

Paralegal 20 – Probate Procedures – Spring 2014

Section 4654

MONDAYS – 6:45 – 10:00 p.m.

February 4 – June 3, 2014

Instructor:	Deborah Zexter, Attorney at Law	Telephone:	TBA
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Office:	Classroom – CE 220		By Appointment

***PARALEGAL:** A paralegal is a person, qualified by education, training, or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible.*

Paralegal Program Objectives

1. The Paralegal Studies Program is designed to prepare the student to assist the attorney in both private and public sectors in all phases of legal work and to equip the student with the knowledge necessary to enter the legal service fields as an entry-level paralegal.
2. To insure quality paralegal education at the community college level.
3. To familiarize students with the legal system and the role of the paralegal in the delivery of legal services in the public and private sectors.
4. To train students to be prepared to use and apply the most current paralegal skills.
5. To educate students to intelligently and ethically serve the legal community.
6. To train students in critical paralegal skills such as investigation, legal research, interviewing, written and oral communications.
7. To educate, train and provide students with the theoretical background to perform the paralegal's tasks in substantive areas of law and legal specialties.
8. To educate and train students in areas of procedural law emphasizing the paralegals role in litigation, mediation and arbitration.
9. To educate students about the general principles of ethical legal practice as defined by the American Bar Association's Standing Committee on Ethics and Professional Responsibility, and California's Business & Professions Code §6450.
10. To encourage students to contribute to the advancement of the legal profession.
11. To provide counseling during the program and to assist students in preparing for and obtaining meaningful careers in the paralegal field.

Paralegals may not provide legal services directly to the public except as permitted by law.

Students with Disabilities

Students with disabilities who believe they may need accommodations in this class are encouraged to contact Support Services in HRLC 119 or via telephone at (310) 287-4450 as soon as possible to better ensure accommodations are implemented in a timely fashion.

Course Description

Paralegal 20 is a comprehensive study of methods for fact gathering, office procedures and required court work involved in the handling of wills, trusts and probates of both testate and intestate decedents. Overview of probate procedures and court documents.

Grading and Evaluation

Practical and Written Assignments	400 points
Exams	300 points / 100 points each
Probate Ethics Project	100 points
Participation/Attendance	200 points

Total 1000 points

A = 90 - 100%	Superior Performance
B = 80 - 89%	More than Satisfactory Performance
C = 70 - 79%	Satisfactory Performance
D = 60 - 69%	Unsatisfactory Performance
F = 0 - 59%	Failure to Meet Minimum Course Requirements

Course Texts, References, Supplies, Requirements

Wills, Trusts, and Estate Administration – 7th Edition – Dennis R. Hower and Peter T. Kahn
ISBN# 978-1111137786, Year: 2012; this book (this edition) is required for this course – no exceptions.

Scantron forms #882-ES, Two Blue Books, and #2 pencils with erasers.

All assignments must be typed, double-spaced, 1-inch margin, and at least 12 pt. Font.

All assignments must have your name, description of assignment, section #, class name and number, and date.

Student Learning Objectives

The student will learn:

1. to solidify a student's knowledge of probate, wills and trusts;
2. to focus on substantive law, procedural law, and ethics related to this specialty area;
3. to focus on document production for estate planning and administration;
4. to focus on the ethical issues involved in estate planning and administration.

Institutional Learning Outcomes

A. Critical Thinking: Analyze problems by differentiating fact from opinions, using evidence, and using sound reasoning to specify multiple solutions and their consequences.

B. Communication: Effectively communicate thought in a clear, well-organized manner to persuade, inform, and convey ideas in academic, work, family and community settings. *Do a class presentation to support or refute a controversial issue. Create an effective PowerPoint presentation.*

C. Quantitative Reasoning: Identify, analyze, and solve problems that are quantitative in nature. *Take a poll of pro and con opinions on a controversial issue and use data to support or refute that issue. Use your test scores to estimate your grade in a class. Create an Excel spreadsheet to record your grades.*

D. Civic Responsibility: Apply the principles of civility to situations in the contexts of work, family, community and the global world. *Attend a court of law, school board, or community meeting. Register to vote.*

Class Discussions and Questions Via E-Mail

Private e-mails must be sent to my personal e-mail at Samiz33@yahoo.com.

Web Links

During this semester, you will access several websites for your practical assignments, including: <http://www.courtinfo.ca.gov> or <http://www.lasuperiorcourt.org> or <http://www.senate.ca.gov> or <http://california.findlaw.com/>

Study Groups

You will want to make use of one of the more traditional tools of college - the study group. I highly recommend study groups. The study group should be chosen not on the basis of who you think is the smartest, but whom you like as a person. The strength of the study group will ultimately be the relationships you develop with these people.

Briefing of Cases

I expect you to learn the art of 'case briefing'. The case briefing method will give you great assistance in learning the assigned material and it will prepare you for the class discussions as well. I will provide you with a handout describing how to brief cases. I will also spend time during the semester explaining how to brief cases.

Attendance/Participation

• Your attendance will be recorded for each class. It is your responsibility to make sure that you sign the attendance roster each class session. The instructor has the discretion to drop any student who has more than three absences (excused or unexcused) in the semester. Attendance and Participation will be 20% of your overall grade.

