

ESTATES § 497A
FALL 2013
Professor Tracie R. Porter

COURSE GUIDELINES & GRADING CRITERION

Course Days: Mondays and Wednesdays

Course Time: 3:15 p.m. to 4:45 p.m.

Classroom: 110 (or as posted)

Professor's Contact Information:

Email: tporter@wsulaw.edu

Phone: (714) 459-1153

Office: Room 302P

Office Hours: Mondays and Wednesdays, 1:00 p.m. to 2:30 p.m.

Tuesdays, 3:00 p.m. to 5:00 p.m. (except third Tuesdays of the month)

Conferences & Teleconference, By Appointment through the Professor

Course Objectives:

This course covers problems arising in creating and administering estates for probate and non-probate assets, including will substitutes (joint accounts, life insurance, retirement/pension plans), intestate succession (dying without a will), testate estates (dying with will), and trusts (revocable trusts only). You will learn the rules contained in the California Probate Code (CPC) relate to intestate succession (descent and distribution) as well as wills and trusts. You will further learn the practical skills required for lawyers who practice estate planning, particularly ways to avoid the pitfalls of the practice. Students can expect to learn how to evaluate and handle client scenarios related to estate planning. Most importantly, you will develop analytical skills that require you to think, write and problem-solve like a lawyer.

BARBRI Notification:

THIS COURSE IS NOT A BAR PREPARATION COURSE. USE OF BARBRI OR EQUIVALENT BAR MATERIALS ARE NOT A PART OF THE REQUIRED READING FOR THIS COURSE AND SHOULD NOT BE USED IN LIEU OF THE ASSIGNED TEXTBOOK OR STATUTORY READINGS ASSIGNED BY THE PROFESSOR.

Teaching Methodology:

Lectures will be presented at a minimum to introduce new substantive topics and concepts. The primary teaching methodology will be with cases, problem-solving and collaborative group interaction. **BRIEFING CASES** and **ANSWERING THE PROBLEMS** in the textbook (give your best attempt) before class is imperative to the learning process. Students are required to prepare written answers to any assigned problem (as directed by the Professor) in order to be able to discuss the answers in class or in groups.

Required Text:

Sterk, Leslie and Dobris, *Estates & Trusts* (4th ed. 2011).

Highly Recommended Text: You may also purchase the *2012 Desktop Edition California Probate Code* (West Academic), or later version.

Note: If the textbook or Syllabus includes reference to statutes, you should access them through Westlaw or Lexis before class. **ALL ASSIGNED PROBLEMS SHOULD BE USED PRIMARILY APPLYING THE CALIFORNIA PROBATE CODE (CPC), and the Uniform Probate Code (UPC) as directed by the Professor.** See the lists of CPC Sections covered during this course that are posted on TWEN.

TWEN (The West Education Network) for Supplemental Materials:

Supplemental materials and additional information related to the course **WILL BE POSTED** on TWEN. You must register for this course on TWEN to have access to supplemental materials for the course. **It is your responsibility to check TWEN regularly for materials posted.**

Syllabus Changes:

Please check the TWEN site for changes to the Readings Assignments for the next class, **as the Syllabus Reading Assignments are subject to change.** I will endeavor to cover all the assigned readings but I may slow down or speed up during the course of the semester depending upon the students' level of understanding of the materials.

Guest Lecturers:

From time to time, speakers may participate in the class and share their experiences. Given the busy schedules of speakers, I will announce when a speaker will appear in class as soon as practical.

Grading Criterion:

Final Exam:	55% of your grade	(IN-CLASS EXAM)
Mid-Term Exam:	30% of your grade	(TAKE-HOME EXAM)
Class Participation:	15% of your grade	

Final and Mid-Term Exams:

The Final and Mid-Term Exams will only test students on topics covered in class during the course, including from the textbook, TWEN posted materials and lectures.

The **Mid-Term Exam** will be a **take-home, OPEN-book exam.** The Mid-Term Exam may consist of multiple choice questions, short answer essays and/or a comprehensive essay, covering Probate and Non-Probate Assets, Intestate Succession and Will topics as the Professor identifies prior to the exam.

