



El Camino College
COURSE OUTLINE OF RECORD - Approved

I. GENERAL COURSE INFORMATION

Subject and Number: Law 18
Descriptive Title: Wills, Trusts and Estate Planning
Course Disciplines: Law
Division: Business

Catalog Description:

This course examines basic concepts and the proper use of wills and trusts in estate planning. Topics include the taxes through estate planning, probate, methods of holding title to property, tax effects of gifts, gifts to minors, laws of intestacy, state and federal tax requirements during life and upon death, guardianship, and conservatorship.

Conditions of Enrollment:

Prerequisite: Law 11 with a minimum grade of C or equivalent experience

Course Length: X Full Term Other (Specify number of weeks):
Hours Lecture: 3.00 hours per week TBA
Hours Laboratory: 0 hours per week TBA
Course Units: 3.00

Grading Method: Letter
Credit Status: Associate Degree Credit

Transfer CSU: X Effective Date: Prior to July 1992
Transfer UC: No

General Education:
El Camino College:

CSU GE:

IGETC:

II. OUTCOMES AND OBJECTIVES

A. COURSE STUDENT LEARNING OUTCOMES (The course student learning outcomes are listed below, along with a representative assessment method for each. Student learning outcomes are not subject to review, revision or approval by the College Curriculum Committee)

SLO #1 Legal Memoranda and Forms

Draft pleadings/memoranda including court forms in a manner sufficient for submission to the applicable court.

SLO #2 Providing Direct Assistance to Attorneys

Apply knowledge of the theories of estate planning and the Probate Code in order to provide direct assistance to attorneys including research, client interviews, problem resolution and the examination of ethics in the legal workplace.

SLO #3 Legal Comprehension

Understand and apply theories and principles of estate planning to interpret and produce legal documents.

The above SLOs were the most recent available SLOs at the time of course review. For the most current SLO statements, visit the El Camino College SLO webpage at <http://www.elcamino.edu/academics/slo/>.

B. Course Student Learning Objectives (The major learning objective for students enrolled in this course are listed below, along with a representative assessment method for each)

1. Articulate the purpose and function of wills.
Objective Exams
2. Articulate the purpose and function of trusts.
Objective Exams
3. Organize and document intestate succession.
Written homework
4. Differentiate between wills and trusts.
Objective Exams
5. Analyze the desirable and undesirable consequences of the alternative between wills and trusts.
Objective Exams
6. Differentiate between inter vivos trusts and testamentary trusts.
Objective Exams
7. Compare and contrast the advantages and disadvantages of tenancy in common versus joint tenancy and community property.
Objective Exams
8. Distinguish between community and separate property.
Objective Exams
9. Assess the advantages of avoiding probate proceedings.
Objective Exams
10. Create a Durable Power of Attorney.
Homework Problems

11. Create documents, including a simple will, joint tenancy deed, and preliminary change of ownership report.
 Other (specify)
 In-class group work.

III. OUTLINE OF SUBJECT MATTER (Topics are detailed enough to enable a qualified instructor to determine the major areas that should be covered as well as ensure consistency from instructor to instructor and semester to semester.)

Lecture or Lab	Approximate Hours	Topic Number	Major Topics
Lecture	3	I	Introduction to Estate Planning Concepts Parties in Estate Planning Proper Court Uses of Estate Planning
Lecture	3	II	The Purpose of and Need for a Will Definition of Will Reasons for Will Problems with lack of Will
Lecture	3	III	The Nature of Probate Proceedings Informal Probate Administration Formal Probate Administration Filing Procedures
Lecture	3	IV	Concepts of Property Ownership Community Property Separate Property Joint Tenancy Tenants in Common
Lecture	3	V	Non-Probate Property Types of Non-Probate Property Strategies for Non-Probate Property Transmuting Non-Probate Property
Lecture	3	VI	Laws of Succession and Wills Death Testate Death Intestate Intestacy Procedure
Lecture	6	VII	Will Drafting and Preparation Validity Requirements Client Interviewing for preparation Final Draft and Execution of a Valid Will Testamentary Trusts
Lecture	3	VIII	Modification of Wills Will Amendment Revocation of Wills Will Disputes
Lecture	15	IX	Introduction to Trusts Classification of Trusts

