

**Western State College of Law  
Probate Clinic  
Spring 2025  
Professor Megan A. Moghtaderi**

**INSTRUCTORS ADVISEMENT**

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This syllabus is more than a schedule—it's a binding agreement that establishes the terms, expectations, and mutual responsibilities for our academic engagement, much like a trust agreement. Just as a trust sets out duties and expectations between trustee and beneficiary, this syllabus outlines the obligations between instructor and students. By remaining enrolled, you accept these terms as conditions of participation. This contractual framework ensures clarity, consistency, and fairness throughout the course, and will govern how we resolve issues of performance, deadlines, grading, and conduct.

**CONTACT AND COURSE INFORMATION**

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**Professor:** Megan A. Moghtaderi  
**Email:** [mmoghtaderi@wsulaw.edu](mailto:mmoghtaderi@wsulaw.edu)  
**Phone:** Office: (213) 341-1349 (Offit Kurman Direct Line- call only)  
**Office Hours:** Office hours are by appointment only.  
**Seminar Hours:** Fridays from 11:00 am to 12:50 pm.  
**Seminar Location:** Remotely

Students must subscribe to the TWEN page for the Probate Clinic as soon as possible, as this is where assignments will be posted and course materials can be found.

**SEMINAR MATERIALS**

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No textbook is required for this Clinic. A 2025 Thomson Reuters annotated version of the **California Probate Code** is recommended – particularly for students interested in pursuing probate as a practice area. All assigned readings are in the California Probate Code or online in legal research sources.

**SUMMARY OF COURSE AND LEARNING OBJECTIVES**

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Probate is an underrepresented practice area in law schools. Other than perhaps an estates course to orient students as to issues of testamentary capacity, will and trust execution, and undue influence, law school coursework does not generally give students much insight into the daily tasks of a probate practitioner. This course is designed to give students an opportunity to experience cases that are representative of several of the types of cases a probate practitioner routinely handles – including conservatorships, guardianships, and probate administrations.

It is expected that throughout this course, students will be able to identify and learn how to handle probate court and civil procedures while honing effective skills such as time management, client interaction, collaboration, and responsibility as a future practicing attorney. Many of the

skills acquired mirror those used in a real law firm, thus, it is important that students take the material seriously and behave professionally.

## **CLINICAL REPRESENTATIONS AND CONTACT INFORMATION**

**Clinic Location:** Probate Clinic room FA 314

**Clinic Phone Number (for pro pers):** Probate Clinic – 714-459-1155

Unlike some other clinics where assistance is provided to the same clients on an ongoing, course-long basis, this clinic is designed to assist individuals in pro per for the limited purpose of moving their case out of any procedural ruts it may be in at the time we receive it and into its next phase. For the most part, this will focus on assisting individuals in pro per on a short-term basis with addressing deficiencies and issues the court has identified with their documents so that their case can move forward. ***We will not become their attorney for purposes of this course.*** This course is designed to give students the tools necessary to provide assistance to those in need for the ultimate purpose of decongesting the court calendars and allowing courtrooms to run more efficiently.

All documents necessary for assisting individuals in pro per on a short-term basis with addressing deficiencies and issues the court are to be provided by the person seeking assistance from this clinic. The clinic has a limited budget, and therefore only upon the written preapproval will costs for obtaining court documents be approved as reimbursement. Items obtained without written preapproval from the professor will not be subject to reimbursement from Western State.

## **ATTENDANCE, PREPAREDNESS, AND SEMINAR PARTICIPATION**

In order to receive credit for the Clinic, seminar attendance is mandatory for all Clinic students. Attendance will be taken at all seminar class meetings. Per school attendance rules, students are allowed a maximum of two (2) absences. If students are late for a class, it is the student's responsibility to ensure that their attendance is recorded properly. Students who fail to meet the attendance requirement by missing more than two (2) classes will be dropped from the course.

