

Kankakee Community College Syllabus

Course prefix and number: PLAS 2223

Course title: ESTATES, TRUSTS, & WILLS, Fall 2019

Credit hours/Length: Lecture hours: 3 Clinical/Lab hours: None

Catalog description: This course covers the law of the estate planning and probate processes and specifically addresses the role of the paralegal in such transactions. Special emphasis will be placed on Illinois law in the drafting of wills and trusts. The course also addresses the statutory guidelines and court rules that apply to the probate process.

The following are prerequisites:

1. Admission to the Paralegal/Legal Assistant Studies Program;
2. PLAS 1123 (Legal Research & Writing I);
3. PLAS 1133 (Legal Research & Writing II) may be taken concurrently with this course.

Faculty

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Office Location/Office Hours

Office hours by appointment.

Textbook(s) and Other Materials

- A. Hower, Dennis R. Wills, Trusts, and Estate Administration, Seventh Edition. West Legal Studies, 2012.
- B. Supplemental handouts and other materials will be distributed during class. It is recommended that students purchase a 2" binder for storing ILCS printouts and other materials.

Instructional Methods

Methods will include lectures, discussions, in-class and library research and writing projects, and individual assignments and activities.

Relationship to academic programs and transferability

Estates, Trusts, & Wills was designed to meet specific student needs, either individually or within a program. Transferability of this course will be determined by each transfer institution. Please see an academic advisor for an explanation concerning transfer options. Refer to the IAI web page at www.itransfer.org for more information.

Course Goals and Learning Outcomes

At the conclusion of this course, you, the legal professional, will be able to:

1. Define and describe an individual's need for a will and for effective estate planning;
2. Discuss and evaluate the concept of property related to wills, trusts, and estate administration;
3. Determine, under attorney supervision, the parties to a probate proceeding and the proper court for pursuing such a proceeding;
4. Correctly apply Illinois laws of succession to a variety of probate situations, including situations where the decedent has died testate or intestate;
5. Correctly apply Illinois statutory guidelines to the proper drafting of a will, including validity requirements, modification, revocation, and execution of a will;
6. Correctly research and draft, under attorney supervision, a variety of trusts and other estate planning documents;
7. Correctly research and draft, under attorney supervision, a variety of documents related to administration of a probate estate;
8. Discuss and apply the appropriate federal and state tax considerations to a variety of estate administration scenarios;
9. Properly apply ethical considerations to all estate planning and probate work that a paralegal does, including performing all tasks under direct supervision of an attorney.

Evaluation of Student Performance

See the Course Calendar and Homework Table for this session. Homework will generally be due at the start of a class period as noted in this syllabus. All homework is to be stapled, with your name on the top page, along with a description of the homework assigned. For example:

John Smith
PLAS 2223
Review Problem 3
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Homework that is not clearly labeled and stapled will be returned to the student ungraded.

Students are expected to submit homework on the evening it is due. The final homework grade will be reduced by 10% (1 letter grade) per class period until the homework is submitted. The exception to this rule is if you are absent on the date a homework assignment is due; in that case, the due date is automatically extended to the date you return for your next class without any reduction in points. All homework will be submitted in typewritten format (typewriter or PC acceptable) unless otherwise directed by the instructor.

The instructor reserves the right to alter or modify the content of an assignment or its position in the course calendar.

90-100% of total points possible = A
80-89% of total points possible = B
70-79% of total points possible = C
60-69% of total points possible = D
Under 60% of total points possible = F

The points will be apportioned as follows:

20% of final course grade: Class participation
20% of final course grade: Weekly homework
60% of final course grade: Four exams

Course Policies: Please review these carefully.

You will be allowed a total of three absences for this semester. I reserve the right to inform you that your successful completion of the class is being jeopardized when you have missed your third class. I also reserve the right to request that you withdraw from the class with a grade of "W" when you have missed your fourth class. Each absence in excess of three will result in a one letter grade reduction of your final course grade. Class will begin promptly; students are expected to be on time for class and are strongly encouraged to get notes from fellow students if they miss a class.

