

-ESTATE PLANNING
Professor Candice A. Garcia-Rodrigo
University of La Verne College of Law
Fall 2018

Professor

Candice A. Garcia-Rodrigo
Office:
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Class Time and Place

Meeting days: Tuesdays
Meeting time: 6:30 p.m.-8:30p.m.
Location: TBD

Office Hours: Students may email me to schedule appointments. Feel free to contact me by email with questions as needed.

Course Description

This course explores the fundamental principles of estate administration in California Probate courts.

The purpose of the course is to prepare the students with practical skills to work with individual clients in administering an estate in probate whether by admitting a will to probate, funding an unfunded Trust, or administering an intestate estate.

The course presume some fundamental knowledge of wills and trusts. Students who have not taken or are not currently enrolled in Wills and Trusts, should review Cal. Prob. Code §§6100-6113, 6400-6402, 1500-15207 and consider reading “Wills, Trusts and Estates: Essential Terms and Concepts” by Mark Reutlinger, Aspen Publishers.

Basis of Grade

Students are required to attend and participate in class discussions. Each student is expected to have read the assigned reading materials and be prepared to address in-class hypotheticals. Students will also be expected to have submitted assignments prior to the class session to receive credit for “Class Participation”. The final will test students on the substantive material.

In Class Participation: 10%
Final Exam: 90%

See course policies that may affect your grade. Please note that excessive absences can affect your grade.

Required and Suggested Materials

REQUIRED:

“Probate” (The Rutter Group, Practice Guide) [available on Westlaw free to students] *Identified in readings as “Probate”*

RECOMMENDED:

McGovern & Hirsch California Probate Code Annotated, 2018 ed. (Thomson West) ISBN 978031494478

The Guide to the California Rules of Professional Conduct for Estate Planning, Trust and Probate Counsel (California State Bar) 3rd edition TE1101 [available at California Lawyers Association Publications page].

TWEN:

Students must submit the **required assignments** through TWEN by the required due date. Students must add this course on TWEN. Communications may also be posted on TWEN throughout the term, such as recommended readings or additional case readings.

ABA Standard 310

This course is designed to satisfy the requirements of ABA Standard 310. Standard 310 requires that for each hour of in-class time, students spend two hours preparing for class (reading or completing class assignments or assessments), and researching and writing the required paper.

Course Objectives

This course also will not focus on estate or income taxation, as those subjects are extensive and require a separate course to fully cover the concepts. Students are not required to take estate or income taxation courses prior to beginning this class. The basics of the estate and gift tax laws will be covered as they relate to estate planning techniques. Techniques that will be explored are wills, trusts, power of attorneys, probate issues, guardianships, conservatorships, titling of real property and lifetime gifts.

At the end of the course, the students will be expected to know how to draft a fully integrated estate plan with full understanding of the ramifications of specific clauses included in an Estate Plan.

Course-Specific Learning Outcomes

At the end of the course, students must be able to:

1. Identify the client and any potential or actual conflicts of interests;
2. Draft Judicial Council forms for probate administration;
3. Draft a Final Petition for Distribution of the Estate;
4. Correctly identify titling issues to real property; and
5. Understanding summary probate procedures available for estates.

Disability Accommodations Statement

Students with disabilities should refer to the policies described at the University of La Verne Disabled Student Services Handbook [as of September 13, 2017 located at <https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/>, which can be found on the website of the University of La Verne Disabled Student Services website (<https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/>) or at their office. Temporary accommodations are offered on a case by case basis. All required documentation must be submitted by the student before any formal accommodations and should be made directly to the Director of Student Affairs.

Any student eligible for and requesting academic accommodations due to a documented disability (or a suspected disability) is asked to contact the College of Law Director of Student Affairs and Americans with Disability Act Compliance Officer, Akita Mungaray by email at amungaray@laverne.edu or by phone at (909) 460-2017. Her office is located on the first floor of the College of Law, Office # 107. You can also contact Cynthia Denne at the University of La Verne Disabled Student Services office at (909) 448-4441. The office is located at the La Verne campus Health Center. In order to be considered for accommodations, disabilities must be documented and the proper medical evaluations must be submitted. The office is here to help you succeed in law school. Visit it online at <https://sites.laverne.edu/disabled-student-services/>.

Academic Integrity Policy

See the University's policies.

Course-Specific Policies

Attendance, Participation, and Preparation: Attendance and Participation is mandatory. Regardless of excuse, more than two (2) absences will result in an automatic deduction of 10% of the student's grade. The student is also required to follow school specific policies, which indicate that a student may be automatically excluded from a course for excessive absences.

Students are expected to have read all assigned reading material prior to class and participate in class discussions to receive credit.

