

# Wills & Trusts Drafting

Western State College of Law at Westcliff University

## SYLLABUS AND ASSIGNMENTS

**Professor:** Professor William N. Blasser, Esq. ([wblasser@wsulaw.edu](mailto:wblasser@wsulaw.edu)). Blasser Law, PC, 445 W. Foothill Blvd., Suite 108, Claremont, CA 91711.

**Semester:** Fall 2020

**Course Objectives:** The goals of Wills & Trusts Drafting are to introduce students to the practical skills and law necessary to create wills, trusts and other estate planning tools for their clients. By the end of the course, successful students will understand: (1) marketing and sales techniques to attract ideal clients; (2) how to conduct an initial consultation with estate planning clients; (3) how to draft a client's estate plan to meet his/her/their particular needs; and (4) how to develop an effective communication strategy once an estate is fully drafted and executed. At the conclusion of the course, students will have a list of templates and forms they can use to begin serving clients once they begin practicing law.

**Course Materials:** There is no required textbook for Wills & Trusts Drafting. Professor Blasser will upload documents to the course TWEN site (see below for information on TWEN site), which the student is responsible for printing and reading prior to the next scheduled class (see Assignment Chart below).

### Course Grading:

- Participation in Zoom Classes (10%)
- Professionalism (10%)
- Midterm (40%)
- Final Exam (40%)

**Class Participation:** Legal education is a cooperative venture. Class participation therefore is a mandatory part of this course. Any student who is deemed unprepared for class will be treated as absent for that day and a student who is unprepared on two (2) occasions will automatically be withdrawn from the course.

**Homework Expectations and Time Commitment:** You should expect to spend, on average, at least two hours of preparation for every one hour of class time.

**Class Attendance:** If you arrive late to class, leave during class time or depart early (without prior permission), you will be marked absent for that session. If you miss more than two class sessions, you will be withdrawn from the class.

**Course Website:** Please sign up for the Fall 2020 Wills & Trusts Drafting Course. Under the "Course Materials" tab you will find all of your homework and in-class materials for each class of the semester.

**Disability Services:** Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law. To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; [despinoza@wsulaw.edu](mailto:despinoza@wsulaw.edu). When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Allen Easley at [aeasley@wsulaw.edu](mailto:aeasley@wsulaw.edu) or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

**Office Hours, Appointments and Email:** Students may use office hours to address concerns regarding any of the course material or for other guidance. You can sign up for Professor Blasser's Office Hours on his TWEN Course: Professor William Blasser's Fall 2020 Office Hours.

#### **Requirements for Participation in Zoom Sessions:**

- Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.
- Arrive to class early and dressed as you would to attend an in-person class.
- Your camera must be turned on for the duration of the class. If desired, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.
- Come prepared, as you would for an in-person class. Participation in Zoom classes is as important as it is during an in-person class session.
- Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.
- If you have to miss a Zoom session, or arrive late or leave early, notify the professor in advance, as you would for an in-person class.
- If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify your professor so other accommodations can be explored.
- Do not post screenshots or recordings of any Zoom classes on social media. Such actions would constitute a violation of the Student Honor Code. If you

need access to a recording of the Zoom session, please contact your professor.

- Sign into Zoom with the name under which you are registered for class. If you prefer to be called by a different name or nickname, please notify your professor in advance so you are not marked absent.
- Unless your professor instructs you otherwise, mute your microphone when you are not speaking. Unmute to speak or to ask or answer questions.
- Zoom classes are not YouTube or Netflix. You should be actively engaged in answering questions, taking notes, writing down questions you wish to ask later during class or during office hours, etc. This will not only help you stay engaged and participating in class, it will also help your learning in the online format.

**Assignments and Class Times:** There is no assignment due before our first class. Below is a list of the subject matter and skills covered during each class of the semester, and the assignments for each class session. This list is not exhaustive and may be amended as needed.

<b>Week</b>	<b>Date</b>	<b>Subject/Topic</b>	<b>Assignment (Due Before Next Class)</b>
<b>1</b>	<b>8/25</b>	<ul style="list-style-type: none"> <li>• Introduction to Wills and Trusts Drafting</li> <li>• Overview of Handouts and Course Materials</li> <li>• Solo-Practitioner vs. Associate</li> <li>• Estate Plan General Overview</li> </ul>	<ul style="list-style-type: none"> <li>• No assignment due for 1<sup>st</sup> day of class.</li> </ul>
<b>2</b>	<b>9/1</b>	Marketing & Sales - Part 1	<ul style="list-style-type: none"> <li>• Read Handout #1</li> </ul>
<b>3</b>	<b>9/8</b>	Marketing and Sales - Part 2	<ul style="list-style-type: none"> <li>• Create Marketing and Sales Approach for your ideal client</li> </ul>
<b>4</b>	<b>9/15</b>	<ul style="list-style-type: none"> <li>• Client Intake</li> <li>• 1<sup>st</sup> Client Meeting</li> <li>• Follow Up Meetings &amp; Schedule</li> <li>• Fees &amp; Payment</li> </ul>	<ul style="list-style-type: none"> <li>• Read Handout #2</li> <li>• Create a Questionnaire for New Clients Before Their Initial Consultation</li> </ul>
<b>5</b>	<b>9/22</b>	<ul style="list-style-type: none"> <li>• Revocable Living Trusts</li> <li>• Pour Over Wills</li> <li>• Discuss Fact Pattern for Mid Term</li> <li>• Review Sample Templates</li> </ul>	<ul style="list-style-type: none"> <li>• Read Handout #3</li> </ul>