As is the case in all KCC computing labs and classrooms, no food, drink, or smoking is permitted. Children are also not permitted in the labs.

The Program's in-class examination policy is pursuant to Section 4.1 of the Code of Campus Affairs and Regulations, which states that "permission to make up work missed because of absence may be granted at the

instructor's discretion." For in-class examinations, there are no makeups allowed for any reason except for illness, which must be documented with an original note explaining the absence which is signed by the treating physician. For final projects, the project is due on the assigned due date. Final projects received after the due date will not be graded. Students may not use notes, books, or reference materials on examinations unless specifically authorized to do so by the instructor. Students are to turn off all cell phones and pagers during an examination. Sending and receiving e-mails, instant or text messages, or other forms of electronic communication during the exam are strictly prohibited. Students are expected to be on time for exams and will not be given additional time to complete an exam due to a late arrival.

It is assumed that all course assignments and examinations represent the student's own efforts. Any impropriety, or appearance of impropriety, will result in a minimum of a "zero" for that assignment/examination and possible removal from the course. In addition, any student found copying software for personal use or altering settings on the computers (beyond the scope of any classroom assignment) will be removed from the course.

In addition, all assignments shall be submitted with a cover sheet containing this statement regarding academic honesty:

Because academic dishonesty fundamentally undermines the mission of KCC's PLAS Program and diminishes my individual efforts and those of my classmates, I certify that this work product is the result of my own independent and original effort; that I have completed this work product without the assistance of others unless otherwise directed by the instructor; and that I understand the syllabus's sanctions for work product meeting the definition of "impropriety or the appearance of impropriety."

The cover sheet shall also contain the student's original signature.

Each student's KCC-based lexisadvance.com account is for academic use only. Any unauthorized use of such account to accumulate billable hours, to generate client fees, to provide work product for an internship site provider or individual authorized by statute or court rule to provide legal advice, or for any other income-producing use is strictly prohibited under the terms of the Lexis Advance Acceptable Use Policy; further, such use serves as grounds for immediate withdrawal from the course and possible sanctions under college policy.

College Policies

Withdrawals

When it is necessary to withdraw from a course or from the college, a student may do so on or before the withdrawal date stated on the syllabus without receiving a punitive final grade. Change of Schedule forms (used to add or drop a course) are available in Student Services and the student should obtain the required signatures prior to submitting the Change of Schedule form to an adviser in Student Services. Students may submit Change of Schedule forms through the mail, but they must be postmarked no later than the withdrawal date. No withdrawals are allowed by phone. The last date to withdraw with a grade of "W" is ten school days after the midpoint of the course pursuant to the Kankakee Community College catalog.

Code of Conduct

By participating in this course, the student agrees to adhere to the KCC Code of Conduct, found in each academic year's catalog, and understands that his or her classroom behavior shall be in compliance with the Code.

Inclement Weather

As a general rule, KCC will remain open during inclement weather. If the College will be closed due to inclement weather, cancellation announcements will be broadcast over Kankakee radio stations WKAN-AM, WBSW-FM, and WLRT-FM; Watseka stations WGFA-AM/FM; and Pontiac stations WJEZ-AM/FM. In addition, KCC reports campus closings at <http://www.emergencyclosings.com>.

Use of KCC Student E-mail Accounts (NEW College Policy beginning Summer 2015)

To ensure a student's privacy under all applicable education laws and to facilitate timely interactions, two College-authorized methods of electronic communication exist: KCC-issued student email accounts (using the domain name of .student.kcc.edu) and the Canvas Learning Management System. Students are expected to regularly check their KCC email accounts and Canvas for important incoming communication from the college or from individual instructors. Students understand that emails they send from personal email accounts (other than those listed above) may not be delivered to the KCC recipient, and students should have no expectation that such messages will be answered.

