

COURSE SYLLABUS

POLITICAL SCIENCE 321: PROBATE (3 semester hours)

Online Course

Live Lectures: Mondays, 7:20 – 10:00 PM

Instructor: Professor Al Briseno
Office Hours: Available by email or phone, Monday through Friday during normal business hours or by appointment
Phone: 210-827-2591
Email: Alvaro.Briseno@etamu.edu

Required Texts and Software

Wills, Trusts, and Estate Administration, 9th Edition; Janis Walter, Emma Fletcher, Cengage
Texas Estates Code – ISBN: 9780357452196

We will discuss which portions of the code you will need and how to obtain them at our first class

Microsoft Word – NOTE: Google Docs or other similar program MAY NOT be substituted

Course Description

This course provides an overview of Wills, Trusts, Estate Administration, and the Legal System. Topics include the need for a will, probate participants, the courts, the Law of Succession, testate or intestate, validity of wills, drafting a will, trusts, estate planning, personal representatives of an estate, probate and estate administration, informal probate administration, and ethical principles relevant to practicing paralegals.

Course Objectives

The objective of this course is to gain a working understanding of the Probate and Administration of Estate process. This will include understanding the purpose and function of a will, the process of estate administration when an individual dies intestate, intestate succession, the participants in the probate process, requirements for a valid will, steps necessary to draft a valid will, the role of the personal representative or executor, proving up a will and/or administration before a court, and concluding probate. Ethical principles involved in probate matters will be discussed as well.

During the course of the semester, each student will draft a valid Will and related documents. At the end of the semester, each student should be able to competently address a probate/administration matter from the drafting of the will to the conclusion of probate.

Attendance Policy

You are expected to know how to navigate and use the D2L platform by utilizing the trainings made available to you by the University. Additionally, you are expected to navigate, and use ZOOM to participate in live lectures and/or review recorded live lectures. You are expected to attend and participate in the online live lectures each week. **In order to participate, you are required to turn your screen on during the live lecture, simply signing in but not turning on your computer screen on ZOOM will not count as an attendance.**

Attendance is required and roll will be taken at every class. It is vital to attend each class as we only meet once per week. Unless you are granted an exception for a particular class period, you will only be considered to have attended class if you are present during the live online presentation. Attendance/participation contributes 20% of the total final grade.

In addition, you are required to participate in the discussion each week you have assigned readings. You must prepare for the discussion by reading ALL the material assigned.

Questions may be posted related to each topic the week readings are assigned. You must thoughtfully respond to any posted questions. Short posts unsupported by information in the readings may be given ZERO points.

Grading Policy

Lectures and Discussion: This class will be taught using the **Socratic Method** as well as lecture. **You may be called on at any time and are expected to be fully prepared to discuss the assigned reading material during the live lectures and in the online discussions.** This is a cumulative grade over the course of the semester.

Assignments: You are also responsible for completing the assignments listed in this syllabus or in the Course Contents units in the D2L page. The assignments may be found within the chapters of the textbook and in handouts I may provide to you.

All assignments must have a cover page indicating the following: your name, class, chapter, and name of the assignment (as it appears in the syllabus), and date the assignment is due. **A deduction of 10 points will be assessed to all assignments turned in without a cover page.** You will submit your assignments in the dropbox provided to you in the D2L platform.

All written work will be graded not only on content, but also on writing style, including punctuation and grammar.

Late work: You are expected to submit assignments on time. **Written work turned in late will receive a deduction of 10 points for the first day it is late. If an assignment is not turned in within 1 day after the due date, it will not be accepted and you will receive 0 points for that assignment.** Exceptions will be granted only under the most extreme, verifiable circumstances after receiving approval from the Instructor.

Exams: The examinations will primarily consist of multiple choice, true/false, definition, and short answer questions and essay. Any collaboration with other students with regards to the substance of the exams will result in a failing grade.