You are expected to stay for the entire class session.

• Attend every class and be prepared. If you are absent, you are responsible for the work which is due upon your return. Thus, obtain several students' telephone numbers and e-mail addresses in order to properly prepare for class prior to your return.

• There are absolutely no make-ups for any missed assignments or classes unless previously agreed upon by the instructor. **NO LATE WORK WILL BE ACCEPTED.** You are in professional training. In the Legal Profession, there are no excuses for missed deadlines, failure to appear at hearing, lack of preparation or failure to read footnotes.

• Please turn off all beepers, cell phones etc....

- No children are allowed in class.
- No taping of the class is allowed.

Video Summaries/Notes

Throughout the semester, you will watch a variety of legal videos. It is imperative that you take detailed notes on each video. You must include topics and discussions from each video in your ethics project.

Assignments

PLEASE NOTE: THIS SCHEDULE IS SUBJECT TO CHANGE IN CLASS BY THE INSTRUCTOR. ADDITIONAL HANDOUTS AND ASSIGNMENTS WILL BE GIVEN THROUGH OUT THE SEMESTER. YOU ARE RESPONSIBLE FOR ALL ASSIGNMENTS EVEN IF YOU ARE ABSENT.

Week 1: Chapter 1 – The Estate Plan and the Purpose and Need for a Will Monday, February 10, 2014

Homework: Read Chapter 1
Chapter 1 Review Questions (Due February 24, 2013)

NO CLASS on President's Day – Monday, February 17, 2014

Week 2: Chapter 1 - The Estate Plan and the Purpose and Need for a Will (Continued)

Monday, February 24, 2014

Homework: Read Chapters 1 and 2
Chapters 2 Review Questions Due

Week 3: Chapter 2 – The Concept of Property Related to Wills, Trusts, and Estate Administration

Monday, February 31, 2014

Homework:
Read Chapter 3
Chapter 3 Review Questions
Practical Assignment – Does California have a state slayer's rule? If so, please write one page typed, explaining and citing the statute - the statute – Please use your access to Lexis.

Week 4: Chapter 3 – The Participants and the Proper Court Monday, March 3, 2014

Homework:
Read Chapter 4
Chapter 4 Review Questions
Practical Assignment – Draft a Living Will and Power of Attorney Health Care.

Week 5: Chapter 4 – The Law of Succession: Death Testate or Intestate Monday, March 10, 2014

Homework:
Read Chapter 5
Chapter 5 Review Questions

Week 6: Chapter 5 – Wills: Validity Requirements, Modification, Revocation, and Contests
Monday, March 17, 2014

Homework:

Prepare for Exam #1 – Chapter 1-5

Week 7: Exam #1 – Chapter 1 -5
Monday, March 24, 2014

Homework:

Read Chapter 6
Chapter 6 Review Questions

No Class – Monday, March 31, 2014 – Caesar Chavez Day
No Class – Monday, April 7, 2014 – Spring Break

Week 8: Chapter 6 – Preparation to Draft a Will: Checklists and the Conference with The Client
Monday, April 14, 2014

Homework:

Read Chapter 7
Chapter 7 Review Questions
Practical Assignment – Draft a Basic Will – Discussion: Why is this important in regard to Probate?

Week 9: Chapter 7 – Final Draft and Execution of a Valid Will
Monday, April 21, 2014

Homework:

Read Chapters 8 and 9
Chapters 8 and 9 Review Questions
Ethics Project – to be announced

Week 10: Chapter 8 – Introduction to Trusts; Chapter 9 – Classification of Trusts
Monday, April 28, 2014

Homework:

Review Chapters 10 and 11
Chapters 11 Review Questions

Week 12 – Chapter 10 Estate Planning; Chapter 11 - Long Term Care
Monday, May 5, 2014

Homework:

Exam #2 – Chapters 6-11

Week 13 – Exam #2 – Chapters 6-11
Monday, May 12, 2014

Homework:

Read Chapters 12 and 13

Final Project Exam#3 handed out in class.

Ethics Project – Please write one page, double spaced on one probate issue that is important to you and why.

**Week 14 -Chapters 12: Personal Representatives; Chapter 13 – Probate and Estate Administration
Monday, May 19, 2014**

Homework:

Chapter 13 and 14

Chapters 13 and 14 Review Questions

No CLASS – Monday, May 26, 2014 – MEMORIAL DAY

**Week 15 – Chapter 13 – Probate and Estate Administration (cont'd); Chapter 14 – Informal Probate
Adm.**

Monday, June 2, 2014

Homework:

Read Chapters 15 and 16

Final Exam/Project

Draft Probate Documents in class– to be announced.

Week 16 – Chapter 15 – Tax Considerations; Chapter 16 – Ethical Principles

Monday, June 9, 2014

Finals: Monday, June 9, 2014 - Final Exam #3 – Final Project Due - No Exceptions.

THIS SCHEDULE IS SUBJECT TO CHANGE. ALL CHANGES WILL BE ANNOUNCED IN CLASS.

Practical Assignments:

1. Obtain a copy of a Power of Attorney and fill it out.
2. Draft a Living Will.
3. Draft a Basic Will.
4. Written analysis of the California Slayer's Statute.