COURSE OUTLINE

Course Number          Course Title                          Credits
LEG 208               Wills, Trusts and Probate Law                3

Hours:                  Co- or Pre-requisite          Implementation
lecture/Lab/Other       none                               sem/year
3/0/0                   SP/2019

Catalog description (as it appears in 2014-2015 edition):
[Note: All revisions to the course description in the catalog require the submission of a memo to the Curriculum Committee.]

A survey of basic wills and basic probate practice. Includes interviewing for and preparation of a will and the procedures involved in probate, New Jersey State Inheritance Tax and Federal Estate Tax. Fundamentals of testate and intestate property transfer will also be discussed. 3 lecture hours

Is course New, Revised, or Modified? [Modified courses are those which have a new prefix or course number]
No.
Required texts/other materials:

Required Textbook:
To be determined by the course coordinator each semester.

Supplemental Materials:
This course is offered online and in class. For both versions, online materials are provided in Blackboard including video, client interviews and demonstrations of hypothetical estate law issues. Students are provided with a semester-specific online access code that will change each semester.

Revision date:
This outline was updated Spring 2019.

Course coordinator: (Name, telephone number, email address)
Erin Rybicki
(609) 570-3649
rybickie@mccc.edu

Information resources: (Describe the primary information resources that support the course, including books, videos, journals, electronic databases, websites, etc. To request new materials for your course, use the library request form at: www.mccc.edu/student_library_course_form.shtml)

This course uses a textbook, PowerPoint presentations and online materials (videos, interviews, sample cases) as resources.
**Other learning resources:** (Describe any other student learning resources that are specific to this course, including any special tutoring or study group support, learning system software, etc.)

All materials should be provided to the students via their Blackboard course. This course is offered in an online delivery option. Therefore, supplemental materials are supplied online and students are expected to submit assignments through Blackboard.

**Course Competencies/Goals:** [List the most important 5-8 overall student learning outcomes for your course. Course-level student learning outcomes (or Course Competencies/Goals) are statements that describe the specific, measurable knowledge, skills, and/or values that the student is expected to demonstrate, perform or exhibit after completion of the course. Student learning outcomes should focus on what the students will learn (rather than what the instructor will teach) and must include verbs (explain..., demonstrate..., analyze...) that reflect lower-order and higher-order learning goals.]

The student will be able to:

- **Course Competency One:** Students can identify, explain and classify the essential concepts of estate law, which shall include: various kinds of property, the forms of ownership of real and personal property and the concepts of testacy and intestacy.
- **Course Competency Two:** Students can identify lineal and collateral relationships as they relate to the right to inherit a decedent's property under intestate laws, and can explain the essential components of intestate succession laws.
- **Course Competency Three:** Students demonstrate an understanding of the function of wills and trusts as estate planning devices.
- **Course Competency Four:** Students can draft estate documents, including a basic will and trusts, under the direction of an attorney (faculty member.)
- **Course Competency Five:** Students can explain the applicable functions and procedures of Surrogate's Court and Superior Court, Chancery Division, Probate Part.
- **Course Competency Six:** From the perspective of the paralegal's role, students effectively navigate a hypothetical client case and/or a series of client scenarios.
- **Course Competency Seven:** Students can explain New Jersey specific law and recent issues in Estate Law.

**Course-specific General Education Knowledge Goals and Core Skills.** [To an extent consistent with its primary purposes, each course in every program is expected to reflect the college’s commitment to general education, as affirmed in the 2005 General Education Policy. A General Education Course is one whose primary purposes and overall design coincide strongly with one or more of the approved general education goals and objectives. For any approved (or proposed) General Education Course, the General Education Goals and Objectives form (the form identified as the “Gen Ed Attachment”) should be completed and attached to the course outline. Below is a complete list of Mercer's
General Education Knowledge Goals and Core Skills. Retain on this course outline the Goals and Skills that pertain to your course and delete those that are not a central part of the course.

**General Education Knowledge Goals**

- **Goal 1. Communication.** Students will communicate effectively in both speech and writing.
- **Goal 4. Technology.** Students will use computer systems or other appropriate forms of technology to achieve educational and personal goals.
- **Goal 5. Social Science.** Students will use social science theories and concepts to analyze human behavior and social and political institutions and to act as responsible citizens.
- **Goal 7. History.** Students will understand historical events and movements in World, Western, non-Western or American societies and assess their subsequent significance.
- **Goal 9. Ethical Reasoning and Action.** Students will understand ethical issues and situations.

