

Proposal for Course Revisions

Fall 2020

Minor change to assignment.

Updated textbook.

Approved for Online and Hybrid

Subject and Number: Law 12

Descriptive Title: Probate Procedures

Course Disciplines: Law

Division: Business

Department: Law

Faculty Proposer: Nic McGrue

Division CCC Rep: Monica Chaban

Division Curriculum Committee Approval Date: 9/2/2020

Course Review Rationale (The standard rationale verbiage is included. Add additional rationale information if needed): This course is being reviewed to meet Title 5 regulations and local standards. Add additional justification as needed:

Inactivation

Justification:

(If this course is being inactivated, stop here. No other parts of the form need to be complete.)

I. Course Name and Number

No changes

Revisions

Justification:

Descriptive Title

No Changes

Revisions

Justification:

Catalog Description

No Changes

Revisions

Justification:

Conditions of Enrollment

No Changes

Revisions (If prerequisite changes are being proposed, contact the Curriculum Advisor.)

Justification:

II. Student Learning Outcomes (SLOs)



No Changes

Revisions

Justification:

III. Objectives

No Changes

Revisions

Justification:

IV. Major Topics

No Changes

Revisions

Justification:

V. Primary Methods of Evaluation

No Changes

Revisions

Justification: Clarification of the deliverable for an assignment

VI. Instructional Methods

No Changes

Revisions

Justification:

VII. Work Outside of Class

No Changes

Revisions

Justification:

VIII. TEXTS AND MATERIALS

No Changes

Revisions

Justification: Updated to most current version of textbook.

IX. Current Course Delivery Method/s

Face-to-Face

Online

Hybrid

X. Proposed changes

Adding Online Version

Adding Hybrid Version

El Camino College

COURSE OUTLINE OF RECORD – Approved

I. GENERAL COURSE INFORMATION

Subject and Number: Law 12
Descriptive Title: Probate Procedures
Course Disciplines: Law
Division: Business

Catalog Description:

This course is an overview of the procedural structure of basic probate practice. The course is designed to cover every aspect of probate procedures. All necessary forms and procedures will be examined and explained from the client interview to the closing of the estate. This course will cover all aspects of practice concerning conservatorship, guardianships of incompetents and guardianships of minors.

Conditions of Enrollment:

Prerequisite: Law 11 with a minimum grade of C.

Course Length:	X Full Term	Other (Specify number of weeks):
Hours Lecture:	3.00 hours per week	TBA
Hours Laboratory:	0 hours per week	TBA
Course Units:	3.00	

Grading Method: Letter
Credit Status: Associate Degree Credit

Transfer CSU: X Effective Date: Prior to July 1992
Transfer UC: X Effective Date: Proposed

General Education:

El Camino College:

CSU GE:

IGETC:

II. OUTCOMES AND OBJECTIVES

- A. COURSE STUDENT LEARNING OUTCOMES (The course student learning outcomes are listed below, along with a representative assessment method for each. Student learning outcomes are not subject to review, revision or approval by the College Curriculum Committee)**

SLOS updated as listed in Nuventive as of 2/2/2020.

SLO #1 Probate Forms

Draft pleadings/memoranda including court forms in accordance with local court rules for probate cases.

SLO #2 Providing Direct Assistance to Attorneys

Apply knowledge of the Probate Code (regarding its provisions on the administration of estates, guardianships, and conservatorships) in order to provide direct assistance to attorneys including research, client interviews, problem resolution and the examination of ethics in the legal workplace.

SLO #3 Legal Comprehension

Understand and apply theories and principles of probate law to interpret legal documents.

B. Course Student Learning Objectives (The major learning objective for students enrolled in this course are listed below, along with a representative assessment method for each)

- I. Examine and define the relationships between the probate paralegal and the attorney in charge of the estate administration.
- II. Distinguish intestate succession and the testamentary disposition of an estate.
- III. Assess, define and distinguish essential legal terms of a probate proceeding.
- IV. Evaluate and document the process of opening an estate administration.
- V. Organize and establish the pertinent dates for required pleadings and reports to be filed with the court and appropriate agencies.
- VI. Prepare forms and documents as required in the probate.
- VII. Organize and prepare the paperwork necessary for the preliminary report, final distribution and the closing of the estates.
- VIII. Analyze the advantages of Will provisions and the necessity for an articulate estate plan.