Computer and Cell Phone Use: Laptops are permitted to be used during class; however, students are not allowed to browse the internet, email during class, or use social media. Students may access Westlaw online during the class to refer to the materials assigned. If caught using his

or her laptop for prohibited purposes, then the offending student may be asked to leave the class and an absence will be assessed.

Cell phones shall not be used. If a student is caught using his or her cell phone, then the offending student will be asked to leave the class and an absence will be assessed.

Reading Assignments

Below is the **first** week’s reading assignment. **The remaining weekly reading assignments will be posted on TWEN.** I may, from time to time, post additional readings throughout the course on TWEN that I believe will be beneficial to our discussion topics. Please check TWEN regularly for any updates. Some assignments listed include additional readings that will be posted on TWEN for Students to prepare for class. These assignments are subject to change based on our class discussions and progress.

Week	Subjects	Assignments
1	Preliminary Considerations: Ethical Obligations as Attorney for Fiduciary or Beneficiary	Probate, Chapter 1

Appendix of Mission, Values and Learning Outcomes

University of La Verne Mission and Values

It is the mission of the University of La Verne to provide opportunities for students to achieve their educational goals and become contributing citizens to the global community.

The University of La Verne shares four core values that promote a positive and rewarding life for its students through fostering a genuine appreciation and respect for:

1. **Values Orientation.** The University affirms a philosophy of life that actively supports peace with justice, the health of the planet and its people. Therefore, in light of this affirmation, it encourages students to become reflective about personal, professional, and societal values. It also encourages values-based ethical behavior.
2. **Community and Diversity.** The University promotes the goal of community within a context of diversity. Therefore, it encourages students to understand and appreciate the diversity of cultures that exists locally, nationally, and internationally. It also seeks to promote appreciation and preservation of biodiversity by helping students understand the impact/dependence of human beings on their environment.
3. **Lifelong Learning.** The University commits itself to promoting education that facilitates lifelong learning. Therefore, it teaches students how to learn, to think critically, to do constructive research, and to access and integrate information in order to prepare them for continued personal and career growth.

4. **Community Service.** The University believes that personal service is a primary goal of the educated person. Therefore, it encourages students to experience the responsibilities and rewards of serving the human and ecological community.

University of La Verne College of Law Vision, Mission, and Values

VISION

La Verne Law is an incubator for innovation in legal education, thought, and advocacy for individuals passionate about serving their communities and promoting access and justice.

MISSION

The mission of La Verne Law is to guide our students in the discovery of law and self as they prepare for the practice of law or other professional careers. Our faculty of scholars and teachers is committed to creating an innovative, collaborative learning environment designed to develop the knowledge and skills relevant to achieving individual and professional success.

Our mission encompasses educating, as well as enhancing the professional lives of, the members of the local, regional, national, and international communities we encounter – students, faculty, staff, administrators, alumni, members of the bench and bar, and others who pursue social justice.

Our mission is grounded in the core values of the University of La Verne – life-long learning, ethical reasoning and decision-making, diversity & inclusivity, and community & civic engagement.

Difference-making is our legacy.

CORE VALUES

University Values: As a College within the University of La Verne we adopt and endorse the University core values of Lifelong Learning, Diversity and Inclusivity, Community Engagement, and Ethical Reasoning.

College of Law Core Principles and Values: As an institution dedicated to teaching and training the next generation of lawyers and leaders, we operate institutionally and individually on the principles of professionalism, innovation, ethics, student centeredness and community enhancement. In our actions and interactions, we are and seek to be affirming, respectful, humble, accountable, committed, inclusive, empathetic, responsive, passionate, and positive.

University of La Verne College of Law Program Objectives

- A. Upon completion of the program of legal education, students will possess the skills and knowledge to enable them to pass any bar examination of their choosing.
- B. Upon completion of the program of legal education, students will possess those skills to participate as respected members of the legal profession.
- C. Upon completion of the program of legal education, students will model ethical, responsible, and professional behavior.

D. Upon completion of the program of legal education, students will embrace cultural differences and civic and community engagement.

American Bar Association Standard 302: LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

In compliance with ABA Standard 302, the University of La Verne College of Law has established the following.

University of La Verne College of Law Program Learning Outcomes

- 1. Students shall demonstrate knowledge and understanding of substantive and procedural law.
- 2. Students shall demonstrate competence in legal analysis and reasoning.
- 3. Students shall demonstrate competence in conducting legal research.
- 4. Students shall demonstrate competence in problem-solving.
- 5. Students shall demonstrate competence in written and oral communication.
- 6. Students shall be able and motivated to exercise proper professional and ethical responsibilities to clients, the legal system, and the wider community.
- 7. Students shall demonstrate competent litigation skills.
- 8. Students shall demonstrate competent transactional skills.
- 9. Students shall apply cultural competency while exercising their legal skills.
- 10. Students shall demonstrate competence in answering bar-style multiple-choice, essay, and performance test questions.