

TULANE UNIVERSITY
SCHOOL OF CONTINUING STUDIES
PARALEGAL STUDIES
Updated May 2007

Title of Course: LOUISIANA SUCCESSION PRACTICE 2007
Course Number: PARA 403-81
Credits: 3 hour credit course
Location: Elmwood
Term:
Day/TIME:

Instructor Information

Name: Beth E. Johnson
Telephone: (504) 527-0701
Fax: (504) 566-0040
Email: bjohnson@tulane.edu; bethejohn@cox.net

Course Description

Review of Louisiana substantive law of successions and donations including wills; drafting of simple wills; estate administration including the collection, legal description, and appraisal of assets; drafting of pleadings to probate will, appoint executor, pay estate debts, sell or lease estate property, and send heirs into possession of their inheritance; preparation of documents to transfer estate assets including automobiles and securities; preparation and filing of Louisiana Inheritance Tax Return and Federal Estate Tax Return.

Course Objectives

The objective of the course is to provide the practical base of knowledge necessary for a paralegal to assist an attorney in the preparation of wills and the administration of Louisiana successions. Study of the Louisiana Civil Code and Louisiana Code of Civil Procedure provisions on successions will provide an understanding of the terminology and procedural and substantive laws. The latter part of the course will concentrate heavily on the preparation of pleadings.

Course Materials:

Required Text: Louisiana Civil Code, 2007 edition.

Optional Reference Book: Louisiana Code of Civil Procedure, 2007 edition.

Instructional Information & Methods

Assignments:

Students are expected to study the text referenced in the syllabus for the next class prior to that class. Additional reading assignments will be in the form of handouts distributed during each class.

Written assignments should be dated and show the name of the student. They may be handwritten if legible, except for the final project. Written assignments, except the final project, will be graded on the basis of effort apparently applied. They are due at the beginning of the class following the assignment; late assignments will receive $\frac{3}{4}$ credit, and will not be returned at the following class.

Lecture, case briefing and discussion, small group breakout sessions, written assignments, tests, scenarios presented for class discussion, and guest lectures.

Midterm Examination and Final Project:

There will be a midterm examination in class, and a final take-home project.

The midterm will cover the terminology and concepts learned in previous classes.

The final project will cover the last half of the course, but will require application of the concepts learned in the first half of the course. It will require the drafting of a complete set of succession pleadings. This project must be typewritten. The Honor Code applies; students are to prepare this and all assignments honestly and independently. You may view the entirety of Tulane's Honor Code at: <http://college.tulane.edu/honorcode.htm>.

Grading:

(% of grade based on any of the following criteria)

Midterm	33%
Hand-in and quizzes	33%
Final Project	33%

Instructor's Policies:

1. Make-up examinations and assignments:
Medical reasons for requiring an extension of the time for the final project or a make-up midterm must be confirmed by the student's physician.
2. Attendance requirements: Per University College policy.

Detailed Course Outline:

Weeks One & Two
3 Hours Each

Domicile - La. Civ. Code Arts. 29, 38 & 39.

Paternity – La. Civ. Code Art. 197.

Tutorship –

La. Civ. Code Arts. 246-250, 257-259, 261-263, 270, 273, 280.

La. Code Civ. Proc. Arts. 4205 & 4206.

Interdiction - La. Civ. Code Arts. 389-393, 396, & 1918.

La. Code Civ. Proc. Arts. - 4206, 4274, 4547, 4552, 4553, & 4554.

Introduction to Succession Practice –

La. Civ. Code Arts. 870-876, 934, 1095; basic steps to handling a succession.

La. Code Civ. Proc. Arts. 3083, 3091.

Overview of Community and Separate Property –

La. Civ. Code Arts. 2325-2327, 2329, 2334-2341. 1, 2344-2347, 2356-2358, 2364-2367.1; 2369-2371, 2374, 2432-2437.

Week Three
3 Hours

Usufruct and Naked Ownership - La. Civ. Code Arts. 535-564, 566-585, 598-607, 610, 612 & La. R.S. 9:1426.

Intestate Order of Succession –

La. Civ. Code Arts. 880-902.

Week Four
3 Hours

Quiz on community property

Forced Heirship –

La. Civ. Code Arts. 1227-1230, 1244, 1245, 1493-1505, 1507-1514, 1617-1626, 2444, 3497, 3533, 3534;

La. R.S. 9:2372, 9:2373 & 9:2502

Week Five
3 Hours

Wills as a donation – La. Civ. Code Arts. 1467-1469.

Capacity to give and receive – La. Civ. Code Arts. 1470-1483.

Living wills & donations of anatomical organs.

Acceptance and Renunciation – La. Civ. Code Arts. 947-967.

Week Six
3 Hours

Quiz on Forced Heirship

Incapacity and Unworthiness - La. Civ. Code Arts. 939-946

Forms of Testaments –

La. Civ. Code Arts. 1570-1583, 1605-1610.1, 1611

Prohibited Substitutions and Survivorship –

La. Civ. Code Arts. 1519-1522, 1527.

Week Seven
3 Hours

Testamentary Trusts –

La. R.S.9:1721, 1725, 1731-1734, 1751, 1761, 1764, 1771, 1781-1783, 1788-1790, 1801, 1803, 1804, 1805, 1821-1823, 1833, 1841, 1851, 1881, 1891, 1931, 1936, 1961, 1962, 1971, 1972, 1981, 1984-1986, 2007, 2026, 2027, 2061, 2067, 2068, 2081, 2082, 2090, 2091, 2119, 2171, 2221.

Review for midterm

Midterm Examination

Week Eight
3Hours

Weeks Nine & Ten
3 Hours Each

Overview of Procedure

Drafting Pleadings-La. Code Civ. Proc. Arts. 851-865

Jurisdiction- La. Code Civ. Proc. Arts. 1-10

Evidence of Death, Jurisdiction and Heirship-

La. Code Civ. Proc. Arts. 2811, 2821,2822,2852,3401,3421, 3422

Search For and Presentation of Testaments –

La. Code Civ. Proc. Arts. 2851-2857.

Probate of Testaments and Qualification of Succession

Representative-

La. Code Civ. Proc. Arts. 2882, 2883, 2890, 2891, 2893, 2904,
3081-3083, 3159, 3182.

First Hand-in Assignment due week 10

Sworn Detailed Descriptive List –

La. Code Civ. Proc. Arts. 3136 and 3137.

Interim Allowance and Payments to Surviving Spouse -

La. Code Civ. Proc. Art. 3321, La. R.S. 9:1513-1515.

Payment of Succession Charges and Debts –

La. Code Civ. Proc. Arts. 3301-3308, 3331, 3332.

Weeks Eleven & Twelve
3 Hours Each

Final Project Assignment

Independent work on final project

Second Hand-in Assignment due week 12

Preservation Management and Alienation of Succession

Property - La. Code Civ. Proc. Arts. 3194, 3195, 3221-3229,
3261-3264, 3271-3273, 3281-3288, 3291-3294.

Sending into Possession –

La. Code Civ. Proc. Arts. 3001- 3008, 3031-3035,3061, 3351-
3353, 3361, 3362, 3371, 3372, 3381,3396-3396.20.

Taxes – La. Code Civ. Proc. Arts. 2951-2954. Ethical Issues

Weeks Thirteen & Fourteen
3 Hours each

Independent work on final project

Optional review of Final Project by appointment.

FINAL EXAM - Per University exam schedule

Final Project due at start of exam