Your grade will be calculated according to the

following formula:

Attendance/Participation	20 points
Assignments	20 points
Test 1: Midterm	30 points
Test 2: Final	<u>30 points</u>
TOTAL	100 points

Grade Distribution is as follows:

A = 90-99

B = 80-89

C = 70-79

D = 65-69

F = 64 and below

(No individual extra credit work will be allowed.)

Student Conduct and Etiquette

All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment. (See Student's Guide Handbook, Policies and Procedures, Conduct.) You are expected to exhibit respect for the instructor and fellow students at all times. All electronic devices (except laptops) must be turned off during class. Laptop use is limited to reading notes made for class and taking notes during class. Surfing the internet and playing games on your laptop during class time are strictly prohibited. Failure to adhere to these policies may result in removal from class.

Students with Disabilities

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning

environment that provides for reasonable accommodation of their disabilities. If you have a disability requiring accommodation, please contact:

Office of Student Disability Resources and Services East Texas

A&M University

Velma K. Waters Library Room

162 Phone: (903)886-5150 or

(903)886-5835

Fax: (903)468-8148

StudentDisabilityServices@etamu.edu

Non-discrimination notice

East Texas A&M will comply in the classroom, and in online courses, with all federal and state laws prohibiting discrimination and related retaliation on the basis of race, color, religion, sex, national origin, disability, age, genetic information or veteran status. Further, an environment free discrimination on the basis of sexual orientation, gender identity, or gender expression will be maintained.

Statement regarding on campus firearms

Texas Senate Bill-11 (Government Code 411.2031, et al.) authorizes the carrying of a concealed handgun in Texas A&M University-Commerce buildings only by persons who have been issued and are in possession of a Texas License to Carry a Handgun. Qualified law enforcement officers or those who are otherwise authorized to carry a concealed handgun in the State of Texas are also permitted to do so. Pursuant to Penal Code (PC) 46.035 and A&M-0Commerce Rule 34.06.02R1, license holders may not carry a concealed handgun in restricted locations. For a list of locations, please refer to <http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatments/rulesProcedures/34SafetyOfEmployeesAndStudents/34.06.02.R1.pdf>) and/ or consult your event organizer). Pursuant to PC 46.035, the open carrying of handguns is prohibited on all East Texas A&M campuses. Report violations to the University Police Department at 903-886-5868 or 9-1-1.

Statement regarding Counseling

The Counseling Center at East Texas A&M, located in the Halladay Building, Room 203, offers counseling services, educational programming, and connection to community resources for students. Students have 24/7 access to the Counseling Center's crisis assessment services by calling 903-886-5145. For more information regarding Counseling Center events and confidential services, please visit www.etamu.edu/counsel.

“What is Plagiarism

Many people think of plagiarism as copying another's work, or borrowing someone else's original ideas. But terms like "copying" and "borrowing" can disguise the seriousness of the offense:

According to the Merriam-Webster Online Dictionary, to "plagiarize" means

1. to steal and pass off (the ideas or words of another) as one's own
2. to use (another's production) without crediting the source
3. to commit literary theft
4. to present as new and original an idea or product derived from an existing source.

In other words, plagiarism is an act of fraud. It involves both stealing someone else's work and lying about it afterward.

But can words and ideas really be stolen?

According to U.S. law, the answer is yes. The expression of original ideas is considered intellectual property, and is protected by copyright laws, just like original inventions. Almost all forms of expression fall under copyright protection as long as they are recorded in some way (such as a book or a computer file).

All of the following are considered plagiarism:

- turning in someone else's work as your own
- copying words or ideas from someone else without giving credit
- failing to put a quotation in quotation marks
- giving incorrect information about the source of a quotation
- changing words but copying the sentence structure of a source without giving credit
- copying so many words or ideas from a source that it makes up the majority of your work, whether you give credit or not (see our section on "fair use" rules.)