<b>6</b>	<b>9/29</b>	<b>No Class: Take Home Midterm Due Tonight on TWEN by 6:45pm</b>	
<b>7</b>	<b>10/6</b>	<ul style="list-style-type: none"> <li>• Durable Power of Attorney for Asset Management (“DPOA”)</li> <li>• Discuss DPOA Fact Pattern</li> </ul>	<ul style="list-style-type: none"> <li>• Read Handout #4</li> </ul>
<b>8</b>	<b>10/13</b>	<ul style="list-style-type: none"> <li>• Review DPOA’s Produced by Colleagues</li> <li>• Health Care Directive (“HCD”) Principles</li> <li>• Discuss HCD Fact Pattern</li> </ul>	<ul style="list-style-type: none"> <li>• Draft DPOA Based on Fact Pattern</li> <li>• Read H/O #5</li> </ul>
<b>9</b>	<b>10/20</b>	<ul style="list-style-type: none"> <li>• Review HCD’s Produced by Colleagues</li> <li>• Wills (General Principles)</li> <li>• Discuss Last Will and Testament Fact Pattern</li> </ul>	<ul style="list-style-type: none"> <li>• Draft HCD Based on Fact Pattern</li> <li>• Read H/O #6</li> </ul>
<b>10</b>	<b>10/27</b>	<ul style="list-style-type: none"> <li>• Review Will’s Produced by Colleagues</li> <li>• Execution Day / Delivery of Final Estate Documents to Clients</li> <li>• Discuss Last Will and Testament Fact Pattern</li> </ul>	<ul style="list-style-type: none"> <li>• Draft Will Based on Fact Pattern</li> <li>• Read H/O #7</li> </ul>
<b>11</b>	<b>11/3</b>	<ul style="list-style-type: none"> <li>• Review Letters Produced by Colleagues</li> <li>• Married Clients &amp; Dual Representation</li> <li>• Clients with Minor Children</li> <li>• Discuss Clients with Minor Children Fact Pattern</li> </ul>	<ul style="list-style-type: none"> <li>• Draft Letter to Client with Proposed Final Draft &amp; Instructions for Execution Day</li> <li>• Read H/O #8</li> </ul>

<b>12</b>	<b>11/10</b>	<ul style="list-style-type: none"> <li>• Review Waiver Letters &amp; Trust Provisions Produced by Colleagues</li> <li>• Modifications of Wills &amp; Trusts</li> <li>• Discuss Fact Pattern re: Modification of Estate Plans</li> </ul>	<ul style="list-style-type: none"> <li>• Prepare Will and Trust Provisions to Address Clients with Minor Children</li> <li>• Read H/O #9</li> </ul>
<b>13</b>	<b>11/17</b>	<ul style="list-style-type: none"> <li>• Funding a Living Trust</li> <li>• Final Instructions to Client on Execution Day</li> <li>• Follow up Actions After Execution and Delivery of Estate Documents is complete.</li> </ul>	<ul style="list-style-type: none"> <li>• Read H/O # 10</li> <li>• Prepare Modifications to Trust and Will for Client in Fact Pattern</li> </ul>
<b>14</b>	<b>11/24</b>	<ul style="list-style-type: none"> <li>• Final Review and Wrap Up of Principles Discussed</li> <li>• Discussion of Final Exam Project</li> </ul>	<ul style="list-style-type: none"> <li>• Read H/O #11</li> <li>• Draft Final Letter to Provide Client Upon Execution &amp; Delivery of Estate Plan</li> <li>• Draft Follow Up Letters After Execution &amp; Delivery of Estate</li> </ul>

**Take Home Final Exam Due December 1, 2020**

## Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

**(1) Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

**(2) Practice Skills**

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

**(3) Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

**(4) Legal Research**

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

**(5) Communication**

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

**(6) Advocacy of Legal Argument**

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

**(7) Client Sensitivity and Cultural Competency**

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

**(8) Legal Ethics**

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.