			Personal Representative Inter vivos Trusts Classification Special Uses Drafting Gifts to Minors Marital Deduction and Residual Trusts
Lecture	12	X	Other Considerations in Estate Planning Federal Estate Tax California Estate Tax Gift Taxes Using Estate Planning to Minimize Taxes Long-Term Care 1. Ethical Considerations
Total Lecture Hours	54		
Total Laboratory Hours	0		
Total Hours	54		

IV. PRIMARY METHOD OF EVALUATION AND SAMPLE ASSIGNMENTS

A. PRIMARY METHOD OF EVALUATION:

Substantial writing assignments

B. TYPICAL ASSIGNMENT USING PRIMARY METHOD OF EVALUATION:

John and May are married and live in your state. The deed conveying their property states: "To John A. Kowalski and May F. Kowalski, husband and wife, as joint tenants and not as tenants in common".

- (a) Discuss in a one- to two- page paper whether this conveyance creates a tenancy by the entirety.
- (b) Cite your state statute, if any.

C. COLLEGE-LEVEL CRITICAL THINKING ASSIGNMENTS:

1. If Viola had a twenty-page will and page five was missing when she signed the will, would the will or any part of the will be valid in your state? In a one- to two-page memo, cite the controlling law and review "Matter of Griffin's Will", discussed previously, and compare it to "In Re Beale's Estate", 15 Wis.2d 546, 113 N.W.2d 380 (1962).
2. Shirley gives Joanna \$30,000 cash to hold and invest for the benefit of Carl. A trust is created even though the words "trust" and "trustee" were not used in its creation. The trust property is transferred as a gift. Neither Joanna nor Carl has purchased the property, so neither of them pays for receiving it.
 1. In a page-long memo, name the settlor, beneficiary, trustee, and trust corpus.
 2. Explain how this trust differs from a sale or a gift?

D. OTHER TYPICAL ASSESSMENT AND EVALUATION METHODS:

Essay exams
 Objective Exams
 Other exams
 Written homework
 Homework Problems
 Term or other papers

Multiple Choice
True/False
Other (specify):
 Legal documents and pleadings
 Research and Legal Analysis
 Short Answer

V. INSTRUCTIONAL METHODS

Discussion
Group Activities
Lecture
Multimedia presentations

Note: In compliance with Board Policies 1600 and 3410, Title 5 California Code of Regulations, the Rehabilitation Act of 1973, and Sections 504 and 508 of the Americans with Disabilities Act, instruction delivery shall provide access, full inclusion, and effective communication for students with disabilities.

VI. WORK OUTSIDE OF CLASS

Study
Answer questions
Required reading
Problem solving activities
Written work

Estimated Independent Study Hours per Week: 6

VII. TEXTS AND MATERIALS

A. UP-TO-DATE REPRESENTATIVE TEXTBOOKS

Hower. Wills, Trusts and Estate Administration. 7th ed. Cengage, 2016.

B. ALTERNATIVE TEXTBOOKS

C. REQUIRED SUPPLEMENTARY READINGS

D. OTHER REQUIRED MATERIALS

VIII. CONDITIONS OF ENROLLMENT

A. Requisites (Course and Non-Course Prerequisites and Corequisites)

Requisites	Category and Justification
Course Prerequisite Law-11 or	Sequential
Non-Course Prerequisite	Minimum skills are required to perform legal analysis, research and writing. When given a hypothetical, students must be able to perform legal analysis, research and communicate the results, both orally and in writing. Without these skills, students will not be marketable in the legal industry and are unlikely to be successful as these are basic skills required of paralegals.

B. Requisite Skills

Requisite Skills
Analyze legal resources and be able to state a set of legal issues. LAW 11 -Analyze legal resources and be able to state a set of legal issues. LAW 11 -Prepare basic research techniques using a specialized legal library including encyclopedias, code books, case reports and other legal practice materials. LAW 11 - Assess fact patterns and perform research on various legal topics.
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C. Recommended Preparations (Course and Non-Course)

Recommended Preparation	Category and Justification
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D. Recommended Skills

Recommended Skills

E. Enrollment Limitations

Enrollment Limitations and Category	Enrollment Limitations Impact
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Course created by Stephen Fainsbert on 09/01/1975.

BOARD APPROVAL DATE:

LAST BOARD APPROVAL DATE: 10/16/2018

Last Reviewed and/or Revised by Nicholas McGrue

Date: 3/20/2018