Law20-Spring2014

http://duedates.pbworks.com

Syllabus

Law 20 - Basic Probate Procedures

Spring 2014 - Section # 0323

Instructor: **Prof. Alberto Gudino**
Office: Before or after class on Tuesdays
Office hours: Wednesdays (by phone) 4:00 – 5:00 PM, or by appointment.
Phone:
Email: **gudinoac@lamission.edu**
Calendar **http://duedates.pbworks.com/w/page/72245621/Law20-Spring2014**
Etudes site http://etudes.org

Textbook: *How to Probate an Estate in California* by Julia Nissley - 21st Edition - ISBN 9781413313154

Index of book - http://abogado.pbworks.com/w/page/44151233/probate-book-index

Chapter 1 of Textbook: http://abogado.pbworks.com/w/page/44181297/probate-chapter-1

Course Description: Study of the fundamental principles and methods of fact gathering, office procedures, and required court work involved in the handling of probates of both testate and intestate decedents, as well as the administration of estates in California Probate Courts.

Course Organization: Law 20 is organized into assignments, quizzes, probate forms, and forum discussions. Read

Upon successful completion of this course, a student will be able to:

1. Brief law cases in probate law will disputes, administration of estates, fiduciary duties of administrators, executors, and beneficiaries, tax related matters, disputes over distribution of assets, and liabilities, jurisdictional issues, and final distribution and closing of the estate and continuing liability.

2. Critically analyze and argue issues in probate law including the issues listed above in #1.

3. Prepare legal documents, forms or papers related the the probating of an estate including Notice to Creditors, Petition for Probate, Inventory and Appraisals, Orders of Distribution, and Final Closing of the Estate.

Students will read probate law cases and write a case brief demonstrating their understanding and application of the essential facts and rules of law and legal principles of the case. see case brief rubric athttp://missionparalegal.pbworks.com/briefing

Estimated Time per Week: 10 hours (see Carnegie Rule)

Class format: The class is entirely online. No on campus meetings are required. . We use the Moodle Course Management System. Carefully read our policies.

The class follows a weekly format. If you click on "Section Links" in upper left corner of your moodle class, you will see the weekly assignments, quizzes, forums and activities. There are many opportunities for you to participate and earn points to attain a good grade.

Online classes require your attention and effort. If you fail to log into the class during the first two weeksyou will be excluded from the class. There are activities and assignments each week; you will need to log into the class several times a week.

To be a successful online/hybrid student, you need to do schedule a regular time for studying, read and complete on line activities, and more.

Technical Requirements: The minimum computer requirements are: Computer, either a Macintosh or IBM compatible; modem, minimum 28.8, broadband or high speed internet access is preferred and is required to view the videos. Software: Web browser software, preferably Firefox 3.5 or Internet Explorer 8, an e-mail address and a word processing program.

Get Firefox: http://www.mozilla.com/en-US/firefox/all.html

Get Internet Explorer: http://www.microsoft.com/windows/Internet-explorer/default.apx

Get a free email account at: www.mail.google.com

Students who do not have regular computer access may use computers in the campus Learning Resource Center. Be sure to save all your papers and assignments on a flash drive.

Course Login: http://etudes.org

First Assignment: Introduce yourself to the class under the forum discussions for the first week. This is where you will get to know your classmates. Post your introduction by Sunday evening, 11:59 pm, 2/23/14 You may be excluded from class if you do not post your introductions by the end of the 2nd week of class.

Contacting Your Instructor: I check my email several times a day and respond to emails within 24 hours. Please don't hesitate to contact me with any questions; email me at **gudinoac@lamission.edu** in the subject line put: Law 20 #0323. I am also available by telephone on Wednesdays, 4:00 – 5:00 PM. and also before or after on campus classes on Tuesdays.

Discussion Forums: The discussion forums are the main area for class participation. The weekly discussions open on Mondays and close the following Sunday at 11:59 PM. Initial posts are due by Wednesdays at 11:55 pm. Initial posts should be at least two paragraphs in length (approximately 120-150 words), respond directly to the topic in a reflective manner, referencing the topic link and content provided, and applying the law or case materials. Respond to at least *two* students to each forum by Sunday evening at 11:59 pm.

