

CUYAMACA COLLEGE
COURSE OUTLINE OF RECORD

PARALEGAL STUDIES 146 – PROBATE AND ADMINISTRATION OF ESTATES

1 hour lecture, 1 unit

Catalog Description

Overview of Probate and Administration of Estates, including the law of wills, estates and estate administration including testate and intestate estates, and the law of descent and distribution will be discussed as well as conservatorships.

Prerequisite

“C” grade or higher or “Pass” in PARA 100 or equivalent.

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 ethics and the rules of Professional Responsibility.

Course Content

- 1) Planning for specific contingencies
 - a. Incapacity
 1. Conservatorship
 2. Ethical Considerations
 3. Guardianship
 - b. Death
 1. Probate
 2. Postmortem tax planning
 3. Trust Administration
 - c. Creditors' claims/judgments
- 2) Role and ethical and professional responsibilities of the paralegal in the estate administration practice
- 3) Sources of law
- 4) Introduction to estate administration
- 5) The participants and the proper court
- 6) The concept of property relating to wills, trusts and estate administration
- 7) The laws of succession, death testate or intestate and the purpose of a will
- 8) Wills: validity requirements, modifications, revocation and contests
- 9) Personal representatives
- 10) Formal probate administration
- 11) Informal probate administration under the Uniform Probate Code
- 12) Tax considerations in the administration of estates
- 13) The role and ethical and professional responsibilities of the paralegal in the probate practice

Course Objectives

Students will be able to:

- 1) Demonstrate an understanding of, and properly use, legal terminology.
- 2) Recognize potential ethical problems in the area of administration of estates.
- 3) Produce court documents or legal instruments used in the specialty area including: a probate petition, conservatorship petition and final accounting.
- 4) Identify when a probate action is unnecessary.
- 5) Demonstrate mastery of technology relevant to the specialty area.
- 6) Demonstrate writing 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 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 watching lectures, and participating in discussions or chats
- 2) Group assignments
- 3) Assignments include completing probate judicial council 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) Filling out Judicial Council forms
- 2) Preparing a final probate report and accounting
- 3) Drafting interoffice communication regarding estate administration, Guardianships and Conservatorships

Texts and References

- 1) Required (representative example): David W. Baer et. al, *California Trust and Probate Litigation*, CEB OnLAW 2023. CEB-Estate Planning California Trust and Probate Litigation: <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 administration legal terminology.
- 2) Recognize potential ethical problems in the areas of estate administration, guardianships, and conservatorships.
- 3) Draft court documents or legal instruments used in Estate Administration.
- 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 area of administration of estates Guardianships and Conservatorships.
- 2) Describe and identify various tools, including the appropriate technology, to accomplish client goals through creating court documents and legal instruments (Work-Based Learning Outcome).
- 3) Communicate effectively in writing in a professional legal setting using the proper pertinent legal terminology.