

LAW R124: PROBATE LAW

Originator

ehess

College

Oxnard College

Attach Support Documentation (as needed)

PLS Advisory Committee Minutes - 10-6-21.pdf

Discipline (CB01A)

LAW - Paralegal Studies

Course Number (CB01B)

R124

Course Title (CB02)

Probate Law

Banner/Short Title

Probate Law

Credit Type

Credit

Start Term

Fall 2022

Formerly

PLS R126 - Probate Law

Catalog Course Description

This course will cover the various types of documents a paralegal might be involved in drafting in a typical probate and estate planning practice. Such documents include, but are not limited to, wills, trusts, powers of attorney, and advance health care directives. Paralegal students will become familiar with the various forms of complex estate planning, such as revocable and irrevocable trusts, and many documents that accompany such estate planning techniques. The paralegal student will also become familiar with the various mechanisms for transferring property upon death with and without probate administration. Further, the paralegal student will learn about the areas of guardianship and conservatorship. Course content will be based in California law.

Taxonomy of Programs (TOP) Code (CB03)

1402.00 - *Paralegal

Course Credit Status (CB04)

D (Credit - Degree Applicable)

Course Transfer Status (CB05) (select one only)

B (Transferable to CSU only)

Course Basic Skills Status (CB08)

N - The Course is Not a Basic Skills Course

SAM Priority Code (CB09)

C - Clearly Occupational

Course Cooperative Work Experience Education Status (CB10)

N - Is Not Part of a Cooperative Work Experience Education Program

Course Classification Status (CB11)

Y - Credit Course

Educational Assistance Class Instruction (Approved Special Class) (CB13)

N - The Course is Not an Approved Special Class

Course Prior to Transfer Level (CB21)

Y - Not Applicable

Course Noncredit Category (CB22)

Y - Credit Course

Funding Agency Category (CB23)

Y - Not Applicable (Funding Not Used)

Course Program Status (CB24)

1 - Program Applicable

General Education Status (CB25)

Y - Not Applicable

Support Course Status (CB26)

N - Course is not a support course

Field trips

May be required

Grading method

(L) Letter Graded

Does this course require an instructional materials fee?

No

Repeatable for Credit

No

Is this course part of a family?

No

Units and Hours

Carnegie Unit Override

No

In-Class

Lecture

Minimum Contact/In-Class Lecture Hours

52.5

Maximum Contact/In-Class Lecture Hours

52.5

Activity

Laboratory

Total in-Class

Total in-Class

Total Minimum Contact/In-Class Hours

52.5

Total Maximum Contact/In-Class Hours

52.5

Outside-of-Class**Internship/Cooperative Work Experience**

Paid

Unpaid

Total Outside-of-Class**Total Outside-of-Class****Minimum Outside-of-Class Hours**

105

Maximum Outside-of-Class Hours

105

Total Student Learning**Total Student Learning****Total Minimum Student Learning Hours**

157.5

Total Maximum Student Learning Hours

157.5

Minimum Units (CB07)

3

Maximum Units (CB06)

3

Prerequisites

LAW R104

Entrance Skills**Entrance Skills**

Analysis of legal resources.

Prerequisite Course Objectives

LAW R104-Demonstrate the use of legal encyclopedia in researching legal issues

LAW R104-Locate and utilize statutes and statutes annotated

LAW R104-Cite cases and other legal publications as set forth in the legal citation manuals which may include the Indigo Book, Blue Book, White Book, ALWD, and other commonly accepted legal style manuals.

LAW R104-Locate points and authorities in digests and have general understanding of the use of the digest system

LAW R104-Utilize the Shepard's Citator to determine if a specific case has been subsequently cited, revised or distinguished

LAW R104-Locate local ordinances

LAW R104-Summarize facts of a lengthy legal opinion

LAW R104-Research and write basic case briefs, legal office memorandums, and associated legal support tasks.

Entrance Skills

Ability to spot and articulate legal issues.

Prerequisite Course Objectives

LAW R104-Demonstrate the use of legal encyclopedia in researching legal issues

LAW R104-Locate and utilize statutes and statutes annotated

LAW R104-Cite cases and other legal publications as set forth in the legal citation manuals which may include the Indigo Book, Blue Book, White Book, ALWD, and other commonly accepted legal style manuals.

LAW R104-Locate points and authorities in digests and have general understanding of the use of the digest system

LAW R104-Utilize the Shepard's Citator to determine if a specific case has been subsequently cited, revised or distinguished

LAW R104-Locate local ordinances
LAW R104-Summarize facts of a lengthy legal opinion
LAW R104-Research and write basic case briefs, legal office memorandums, and associated legal support tasks.