CLASS BIOGRAPHIES/INTRODUCTIONS : You will find your instructor's autobiography posted in the "Discussion Board" of the class website. Please post your bio in the discussion board by Friday of week one. In your bio, please be sure to include:

DISCUSSION FORUMS: Every week a discussion questions posted to the website "FORUMS." You are required to post a answer to each discussion question by Wednesday of the forum week. Further, you are required to post, at least, one response to two or more of your classmates' initial responses. You are not required to respond to every classmate. You may, although this is a decision each student will make.

Minimum THREE different days per forum week. As we begin our online work together I want to discuss an important aspect of online learning, namely participation**. Participation** is an important part of this collaborative online learning environment. It is well documented that participation and collaboration does enhance learning & whether it be in-class or at a distance. You are encouraged to initiate and respond regularly and make sure ***your ideas are presented clearly and are substantive. Postings that lack substance will receive little or no credit. For example, "I agree," "Good posting," or similar messages that add little or nothing to the discussion will receive few, if any credits***. Discussions posted to the website are an important part of the learning that takes place in this class. In essence, we learn from each other. Share ideas or questions with your colleagues. Ask them questions. Share your own experiences.

SOME SPECIFIC EXPECTATIONS ABOUT PARTICIPATION:

Class Meeting Discussions:

- **Please read, review, and reflect on each message PRIOR to posting to the forums.** Remember: Others cannot get visual clues as to meaning, therefore, be careful in what and how you communicate. **Once posted, messages cannot be deleted!**
- All postings to any meeting in this class are to be considered CONFIDENTIAL and for consideration and discussion only by members of this class.
- Ask questions about areas of the subject that you wish to better understand or for clarification and/or amplification.
- Read your classmates comments and presentations, and respond constructively.

- Offer personal/professional experiences/observations relevant to the items being discussed.

Participation Rubric:

	Unsatisfactory	**Satisfactory**	**Exemplary**
A minimum of 3 postings per forum on at least 3 separate days.	Less than 3 **substantial postings**.	Three required**substantial postings.**	More than the 3**substantial required posting.**
Answers by Wednesday - - - - - - - - - - - - - - Respond to classmates by Sunday	Posting answers after Wednesday	Posting answers on Wednesday	Posting answers before Wednesday
Well reasoned with appropriate analysis.	No response or lacks applicability.	Response is applicable, but may not be thorough or lacks depth.	Thorough response with appropriate depth.
Appropriate dialog with classmates	Responses do not clearly relate to topic.	Responses relate to topic.	Responses clearly relate to topic.
Appropriate grammar, spelling, and APA references.	Spelling and/or grammar errors.	No spelling or grammar errors..	No spelling, grammar errors, or punctuation errors.

Student deliverables should be submitted on the specified date by midnight of the student's time zone. For purposes of scheduling, each week or module begins on Monday 12:01 AM and concludes the following Sunday at Midnight.

EXPECTATIONS FOR WRITTEN WORK:

VOCABULARY - You are expected to read and understand the material presented in the assigned text and articles you locate.

FORMAT - Papers submitted should be written in accordance with the ***APA***, ***Bluebook***, or ***other recognized formatting style***.

GRAMMAR - Use active voice in your writing. Also use the spelling and grammar check feature of your Word Processor before submitting your papers.