Most cases of plagiarism can be avoided, however, by citing sources. Simply acknowledging that certain material has been borrowed, and providing your audience with the information necessary to find that source, is usually enough to prevent plagiarism. If you have retained the essential idea of an original source, and have not cited it, then no matter how drastically you may have altered its context or presentation, you have still plagiarized.” (www.plagiarism.org)

If you plagiarize, you will receive a grade of ZERO (0) for the assignment or exam in question, and the matter will be referred to the Office of the Dean of the College of Arts and Sciences. Additionally, the Instructor reserves the right to give you an F in the course.

Technology Requirements LMS

All course sections offered by East Texas A&M University have a corresponding course shell in the myLeo Online Learning Management System (LMS). Below are technical requirements

LMS Requirements:

<https://community.brightspace.com/s/article/Brightspace-Platform-Requirements>

LMS Browser Support:

https://documentation.brightspace.com/EN/brightspace/requirements/all/browser_support.htm

Access and Navigation

You will need your campus-wide ID (CWID) and password to log into the course. If you do not know your CWID or have forgotten your password, contact the Center for IT Excellence (CITE) at 903.468.6000 or helpdesk@etamu.edu.

Note: Personal computer and internet connection problems do not excuse the requirement to complete all course work in a timely and satisfactory manner. Each student needs to have a backup method to deal with these inevitable problems. These methods might include the availability of a backup PC at home or work, the temporary use of a computer at a friend's home, the local, office service companies, Starbucks, a ETAMU campus open computer lab, etc.

Communication and Support

If you have any questions or are having difficulties with the course material, please contact your Instructor.

Technical Support

If you are having technical difficulty with any part of Brightspace, please contact Brightspace Technical Support at 1-877-325-7778. Other support options can be found here:

<https://community.brightspace.com/support/s/contactsupport>

As Instructor, I reserve the right to amend, modify, or alter this syllabus as the situation may require.

Tentative Course Readings, Assignments and Testing Dates

** The Chapters listed for each week are to be read before class that day, the Assignments, however, are assigned at the end of that class where they are found on the syllabus and are due at the beginning of class the following week**

Week 1

01/12 First Day of Class: Course Overview
Chapter 1: The Estate Plan and The Purpose and Need for a Will

Week 2

01/12 **Chapter 2: The Concept of Property Related to Wills, Trusts, and Estate Administration**

Week 3

01/26 **Chapter 3: The Law of Succession: Death Testate or Intestate**
Assignment 1: Review the Texas statute regarding intestate succession and do assignment for Week 3.

Week 4

02/02 **Chapter 4: Wills: Validity Requirements, Modification, Revocation, and Contents**
Assignment 2: Case Problem : See instructions for Week 4 in D2L.

Week 5

02/09 **Chapter 5: Preparation to Draft a Will: Checklists and The Conference with the Client**
Chapter 6: Final Draft and Execution of a Valid Will
Assignment 3: Case Problem: See instructions for Week 5 in D2L.

Week 6

02/16 **Chapter 7: The Participants and the Proper Court**
Assignment 4: Short Essay – See instructions for Week 6 in D2L.

Week 7

02/23 **Chapter 8: Personal Representatives: Types, Pre-Probate Duties, and**

Appointments

Week 8

03/02 Test 1 – Midterm Examination

Week 9

03/09 SPRING BREAK – NO CLASS

Week 10

03/16 **Chapter 9: Probate and Estate Administration**
Chapter 10: Informal Probate Administration
Assignment 5: Short Essay – See instructions for Week 10 in D2L.

Week 11

03/23 **Chapter 11: Tax Considerations in the Administration of Estates**

Week 12

03/30 **Chapter 12: Introduction to Trusts**

Week 13

04/06 **Chapter 13: Classification of Trusts, Living Trusts, and Other Special Trusts**

Week 14

04/13 **Chapter 14: Estate Planning**

Week 15

04/27 **Chapter 15: Long-Term Care**

Week 16

04/27 Review

Week 17

05/04 **Final Exam**