Curriculum Committee Approval: 10/03/2023
Lecture Contact Hours: 32-36; Homework Hours: 64-72; Total Student Learning Hours: 96-108

CUYAMACA COLLEGE
COURSE OUTLINE OF RECORD

PARALEGAL STUDIES 145 – ESTATE PLANNING

2 hours lecture, 2 units

Catalog Description
Overview of the subject of planning an owner's estate, including a review of the customary means of accomplishing estate planning objectives including wills, trusts, taxation, asset protection, and gift-giving programs.

Prerequisite
"C" grade or higher or "Pass" in PARA 100 or equivalent

Recommended Preparation
Familiarity with Canvas learning platform, basic computing, rudimentary understanding of contracts and property law.

Entrance Skills
Without the following skills, competencies and/or knowledge, students entering this course will be highly unlikely to succeed:
1) Have a basic understanding of the American legal system.
2) Be familiar with basic legal concepts and basic legal vocabulary.
3) Understand the judicial system as to Federal and state court structure and the administrative system.
4) Demonstrate knowledge of the major substantive areas of the law and how they differ from procedural law.
5) Understand the importance of keeping track of billable hours and the ability to do so.
6) Understand the importance of ethics and the rules of Professional Responsibility.

Course Content
1) Wills and Trusts
    a. Types of wills
    b. Execution of formal wills
    c. Testamentary Capacity
    d. What does and does not pass under a will
    e. Types of trusts
    f. Legal Requirements for Trusts
    g. Common Drafting Issues
    h. Choice of Trustee
    i. Trust Funding
    j. Deeds
2) Titles and Ownership
    a. Ownership in severalty
    b. Joint ownership
        1. Joint tenancy
        2. Community property
        3. Tenancy in common
        4. Tenancy by co-partnership
        5. Tenancy by the entirety (outside California)

   c. Distinctions between real and personal property
3) Effect of title and situs/domicile/residence
4) Planning for specific contingencies
   a. Incapacity
      1. Durable powers of attorney
      2. Power of attorney for health care
      3. Ethical Considerations
      4. Third Party Acceptance
   b. Retirement
      1. Income requirements
      2. Medicare/medical qualifications
      3. Social Security
      4. Private pension plans
   c. Creditors' claims/judgments
      1. Transfer in fraud of creditors
      2. Irrevocable trusts
      3. Title in spouse
5) Taxation Issues Planning
   a. Income tax: federal, state(s)
   b. Gift tax
   c. Estate tax: federal, state(s)
   d. Generation Skipping
6) Charitable gifts
7) Role and ethical and professional responsibilities of the paralegal in the estate planning practice
8) Sources of law
9) The concept of property relating to wills, trusts and estates
10) The laws of succession, death testate or intestate and the purpose of a will
11) Wills: validity requirements, modifications, and revocation
12) Preparing to draft a will
13) Drafting and executing a valid legal will
14) Introduction to trusts
15) Tax considerations with trusts

Course Objectives

Students will be able to:
1) Demonstrate an understanding of, and properly use, legal terminology.
2) Recognize potential ethical problems in the areas of estate planning.
3) Produce court documents or legal instruments used in the specialty area, specifically a will, trust, DPOA and AHCD.
4) Identify if assets are properly funding a trust.
5) Identify potential tax consequences for large estates and possible solutions.
6) Demonstrate mastery of technology relevant to the specialty area.
7) Demonstrate writing and speaking skills necessary to communicate in a professional setting.

Method of Evaluation

A grading system will be established by the instructor and implemented uniformly. Grades will be based on demonstrated proficiency in subject matter determined by multiple measurements for evaluation, one of which must be essay exams, skills demonstration or, where appropriate, the symbol system.
1) Written documents, legal instruments or essays
2) Examinations (written)
3) Discussion groups through posting boards with discussion questions or other vehicle to evaluate student's use of legal terminology and effective verbal communication

Special Materials Required of Student
Computer or device with consistent internet access or regular time scheduled in a computer lab on campus.

Minimum Instructional Facilities
Computer Lab access for students on a regular basis

Method of Instruction
1) Reading lecture materials or viewing lectures, and participating in discussions or chats
2) Group assignments
3) Assignments include completing judicial counsel forms, discussion of problems and situations from CEB onLaw, reviewing case law, and finding answers to hypotheticals using the Probate Code

Out-of-Class Assignments
1) Drafting wills
2) Drafting Trust
3) Drafting Trust funding documents
4) Drafting scenarios for different Durable Power of Attorney and Advanced Healthcare Directive
5) Drafting client communication regarding estate plan

Texts and References
1) Required (representative example): Richard Aiello et. al, California Estate Planning, located online through CEB OnLAW 2023, CEB-Estate Planning-California Estate Planning is the route: https://onlaw-ceb-com.ezproxy.cuyamaca.edu/onlaw/gateway.dll?f=templates&fn=default.htm&vid=OnLAW:CEB .
2) Supplemental: California Statutes available at https://leginfo.legislature.ca.gov/faces/codes.xhtml.

Exit Skills
Students having successfully completed this course exit with the following skills, competencies and/or knowledge:
1) Demonstrate an understanding of, and properly use, estate planning legal terminology.
2) Recognize potential ethical problems in the areas of estate planning.
3) Draft court documents or legal instruments used in estate planning.
4) Understand administrative law and the administrative legal system.
5) Demonstrate writing skills necessary to communicate in a professional setting.

Student Learning Outcomes
Upon successful completion of this course, students will be able to:
1) Recognize and identify potential ethical problems in the areas of estate planning.
2) Describe and identify various tools, including the appropriate technology, in estate planning to accomplish client goals outside of court through legal instruments (Work-Based Learning Outcome).
3) Communicate effectively both orally and in writing in a professional legal setting using the proper legal terminology.