Non-Attendance/Non-Participation

KCC complies with state law and federal financial aid policy. If you receive an attendance grade of F or are institutionally withdrawn from a course, it will affect your eligibility for financial aid. (1) You must attend at least one class, or participate at least once for an online course (logging in without participation is not attending), by the 10th day of 16 week courses or within the first 10% of shorter term classes. Non-attendance will result in an attendance grade of F. (2) If you have excessive absences and no reasonable chance of passing the course at midterm (or after), your instructor may give you a WX grade and have you institutionally withdrawn from the course.

College Resources

Tutoring Services

Tutoring assistance is free to all currently enrolled KCC students. Our tutor program is certified by the College Reading and Learning Association (CRLA). For schedules, resources and other helpful information, go to www.kcc.edu/tutoring.

Office of Disability Services

KCC works closely with students and instructors to accommodate individual student learning needs. For the services they offer, their contact information and other helpful information, go to www.kcc.edu/disabilityservices.

Miner Memorial Library

The Miner Memorial Library provides a variety of services free to students. For the services they offer, their hours of operation and other helpful information, go to www.kcc.edu/library.

Syllabus Disclaimer

The course syllabus and calendar are subject to change.

Copyright

The materials on this course are only for the use of students enrolled in this course for purposes associated with this course. Further Information regarding KCC's copyright policy is available at <http://www.kcc-online.org/copyright/policy.html>.



Course Calendar Detailing Subject Coverage and Homework Table

Class Date	In-Class Activity (Each Class is 2.5 Hours in Length)	Subject Matter Outline	Evaluation Tool(s) and How Competency of Course Objective(s) Is Evaluated
<p>Week 1: Tuesday, 8/20/2019</p>	<ul style="list-style-type: none"> • Review Course Syllabus and Expectations • Review Preface to the Seventh Edition, Appendices, and Glossary • Open lab time in D121 to download statutes from lexisadvance.com accounts 		
<p>Week 2: Tuesday, 8/27/2019</p>	<ul style="list-style-type: none"> • Chapter 1, "The Estate Plan and the Purpose and Need for a Will" • Chapter 2, "The Concept of Property Related to Wills, Trusts, and Estate Administration" • Review of Illinois supplements 	<p>The Estate Plan and The Purpose and Need for a Will</p> <ul style="list-style-type: none"> A. An Introduction to Wills B. The Purpose of Wills C. Will Substitutes D. Checklist to Determine the Need for a Will E. Basic Requirements for a Legal Will: A Review F. The Need for a Will: A Conclusion G. The Paralegal's Role <p>The Concept of Property Related to Wills, Trusts, and Estate Administration</p> <ul style="list-style-type: none"> A. Property: Terminology and Classification B. Statutes that Govern the Passage of Property C. Forms of Property Ownership D. Estates in Real Property 	<ul style="list-style-type: none"> • Read and be ready to discuss Chapters 1 and 2.

Class Date	In-Class Activity (Each Class is 2.5 Hours in Length)	Subject Matter Outline	Evaluation Tool(s) and How Competency of Course Objective(s) Is Evaluated
<p>Week 3: Tuesday, 9/3/2019</p>	<ul style="list-style-type: none"> Chapter 3, “The Participants and the Proper Court” Chapter 4, “The Law of Succession: Death Testate or Intestate” Review of Illinois supplements 	<p>The Participants and The Proper Court</p> <p>A. The Participants B. Terminology Related to Probate Court Proceedings C. The Paralegal’s Role</p> <p>The Law of Succession: Death Testate or Intestate</p> <p>A. Death with a Will: Testacy B. Use of Testate Terminology C. Death without a Will: Intestacy D. Rights of Family Members to a Decedent’s Estate E. Use of Intestate Terminology F. Advantages and Disadvantages of a Will G. The Paralegal’s Role</p>	<ul style="list-style-type: none"> Chapter 1 Review Questions 1-7, p. 23. Write out the answers to these review questions meant to reinforce your understanding of basic chapter concepts. For Questions 3 and 5, use ILCS to locate Illinois’ statutory requirements for the execution of a will. (OBJECTIVES 1, 2) Chapter 2 Review Questions 1-16, pp. 69-70. Write out the answers to these review questions meant to reinforce your understanding of basic chapter concepts. (OBJECTIVES 1, 2) Read and be ready to discuss Chapters 3 and 4.
<p>Week 4: Tuesday, 9/10/2019</p>	<ul style="list-style-type: none"> Chapter 5, “Wills: Validity Requirements, Modification, Revocation, and Contests” 	<p>Wills: Validity Requirements, Modification, Revocation, and Contests</p> <p>A. Requirements for the Creation of a Valid Will B. Modification of a Will—Codicil v. New Will C. Revocation and Rejection of a Will D. Will Contests E. The Paralegal’s Role</p>	<ul style="list-style-type: none"> Review Exam #1. Read and be ready to discuss Chapter 5. Distribution of will drafting project. Students will draft a will compliant with both Illinois statutory provisions and instructor guidelines. (OBJECTIVES 1, 2, 5, 9)
<p>Week 5: Tuesday, 9/17/2019</p>	<ul style="list-style-type: none"> EXAM #1 (CHAPTERS 1-4) 		<ul style="list-style-type: none"> Examination #1 containing true/false, multiple choice, definitions, and/or short answers. (OBJECTIVES 1, 2, 3, 4)

