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### LEG 288.01: Estate Administration

Thomas W. Trigg

*University of Montana - Missoula*, [thomas.trigg@mso.umt.edu](mailto:thomas.trigg@mso.umt.edu)

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# **Syllabus: Estate Administration (LEG 288T)**

(rev. 1/18/2016)

**Spring Semester 2016**

**Faculty: Thomas W. Trigg**

Email: [thomas.trigg@umontana.edu](mailto:thomas.trigg@umontana.edu)

Phone 406-721-6778

(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](http://www.umt.edu/vpsa/policies/student_conduct.php)

## **Course Description**

This is a two credit course. The course provides an overview of the law as it applies to wills, trusts, probate, and other estate matters. Topics include wills, trusts, estates, estate planning, intestate succession, family protection, probate, and estate taxes. Students will examine Montana statutes and cases to illuminate course topics. 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](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, JD, 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](http://leg.mt.gov/bills/MCA_toc/72.htm); Montana Supreme Court cases,

<http://searchcourts.mt.gov/>; MSU pamphlet on common law marriage,

<http://store.msuetension.org/publications/FamilyFinancialManagement/mt201408HR.pdf>; interactive program on intestate succession,

<http://www.montana.edu/dyingwithoutawill/>; and other materials available online,

[http://courts.mt.gov/library/topic/end\\_life.mcp.x](http://courts.mt.gov/library/topic/end_life.mcp.x).

**Syllabus: Estates Administration (288T)**

**Spring Semester 2016**

**Page 1 of 4**

## **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.
4. Interpret probate statutes.
5. Draft wills, trusts, and probate documents for consideration by your law firm.

## **Course Outline**

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

1. Class introduction
2. General introduction to probate law
3. Intestate succession
4. Basic estate planning
5. Drafting a basic will
6. Trusts
7. Overview of estate administration and the personal representative
8. Issuance of the letters of appointment
9. Inventory and appraisal and creditors' claims
10. Final account
11. 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.

## **Assignment Spreadsheet**

Details about weekly class assignments will appear on the course plan spreadsheet. The instructor may alter the spreadsheet during the semester.

## **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; possible 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

**Syllabus: Estates Administration (288T)**

**Spring Semester 2016**

**Page 2 of 4**

asked to draft documents and submit them. Students will be expected to participate in class discussions. There will be examinations, and perhaps quizzes, 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, any quizzes, a midterm examination, and a final examination. These will be graded objectively using of a point allocation system and weight factoring formula. All homework and any quizzes will contribute 40% of your grade. Each assignment and quiz will receive identical weight. The midterm examination and the final examination will contribute 30% each to your grade. If you attend classes and complete all work 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.

**Untimely Work.** You may submit your work late without your grade being reduced as a consequence. You should write the word "Late" prominently at the top of the first page of any work that is turned in after its due date. Deposit all late submitted work in the lock box outside the Adjunct Office, AD 14A. All late-submitted work will be graded at the end of the semester. You should not count on having late-submitted work before you have take your final examination. The instructor's comments on late work will be more sparse than those on timely work.

**Grades.** If you wish, you may keep track of the grades you have received on work that has been returned to you. You can calculate your ongoing average by using the information included in the syllabus and the assignment spreadsheet. If you have questions about why you received a particular grade, contact your instructor.

### **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 to the nearest integer. Grades falling exactly on the half integer, for instance, 92.5000, will always be rounded up. However, 92.4999 will be rounded down to 92.

**Meeting Challenges.** If you confront circumstances that make the class challenging,

**Syllabus: Estates Administration (288T)**

**Spring Semester 2016**

**Page 3 of 4**

contact the instructor to discuss ways you can improve upon your situation.

### **Meetings with Instructor**

I will be glad to meet with any student outside of class to discuss your work in the course. Please contact me by email, [thomas.trigg@umontana.edu](mailto:thomas.trigg@umontana.edu), or by phone, 406-721-6778, to schedule a mutually convenient time and place for the meeting.

### **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. You may also wish to contact Disability Services for Students by email, [dss@umontana.edu](mailto:dss@umontana.edu) or by phone, 406-243-2243.

### **Machines**

All law offices rely on computers, smartphones, 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.