Entrance Skills

Ability to locate necessary resources to dispose of legal issues.

Prerequisite Course Objectives

LAW R104-Demonstrate the use of legal encyclopedia in researching legal issues
LAW R104-Locate and utilize statutes and statutes annotated
LAW R104-Cite cases and other legal publications as set forth in the legal citation manuals which may include the Indigo Book, Blue Book, White Book, ALWD, and other commonly accepted legal style manuals.
LAW R104-Locate points and authorities in digests and have general understanding of the use of the digest system
LAW R104-Utilize the Shepard's Citator to determine if a specific case has been subsequently cited, revised or distinguished
LAW R104-Locate local ordinances

Entrance Skills

Assessment of legal issues by incorporating information from performed legal research.

Prerequisite Course Objectives

LAW R104-Demonstrate the use of legal encyclopedia in researching legal issues
LAW R104-Locate and utilize statutes and statutes annotated
LAW R104-Cite cases and other legal publications as set forth in the legal citation manuals which may include the Indigo Book, Blue Book, White Book, ALWD, and other commonly accepted legal style manuals.
LAW R104-Locate points and authorities in digests and have general understanding of the use of the digest system
LAW R104-Utilize the Shepard's Citator to determine if a specific case has been subsequently cited, revised or distinguished
LAW R104-Locate local ordinances
LAW R104-Summarize facts of a lengthy legal opinion
LAW R104-Research and write basic case briefs, legal office memorandums, and associated legal support tasks.

Entrance Skills

Ability to identify and locate legal resources in traditional and online libraries.

Prerequisite Course Objectives

LAW R104-Demonstrate the use of legal encyclopedia in researching legal issues
LAW R104-Locate and utilize statutes and statutes annotated
LAW R104-Cite cases and other legal publications as set forth in the legal citation manuals which may include the Indigo Book, Blue Book, White Book, ALWD, and other commonly accepted legal style manuals.
LAW R104-Locate points and authorities in digests and have general understanding of the use of the digest system
LAW R104-Utilize the Shepard's Citator to determine if a specific case has been subsequently cited, revised or distinguished
LAW R104-Locate local ordinances

Requisite Justification

Requisite Type

Prerequisite

Requisite

LAW R104

Requisite Description

Course in a sequence

Level of Scrutiny/Justification

Required communication/computation skill

Student Learning Outcomes (CSLOs)

Upon satisfactory completion of the course, students will be able to:

- | | |
|---|---|
| 1 | Explain the elements of and prepare documentation in draft form to complete a probate of an estate. |
| 2 | Correctly draft a simple will. |

Course Objectives

Upon satisfactory completion of the course, students will be able to:

- | | |
|---|---|
| 1 | Demonstrate knowledge of legal theory and practice regarding the California Probate Code and the probate process. |
| 2 | Demonstrate knowledge of legal theory and practice regarding transfer of property without estate administration. |
| 3 | Demonstrate knowledge of legal theory and practice regarding trust administration. |
| 4 | Demonstrate knowledge of legal theory and practice regarding guardianship and conservatorship. |
| 5 | Demonstrate knowledge of legal theory and practice regarding tax planning and wealth management issues. |
| 6 | Demonstrate knowledge of legal theory and practice regarding domestic partnerships as they relate to the California Probate Code. |
| 7 | Demonstrate knowledge of legal theory and practice regarding durable powers of attorney and advance health care directives. |
| 8 | Demonstrate knowledge of legal theory and practice regarding estate planning involving wills and trusts. |

Course Content**Lecture/Course Content**

1. Estate Planning: Wills and Trusts
 - a. Succession Planning
 - b. Probate Avoidance
 - c. Preparation of Wills
2. Probate Code and Probate Process
 - a. Requests for Special Notice
 - b. Appointment of Probate Referee
 - c. Inventory and Appraisal
 - d. Creditor's Claims
 - e. Sale of Property
 - f. Petition for Final Distribution
3. Transfer of Property without Estate Administration
 - a. Community Property, Surviving Spouse, Domestic Partner, Joint Tenancy
 - b. Community Property versus Separate Property
 - c. Transfer of Small Estates without Administration
4. Trust Administration
 - a. Inter Vivos or Living Trusts
 - b. Grantor, Settlor, Trustor, and Trustee
 - c. Irrevocable Trust
 - d. Revocable Trust
 - e. Creating a Trust
5. Guardianships and Conservatorships
 - a. Guardian Ad Litem
 - b. Conservatorship
6. Powers of Attorney
 - a. Durable Powers of Attorney and Advance Health Care Directives
 - b. Limited, Durable, and Springing Powers of Attorney

Laboratory or Activity Content

None.