**MCCC Core Skills**

- **Goal A. Written and Oral Communication in English.** Students will communicate effectively in speech and writing, and demonstrate proficiency in reading.
- **Goal C. Ethical Decision-Making.** Students will recognize, analyze and assess ethical issues and situations.
- **Goal D. Information Literacy.** Students will recognize when information is needed and have the knowledge and skills to locate, evaluate, and effectively use information for college level work.

**Units of study in detail.** Each unit should center around a topic, theme or skill that supports the Course Competencies/Goals (the course-level student learning outcomes [SLOs]) and general education student learning outcomes. For each unit, identify specific student learning outcomes that focus on content knowledge or process skills. Units of study are not simply the chapters of the textbook; they are independent of the selected textbook. Unit-level student learning outcomes should state (in terms that can serve as the frame of reference for ongoing assessment of both student achievement and of the course’s effectiveness) what successful students will be able to demonstrate, perform or exhibit at the end of the unit. Connect the unit-level SLOs back to the course-level SLOs and the General Education and Core Skills SLOs either by cross-referencing them by number or by explaining the connections in a brief narrative. It is not expected that every unit-level SLO will connect to the General Education and Core Skills SLOs; each unit-level SLO, however, must connect to at least one course-level SLO. See the attached examples.]
Unit I Understanding Estate Law: Terminology and Concepts

Learning Objectives
The student will be able to...

- Discuss the United States legal system, sources of law, distribution of powers and how these concepts relate to the work of the paralegal. (Course Competencies 1, 6; Gen Ed Goals 5, 7)
- Explain the essential concepts of testacy and intestacy. (Course Competencies 1, 6; Gen Ed Goal 5)
- Define the essential estate law terminology. (Course Competencies 3; Gen Ed Goals 5)
- Identify, explain and classify the essential concepts of estate law, which shall include: various kinds of property, the forms of ownership of real and personal property and the concepts of testacy and intestacy.
- Recognize the role of the paralegal in the estate planning process. (Course Competencies 1, 6, 7; Gen Ed Goals 5)
- Recognize the role of the attorney in the estate planning process. (Course Competencies 1, 6, 7; Gen Ed Goals 5)
- Explain the general, non-jurisdiction specific, role of the judicial system within the estate planning process. (Course competencies 1, 6; Gen Ed Goals 5, 7)
- Explain the structure of the New Jersey state court systems. (Course Competencies 1, 6; Gen Ed Goals 5, 7)
- Explain the applicable functions and procedures of Surrogate's Court and Superior Court, Chancery Division, Probate Part. (Course Competency 5, Gen Ed Goal 5)

Unit II The Essential Concepts of Wills

Learning Objectives
The student will be able to...

- Discuss the purpose and principles of wills. (Course Competencies 2, 3; Gen Ed Goal 2)
- Define the elements a valid will in general. (Course Competencies 2, 3; Gen Ed Goal 1, 2 & 4)
- Define the elements a valid will in New Jersey. (Course Competencies 2, 3; Gen Ed Goal 1, 2 & 4)
- Explain the importance of having a valid will. (Course Competencies 2, 3; Gen Ed Goal 1, 2 & 4)
- Explain how a will may be revoked. (Course Competencies 2, 3; Gen Ed Goal 1, 2 & 4)
- Explain how a will may be amended or altered by a codicil. (Course Competencies 2, 3; Gen Ed Goal 1, 2 & 4)
- Draft a basic will under the direction of an attorney (faculty). (Course Competencies 2, 3, 4; Gen Ed Goal 1, 2 & 4; Core Skill 1)
- Amend a basic will under the direction of an attorney (faculty). (Course Competencies 2, 3, 4 Gen Ed Goal 1, 2 & 4)
Unit III The Essential Concepts of Trusts

Learning Objectives

The student will be able to...

- Discuss the purpose and principles of trusts. (Course Competencies 2, 3; Gen Ed Goal 2)
- Define the elements a valid trust in general. (Course Competencies 2, 3; Gen Ed Goal 1, 2 & 4)
- Define the different types of trusts and the purpose therein. (Course Competencies 2, 3; Gen Ed Goal 1, 2 & 4)
- Explain the importance of having a trust in certain circumstances and the reasons why a client might ask for a trust. (Course Competencies 2, 3; Gen Ed Goal 1, 2 & 4)
- Explain how a trust may be revoked.
- Explain the basic taxation benefits and concerns of trusts. (Course Competencies 2, 3, 6; Gen Ed Goal 1, 2 & 4)
- Draft a basic trust document under the direction of an attorney (faculty.) (Course Competencies 2, 3, 6; Gen Ed Goal 1, 2 & 4; Core Skill 1)
- Explain the ethical responsibilities of the legal profession pursuant to drafting a will. (Course Competencies 2, 3, 6; Gen Ed Goal 1, 2 & 4; Core Skill C)
- Draft a case brief for a landmark case of significant historical value. (Course Competencies 2, 3; Gen Ed Goal 1, 4; Core Skill D)
- Analyze hypothetical estate law scenarios and apply estate law principles to the issues presented. (Course Competencies 2, 3, 6; Gen Ed Goal 1, 2 & 4; Core Skill D)
- Explain the current news and issues involving trusts. (Course Competencies 2, 3, 6; Gen Ed Goal 1, 2 & 4)
• Explain the current news and issues involving New Jersey trusts. (Course Competencies 2, 3, 6; Gen Ed Goal 1, 2 & 4)