Homework Assignments: Assignments require you to read and brief law cases. Read the information on"briefing law cases". Below is the grading rubric for your case "briefs"

CASE BRIEF GRADING RUBRIC

	Outstanding A	**Proficient B**	**Adequate C**	**Inadequate D/F**
Case Name and Citation	Complete case name and properly formatted citation appear at the top of the case brief	Complete case name is provided but citation is incomplete	Complete case name is provided but no citation is give	Neither the case name nor the citation appears at the top of the case brief OR both case name and citation are incorrect.
Operative Facts	Operative facts are relevant to the issue being examined by the court and are logically organized.	Facts are relevant to the question being answered but lack coherence	Irrelevant facts are included. Lack of logical organization.	Relevant facts are omitted or lost in discussion of unrelated information.

		or organization.		
Procedural Facts	Procedural history of the case is clearly and logically presented in proper chronology.	Procedural history of the case is presented but chronology is confusing.	Some procedural history is presented.	No procedural history is presented.
Issue/Short Answer	Includes all elements (applicable law, issue being examined and relevant facts) in a well crafted, grammatically correct question. Answer responds to question being posed.	Issue is separately articulated, but does not include all elements; applicable law, issue being examined and relevant facts. Answer responds to question being posed.	Issue is not separately articulated, but implied through description of facts or discussion of law. Answer does not respond to question being posed.	Issue is not articulated No answer is given.
Law	Law is correct and is relevant to the question being answered. Rule(s) of law succinctly paraphrased rather than quoted.	Law is correct and is relevant to the question being answered, but is not paraphrased	Rules of law are used in providing answer, but it is unclear if writer understands the law and is properly applying it.	Rules of law are omitted from answer or incorrect law is used.
Rationale	The court's reasoning is presented in a clear and logical fashion, leading the reader to an understanding of the rationale behind the law.	Law is applied to the facts, but the underlying rationale is not clear.	Analysis is unclear, causing the reader to question whether the law is correct.	No analysis of the law is given.
Writing Mechanics	Sentence structure, grammar,	Sentence structure,	Adherence to rules of writing is	Rules of writing are ignored or

punctuation are substantially correct. Each component's material is logically organized and presented in a clear, concise manner.	grammar, punctuation are substantially correct. Organization is logical but needs better consistency and clarity.	poor. Material lacks organization and/or is unclear, making it difficult to understand.	misunderstood. No apparent logic to the organization of the material. Writing lacks clarity.

**above adopted from case grading rubric - AAFPE.org website

Students who plagiarize will receive zero credit on the assignment.

Quizzes: The class is divided into weekly quizzes This is 25% of your grade.

Assignments: This class is divided into weekly assignments. This is 25% of your grade

Probate Forms : This class is divided into the preparation of Probate Forms. This is 35% of your grade

Discussion Forums - This class is divided into weekly discussions. This is 15% of your grade.

Late Assignments Our "Late Work" Policy is firm.

Grading Policy: Letter grades will be determined based upon the following:

Grade Distribution
Tests - 25% of your grade
Assignments - 25% of your grade
Probate Forms - 35% of your grade
Discussion Forums - 15% of your grade

Grade Scale:

A	90-100
B	80-89
C	70-79
D	60-69
F	≤ 60

Please note that a grade of C or higher is required for each of the 12 paralegal certificate classes.

Points will be posted on the class website after each activity closes.

Reasonable Accommodation: For students requiring accommodation the DSPS office provides special assistance in areas like: registering for courses, specialized tutoring, note-taking, mobility assistance, special instruction, testing assistance, special equipment, special materials, instructor liaisons, community referrals, and job placement. The phone number for the Office of Students with Disabled Student Programs and Services is: (818) 364-7732 and also their website at http://lamission.edu/dsps

Check Academic Calendar for important dates

Website opens on Sunday 2/9/13 @ 8 am

After September 8, 2013 please note : This is an earlier and revised deadline. A "W" will appear on your transcript record after this date. This is a new LACCD enrollment limit. The limit is now three times to take a class and includes both substandard grades and withdrawals.
Drop classes with a "W" - Letter grade is required after this date and forward

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If you stop attending a class (or wish to drop a class), **YOU MUST DROP THE CLASS YOURSELF ONLINE– OFFICIALLY – Failure to do so may result in a grade of "F" in that class.**
REGISTRATION INFORMATION Website – http://www.laccd.edu (Student Information System)

Admission Regular Office Hours (Subject to change) Monday and Thursday – 8am-5pm Tuesday and Wednesday – 8am-7pm Friday – 8am-12noon

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REMINDER: There is a new LACCD enrollment limit. The limit is now three times to take a class and includes both substandard grades and withdrawals. (See Important Notice, page 3 of the College Catalog)

New 3 Repeat Rule
IMPORTANT NOTICE
All Students Please Read
Beginning Summer 2012: New 3 Repeat Rule

EFFECTIVE SUMMER 2012, course withdrawal ("W") or a substandard grade ("D," "F," or "NP") count as an attempt at a course. Only three attempts at any one course will be allowed, with some exceptions. Listed below are the new rules that all students need to know about.

