## Module 11: Probate Law [Elective]

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| **Module title** | | | | | | |
| Probate Law [E] | | | | | | |
| **Module NFQ level** (only if an NFQ level can be demonstrated) | | **Module number / reference** | | **ECTS Value** | | **Duration** |
| Level 7 | | DLSP-PL | | 5 ECTS | | 8 weeks |
| **Parent programme(s).** Principal programme title, and embedded(s) if relevant | | | | **Stage of parent programme** | | **Semester No.** |
| Diploma in Legal Studies and Practice | | | | Award Stage | | Block 4 |
| Certificate in Legal Studies | | | | Award Stage | | Block 4 |
| **Teaching and Learning modes** | | **Proportion** (% of Total Directed Learning) | | | | |
| Classroom / Face to Face | | 20% | | | | |
| Workplace | | - | | | | |
| Online | | - | | | | |
| Other (Identify) | | 80% | | | | |
| **Entry requirements (statement of knowledge, skill and competence)** | | | | | | |
| Learners must comply with and meet programme entry requirements. | | | | | | |
| **Maximum number of learners per instance of the module** | | | 80 learners | | | |
| **Average (over the duration of the module) of the contact hours per week** | | | 4 hours | | | |
| **Pre-requisite module title(s) (if any)** | | | n/a | | | |
| **Co-requisite module title(s) (if any)** | | | n/a | | | |
| **Is this a capstone module? (Yes or No)** | | | No | | | |
| **Module-specific physical resources and support required** **per centre (or instance of the module)** | | | | | | |
| Lecture room with Wi-Fi access, digital recording facilities, Zoom access and digital projector. | | | | | | |
| **Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff working in this module.** | | | | | | |
| **Role e.g. Tutor, Mentor etc** | **Qualifications & experience required:** | | | | **# of Staff with this profile (WTEs)** | |
| Lecturer | Lecturers expected to hold at minimum a Level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College. Industry experience is beneficial but not a requirement. | | | | 0.2 WTE | |

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| **Analysis of required learning effort** | | |
| **\*Effort while in contact with staff** | **Minimum ratio teacher / learner** | **Hours** |
| Classroom and demonstrations | 80:1 | 21 |
| Mentoring and small-group teaching | - | - |
| Other (specify) – assignment | - | - |
| **Independent Learning** | | |
| Directed e-learning (hours) | | - |
| Independent Learning (hours) | | 104 |
| Other hours (specify) | | - |
| Work-based learning hours of learning effort | | - |
| **Total Effort (hours)** | | 125 |

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| **Allocation of Marks** | | | | | |
|  | **Continuous Assessment** | **Supervised Project** | **Proctored Practical Exam.** | **Proctored Written Exam** | **Total** |
| **Percentage Contribution** | 40 | - | - | 60 | **100%** |

### Module aims and objectives

The purpose of the Probate Law module is to familiarise learners with the process and issues that can arise regarding the right of access to the deceased person's estate, the rights of spouses/civil partners and family members and what happens if the deceased person has not made a will. Learners are referred to the process where a court considers the many legal aspects of the will, including if it was legally created.

This module aims to impart in learner’s written skills which are central to legal professional training. Learners gain an understanding of probate law and practice, such as knowledge of the relevant forms and documentation needed to successfully complete the probate process.

### Minimum intended module learning outcomes

On successful completion of this module, learners are able to:

1. Discuss and review the concept of probate law.
2. Identify and appraise a valid will.
3. Describe and discuss the grounds on which a Grant of Probate or Letters of Administration can be extracted.
4. Explain the rights of spouses and children to the estate of the deceased.
5. Describe and evaluate the role of the executor, administrator, guardian, trustee, witness under a will.

### Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

The module provides learners with an overview of key legal principles pertaining to Probate law e.g. whether a will is valid; the fundamental rights and duties of executors and administrators of a deceased’s estate; and the preparation of documents necessary to extract a grant of probate or letters of administration. In that context this module supports the achievement of MIPLO I.

The module builds upon the legal research and writing skills that learners will already have acquired in Block 1 and requires them to apply their legal knowledge to Probate law related problems and exercises, with regards to relevant Constitutional provisions, case law and legislation. In that context this module supports the achievement of MIPLOs II and IV.

Learners are provided with an overview of various probate forms including Oaths of Administrators and Affidavits and in so doing, this module supports the achievement of MIPLO III. Formative classwork includes group discussion of exercises, fact-based problem scenarios and quizzes, aimed at increasing collaborative problem-solving. In that context this module supports the achievement of MIPLO VI. By receiving feedback on all summative and formative assessments, learners are enabled to evaluate and reflect on their work, thereby facilitating improvement. In that context this module supports the achievement of MIPLO VII.

Probate Law governs the lives of every individual in that they or their Estate will eventually be subject to it, its rules, concepts and norms. As such, it has significant cultural and societal impacts and its study supports the achievement of MIPLO VIII.

### Information provided to learners about the module

Learners enrolled on this module initially receive a copy of the module descriptor, assessment briefs and assessment strategy. These materials are given directly by the lecturer and also by the Programme Director as part of the Learner Handbook for award stage modules of the programme. All content is provided on Moodle as well as access to additional content through the library and online resources.

Online (via Moodle) learners are provided with video recording of each lecture, copy of PowerPoint slides, a module specific manual, extensive reading list, incorporating professional and academic and non-academic sources. Guest lectures will be introduced to ensure practical knowledge and real-life examples will keep the content relevant.