III. OUTLINE OF SUBJECT MATTER (Topics are detailed enough to enable a qualified instructor to determine the major areas that should be covered as well as ensure consistency from instructor to instructor and semester to semester.)

Lecture or Lab	Approximate Hours	Topic Number	Major Topic
Lecture	6	I	Requirements of a Valid Will A. Holographic Wills B. Formal Wills C. Qualifications of witnesses to a will
Lecture	6	II	Will Terminology A. Codicils B. Conservators C. Executors D. Administrators
Lecture	3	III	Opening Probate A. Validity of a Will

			<ul style="list-style-type: none"> B. Formal vs. Informal Probate Process C. Choosing between probate options
Lecture	9	IV	<p>Completion of Documents and Forms for Probate of Will</p> <ul style="list-style-type: none"> A. Hearing types and Notice requirements B. Forms for contested probates C. Forms for administrators and executors D. Procedure and timing of filing
Lecture	9	V	<p>Probate Taxation</p> <ul style="list-style-type: none"> A. Tax basis for testate and intestate gifts B. Tax exchange and tax deferred gifts C. Tax avoidance strategies in probate
Lecture	6	VI	<p>Exemptions and Exclusions</p> <ul style="list-style-type: none"> A. Charitable B. Community Property C. Family Allowance
Lecture	3	VII	<p>Ancillary Administration</p> <ul style="list-style-type: none"> A. Conflict of State laws B. Property subject to Ancillary Administration C. Probating property sited in multiple states
Lecture	6	VIII	<p>Preliminary and Final Distribution of Assets</p> <ul style="list-style-type: none"> A. Closure of the Estate B. Proper Recordkeeping and Timely Filing C. Final Document retention D. Filing Procedures and Deadlines
Lecture	3	IX	<p>Forms of Probate Sales</p> <ul style="list-style-type: none"> A. Procedure for court confirmation of sales B. Distribution of sale proceeds C. Real estate probate sales
Lecture	3	X	<p>Forms of Short Form Probate</p> <ul style="list-style-type: none"> A. Procedure of Short Form Probate B. Qualifications for Short Form Probate C. Short vs Standard Probate
Total Lecture Hours		54	
Total Laboratory Hours		0	
Total Hours		54	

IV. PRIMARY METHOD OF EVALUATION AND SAMPLE ASSIGNMENTS

A. PRIMARY METHOD OF EVALUATION:

Substantial writing assignments

B. TYPICAL ASSIGNMENT USING PRIMARY METHOD OF EVALUATION:

Read and analyze pertinent sections of the Probate Code, applicable cases and probate policy memoranda and apply the law to a set of stipulated facts as given by the instructor.

C. COLLEGE-LEVEL CRITICAL THINKING ASSIGNMENTS:

- I. Using the information given, fill out the Petition for Probate (Form DE-111) as completely as you can.

The Facts: Barry's friend, Mary, was crushed to learn that he had passed away while on vacation in Sonoma County on November 22, 2001. Barry left a five page Will which he had executed exactly three months prior to his death. The Will nominated Mary as Executor, to serve without bond. His residence was at 200 S. Catalina, Redondo Beach, at the time of his death. Mary lives in Costa Mesa (Orange County). Barry's wife predeceased him in 1995. His closest relatives are his daughter and two grandchildren by his son, who also died in 1995. His Will leaves one-quarter of his estate each to Mary; his daughter Sally; a Testamentary Trust for the benefit of his two minor grandchildren (the children's mother, Marsha, is the Trustee); and Redondo Shores High School. His assets consist of a residence estimated at \$300,000, a vacation home in Sonoma estimated at \$80,000 and held in joint tenancy with his surviving brother, Beryl; farmland in Indiana estimated at \$100,000, and bank savings accounts of approximately \$20,000. He also has two life insurance policies of \$30,000 each, one naming Mary as beneficiary and the other naming his son. His personal possessions (e.g., clothes, furniture, etc.) cost him around \$8,000 when purchased, but are estimated to be worth about \$2,000 today. He has no other relatives, by blood or marriage, other than those listed above. Indicate in writing, what attachments, if any, should be made a part of the Petition and who should receive Notice of the hearing based on the fact pattern below.