• Students who drop or are excluded after the last day to drop without a grade of "W" will have a "W" appear on their transcript. The "W" will count as an attempt for that course.
• For the Fall semester, September 8, 2013 is the last day to drop a 16-week semester length class without a "W." Students will be able to drop a class online until this date. Contact the office of Admissions and Records for deadlines on late start, short-term and special program classes.
• A course in a student's transcript which currently shows a recorded "W" counts as an attempt for that course.
• Students will not be allowed to register for any course within the LACCD if there are three recorded attempts for that course in any combination of W, D, F, or NP grades.
• Add permits for a course within the LACCD will not be processed if there are three recorded attempts for that course in any combination of W, D, F, or NP grades.
• For courses specifi cally designated as "repeatable," students may repeat up to three times (See Title 5 California Code of Regulations sections 55040, 55041, 58161).
• Where the student's number of enrollments in a course exceeds the allowable amount, the student may petition for an additional enrollment in cases of extenuating circumstances.

What students should do:

• Be sure you are academically ready for classes you enroll in.

• If you must drop a course, drop before the specified deadline for dropping a class without a grade of "W."

Calendar of Activities

Probate Law - Fact Pattern for All Probate Forms - probate forms

Distribution of Grades

Tests - 25% of your grade

Assignments - 25% of your grade

Probate Forms - 35% of your grade

Discussion Forums - 15% of your grade - entered at the end of the session

A grade of C or greater is required to pass the class

Week 1 - Due 2/16/14

- Read the syllabus for the class and order the textbook and login to moodle -
- Scan the textbook to famliarize yourself with the table of contents - "How to Probate an Estate in California"
- Read Dear Online Student
- Post your Introduction
- Discuss Law Study
- Discuss Legal Argumentation
- Discuss Learning Ethics
- Discuss Strategies against Procrastination
- Discuss Reading Law Cases-Codes
- review the following - summary of probate law - http://profj.us/probatelaw/
- Read Chp. 1 - Overview
- Review checklist of handling a simple estate - http://duedates.pbwiki.com/f/law20cklist.htm
- Review requirement of a will - http://probatelaw.pbwiki.com/f/willform.htm
- Review a simple will - http://duedates.pbwiki.com/f/simplewill.htm
- #1 Prepare simple will
- weekly forum discussion

Week 2 - Due 2/23/14

- Read chp 2 "first steps in handling an estate"
- Review steps in conducting a probage of an estate - law20steps.htm
- #2 Calculate attorneys fees
- #3 Probate court location - see - http://www.profj.us/information/probate/
- #4 - Name of Executor

- weekly forum discussion

Week 3 - Due 3/2/14

Read chap 3 "heirs and beneficiaries" - chp34notes.htm

- #5 - Prepare form DE 111 Petition for Probate - http://probatelaw.pbwiki.com/probate-forms
- Quiz A - chp. 1 & 2
- weekly forum discussion

Week 4 - Due 3/9/14

- Read chp. 4 "decedents estates: - chp34notes.htm
- Read "How to settle a simple estate" - law20settle.htm
- test B - chp. 3 & 4
- weekly forum discussion

Week 5 - Due 3/16/14

- read chp. 5 - "schedule of assets and debts"
- review make an inventory of the estate
- review schedule of assets form - assets.html
- #6 - review introduction to the probabe code - read intro to probate code
- weekly forum discussion

