

Course Description

PLA2600 | Wills, Trust, Estate | 3.00 credits

Wills, Trusts, and Estates is a study of the laws governing wills and interstate succession. The course provides practice in drafting a simple will and trust. It also examines the procedures and rules involved in probate administrations and explains the ethical obligations of attorneys and paralegals who are involved in this area of practice. Courses must be met with a grade of "C" or higher. Prerequisites: PLA2114 and REE2040

Course Competencies:

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

1. Identifying the purpose and function of a will
2. Identifying all types of wills recognized by state and federal law
3. Identifying all parties named in a will by designation, such as testator, testatrix, guardian, trustee, and personal representatives
4. Outlining the requisites of a valid will
5. Making a list, diagram, or chart of the formal requirements for drafting wills that cover capacity, execution, and attestation requirements and essential clauses
6. Drafting and design checklists, interview documents, and other materials that will help collect information for will construction
7. Preparing an essential will
8. Preparing a memorandum of law

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

1. Explaining the purpose and function of a trust
2. Identifying the basic types of trusts
3. Explaining the essential requisites of a valid trust instrument
4. Drafting an essential trust document

Competency 3: The student will learn the fundamental principles of the processes through which a decedent's property is administered and distributed by:

1. Examining the basic concepts of estate administration under the Florida Probate Code
2. Interpreting the property transfer rules by a will or trust upon death
3. Demonstrating a working knowledge of summary administration principles and personal administration disposition
4. Preparing all documents required for the administration of a testate estate, from opening the estate to filing the final accounting and distributing assets
5. Demonstrating knowledge of property transfer according to the intestate succession laws
6. Calculating property distribution under the intestate succession laws
7. Listing all tasks, duties, and obligations of a paralegal in an estate planning practice
8. Drafting and designing an estate planning interview form and checklist
9. Devising checklists, forms, and other materials that chart, track, and provide a history of estate planning assets and essential details
10. Designing personal and family information sheets
11. Locating all necessary legal documents, including trusts, gift documents, wills, certificates, and titles, to begin the administration of an estate
12. Becoming skilled in searching records at governmental offices such as the Registrar of Wills, the Office of Vital Statistics, the Veteran's Administration, and the Social Security Administration
13. Creating a chart, graph, or diagram listing all government agencies that deal with the administration of estates, along with the agency's phone numbers and addresses

14. Collecting information on the business interests of the estate, including assets owned by corporations, partnerships, or sole proprietorships
15. Collecting all forms and documents necessary for initial estate filing
16. Preparing preliminary drafts of and file documents, such as a petition for a grant of letters testamentary or probate or other pleadings necessary to affect a probate proceeding
17. Preparing a Notice and Order of Hearing of Appointment and Admission of Will to Probate
18. Preparing an inventory of estate assets
19. Preparing an information sheet mailed to beneficiaries under the probate process
20. Calculating and determining a spouse's elective right under the statutory code of the paralegal's jurisdiction
21. Calculating and assessing multiple problems under a spouse's right of election
22. Developing 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 by:

1. Identifying and analyzing the rights of beneficiaries and duties of trustees, including disbursement of income and principal and protection of the trust
2. Explaining the more common problems encountered in the administration of trusts
3. Interpreting 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 by:

1. Explaining the concept of gift and estate tax
2. Defining essential gift and estate tax regulation
3. Analyzing the tax consequences of a hypothetical estate
4. Providing information to clients regarding the implications of the tax laws
5. Collecting tax forms and documents for estate and gift calculation
6. Calculating unified credits on an estate tax return
7. Completing an estate and gift tax return
8. Computing exclusions, deductions, and exemptions under the estate and gift tax rules and principles
9. Developing 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 by:

1. Describing how to ethically handle estate documents, including confidentiality aspects and due diligence
2. Assisting with issues of mental capacity and undue influence
3. Describing how attorney fees are determined and prepare client billing according to The Rules of the Florida Bar
4. Recognizing potential and actual conflicts of interest
5. Describing the fiduciary responsibilities of the attorney and the paralegal

Learning Outcomes:

- Communicate effectively using listening, speaking, reading, and writing skills
- Use quantitative analytical skills to evaluate and process numerical data
- Solve problems using critical and creative thinking and scientific reasoning
- Formulate strategies to locate, evaluate, and apply information