

**MIAMI-DADE COMMUNITY COLLEGE
LEGAL ASSISTANT PROGRAM**

COMPETENCY STATEMENT

PLA 2600 – Wills, Trusts and Estates

Course Description:

Wills, Trusts and Estates is a study of the laws governing wills and intestate succession. The course provides practice in drafting a simple will and trust. It also examines the procedures and rules involved in probate administrations and the ethical obligations of attorneys and paralegals who are involved in this area of practice.

Credits: 3

Prerequisites and Co-requisites: The student must have completed PLA 2003, Fundamentals of Law; PLA 2104, Legal Research; PLA 2114, Legal Writing; PLA 2203, Trial Preparation; REE 2040, Real Estate.

Course Competencies:

Competency 1: The student will understand the basic concept of a will and the process by which it is created.

The student will be able to:

- A. Identify the purpose and function of a will.
- B. Identify all types of wills recognized by state and federal law.
- C. Identify all parties named in a will by designation, such as testator, testatrix, guardian, trustee, and personal representatives.
- D. Outline the requisites of a valid will.
- E. Make a list, diagram, or chart of the formal requirements for drafting wills that covers capacity, execution, and attestation requirements and essential clauses.
- F. Draft and design checklists, interview documents, and other materials that will help in the collection of information for will construction.
- G. Prepare a basic will.
- H. Prepare a memorandum of law.

Competency 2: The student will understand the concept of a trust and the process by which it is created.

The student will be able to:

- A. Explain the purpose and function of a trust.
- B. Identify the basic types of trusts.
- C. Explain the basic requisites of a valid trust instrument.
- D. Draft a basic trust document.

Competency 3: The student will acquire a working knowledge of the fundamental principles of the processes through which a decedent's property is administered and distributed.

The student will be able to:

- A. Examine the basic concepts of estate administration under the Florida Probate Code.
- B. Interpret the rules of transfer of property in accordance with a will or trust upon death.
- C. Demonstrate a working knowledge of the principles of summary administration and disposition of personal administration.
- D. Prepare all documents required for the administration of a testate estate, involving opening of the estate to filing the final accounting and distribution of assets.
- E. Demonstrate knowledge of the transfer of property according to the intestate succession laws.
- F. Calculate property distribution under the intestate succession laws.
- G. List all tasks, duties, and obligations of a paralegal in an estate planning practice.
- H. Draft and design an estate planning interview form and checklist.
- I. Devise checklists, forms, and other materials that chart, track, and provide a history of estate planning assets and important details.
- J. Design personal and family information sheets.
- K. Locate all necessary legal documents to begin the administration of an estate, including trusts, gift documents, wills, certificates, and titles.
- L. Become skilled in the search of records at governmental offices such as the Registrar of Wills, the Office of Vital Statistics, Veteran's Administration, and the Social Security Administration.
- M. Create a chart, graph, or diagram listing all government agencies that deal with the administration of estates, along with the agencies phone numbers and addresses.
- N. Collect information on the business interests of the estate, including assets owned by corporations, partnerships, or sole proprietorships.
- O. Collect all forms and documents necessary for initial estate filing.
- P. Prepare preliminary drafts of and file documents, such as a petition for a grant of letters testamentary or probate, or other pleadings necessary to effect a probate proceeding.
- Q. Prepare a Notice and/or Order of Hearing of Appointment and Admission of Will to Probate.
- R. Prepare an inventory of estate assets.
- S. Prepare an information sheet mailed to beneficiaries under the probate process.
- T. Calculate and determine a spouse's elective right under the statutory code of the paralegal's jurisdiction.

- U. Calculate and assess multiple problems under a spouse's right of election.
- V. Develop effective procedures for making final distribution of assets.

Competency 4: The student will become familiar with the significant provisions relating to the administration of trusts.

The student will be able to:

- A. Identify and analyze the rights of beneficiary and duties of trustees, including disbursement of income and principal and protection of the trust.
- B. Explain the more common problems encountered in the administration of trusts.
- C. Interpret the effect of the provisions of the Florida Probate Code upon the administration of trusts

Competency 5: The student will understand the concepts and procedures involved in estate taxes and awarding of gifts as a part of an estate.

The student will be able to:

- A. Explain the concept of gift and estate tax.
- B. Define basic gift and estate tax regulation.
- C. Analyze the tax consequences of a hypothetical estate.
- D. Provide information to clients regarding the implications of the tax laws.
- E. Collect tax forms and documents for estate and gift calculation
- F. Calculate unified credits on an estate tax return.
- G. Complete an estate and gift tax return.
- H. Compute exclusions, deductions, and exemptions under the estate and gift tax rules and principles.
- I. Develop effective docket procedures to ensure timely filing of all probate and tax documents.

Competency 6: The student will understand the issues relating to professional responsibility in Estate Planning for paralegals and attorneys.

The student will be able to:

- A. Describe how to ethically handle estate documents, including the confidentiality aspects and due diligence.
- B. Assist with issues of mental capacity and undue influence.
- C. Describe how attorney fees are determined and prepare client billing in accordance with The Rules of the Florida Bar.
- D. Recognize potential and actual conflicts of interest.

E. Describe the fiduciary responsibilities of the attorney and the paralegal.

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