## **CLINIC FEEDBACK AND WORKLOAD MANAGEMENT**

As with the practice of law, partners rely on honest feedback from associates as to the availability of their workload and concepts out of depth. Professor Moghtaderi likewise will be looking for honest feedback from students as to the difficulty of the course material, whether the seminar material adequately equips students to engage with individuals in pro per about their probate issues, and whether the coursework is too difficult or too easy. If you have any suggestions for improvement, do not hesitate to contact Professor Moghtaderi to discuss.

It is the responsibility of the students to inform the professor if they feel that their workload is either too heavy or too light. Admission by a student that their workload is too heavy will not have a negative impact on their grade, but a student's failure to produce work in time to meet a deadline or complete assignments or Clinic work on behalf of a client – which may be due to a heavy workload – will be taken into consideration when grading.

## **WEEKLY SEMINAR AND CASE ROUNDS**

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The seminar portion of the Clinic meets on Fridays from 11:00 am to 12:50 pm. Seminar classes will feature a combination of lectures, exercises and discussions focusing on topics found in the Probate Code that will aid students in assisting individuals navigating the probate court system in pro per.

As in a real law firm, weekly updates on cases are necessary to ensure that everyone is kept informed as to status of casework and any issues that have arisen; for this purpose, a portion of every seminar lecture will include **case rounds** – informal discussions where updates, concerns, and questions may be freely shared with peers. An end of the semester review in case rounds will be expected to be performed by every student as a presentation to the entire clinic. More details will be provided near the due date.

## **STUDENT HOURS AND TIMEKEEPING**

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Per ABA Standard 310, you are expected to devote a minimum of two (2) hours of time out of class preparing for every hour of classroom instruction. Furthermore, there are additional time requirements for Clinic work imposed by the school for the purpose of awarding credit for the course to student participants. It is the responsibility of the students to record their time spent on course-related assignments and materials. Students must spend a minimum of **128 hours** on Clinic work, **excluding** the time spent in seminar lectures. In other words, students should prepare to spend between 9 and 10 hours per week on Clinic work. Clinic work may include, but is not limited to researching, completing assignments, assisting clients with questions and concerns, and/or drafting documents. Students must enter time as it is spent, which will prevent time from being uncaptured. This is also good practice for future attorney positions at firms that require hourly billing by associates.

Students will be tracking their time spent on cases and the individual participants contacted for conflict check purposes. The weekly time keeping policy and resource for conflict checks will be provided to students on the first day of class.

## **GRADING**

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This is a four (4) credit course divided into two component parts – a weekly 2-hour seminar and work performed on real cases in the Clinic portion. No partial credit will be awarded for partial completion of this course; the entire course must be completed and all hours fulfilled in order to receive credit.

### **(a) Seminar Portion**

The seminar portion of the course will be graded on a 4.0 scale with 150 points possible, allocated as follows:

1. 15 points – preparedness for class.
2. 60 points – participation in class discussion and case rounds.
3. 50 points – effective communication with professor and fellow student associates.
4. 25 points – professionalism.

Students are expected to arrive on time and be prepared for class. Students should be ready to discuss the underlying, substantive material and the status of cases or Clinic work. Students are also expected to be willing to contribute thoughtful, engaging material to classroom discussions and case rounds. Please refer to the section of this syllabus regarding attendance for specific requirements.

### **(b) Clinic Portion**

The Clinic portion of the course will be graded on a pass/fail basis with 150 points possible, allocated as follows:

1. 60 points – management of projects and communication with clients of Clinic.
2. 30 points – timekeeping and recordkeeping.
3. 60 points – complete and competent work product and careful observation of deadlines.

The court will impose deadlines by which an individual must respond to their inquiries or have their documents filed in order for the court to review and process. Students are expected to calendar Clinic client hearing dates and deadlines and ensure that deadlines are being met. Students are further expected to produce quality work product – free from typos or other glaring errors or mistakes. Students must remember – at all times – to behave professionally, as they are representatives of the law school and developing their professional reputations through their involvement in this Clinic and the work performed on its behalf. Students are expected to behave with professionalism and maturity when conducting Clinic assignments or communicating with clients of the Clinic, peers, the professor, and the court or judicial officers. Students are further expected to refrain from unethical conduct and must at all times hold themselves to the ethical standards of a practicing attorney, governed by any applicable ethical rules.

