OAKLAND UNIVERSITY PARALEGAL PROGRAM
SYLLABUS

ESTATE PLANNING CEPL 25690
(revised 2/6/2019)

Text:	*Estate Planning Basics* (8th edition) Author: Denis Clifford – Publisher: Nolo
Faculty:	Maureen M. Schouman Sutton, J. D. Judicial Staff Attorney to Kathleen A. Ryan, Chief Judge Oakland County Probate Court
Contact Information:	1200 N. Telegraph Pontiac, MI 48341 Office: 248-452-9703 Email: m.m.s.sutton@gmail.com
Availability:	Email: anytime Office hours: by appointment
Schedule:	6:30 – 9:30 p.m. Every Wednesday for 7 sessions
Credit Hours:	2.1 CEU
Course Description:	Overview of principles relating to the control and disposition of property both inter vivos and after death. Includes discussion of wills, intestate succession, trusts, future interests, disability planning and living wills. Fundamental gift, estate and inheritance tax and probate considerations are introduced as part of the estate planning process. Students draft several representative documents.
Course Requirements:	Written assignments, including drafting of estate planning documents based on a fictional client scenario, class participation, textbook and outside readings, and weekly quizzes. Sessions and written assignments will incorporate textbook and supplemental materials provided to students.
Learning Outcomes:	The following competencies should be achieved: substantive knowledge and the ability to apply a fundamental understanding of the various estate planning tools and techniques in Michigan, the role the paralegal plays in assisting attorneys and clients with the estate planning process, understanding of both the procedural and substantive elements required as an estate planning paralegal, written and oral communication proficiencies.
Attendance:	Attendance is a factor in awarding CEUs with 2 absences allowed for this course.
Academic Honesty:	Plagiarism is a serious academic offense that will not be tolerated and may result in failure for individual projects, course failure, or dismissal from the University. Submit work that represents your original words or ideas. Using another's work or idea without acknowledgement or permission, or cheating in any form, is a serious violation. For Academic Conduct Policy see http://www.sba.oakland.edu/ce/paralegal -Detailed Program Information

Course Standards:	It is the responsibility of each student to be prepared for each session. All assignments must be submitted on their due date. Students are expected to complete reading assignments prior to the scheduled class. It is required that students actively involve themselves in class discussions. Missing class, late arrivals, or lack of preparation will affect the Class Participation portion of the grade. All documents are to be computer generated, 8½ x 11, stapled in the upper left-hand corner, and comply with University standards. Students are responsible for arranging with a classmate to obtain missed notes, materials, or assignments. **Students are responsible to make arrangements with the instructor to make up any missed quizzes or assignments.** **No cell phone or other related electronic device use in class, except to access class materials. Set phones to vibrate, and leave class if a response is necessary**.

Evaluation Methods:	Written Projects (2)	50%
	Weekly Quizzes (6)	20%
	Final Exam	20%
	Class Participation	10%
		100%

Late assignments are marked down 10% for each day late.
All assignments must be satisfactorily completed for course credit.

	4.0= A	3.7= A-
3.3= B+	3.0= B	2.7= B-
2.3= C+	2.0= C	Below 2.0 results in No credit/CEU

ESTATE PLANNING READING ASSIGNMENTS
January 16, 2019 (revised 2/6/2019 due to weather related cancellation of classes 2 & 3)

WEEK & DATE	DISCUSSION TOPICS	ASSIGNMENTS
1 1/16/2019	Introduction to Estate Planning Gathering Information Beneficiaries	Introduction Chapter 1 Chapter 2
2 (1/23/2019 - cancelled weather) 2/6/2019	Children Forms of Ownership Sample Estate Plans	Chapter 3 Appendix
3 (1/30/2019 - cancelled weather) 2/6/2019	Planning for Incapacity: Medical and Financial Wills- Part I	Chapter 4
4 2/6/2019 (Adjusted due to weather)	Wills-Part II Living Trusts- Part I	Chapter 5
5 2/13/2019	Living Trusts – Part II Specialized Trusts	Chapter 6 **Project #1 DUE**
Optional 2/23/2019 AHUC Room 2 Time-TBD	Make up class- Review and questions and answers on lessons 2-5	
6 2/20/2019	Other Probate Avoidance Retirement Plans Finalizing the Plan Amending the Plan	Chapter 7 Chapter 8 Chapter 13 **Project #2 DUE**
7 2/27/2019	Estate and Gift Tax **FINAL EXAM**	Chapter 9 (12) Chapter 10 (12) Chapter 11 (10)

All reading assignments must be completed prior to the assigned class period.