Methods of Evaluation

Which of these methods will students use to demonstrate proficiency in the subject matter of this course? (Check all that apply):

Written expression
Problem solving exercises

Methods of Evaluation may include, but are not limited to, the following typical classroom assessment techniques/required assignments (check as many as are deemed appropriate):

Essay exams
Individual projects
Objective exams
Problem-solving exams
Quizzes
Reports/papers
Research papers
Skills tests or practical examinations
Essays

Instructional Methodology

Specify the methods of instruction that may be employed in this course

Audio-visual presentations
Case studies
Class activities
Class discussions
Demonstrations
Distance Education
Group discussions
Instructor-guided interpretation and analysis
Internet research
Large group activities
Lecture
Problem-solving examples
Readings
Role-playing
Small group activities

Describe specific examples of the methods the instructor will use:

The instructor will utilize the following methods:

1. Directed analysis of case law and statutes.
2. Group observations of and participation in probate litigation simulations and recordings.
3. Lectures on the substance and application of individual probate, wills, and trust laws and related topics.
4. The use of sample wills and trust documentation for the purpose of identification of relevant elements of document drafting and development of practical skills.
5. Leading discussion on the use of the probate code from an ethical, practical, and legal perspective.
6. Simulations that engage students in practical skills related to client counseling, conferring with opposing counsel and the court, and processing a probate case from pre-complaint through trial.

Typical graded assignments (methods of evaluation):

1. Over the semester students are evaluated with written tests that measure the student's knowledge in legal research and writing skills gained from instructor's presentations, discussions, and reading assignments on such topics as estate planning, California Probate Code and process, trust administration, guardianship, conservatorship, tax planning, domestic partnerships, durable powers of attorney, advance health care directives, and others.
2. Students are evaluated through end of class quizzes to demonstrate their knowledge of information gained by class discussion on such topics as criminal and civil litigation, the structure of a typical court system, the differences between procedural rules and substantive law, between legal remedies and equitable remedies and others.
3. Students are evaluated on chapter assignments by requiring students to write a variety of assignments such as estate planning, California Probate Code and process, trust administration, guardianship, conservatorship, tax planning, domestic partnerships, durable powers of attorney, advance health care directives, and others.

Representative Course Assignments

Writing Assignments

1. Students are required to write, for example, a California Judicial Council Form Petition for Letters Testamentary.

Critical Thinking Assignments

1. Students will be tested on their ability to take the legal concepts learned in the course and apply them to a given scenario and identify all legal issues presented in the scenario and successfully analyze the legal outcome of the case.

Reading Assignments

1. Students are required to read and study the information on probate law and related areas in each chapter of the text.
2. Students are required to read and study material on probate law and related areas presented from the syllabus, lecture or assignments

Problem-Solving and Other Assignments (if applicable)

1. Students are required to use Law Library, online or computerized legal resources.

Outside Assignments

Representative Outside Assignments

Typical outside of classroom assignments:

1. Reading
 - a. Students are required to study the information on legal research.
 - b. Students are required to study material or authorities with research at a law library, online or with other computer resources.
2. Writing
 - a. Students are required to draft and prepare a number of documents using their research. These writings may include, but are not limited to case briefings and introduction to pleadings, complaints, discovery, and other legal documents.

District General Education

A. Natural Sciences

B. Social and Behavioral Sciences

C. Humanities

D. Language and Rationality

E. Health and Physical Education/Kinesiology

F. Ethnic Studies/Gender Studies

CSU GE-Breadth

Area A: English Language Communication and Critical Thinking

Area B: Scientific Inquiry and Quantitative Reasoning

Area C: Arts and Humanities

Area D: Social Sciences

Area E: Lifelong Learning and Self-Development

Area F: Ethnic Studies

CSU Graduation Requirement in U.S. History, Constitution and American Ideals:

IGETC

Area 1: English Communication

Area 2A: Mathematical Concepts & Quantitative Reasoning

Area 3: Arts and Humanities

Area 4: Social and Behavioral Sciences

Area 5: Physical and Biological Sciences

Area 6: Languages Other than English (LOTE)

Textbooks and Lab Manuals

Resource Type

Textbook

Classic Textbook

No

Description

Hower, Dennis, **Wills, Trusts, and Estate Administration**, Independence, KY, Cengage, Inc. 2017 (or latest edition)

ISBN-10: 1305506251 | ISBN-13: 9781305506251

Distance Education Addendum

Definitions

Distance Education Modalities

Hybrid (1%–50% online)
Hybrid (51%–99% online)
100% online

Faculty Certifications

Faculty assigned to teach Hybrid or Fully Online sections of this course will receive training in how to satisfy the Federal and state regulations governing regular effective/substantive contact for distance education. The training will include common elements in the district-supported learning management system (LMS), online teaching methods, regular effective/substantive contact, and best practices.