Class Date	In-Class Activity (Each Class is 2.5 Hours in Length)	Subject Matter Outline	Evaluation Tool(s) and How Competency of Course Objective(s) Is Evaluated
Week 6: Tuesday, 9/24/2019	<ul style="list-style-type: none"> Chapter 6, "Preparation to Draft a Will: Checklists and the Conference with the Client" 	Preparation to Draft a Will: Checklists and the Conference with the Client A. The Conference with the Client: Initial Interview, Checklists, and other Matters B. Preliminary Tax Advice and Other Matters C. Guidelines for Preparation of a Will D. The Paralegal's Role	<ul style="list-style-type: none"> Chapter 5 Review Questions 1-12, p. 172. Write out the answers to these review questions meant to reinforce your understanding of basic chapter concepts. Use ILCS to answer the questions dealing with statutory requirements for a valid, executable will. (OBJECTIVE 5) Read and be ready to discuss Chapter 6. Review Estate Planning discussion checklist provided by instructor. (OBJECTIVES 1, 2, 6, 8, 9)
Week 7: Tuesday, 10/1/2019	<ul style="list-style-type: none"> Chapter 7, "Final Draft and Execution of a Valid Will" 	Final Draft and Execution of a Valid Will A. Contents of a Standard Will B. Sample Preliminary Will C. Additional Nontestamentary Documents D. Where to Keep the Will E. The Paralegal's Role	<ul style="list-style-type: none"> Review Exam #2. Chapter 6 Review Questions 1-10, p. 202. Write out the answers to these review questions meant to reinforce your understanding of basic chapter concepts. (OBJECTIVES 4, 5) Read and be ready to discuss Chapter 7. Review Will Execution checklist provided by instructor. (OBJECTIVES 1, 2, 5, 9)
Week 8: Tuesday, 10/8/2019	<ul style="list-style-type: none"> EXAM #2 (CHAPTERS 5-7) 		<ul style="list-style-type: none"> Examination #2 containing true/false, multiple choice, definitions, and/or short answers. (OBJECTIVES 4, 5) Chapter 7 Review Questions 1, 5, 7, and 13, p. 247. Write out the answers to these review questions meant to reinforce your understanding of basic chapter concepts. (OBJECTIVES 4, 5)
Week 9: Tuesday, 10/15/2019	<ul style="list-style-type: none"> Chapter 8, "Introduction to Trusts" 	Introduction to Trusts A. Terminology Related to Trusts B. The Essential Elements of a Trust C. Termination of Trusts D. The Paralegal's Role	<ul style="list-style-type: none"> Will drafting assignment due. (OBJECTIVES 1, 2, 4, 5, 8, 9) Read and be ready to discuss Chapter 8. Distribution of Illinois land trust drafting project. Students will draft a trust document compliant with Illinois statutes and instructor guidelines. (OBJECTIVES 1, 2, 6, 8, 9)