All Projects must be turned in at the beginning of the assigned class period.

<u>QUIZ #1</u>

Name:
Date:

1. **What is Probate Estate Planning designed to achieve?**

2. **What other areas of law might be involve knowing the concepts of probate law?**

3. **Have you worked with clients either scheduling an appointment, or attending a meeting with an attorney?**

QUIZ #2

Name:
Date:

1. **Name three (3) types of ownership of an asset?**

   a.

   b.

   c.

2. **Of the ownership types identified by you in the answer to question one (1), which, if any, would not require a probate estate to transfer ownership upon death of an owner? Why?**

3. **Are step-children considered issue of a decedent, and if so when?**

4. **Name four essential items for an estate plan regardless of a person's age.**
   a.
   b.
   c.
   d.

QUIZ #3

Name:
Date:

1. **Name two (2) ways incapacity is determined.**
   a.

   b.

2. **Identify two (2) ways to address a person's financial needs while the person is incapacitated.**
   a.

   b.

3. **What are the requirements to create a will in Michigan?**

4. **What is the commonly known name of the statute in Michigan that addresses the validity of wills?**

QUIZ #4

Name:
Date:

1. **What are the formalities for execution of a will in Michigan? Are there exceptions, and if so give two (2) examples.**

2. **Compare a will with a living trust stating two (2) similarities and two (2) differences.**

	Will	Trust
Similarity:		
a.		
b.		
Differences:		
a.		
b.		

3. **Describe how can a will be revoked. Describe how a trust may be revoked?**

QUIZ #5

Name:
Date:

1. **State three names for interested persons used in a trust instrument.**
   - **a.**
   - **b.**
   - **c.**

2. **What is an ad terrorem clause? Is an ad terrorem clause 100% effective? Explain why or why not.**
   - **a.**
   - **b.**

3. **Give two examples of when a specialized trust would be appropriate?**
   - **a.**
   - **b.**

QUIZ #6

Name:
Date:

1. **State three ways to avoid probate of a decedent's estate.**
    - **a.**
    - **b.**
    - **c.**

2. **Name two (2) ways to avoid probate court during a period of incapacitation.**
    - **a.**
    - **b.**
    - **c. Do you intend to create your own estate plan after this class? Why or why not?**

PROJECT #1

Date Assigned: 2/6/2019 (delayed due to weather)
Date Due: 2/13/2016

A paralegal is the coordinator of facts relevant and material to the matter at hand. Since estate planning requires disclosure of facts by a client, and the discovery of information without using standard discovery practices it is critical to think about how to obtain the relevant and material information to achieve the client's objectives, as well as to protect the attorney/firm from malpractice and/or grievances claims.

Each student is to draft a questionnaire for a fictional client. This intake interviewing tool must minimally include the following:

I. Five (5) biographical questions.

II. Assets;

III. Children;

IV. Desired Dispositions (gifts);

V. Desired care for self and/or other before and/or after death (i.e. who is to be guardian/DPOA, advance directives, burial and the like).

This project is worth 25% of your grade.

Please provide 2 copies, on 8 ½ x 11 paper. There is no page minimum or limit. Please remember that a fellow student will be handwriting in the responses and returning the same to you, so provide the space for the response you believe is appropriate. Next class, your questionnaire will be completed by a classmate and returned to you to be utilized by you for Project #2.

PROJECT #2

Date Assigned: 2/13/2019 (delayed due to weather)
Date Due: 2/20/2016

As paralegal, the attorney is assisted in preparation of documents. You have gathered information on your questionnaire. Use the information to write a memo to you assigned attorney. The memo must include:

I. Impressions of competency of the client, identifying five (5) factors that support your conclusions as to competency or lack of competency.

II. Summary of the client's desired disposition of assets and a suggestion as to which estate planning mechanism would be appropriate for the attorney to further discuss with the client;

III. Summary of family relationships that may impact the attorney's evaluation of the client's situation and discussion of estate planning devises.

IV. Summary of client's wishes for client and/or child's care while incapacitated or approaching death, and suggestions for instrument(s) the attorney may wish to discuss with the client to achieve those wishes.

V. Summary of client's wishes for client and/or Desired care for self and/or other after death and a suggestion for instrument(s) the attorney may wish to discuss with the client to achieve those wishes.

This project is worth 25% of your grade.

Please provide 2 copies, on 8 ½ x 11 paper. There is no page minimum or limit.