Yes

Faculty assigned to teach Hybrid or Fully Online sections of this course will meet with the EAC Alternate Media Specialist to ensure that the course content meets the required Federal and state accessibility standards for access by students with disabilities. Common areas for discussion include accessibility of PDF files, images, captioning of videos, Power Point presentations, math and scientific notation, and ensuring the use of style mark-up in Word documents.

Yes

Regular Effective/Substantive Contact

Hybrid (1%–50% online) Modality:

Method of Instruction	Document typical activities or assignments for each method of instruction
Video Conferencing	Video conferencing will involve professor lecture, professor demonstrations, class discussions/student questions, and case study analysis by students (either as a class or in groups) with follow-up discussions.
Telephone	The telephone media of communication will be used between the professor and students needing additional help on either a scheduled or unscheduled basis.
Synchronous Dialog (e.g., online chat)	The students will be involved in synchronous dialogue during webinar presentations by the professor in which they use the chat feature of the webinar to discuss issues brought up in the professor's lecture and ask questions of the professor and other students.
Other DE (e.g., recorded lectures)	Prerecorded lectures on the learning for a given week will be made and placed in the modules to be replayed by the students for additional assistance in learning the concepts involved for a given week.
Face to Face (by student request; cannot be required)	This media of communication will be used between the professor and students needing additional help by meeting at a specific location during normal office hours.
E-mail	The professor will be involved in email communication with students needing additional help via this communication media.
Asynchronous Dialog (e.g., discussion board)	Students will be involved in a online discussion forum where they will exchange ideas and viewpoints regarding the learning concepts involved for a given week and share their thoughts and viewpoints with the class.

Hybrid (51%–99% online) Modality:

Method of Instruction	Document typical activities or assignments for each method of instruction
Video Conferencing	Video conferencing will involve professor lecture, professor demonstrations, class discussions/student questions, and case study analysis by students (either as a class or in groups) with follow-up discussions.
Telephone	The telephone media of communication will be used between the professor and students needing additional help on either a scheduled or unscheduled basis.

Synchronous Dialog (e.g., online chat)	The students will be involved in synchronous dialogue during webinar presentations by the professor in which they use the chat feature of the webinar to discuss issues brought up in the professor's lecture and ask questions of the professor and other students.
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E-mail	The professor will be involved in email communication with students needing additional help via this communication media.
Asynchronous Dialog (e.g., discussion board)	Students will be involved in a online discussion forum where they will exchange ideas and viewpoints regarding the learning concepts involved for a given week and share their thoughts and viewpoints with the class.

100% online Modality:

Method of Instruction	Document typical activities or assignments for each method of instruction
Video Conferencing	Video conferencing will involve professor lecture, professor demonstrations, class discussions/student questions, and case study analysis by students (either as a class or in groups) with follow-up discussions.
Telephone	The telephone media of communication will be used between the professor and students needing additional help on either a scheduled or unscheduled basis.
Synchronous Dialog (e.g., online chat)	The students will be involved in synchronous dialogue during webinar presentations by the professor in which they use the chat feature of the webinar to discuss issues brought up in the professor's lecture and ask questions of the professor and other students.
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E-mail	The professor will be involved in email communication with students needing additional help via this communication media.
Asynchronous Dialog (e.g., discussion board)	Students will be involved in a online discussion forum where they will exchange ideas and viewpoints regarding the learning concepts involved for a given week and share their thoughts and viewpoints with the class.

Examinations**Hybrid (1%–50% online) Modality**

On campus
Online

Hybrid (51%–99% online) Modality

On campus
Online

Primary Minimum Qualification

LEGAL ASSISTING

Additional Minimum Qualifications**Minimum Qualifications**

Law

Review and Approval Dates

Department Chair

10/18/2021

Dean

10/19/2021

Technical Review

MM/DD/YYYY

Curriculum Committee

10/27/2021

DTRW-I

MM/DD/YYYY

Curriculum Committee

11/10/2021

Board

MM/DD/YYYY

CCCCO

11/29/2021

Control Number

CCC000562069

DOE/accreditation approval date

MM/DD/YYYY