- II. Indicate in writing, what attachments, if any, should be made a part of the Petition and who should receive Notice of the hearing based on the fact pattern below. Share your conclusions and their rationale in a 1-2 page memorandum.

The Facts: Barry's friend, Mary, was crushed to learn that he had passed away while on vacation in Sonoma County on November 22, 2001. Barry left a five page Will which he had executed exactly three months prior to his death. The Will nominated Mary as Executor, to serve without bond. His residence was at 200 S. Catalina, Redondo Beach, at the time of his death. Mary lives in Costa Mesa (Orange County). Barry's wife predeceased him in 1995. His closest relatives are his daughter and two grandchildren by his son, who also died in 1995. His Will leaves one-quarter of his estate each to Mary; his daughter Sally; a Testamentary Trust for the benefit of his two minor grandchildren (the children's mother, Marsha, is the Trustee); and Redondo Shores High School. His assets consist of a residence estimated at \$300,000, a vacation home in Sonoma estimated at \$80,000 and held in joint tenancy with his surviving brother, Beryl; farmland in Indiana estimated at \$100,000, and bank savings accounts of approximately \$20,000. He also has two life insurance policies of \$30,000 each, one naming Mary as beneficiary and the other naming his son. His personal possessions (e.g., clothes, furniture, etc.) cost him around \$8,000 when purchased, but are estimated to be worth about \$2,000 today. He has no other relatives, by blood or marriage, other than those listed above.

D. OTHER TYPICAL ASSESSMENT AND EVALUATION METHODS:

Essay exams
Objective Exams
Other exams
Reading reports
Written homework
Homework Problems

- Term or other papers
- Multiple Choice
- True/False
- Other (specify):
 - Draft documents and pleadings
 - Research and Legal Analysis

V. INSTRUCTIONAL METHODS

- Discussion
- Group Activities
- Lecture
- Multimedia presentations

Note: In compliance with Board Policies 1600 and 3410, Title 5 California Code of Regulations, the Rehabilitation Act of 1973, and Sections 504 and 508 of the Americans with Disabilities Act, instruction delivery shall provide access, full inclusion, and effective communication for students with disabilities.

VI. WORK OUTSIDE OF CLASS

- Study
- Required reading
- Written work

Estimated Independent Study Hours per Week: 6

VII. TEXTS AND MATERIALS

A. UP-TO-DATE REPRESENTATIVE TEXTBOOKS

- Michie. Parker's California Probate Code. LexisNexis, 2020.
- Ross, B. California Practice Guide: Probate (Student Version). The Rutter Group, 2020.

B. ALTERNATIVE TEXTBOOKS

C. REQUIRED SUPPLEMENTARY READINGS

D. OTHER REQUIRED MATERIALS

VIII. CONDITIONS OF ENROLLMENT

A. Requisites (Course and Non-Course Prerequisites and Corequisites)

Requisites	Category and Justification
Course Prerequisite Law-11	Sequential

B. Requisite Skills

Requisite Skills
Analysis of legal resources LAW 11 - Analyze legal resources and be able to state a set of legal issues.
Ability to spot and articulate legal issues LAW 11 - Analyze legal resources and be able to state a set of legal issues.
Ability to locate necessary resources to dispose of legal resources LAW 11 - Prepare basic research techniques using a specialized legal library including encyclopedias, code books, case reports and other legal practice materials.
Assessment of legal issues by incorporating information from performed legal research LAW 11 - Assess fact patterns and perform research on various legal topics.
Ability to identify and locate legal resources in traditional and online libraries. LAW 11 - Establish skills in online computer research.
Draft legal pleadings, forms, agreements, and other legal documents that address legal issues LAW 11 - Organize and initiate legal documents including legal memorandum, agreements and legal pleadings.

C. Recommended Preparations (Course and Non-Course)

Recommended Preparation	Category and Justification

D. Recommended Skills

Recommended Skills

E. Enrollment Limitations

Enrollment Limitations and Category	Enrollment Limitations Impact

Course created by Dagmar Halamka on 10/07/1975.

BOARD APPROVAL DATE:

LAST BOARD APPROVAL DATE: 12/17/2018

Last Reviewed and/or Revised by: Nicholas McGrue

Date: 09/01/2020

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