The **Final Exam** will be an **in-class, CLOSED-book exam** that will last 3 hours and may consist of multiple-choice questions, short answer essays, and/or one or more Comprehensive Essays on a combination of Probate and Non-Probate Assets, Intestate

Succession, Wills and/or Trust topics. **NO INTERNET ACCESS ALLOWED DURING THE EXAM.**

To best prepare for the exams, you should participate in class discussions, complete the suggested problems from the textbook, posted practice problems and by taking advantage of office hours. Use of office hours or attendance at the review sessions to ask questions will also significantly aid in your preparation for exams.

Class Participation and Preparedness:

You are expected to be prepared for class and to participate in the discussions including, completing the required reading, assigned writing assignments and/or problems from the textbook. Signing the attendance sheet certifies that you have read the assigned material thoroughly enough to discuss it in class or use the knowledge in a quiz or other written exercise.

Preparation of a written brief for each of the assigned cases and written answers to the textbook problems will be considered prima facie evidence that you are prepared. If you are unprepared, place a signed and dated note on the lectern BEFORE class and do NOT record your attendance. Students found unprepared shall be given one absence.

In order to earn the full class participation grade, students are responsible for assuring their participation in class by briefing cases, answering questions posed in the discussion and otherwise regularly participating in the discussion with relevant and meaningful comments. You may volunteer for class participation as the Professor designates opportunities during class. Unpreparedness or the inability to brief a case will be counted against the student's class participation grade, at the sole discretion of the Professor. In order to earn the full participation grade, you must adequately participate as set forth in this paragraph. If you have any questions about your participation grade, you MUST make an inquiry **BEFORE** the last three weeks of class.

Attendance:

Attendance will be taken daily in class by circulating an attendance sheet for you to sign. It is critical that you ensure that you sign the attendance sheet every day you are present and on time for class. If you are tardy, do NOT sign the attendance sheet. **You must NOT sign the attendance sheet for anyone else.** You are responsible for keeping track of your own absences. In the rare instance that you have a question about your records, you may consult with the Professor who maintains the attendance records based upon the signatures on the attendance sheets.

If you collect more than **3 absences**, as indicated by the attendance sheets, you will be withdrawn from the course, in accordance with the policies of the Western State College of Law set forth in the Student Handbook.

Sample Exams and Questions:

Sample multiple choice questions and essays are posted on TWEN for your reference. **Email questions concerning exam related issues that students submitted less than 48 hours prior to the exam shall be answered at Professor's discretion.**

Review Sessions:

Review sessions MAY be scheduled throughout the semester. These review sessions are structured so that students can ask questions about material covered to-date. **The Professor will NOT lecture during these sessions.** Students may ask any questions that relate to any topic covered prior to the session or may work through the answers to problems in the textbook. NO IMPROMPTU HYPOS will be allowed during these sessions.

If a review session is scheduled outside a regular class time, your attendance at the review session is **NOT mandatory** and missing a session does **NOT count** toward attendance – the sessions held outside of regular class time ARE **VOLUNTARY ONLY** but students are encouraged to attend. The sessions will not be recorded.

A sign-up sheet will be posted prior to the review sessions held outside of class time and a minimum number of students must sign up for the review session to take place, with the exception of the Final Exam Review Session which will be held without requiring students to sign up in advance. If students have questions about the review sessions, please see the Professor during scheduled office hours or email questions/concerns.

Class Recordings:

No videotaping or audiotaping of this class is allowed, except in extraordinary circumstances and **ONLY** with the express written permission of the Professor.

Classroom Decorum:

Please be seated and ready to begin class at the designated time. **Punctuality is expected so any student who arrives after class has begun will be on-call for the entire class for that day.** Out of courtesy to your classmates, please keep distractions to a minimum by not carrying on social conversations with your neighbors while class is in session, by turning off all cell phones and electronic devices other than your computer, and by avoiding leaving the room unless you have an unavoidable emergency or have notified me in advance.

Laptop Usage:

Laptops may be used in the classroom for note taking and class related internet access only. Any other usages must be expressly authorized by the Professor. Unauthorized use of the laptop will result in a loss of laptop privileges in the class for the remainder of the semester.