Unit IV Understanding Estate Law Procedures and Challenges

The student will be able to...

• Discuss intake process with an estate law client. (Course Competency 4; Gen Ed Goal 1)
• Explain the process of drafting and finalizing a will for a client. Course Competencies 4, 5; Gen Ed Goal 1)
• Explain the paralegal’s role in the process of drafting a will or related estate law documents. (Course Competencies 4, 5; Gen Ed Goal 5, 7 & 9)
• Analyze hypothetical estate law scenarios and provide meaningful analysis of the correct application of estate law principles. (Course Competencies 2, 4, 6; Gen Ed Goal 1; Core Skill D)
• Students can explain the applicable functions and procedures of Surrogate’s Court and Superior Court, Chancery Division, Probate Part. (Course Competency 5, Gen Ed Goal 5)
• Explain process of assisting a client whose next of kin does not have a will. (Course Competencies 2, 4, 6; Gen Ed Goal 1)
• Explain the ethical duties of the attorney and paralegal when handling estate law cases. (Course Competency 8, Gen Ed Goal 9)
• Explain the probate process. (Course Competency 5; Gen Ed Goals 1, 5)

Unit V Special Issues and Concepts in Estate Law

• Explain the issues that arise when a testator’s mental capacity is challenged. (Course Competency 6, Gen Ed Goals 9)
• Explain the issues that arise when a testator’s capacity is challenged on the grounds of duress. (Course Competency 6, Gen Ed Goals 9)
• Understand the ethical implications of estate law clients. (Course Competency 6, Gen Ed Goals 9)
• Explain the process of determining a decedent’s place of residence. (Course Competencies 5, 7, Gen Ed Goals 6, 9)
• Explain the importance of living wills. (Course Competency 2, 6, 7, Gen Ed Goal 1, 6)
• Draft a living will under the direction of an attorney. (Course competency 4; Gen Ed Goal 1, 5, 9; Core Skill 1)
• Understand the ethical issues regarding living wills, and how a client must be educated in the various options therein. (Course competency 4, 6, 7; Gen Ed Goal 1, 5, 9)
• Understand the importance of a medical surrogate. (Course competency 4, 6, 7; Gen Ed Goal 1, 5, 9)
• Explain the role of holographic and limitation of wills. (Course competency 4, 6, 7; Gen Ed Goal 1, 5, 9)
• Explain the role video and audio wills, and the limitations on these legal instruments. (Course competency 4, 6, 7; Gen Ed Goal 1, 5, 9; Core Skill D)
Understand the role of and importance of a Power of Attorney document. (Course competency 4, 6, 7; Gen Ed Goal 1, 5, 9)

**Students with Disabilities**
Any student in this class who has special needs because of a disability is entitled to receive accommodations. Eligible students at Mercer County Community College are assured services under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. If you believe you are eligible for services, please contact Arlene Stinson, the Director of Academic Support Services. Ms. Stinson’s office is LB221, and she can be reached at (609) 570-3525.

**Academic Integrity Statement**
This course is entirely compliant with the academic integrity standards of the college. This course specifically covers the implications of plagiarism and academic integrity, and covers how students can ethically embark on legal research tasks and the use of technology in the online classroom and beyond. Students are required to read, review, and follow the standards set forth in the Mercer County Community College Student Handbook academic integrity standards before submitting any assignment. Academic Dishonesty will result in failure of this course.

**Equal Opportunity Policy**
Mercer County Community College is committed to equal opportunity and affirmative action. Discrimination on the basis of race, creed, color, national origin, ancestry, age, gender, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, nationality, political views, religion, disability unrelated to job or program requirements or any other characteristic protected by law is prohibited. Questions regarding the equal opportunity policy and compliance statement may be directed to the Affirmative Action Officer, West Windsor Campus, (609) 586-4800, ext. 3270.