

1-2015

LEG 288T.01: Estate Administration

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Recommended Citation

Trigg, Thomas W., "LEG 288T.01: Estate Administration" (2015). *Syllabi*. 3085.
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Syllabus: Estates Administration (LEG 288T)

(rev. 1/25/2015)

Spring Semester 2015

Faculty: TBA

(prerequisite: Legal Research and Writing II)

Missoula College

Business Technology Department

Paralegal Studies

Academic Misconduct Statement

Be honest, and never offer someone else's work as your own. Missoula College insists that all students practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and disciplinary sanction by the University. All students need to be familiar with the Student Conduct Code. The code is available for review online at: http://www.umt.edu/vpsa/policies/student_conduct.php

Course Description

This course provides an overview of the law as it applies to wills, trusts, and other estate matters. Topics include the nature and sources of the law relating to wills, trusts, and estates, estate planning, intestate succession, family protection, probate, and estate taxes. This is a two credit course. Course information is available at:

https://webprocess.umt.edu/cyberbear/bwckctlg.p_disp_course_detail?cat_term_in=999999&subj_code_in=LEG&crse_numb_in=288T

Required Text and Materials

Wills, Trusts, and Probate Law for Paralegals, Pamela S. Gibson, J.D., Pearson, Prentice Hall (2008 ed. or later). Other materials will be used as announced or distributed by the instructor, including Title 72 of Montana Code Annotated http://leg.mt.gov/bills/MCA_toc/72.htm, Montana Supreme Court cases <http://searchcourts.mt.gov/>, the Montana State Bar Probate Forms Book, interactive program on intestate succession <http://www.montana.edu/dyingwithoutawill/>, and other materials available online http://courts.mt.gov/library/topic/end_life.mcp.

Course Objectives

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

1. Recognize ethical issues involving wills, trusts, and estates.
2. Locate sources of law governing the disposition of an estate.
3. Analyze the facts relevant to the probate of an estate.

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4. Interpret probate statutes.
5. Prepare draft will, trust, and probate documents for consideration by your lawyer.

Course Outline

The course will address will and probate topics in the following order:

1. General introduction to probate law
2. Intestate succession
3. Basic estate planning
4. Drafting a basic will
5. Trusts
6. Overview of the state administration and the personal representative
7. Issuance of the letters of appointment
8. Inventory and appraisal and creditors claims
9. Final account
10. Closing the estate: additional estate administration procedures

Most topics will be covered in one week, but some will extend over two weeks. The midterm examination and the final examination will each take one class period.

Instructional Methods

Lecture; class discussion; Montana Supreme Court case review with question/answer discussion; Montana Code Annotated statute and annotation review with question/answer discussion; homework; quizzes; examinations; and drafting of various probate and trust documents.

How I Plan to Teach the Course

Each class, I will direct you to pertinent reference materials and we will discuss the topic presented. I will guide you to related statutes and case law so that you will develop an understanding of the topic and the drafting tasks related to that topic. You will be asked to draft documents and submit them. Students will be expected to participate in class discussions. There will be quizzes and examinations in addition to the drafting assignments.

Student Performance Assessment Methods and Grading Procedures

Your final grade in this course will be determined from points earned through assignments, quizzes, a midterm examination, and a final examination. These will be graded objectively using of a point allocation system and weight factoring formula.

Homework, quizzes, the midterm examination, and the final examination will each contribute 25% to your grade. If you attend classes and do all homework, quizzes, and exams on time, you are likely to learn the material and do well in the class. If you skimp on any of these, your learning and your grade are likely to suffer, perhaps severely. Contact the instructor if you have questions about grades. If you confront circumstances that make the class challenging, contact the instructor to discuss ways you can improve upon your situation.

Grade Scale

A: 100-93%

B: 92-85%

C: 84-77%

D: 76-69%

F: below 69%

Grades falling between integers in the final calculations of grades will be rounded up or down. For instance, a student with an average of 92.5% would receive in A. A student with an average less than 92.5% would receive a B.

Disability Accommodations Statement

Accommodations will be made for students with special needs. If any student requires special consideration for any reason, it is the responsibility of the student to contact the instructor to discuss the matter prior to any situation that might give rise to the special consideration requested.

Machines

All law offices rely on computers, smart phones, and similar machines. I encourage you to bring them to class and to use them suitably. Whenever a machine can help you learn and contribute to the class, use it. Whenever the contemplated usage might prompt an irascible senior partner to fire you from a job, don't use it. Treat this class -- and machines -- as an opportunity to learn how to practice your profession.