### Module content, organisation and structure

Probate Law is a 5 ECTS credit module taught over an 8 week Block. This Block includes 5 lectures (of 4 hour duration); one revision class; two reading weeks; and an exam week. Specifically, the topics covered are as follows:

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| **TOPIC** | **DISCUSSION** | |
| **Lecture 1 (4 hours) 19%**  **Introduction**  **Grants of Representation and Administration of Estates** | * Introduction to probate law. * Outline the differences between a Grant of Probate and Letters of Administration. Consider the roles of the those involved in the administration of estates and the procedures followed in administering and estate. Review the role of the Probate Office and Revenue Commissioners in the administration of estates. | |
| **Lecture 2 (4 hours) 19%**  **Wills**  **Court Application**  **Section 117 of the Succession Act 1965** | * Identify the key elements in a valid Will, the necessary clauses, the legal requirements in order to ensure the validity of a Will. * Consider the procedure to be followed should a dispute arise due to the non-existence of a Will, the terms of a Will, the validity of a Will. * Review the rights of children under Section 117 of the Succession Act 1965, the claim which can be made and relevant case law in respect of same. | |
| **Lecture 3 (4 hours) 19%**  **Legal Right Share**  **Time Limits in Probate Matters** | * Review the rights of primarily the spouse under the Succession Act 1965, the claim which can be made   and relevant case law in respect of same.   * An outline of the time limits which apply in the administration of Estates. |
| **Lecture 4 (4 hours) 19%**  **Disclaimers**  **Discretionary Trusts**  **Capital Acquisitions Tax (CAT)** | * Learners will be provided with an introduction to the Disclaimers which may arise in respect the administration of an estate. * An overview of discretionary trusts and their role within the area of probate law. * An overview of the rules regarding CAT. This module will not provide an in-depth consideration of CAT as legal executives will not provide tax advice. |
| **Lecture 5 (4 hours) 19%**  **History of Circuit Court Jurisdiction**  **Probate Actions** | * Consideration of the history and development of Circuit Court Jurisdiction and its relevance to Probate Law. * An overview of case law in the area of Probate Law with a focus on the variety of probate actions. |
| **Probate Law Revision (1 hour) 5%** | **Preparation for the final examination.** |

### Module teaching and learning (including formative assessment) strategy

This module is delivered through a series of lectures. Learners engage with the module either in class; online via the online streaming option or via recorded lectures. On Moodle, virtual learning environment, the lecturer can interact with learners via the class discussion forum and upload relevant additional learning material e.g. legal articles, case law, study aids and relevant multimedia. The module comprises of 21 contact hours, being 20 lecture hours and one revision/exam preparation class. Formative assessment is provided in the form of interactive exercises such as tutorial style discussions, quizzes, directed class discussion topics and collaborative group work.

### Work-based learning and practice-placement

There is no work-based learning or practical placement in the module.

### E-learning

Griffith College uses Moodle, a virtual learning environment, to support its delivery of e-learning activities in the form of peer-to-peer support based around activities where learners give and receive feedback, forums where learners must contribute, formative quizzes and video links.

### Module physical resource requirements

Requirements are for a fully equipped classroom. The classroom has Wi-Fi access and is equipped with a PC with Zoom and Microsoft Office. In addition the classroom has digital recording facilities and digital projector. No other software is required for this module. The College library has a dedicated law section and also online legal research tools including Justice One, Westlaw, Hein Online.

### Reading lists and other information resources

**Primary reading**

Griffith College Manual, *Probate Law* (Dublin: Clarus Press, updated annually)

Bracken and Campbell, *The Probate Handbook*, (2011 Dublin; Clarus Press)

Delany and McGrath *Civil Procedure in the Superior Courts*, 4th Ed., (2018, Dublin, Round Hall)

Dowling and Grimes, *Irish Probate Practitioner's Handbook,* (2013, Dublin, Round Hall)

Keating, *Succession Law in Ireland,* (2015, Dublin, Clarus Press)

Spierin, ‘*Wills, Irish Precedents and Drafting’* (2020, Dublin, Bloomsburg Professional)

The lecturer may recommend Extracts from:

* Consolidated Circuit Court Rules
* Consolidated District Court Rules
* Consolidated Superior Court Rules.

### Specifications for module staffing requirements

Lecturers expected to hold at minimum a Level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College. Industry experience is beneficial but not a requirement.

### Module summative assessment strategy

This module is examined by way of assignment in the form of an essay (worth 40%) and a formal, proctored examination (worth 60%). The examination consists of a mixture of essay-style questions and problem-style questions. The former emphasises the demonstration of effective academic writing and an analysis of key concepts or topics on the programme. Problem-style questions are aimed at assessing the learner’s ability to apply the law to practical, factual scenarios.

The following table indicates the module’s learning outcomes’ alignment with the assessment used for the module:

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| **No.** | **Description** | **MIMLOs** | **Weighting** |
| 1 | Essay | (i) to (v) | 40% |
| 2 | Exam | (i) to (iii) | 60% |

**Reassessment/Repeat assessment strategy:**

Griffith College regulations state that learners must pass all component elements of the module to be deemed to have passed the module.

* In the event of a learner failing components of / this module, they will be required to submit a new individual repeat assignment which will be made available on Moodle to learners, and which must be submitted as per faculty instructions.
* In the event of a learner failing the group assessment element of this module, a new individual repeat assignment will be made available on Moodle to learners which must be submitted as per faculty instructions.
* In the event of the learner failing the exam, learners will take the re-sit exam at the next available sitting, details of which will be made available to learners via Moodle.

### Sample assessment materials

Please see sample assessment supplementary document.