Class Date	In-Class Activity (Each Class is 2.5 Hours in Length)	Subject Matter Outline	Evaluation Tool(s) and How Competency of Course Objective(s) Is Evaluated
Week 10: Tuesday, 10/22/2019	<ul style="list-style-type: none"> Chapter 9, "Classification of Trusts, the Living Trust, and Other Special Trusts" 	Classification of Trusts, the Living Trust, and Other Special Trusts A. Classification of Trusts B. The Purposes of Trusts C. Information and Incomplete Creation of a Trust D. Living (<i>Inter Vivos</i>) Trusts E. Drafting an Irrevocable Living Trust F. The Paralegal's Role	<ul style="list-style-type: none"> Review Exam #3. Chapter 8 Review Questions 2, 4, 6, 7, 11, 13, p. 277. Write out the answers to these review questions meant to reinforce your understanding of basic chapter concepts. (OBJECTIVE 6) Illinois land trust drafting project due. (OBJECTIVES 1, 2, 6, 8, 9) Read and be ready to discuss Chapter 9.
Week 11: Tuesday, 10/29/2019	<ul style="list-style-type: none"> EXAM #3 (CHAPTERS 8-9) 		<ul style="list-style-type: none"> Examination #3 containing true/false, multiple choice, definitions, and/or short answers. (OBJECTIVES 6, 7)
Week 13: Tuesday, 11/5/2019	<ul style="list-style-type: none"> Chapter 12, "Personal Representatives: Types, Pre-Probate Duties, and Appointment" 	Personal Representatives: Types, Pre-Probate Duties, and Appointment A. Types of Personal Representatives B. Introduction to Estate Administration: A Dialogue C. Preparation for Probate and Estate Administration: General Overview D. The Paralegal's Role	<ul style="list-style-type: none"> Chapter 10 Review Questions 1, 2, 4, 5, 6, 7, 9, 13, and 14, p. 349. Write out the answers to these review questions meant to reinforce your understanding of basic chapter concepts. (OBJECTIVES 6, 9) Read and be ready to discuss Chapter 12.

Class Date	In-Class Activity (Each Class is 2.5 Hours in Length)	Subject Matter Outline	Evaluation Tool(s) and How Competency of Course Objective(s) Is Evaluated
<p>Week 14: Tuesday, 11/12/2019</p>	<ul style="list-style-type: none"> Chapter 13, "Probate and Estate Administration" 	<p>Probate and Estate Administration</p> <ul style="list-style-type: none"> A. Probate or Estate Administration B. Forms of Probate or Estate Administration C. Commencing Probate and Estate Administration Proceedings D. Probate Court Procedure E. Procedures Before Estate Distribution F. Distribution of the Estate and Payment of Claims G. The Final Account and Closing the Estate H. Special Probate Proceedings I. Limitations on and Liability of the Personal Representative J. The Paralegal's Role 	<ul style="list-style-type: none"> Chapter 12 Review Questions 4, 5, and 9, p. 404. Write out the answers to these review questions meant to reinforce your understanding of basic chapter concepts. (OBJECTIVE 3) Read and be ready to discuss Chapter 13.
<p>Week 15: Tuesday, 11/19/2019</p>	<ul style="list-style-type: none"> Chapter 14, "Informal Probate Administration" 	<p>Informal Probate Administration</p> <ul style="list-style-type: none"> A. Formal or Informal Probate B. Priority of Persons Seeking Appointment as Personal Representatives C. Application for Informal Probate and Appointment of Personal Representative D. Acceptance by the Registrar E. Notice Requirements F. Duties and Powers of the Personal Representative in Informal Probate G. Step-by-Step Procedures in Informal Probate H. The Paralegal's Role 	<ul style="list-style-type: none"> Read and be ready to discuss Chapter 14. In-class group assignment; draft small estate affidavit. (OBJECTIVES 2, 3, 4, 7, 8, 9) In-class discussion: Use of title company to avoid probate of real estate. (OBJECTIVES 2, 3, 4, 7, 8, 9)