### **STUDENT EXPECTATIONS**

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In addition to the expectations listed elsewhere in this syllabus, the following list summarizes the duties and expectations of the students participating in this Clinic:

- ✓ Submit work timely and in the proper format.
- ✓ Attend all seminar classes.
- ✓ Check email and respond to colleagues and clients in a timely manner.
- ✓ Maintain complete, organized files uploaded to the cloud-based management system.
- ✓ Behave professionally in written, verbal, and non-verbal communication.

We will discuss formatting requirements for submissions, deadlines, and other aspects of the Clinic in class.

### **LAPTOPS AND COMPUTERS**

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As the seminar and many of the class resources are online, laptops are permitted in class to access materials or take notes only. Using laptops for non-Clinic purposes is prohibited. Students may not use laptops to perform work on Clinic materials while in the seminar lectures unless obtaining express consent from the professor.

## **PROFESSIONAL RESPONSIBILITIES**

All clinic students must adhere to the rules and standards of professional conduct set forth in the California Rules of Professional Conduct, Business and Professions Code, and other applicable sections of law, including those governing confidentiality, competent representation, effective client communication, attorney-client privilege, and work-product protection. This course will cover some common ethical principles utilized daily by practicing attorneys, but you are responsible for understanding the ethical rules governing attorneys and conducting yourself accordingly. Contact the Clinic professor immediately if you have knowledge of any potential or actual ethical concerns or issues that have arisen from the work performed in this course or another student or person's conduct.

## **ARTIFICIAL INTELLIGENCE (AI)**

It is a violation of the Western State College of Law Honor Code to misrepresent or mischaracterize work or ideas as your own; this includes failure to disclose use of artificial intelligence (e.g., ChatGPT, Copilot, Grammarly, DALL-E, etc.). If necessary or appropriate, we will discuss ways to ethically and properly use artificial intelligence in the clinic. It is anticipated that little to none of the coursework will require or benefit from the use of artificial intelligence.

## **VIDEO AND AUDIO RECORDINGS**

Students are expressly prohibited from recording any part of this course without express written permission from the professor. "Recording" includes any artificial intelligence tools designed to transcribe the seminar portion of the Clinic or any other note-taking enhancement tools. While not anticipated, the Clinic professor reserves the right to record portions of seminars and discussions, if necessary or appropriate. Students will be informed of the Clinic professor's intention to record any portion of the seminar prior to the commencement of any recording.

## **DISABILITY SERVICES STATEMENT**

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 Library Building, Room 275-B. 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 his/her/their specific limitations and, if known, his/her/their 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 Marisa Cianciarulo at [mcianciarulo@wsulaw.edu](mailto:mcianciarulo@wsulaw.edu) or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

## **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 Associations, 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.

## **SYLLABUS AND SCHEDULE OF CLASSES**

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This course operates under a framework akin to a living trust: while the foundational structure and objectives are established at the outset, the instructor, acting in a fiduciary capacity, retains the authority to amend specific terms—such as assignments, readings, and assessments—when doing so serves the best interests of the learning community. These modifications are not arbitrary but are made in good faith, with the intent to uphold the educational purpose and adapt to evolving circumstances. All changes will be communicated clearly and in a timely manner, and students, as beneficiaries of this trust, are expected to remain engaged and responsive to such updates. Students are expected to monitor TWEN regularly for updates to the assignments and syllabus.

