
2	Property: How it Relates to Wills, Trusts and Estate Administration
3	Participants and the Proper Court
4	The Law of Succession: Testate or Intestate
5	Wills: Validity Requirements, Modification, Revocation and Contests
6	Wills: Checklists and the Conference With the Client
7	Wills: Drafting and Executing a Valid, Legal Will
8	Wills: Drafting and Executing a Valid, Legal Will (cont.)
9	Introduction to Trusts
10	Classification of Trusts, the Living Trust, and Other Special Trusts

- 11 Estate Planning
- 12 Estate Planning (cont.)
- 13 Personal Representatives: Duties and Appointment
- 14 Small Estate Administration
- 15 Ethical Principles Relevant to Practicing Legal Assistants
- 16 Final Examination

II. Course Objectives*:

- A. Demonstrate a complete and thorough understanding of legal ethics. I, III, V
- B. Identify and become familiar with the basic terminology of wills and trusts. I, II, IV
- C. Understand the nature of the role and responsibilities of legal assistants within the area of probate. I, II, III, IV, V
- D. Demonstrate a complete and thorough understanding of the various kinds of property. I, II
- E. Demonstrate a complete and thorough understanding of the fundamentals of probate law. I, II
- F. Demonstrate an adequate understanding of the basic concepts of intestate succession. I, II, III
- G. Demonstrate an adequate understanding of the differences between revocable and irrevocable trusts. I, II, III, IV, V

*Roman numerals after course objectives reference goals of the Business and Computer Technologies department.

III. Instructional Processes*:

Students will:

1. Practice elements of the work ethic such as professionalism, preparedness, punctuality, honesty, cooperation, dependability, contribution, effectiveness, good manners, etc. *Personal Development Outcome, Cultural Diversity and Social Development Outcome, Transitional Strategy*
2. Refine their reading skills and expand their legal vocabularies through completion of weekly guided reading exercises that allows them to communicate more effectively with lawyers and legal professionals. *Communication Outcome, Transitional Strategy*
3. Strengthen analytical skills by locating court cases and statutes in the Educational Resource Center and on Westlaw to determine the application of the rules of law to specific facts. *Information Literacy Outcome, Problem Solving and Decision Making Outcome, Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy*
4. Examine ethical issues related to legal representation, unauthorized practice of law, confidentiality, duty of legal professional to provide legal services, etc. *Cultural Diversity and Social Adaptation Outcome, Transitional Strategy, Active Learning Strategy*

5. Listen to guest speakers from the legal community to learn the demands for legal assistants who possess basic knowledge of legal topics in the work world. *Personal Development Outcome, Problem Solving and Decision Making Outcome, Transitional Strategy*
6. Develop investigative skills using the Internet, library, and governmental agency resources to find relevant information. *Problem Solving and Decision Making Outcome, Information Literacy Outcome, Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy*

*Strategies and outcomes listed after instructional processes reference Pellissippi State's goals for strengthening general education knowledge and skills, connecting coursework to experiences beyond the classroom, and encouraging students to take active and responsible roles in the educational process.

IV. Expectations for Student Performance*:

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

1. Recognize and avoid acts that constitute the unauthorized practice of law. A
2. Recognize and avoid acts that constitute the breach of client confidentiality. A
3. Recognize potential and actual conflict of interest situations. A
4. Identify basic terminology of wills and trusts. B, C, D
5. Recognize and explain the function and purpose of wills. B,F
6. Identify examples of instances where a person may not need a will. B,D,E,F
7. Identify and classify the various kinds of property. B,D,E,F
8. Distinguish the various forms of ownership of real and personal property. B,D,E,F
9. Identify the proper court that supervises the administration and distribution of a decedent's estate. B,E
10. Recognize the necessity for establishing a second or ancillary administration of a decedent's estate when property of the decedent is located in another state. B,C,E
11. Recognize, understand and use the basic terms associated with testacy and intestacy. B,C,D,E,F
12. Read a will and identify the parties and gifts using both traditional and U.P.C. terminology. B
13. Interpret state intestate succession statutes and determine who is entitled to receive what property under such laws. B,C,D,E,F
14. Know the difference between relationship to the decedent by consanguinity and by affinity as it relates to the right to inherit a decedent's property under intestate succession laws. B,C,D,E,F
15. Understand the difference between the right of heirs of an intestate to take their share of the estate per capita or per stirpes. B,C,D,E,F
16. Understand the process of escheat. B,D,E,F

17. Recognize the formal requirements for a valid will. B
18. Develop and use checklists to elicit the information necessary for the preliminary draft of a will. B
19. Identify, explain and interpret the sources of law that determine the validity of a will. B, E
20. Explain the purpose and function of a self-proving affidavit, living will, health care proxy, and durable power of attorney. A,B,D,E
21. Identify and define the essential elements of trusts. B, G
22. Explain the uses and functions of various kinds of trusts. B,G
23. Identify and explain the function of Totten, spendthrift, and sprinkling trusts and pour-over wills. B, E
24. Understand the procedures for appointing the personal representative in formal probate proceedings. B,E
25. Recognize the legal assistant's role in assisting the personal representative in performing the required duties of estate administration. B,C,E
26. Recognize and define the traditional forms of probate and estate administration. B,C,E

*Letters after performance expectations reference the course objectives listed above.

V. Evaluation:

A. Testing Procedures: 50% of grade

There will be three tests plus a cumulative final examination with both short answer and objective questions.

B. Laboratory Expectations: 15% of grade

Students will work in small groups to research an assigned topic, and make a class presentation on that topic.

C. Field Work: 35% of grade

Students will be assigned a mock client for whom he/she will complete several out-of-class skills projects. These may include:

- Legal writing exercises
- Drafting a will
- Drafting a living will
- Drafting a power of attorney for health care purposes
- Drafting a testamentary trust
- Preparing a petition for letters testamentary
- Draft notices to beneficiaries and creditors as required in probate process
- Prepare a checklist and timetable for estate administration
- Prepare draft of petition for guardianship and conservatorship
- Prepare state death tax return
- Prepare federal estate tax return
- Prepare beneficiary receipts for distributed estate assets
- Draft final accounting

D. Other Evaluation Methods:

1. All tests and papers will be graded for spelling and English usage in addition to content and format.
2. Students are partially evaluated on the basis of in-class projects requiring use of the stated skills. Class participation is important and will be considered in the final grade.
3. Any student encountering academic difficulty during the term is strongly encouraged to meet with the instructor to discuss options and solutions.

E. Grading Scale:

A	93-100
B+	88- 92
B	83- 87
C+	78- 82
C	73- 77
D	65- 72
F	64 and below

VI. Policies:

A. Attendance Policy:

Pellissippi State Technical Community College expects students to attend all scheduled instructional activities. As a minimum, students in all courses must be present for at least 75 percent of their scheduled class and laboratory meetings in order to receive credit for the course.

B. Academic Dishonesty:

Cheating of any type will not be tolerated and will become an automatic zero on that paper or test. Repetition of cheating will result in an F for the final grade.

C. Other Policies:

Late papers will not be accepted. No make-up tests will be given unless the instructor has been notified and excused the student's absence