Class Date	In-Class Activity (Each Class is 2.5 Hours in Length)	Subject Matter Outline	Evaluation Tool(s) and How Competency of Course Objective(s) Is Evaluated
Week 16: Tuesday, 11/26/2019	<ul style="list-style-type: none"> Chapter 15, "Tax Considerations in the Administration of Estates" Chapter 16, "Ethical Principles Relevant to Practicing Legal Assistants" 	<p>Tax Considerations in the Administration of Estates</p> <ul style="list-style-type: none"> A. Introduction to Tax Concerns B. General Tax Considerations C. Tax Returns D. The Paralegal's Role <p>Ethical Principles Relevant to Practicing Legal Assistants</p> <ul style="list-style-type: none"> A. Paralegals and Canons of Ethics B. Attorney-Client Paralegal Issues 	<ul style="list-style-type: none"> Chapter 13 Review Questions 3, 8, 9, 13, 14, and 17, pp. 460-461. Write out the answers to these review questions meant to reinforce your understanding of basic chapter concepts. Use ILCS to answer each question. (OBJECTIVES 3, 4) Read and be ready to discuss Chapters 15 and 16.
Week 17: Tuesday, 12/3/2019	<ul style="list-style-type: none"> Review for final 		<ul style="list-style-type: none"> Durable power of attorney and health care power of attorney drafting assignments due. (OBJECTIVES 1, 6, 9)
Week 18: Tuesday, 12/10/2019	<ul style="list-style-type: none"> EXAM #4 (CHAPTERS 10-16) 		<ul style="list-style-type: none"> Examination #4 containing true/false, multiple choice, definitions, and/or short answers. (OBJECTIVES 3, 4, 6, 8, 9)

DOWNLOADS FROM YOUR LEXIS ADVANCE ACCOUNTS:

For Chapter 1 review and print 755 ILCS 5/2-8.

For Chapter 3 review and print Illinois Rules of Professional Conduct 1.8(c) and 1.7(b). Also print 755 ILCS 5/5-1 and 755 ILCS 5/7-2.

For Chapter 4 review and print 21st Judicial Circuit Rule 10.1; 755 ILCS 5/4-11; 755 ILCS 5/24-3; 755 ILCS 5/2-1; 755 ILCS 20/1 et seq.; 755 ILCS 5/15-1; and 755 ILCS 5/15-2.

For Chapter 5 review and print 755 ILCS 5/4-1; 755 ILCS 5/4-3; 755 ILCS 5/4-4; 755 ILCS 5/4-6; 755 ILCS 5/4-7; 755 ILCS 5/4-9; 760 ILCS 35/1; and 755 ILCS 5/8-1.

For Chapter 7 review and print 755 ILCS 5/6-13; 755 ILCS 5/1-3; 755 ILCS 5/6-14; 755 ILCS 5/6-8; 755 ILCS 5/11-1; 755 ILCS 5/11-3; 755 ILCS 5/11a-2; 755 ILCS 5/11a-1; 755 ILCS 5/11a-5; 755 ILCS 5/11a-6; 755 ILCS 5/11a-16; and 755 ILCS 5/6-4.

For Chapter 8 review and print 760 ILCS 5/15.2; 760 ILCS 5/11; 760 ILCS 5/16.1; and 760 ILCS 5/5.3.

For Chapter 9 review and print 205 ILCS 625/4.

For Chapters 10 and 11 review and print 755 ILCS 5/2-7.

For Chapters 12 and 13 review and print 755 ILCS 5/9-1; 755 ILCS 5/13-4; 755 ILCS 5/18-8; 755 ILCS 5/12-2; 755 ILCS 5/14-1; 755 ILCS 5/18-3; 755 ILCS 5/18-10; 755 ILCS 5/24-1; 755 ILCS 5/24-2; 755 ILCS 5/24-3; 755 ILCS 5/24-4; 755 ILCS 5/24-7; and 755 ILCS 5/24-9.

For Chapter 15 review and print 760 ILCS 20/1 et seq.