\*\*\*Note that occasional in person appearance will be required to meet with clients or appear in court. Students should be prepared in professional attire accordingly.\*\*\*

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### **WEEK 1 – FRIDAY, AUGUST 15, 2025**

#### ***Introduction to Probate Practice***

- ✓ Discussion of timekeeping and conflict check.
- ✓ Discussion of cloud-based case management and/or document storage software.
- ✓ Navigation of the Orange County Superior Court website to access probate notes, register of actions, Judicial Council forms, etc.
- ✓ Introduction to clinical expectations and placements
- ✓ Ethics and confidentiality in probate matters
- ✓ Overview of probate decedent's estates, conservatorships, guardianships, and trust administration
- ✓ Clinic structure and expectations: client intake, case management, and drafting

**HOMEWORK:**

- Probate Code §100–§122 – General provisions and definitions
- Overview of California Probate Code (§§ 8000–1894)
- California Rules of Court, Title 7 – Probate Rules

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### **WEEK 2 – FRIDAY, AUGUST 22, 2025**

#### ***Decedents Estates***

- ✓ Discussion of probate administration from death of decedent to appointment of personal representative.
- ✓ Overview of probate court structure and jurisdiction
- ✓ Types of probate petitions: formal, summary, spousal property, small estate affidavits
- ✓ Initial filings and procedural overview
- ✓ Petition for Probate (Form DE-111)
- ✓ Petition for Letters of Administration (Form DE-140)
- ✓ Notice of Petition to Administer Estate (Form DE-121)
- ✓ Letters of Administration (Form DE-150)

**HOMEWORK:**

- Probate Code §8000–§8250 – Commencement of probate proceedings

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### **WEEK 3 – FRIDAY, AUGUST 29, 2025**

#### ***General Conservatorships I***

- ✓ Legal standards and procedures for Conservatorships
- ✓ Petition for Conservatorship (Form GC-310)
- ✓ Confidential Conservatorship Screening Form (Form GC-314)



- ✓ Proposed Order for Conservatorship (Form GC-330)
- ✓ Letters of Conservatorship (Form GC-150)
- ✓ Process of filing for conservatorship and court hearings
- ✓ Case studies: coma, dementia, age-related incapacity

**HOMEWORK:**      • Probate Code §1800–§1851 – Conservatorship of person and estate  
                              • §2359–§2401 – Powers and duties of conservators

**WEEK 4 – FRIDAY, SEPTEMBER 5, 2025**  
*General Conservatorships II*

- ✓ Conservatorship of the person vs. estate
- ✓ Capacity declarations and medical evidence
- ✓ Role of court investigators

**HOMEWORK:**      • Probate Code §1800–§1851 – Conservatorship of person and estate  
                              • §2359–§2401 – Powers and duties of conservators

**WEEK 5 – FRIDAY, SEPTEMBER 12, 2025**  
*Limited Conservatorships and LPS conservatorships*

- ✓ Differences from general conservatorships
- ✓ Regional Center reports
- ✓ Rights retained by the conservatee

**HOMEWORK:**      • Probate Code §1801(d) – Limited conservatorships  
                              • §1830–§1835 – Regional Center involvement

**WEEK 6 – FRIDAY, SEPTEMBER 19, 2025**  
*Guardianships*

- ✓ Guardianship of the person vs. estate for minors
- ✓ Temporary vs. permanent guardianships
- ✓ Role of CPS and family dynamics
- ✓ Filing for guardianship of a minor, including temporary and permanent guardianships
- ✓ Ethical considerations and legal standards for guardianship
- ✓ Forms for Filing:
  - Petition for Appointment of Guardian of Minor (Form GC-210)
  - Consent of Minor to Guardian Appointment (Form GC-211)
  - Order Appointing Guardian of Minor (Form GC-240)

- HOMEWORK:**
- Probate Code §1500–§1601 – Guardianship of minors
  - §2100–§2107 – Duties and powers of guardians
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**WEEK 7 – FRIDAY, SEPTEMBER 26, 2025**  
*Courtroom Practice and Advocacy*

- ✓ Preparing for hearings
- ✓ Working with court staff and opposing counsel
- ✓ Oral advocacy and decorum

- HOMEWORK:**
- Read California Rules of Professional Conduct – Rules 1.4, 1.4.1, 1.5, 1.5.1, 1.6, 1.7, 1.8.6, 1.9, 1.10, 1.16, 1.18, 3.5, 4.2, and 4.3.
  - Read California Business and Professions Code § 6148
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**WEEK 8 – OCTOBER 3, 2025**  
**(COSTA MESA JUSTICE COMPLEX)**

Orientation and meeting with the Orange County Superior Court probate judicial panel at the Costa Mesa Justice Complex (3390 Harbor Boulevard, Costa Mesa, California 92626). Meet at the seating area on the first-floor entrance to the building and we will walk up together. Dress professionally. We will discuss details at a later date.