Week 6 - Due 3/23/14

- read chp. 6 - "identifing best transfer procedure"
- review FAQ on Wills and Estates - http://estateplanningattys.com/estateplanning.html
- #7 - determine and disuss assets of the estate
- Test C - Chapter 5, 6 & 7
- weekly forum discussion

Week 7 - Due 3/30/14

- read chp. 7 "taxes"
- #8 prepare DE-147 for "Duties of the Administrator"
- weekly forum discussion

Week 8 - Due 4/6/14

- read hp. 8 "transferring title to real property"
- Review probate rules chp 10 - part 1, 2, 3, and 4
- #9 - prepare DE -150 "Letters"
- #10 - Petition for Waiver
- weekly forum discussion
- Spring Break 4/7 - 4/13

Week 9 - Due 4/20/14

- read chp. 9 "transfer of securities"
- #11 - prepare DE -157 Notice of Administration
- Test D - Chp. 8, 9 & 10
- weekly forum discussion

Week 10 - Due 4/27/14

- read chp. 10 "joint tenancy property"
- #12 - prepare DE -160 Inventory and Appraisal
- weekly forum discussion

Week 11 - Due 5/4/14

- read chp. 11 - "transferring small estates"
- #13 - prepare DE -161 Inventory and Appraisal and Attachment #1
- Test E - chp. 11, 12 & 13
- weekly forum discussion

Week 12 - Due 5/11/14

- read chp. 12 - "transferring trust property"
- #14 - prepare Petition for Final Distribution
- weekly forum discussion

Week 13 - Due 5/18/14

- read chp. 13 - "overview of the probate court process"
- read chp. 14 - "Conducting a simple probate"
- Test F - chp. 14 & 15
- weekly forum discussion

Week 14 - Due 5/25/14

- #15 - prepare Order of Final Distribution
- weekly forum discussion

Week 15 - Due 6/1/14

- TBA

Week 16 - Due 6/8/14

- TBA

updated: 1/17/14

SPECIAL ACCOMMODATIONS

If you require special accommodations for a disability, religious holiday, or any other reason please inform your instructor(s) within the first week of the course and we will accommodate you if at all possible. For accommodations due to disability, you must consult with the Disabled Students Programs and Services Office after which we will abide by their recommendations.

COLLEGE RESOURCES FOR LAMC STUDENTS

see http://lamission.edu/de/student-services

Admissions and Records: Students can register for classes, request transcripts, file petitions for graduation, and drop classes at this office. For more information call 818-833-3322 or visit:http://www.lamission.edu/admissions/

Assessment Center: Offers student assessments in English, English-as-a-Second-Language (ESL) and Mathematics. Please contact the Assessment Center at (818) 364-7613 for more information or visithttp://www.lamission.edu/assessment/

Bookstore: For hours of operation, book availability, buybacks, and other information call 818-364-7767 or 7768 or visithttp://eagleslanding.lamission.edu/default.asp

Counseling Department: For appointments and information call 818-364-7655 or visit http://www.lamission.edu/counseling/

Disabled Students Programs and Services (DSP&S): For appointments, eligibility and information call 818-364-7732 or visit http://www.lamission.edu/dsps/

Extended Opportunity Programs and Services (EOP&S): For appointments, eligibility and information call 818-364-7645 or visit http://www.lamission.edu/eops/

Financial Aid: For information and applications call 818-364-7648 or visit http://www.lamission.edu/financialaid/

Library: For information on hours, resources, workshops, and other services contact 818-364-7106 or visithttp://www.lamission.edu/library/

STEM Office: For information on free tutoring, resources and academic counseling for STEM (Science, Technology, Engineering, and Technology) students visit: http://www.lamission.edu/stem

Tutoring Services in Learning Center: Laboratories for Learning, Writing, Math & Science. Walk-in and appointment services offered. Call 818-364-7754 or visit www.lamission.edu/learningcenter/

Three Attempt Limit

A new state policy in effect as of 2012 limits students to **three attempts per course**. Receiving a grade or a "W" for a course counts as an attempt, **regardless of when the course was taken**. Withdrawal by the deadline to avoid a "W" will not count as an attempt.

- **Updated: 1/30/14**