

Module 12 Probate Law

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| Stage | | 1 | | | | | |
| Semester | | 4 | | | | | |
| Module Title | | Probate Law | | | | | |
| Module Number | | 12 | | | | | |
| Module Status | | Elective | | | | | |
| Module ECTS Credits | | 5 | | | | | |
| Module NFQ level | | Level 7 | | | | | |
| Pre-Requisite Module Titles | | n/a | | | | | |
| Co-Requisite Module Titles | | n/a | | | | | |
| Capstone Module? | | No | | | | | |
| List of Module Teaching Personnel | | Karen Sutton | | | | | |
| Contact Hours | | | | Non-contact Hours | | | Total Effort (hours) |
| 21 | | | | 79 | | | 100 |
| Lecture | Practical | Tutorial | Seminar | Assignment | Placement | Independent Work | |
| 15 | | 6 | | | | 79 | 100 |
| Allocation of Marks (Within the Module) | | | | | | | |
| | Continuous Assessment | Project | Practical | Final Examination | Total | | |
| Percentage Contribution | | 40 | | 60 | 100 | | |

Intended Module Learning Outcomes

On successful completion of this module learners should be 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
6. Discuss the key elements of Probate Law in respect of the distribution of the deceased's estate
7. Prepare the appropriate documentation to extract a Grant of Probate, Letters of Administration.

Module Objectives

This module aims to:

- Provide learners with the knowledge required to determine whether a Will is valid
- Provide learners with a sound knowledge of the law regulating probate law in Ireland
- Provide learners with an understanding of the fundamental rights and duties of executors and administrators of a deceased's estate
- Familiarise learners with the fundamental principles and substantive rules of probate law
- Enable learners to apply the rules of probate law to different factual situations.
- Acquaint learners with practice and procedures in respect of probate law.
- Ensure that learners can prepare documents necessary to extract a Grant of Probate or Letters of Administration

Module Curriculum

| TOPIC | DESCRIPTION |
|---|--|
| Introduction | Introduction to probate law. |
| Grants of Representation and Administration of Estates | 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. |
| Wills | Identify the key elements in a valid Will, the necessary clauses, the legal requirements in order to ensure the validity of a Will. |
| Court Application | 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. |
| Section 117 of the Succession Act 1965 | 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. |
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| Legal Right Share | 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. |
| Time Limits in Probate Matters | An outline of the time limits which apply in the administration of Estates. |
| Disclaimers | Students will be provided with an introduction to the Disclaimers which may arise in respect the administration of an estate. |
| Discretionary Trusts | An overview of discretionary trusts and their role within the area of probate law. |
| Capital Acquisitions Tax (CAT) | 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. |
| History of Circuit Court Jurisdiction | Consideration of the history and development of Circuit Court Jurisdiction and its relevance to Probate Law. |
| Probate Actions | An overview of case law in the area of Probate Law with a focus on the variety of probate actions. |
| Forms and Notices | In considering Probate Law it is important that students have an understanding of the practical application of Probate Law and the mechanisms, forms and notices required in the administration of estates. |

Reading lists and other learning materials

1. Tim Bracken and Margaret Campbell, *The Probate Handbook*, ISBN: 978-1-905536-38-2, Published May 2011
2. Dr Albert Keating, *Succession Law in Ireland*, ISBN: 978-1-905536-78-8, 2016
3. Karl Dowling and Robert Grimes, *Irish Probate Practitioner's Handbook*, ISBN: 9781858006857, Round Hall 2013
4. Brian Spierin, *Wills, Irish Precedents and Drafting*, ISBN 9781847669933, Bloomsbury Professional 2013

Module Learning Environment

Accommodation

In line with other higher education awards offered by the College, the Special Purpose Diploma in Legal Studies and Practice, will provide reasonably comparable resources and accommodation requirements, all of which can be met by facilities on campus.

At the moment, a base classroom is used for teaching purposes at both the Dublin and Cork campuses. Participants also have access to online teaching resources and Moodle¹ and an e-learning studio. It is not proposed that these arrangements be changed as they are continuing to operate successfully.

In addition, all lectures are recorded and posted on the relevant Moodle page, providing students with the opportunity to watch lectures at a later date if they are unable to attend the lecture or wish to review the lecture.

Library

All learners have access to an extensive range of “actual” and “remote access” library resources. The library monitors and updates its resources on an ongoing basis, in line with the College’s Library Acquisition Policy. Lecturers update reading lists for this programme on an annual basis as is the norm with all courses run by Griffith College.

Equipment, Information & Communication Technology

The College is already fully resourced with the necessary teaching equipment – such as a base class room fully equipped with PC, audio and visual presentation facilities and projectors.

Further resources such as video recording equipment are also available for use on the programme. Participants may also use the College’s other computer labs, open labs and the e-learning studio. The College’s IT Services Department and the Lecturer Support Unit also support this process by continually updating classrooms and PC labs. Proposals for the acquisition of new technologies are made to the IT Services Department and to the Director of Academic Programmes, so that academic and technical issues are considered.

Extensive use is also made of the Moodle VLE for posting lecture notes and other relevant material used for study and revision. With the aid of data projectors, these can form the basis of lecture presentations.

Module Teaching and Learning Strategy

This module will be delivered through a series of lectures and tutorials.

This module comprises of twenty-one contact hours, being fifteen lecture hours, five tutorial hours and one revision/exam preparation class.

¹ Moodle is Griffith College’s current Virtual Learning Environment (VLE)

Each class will comprise three hours of lectures and a one-hour tutorial.

Tutorials will comprise the review of past exam papers, class discussions, group work sessions and exercises.

Lectures and tutorials will be supplemented by structured web-based resources and reading.

Module Assessment Strategy

Theoretical knowledge will be assessed at the end of the module by examination (60%), the purpose of which is to enable learners to become accustomed to undertaking extended examinations which are a traditional method of assessment commonly used in law-based degrees on the National Framework of Qualifications and in the sphere of professional legal training. The examination will consist of a mixture of essay style questions, which place emphasis on the learners demonstrating academic legal knowledge as well as discursive legal writing skills, and problem style questions which assess the learner's ability to apply the law to practical factual scenarios. Formative assessment will be provided in the form of interactive exercises such as mini quizzes or directed class discussion topics.

The examination will be supplemented by an Assignment worth 40% of the overall grade enabling learners to utilise their learning from class based work and to develop their legal research, problem solving, independent learning, initiative skills and professional analytical capacity. The Assignment focuses on a matter of practical importance in the field of the Irish Probate Law.

Sample Assessment with Rubrics

See Sample Assessments attached