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**WEEK 9 – FRIDAY, OCTOBER 10, 2025**  
*Ancillary Documents I*

- ✓ Working with probate referees
- ✓ Real property and asset valuation
- ✓ Inventory & Appraisal (I&A) (Form DE-147)
- ✓ Annual Conservatorship Account (Form GC-400/410)

- HOMEWORK:**
- Probate Code §8800–§8902 – Inventory & Appraisal
  - Probate Code §9000–§9399 – Creditor claims
  - §2352.5 – Care plans for conservatees
  - Optional- Probate Referee Handbook
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**WEEK 10 – FRIDAY, OCTOBER 17, 2025**  
**MID-SEMESTER REVIEWS**

In lieu of class, we will hold remote mid-semester reviews of 20 minutes each student. Students will coordinate mid-semester reviews with their professor in advance through a sign-up sheet.

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**WEEK 11 – FRIDAY, OCTOBER 24, 2025**

**NO CLASS – FALL BREAK**

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**WEEK 12 – FRIDAY, OCTOBER 31, 2025**

***Trust Petitions I***

- ✓ Overview of trust litigation
- ✓ Petition for instructions and Heggstad petitions

**HOMEWORK:**

- Probate Code §17200–§17211 – Trust petitions and instructions
- §15642 – Removal of trustee
- §850–§859 – Heggstad petitions

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**WEEK 13 – FRIDAY, NOVEMBER 7, 2025**

***Trust Petitions II***

- ✓ Trustee removal and appointment of successor trustees
- ✓ Breach of fiduciary duty
- ✓ Trust accounting basics

**HOMEWORK:**

- Probate Code §17200–§17211 – Trust petitions and instructions
- §15642 – Removal of trustee
- §850–§859 – Heggstad petitions

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**WEEK 14 – FRIDAY, NOVEMBER 14, 2025**

***Case Rounds and Reflection***

- ✓ Students present clinical cases
- ✓ Peer feedback and ethical dilemmas
- ✓ Lessons learned and best practices

**HOMEWORK:**

- Review relevant sections from earlier weeks
- Focus on §1020–§1023 for court procedures and hearings

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**WEEK 15 – FRIDAY, NOVEMBER 21, 2025**

***Final Presentations and Wrap-Up***

- ✓ Final case presentations

**LAST DAY OF CLASS – END OF SEMESTER**

## **OPPORTUNITIES TO ENGAGE WITH THE PROBATE COMMUNITY**

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For those interested in pursuing a career in probate or becoming more involved in the community, the following organizations or events may provide resources for students to begin to develop a reputation in the community and learn more about issues affecting the community as a whole.

### **Orange County Bar Association**

The Orange County Bar Association (“OCBA”) has three (3) sections geared toward probate, elder law, and conservatorship practice:

- (a) Trusts & Estates;
- (b) Conservatorship, Guardianship, & Protective Proceedings;
- (c) Elder Law & Special Needs.

For the 2025 calendar year, Professor Moghtaderi is the Judicial Liaison of the Trust and Estate section and will be attending all or a majority of the events scheduled with the section. The OCBA sections hold a mixture of remote and in-person events, usually holding one meeting per section, per month. Some highlights are the co-sponsored Update from the Bench (occurring every February), the co-sponsored Holiday Party (occurring every December) and the seminars (occurring every fall – usually in October).

Students are able to join OCBA and the above sections for a nominal fee. This is a great way to begin to develop a reputation in the probate community by meeting other practitioners and judicial officers. If you would like more information or are interested in attending all or some of these events, contact Professor Moghtaderi directly.