



TEXAS SOUTHERN UNIVERSITY  
THURGOOD MARSHALL SCHOOL *of* LAW

**CIVIL TRIAL PRACTICE**  
**WILLS, PROBATE, & GUARDIANSHIP**

**LAW 932**

**Spring 2021**

**T/TH**

**11:00 AM TO 11:50 AM**

**Library Training Lab**

**MARTINA E. CARTWRIGHT**

**ASSOCIATE PROFESSOR**

## **Professor/Managing Attorney**

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**LOCATION:** Suite 100L

**OFFICE HOURS:** TUESDAY: 9:00 AM – 11:00 AM

WEDNESDAY: 10:00 AM– 1:00 PM

THURSDAY: 9:00 AM – 11:00 AM

ALL OTHER TIMES BY APPOINTMENT ONLY—VIA COURSE ROOM OR ZOOM

## **COURSE BOOKS & MATERIAL & TECHNOLOGY REQUIREMENTS**

### **REQUIRED TEXT/MANUAL:**

1. Krieger, et al., Essential Lawyering Skills, 5<sup>th</sup> Edition
2. O'Connors, Estates Code Plus, 2016-17, O'Connor's Texas Litigation Series
3. Clinic Manual
4. CLSP Student Manual

### **RECOMMENDED READING:**

Epstein, et. al, The Clinic Seminar, 1<sup>st</sup> Edition

### **RECOMMENDED WEBSITES/BLOGS:**

1. Glenn Karisch's Texas Probate – <http://www.texasprobate.com>
2. Texas Estate Planning and Probate blog-- <http://texprobateblog.blogspot.com/>
3. Texas Probate & Guardianship Blog-- <http://blog.fordbergner.com/>

### **BLACKBOARD/TWEN**

There is a TWEN site on which course materials will be posted. Announcement and course materials will also be posted on Blackboard. Finally, per the University's COVID policies, if the instructor is ill or more than three students test positive, classes will be hosted on Blackboard. If there are problems with Blackboard, classes will be held via ZOOM and links for the classroom will be forwarded to students via announcement.

## **COURSE DESCRIPTION, REQUIREMENTS, EXPECTATIONS, AND LEARNING OUTCOMES**

### **DESCRIPTION:**

Civil Trial Practice is a 2 credit-hour skills course, designed to supplement the Civil Trial Clinic. The course is designed for advanced students, approaching the completion of their legal training. The course will assist the student in bridging the gap between law school and the practice of law by easing the transition from classroom to courtroom. The goals of the class are two-fold. First, it will provide the student with practical knowledge and practice techniques in the following areas: fact investigation, interviewing, counseling and negotiation. Second, instruction in this course (in combination with the practicum) will familiarize and assist the student in preparing for the Wills, Probate, Estate Administration, and Guardianship essay part of the bar examination. Throughout the semester, there will be assignments—both in class and out of class. Some of these assignments will not receive a letter grade, but will require your full participation. The course will focus specifically on developing practice skills and a rudimentary understanding of the Texas Estates Code.

### **REQUIREMENTS:**

Students are required to attend class via BLACKBOARD. Students are expected to prepare for each and every class, by reading the assigned texts. Finally, students are expected to participate in each class, in-class assignment and to timely submit any papers required for this course.

### **EXPECTATIONS:**

My expectations of you—as an advanced to student—is that you begin to take control of your own development. Seek out challenging assignments, ask questions in class. Delve into the whats, whys, and hows and whys of lawyering. And most importantly, develop and/or improve your skill set and grow into a provider of legal services

### **STUDENT LEARNING OUTCOMES:**

After completion of the seminar, students will be able to:

- (a) conduct effective client and witness interviews;
- (b) conduct thorough and comprehensive factual investigation;
- (c) effectively negotiate with opposing counsel on clients' behalf; and
- (d) effectively counsel clients on potential risks and options

## GRADING

### A. Grading:

Tasks to be Assessed	Weight
Class Preparation and Participation/Rounds	10%
Students are required to complete (2) reflective essays. The first reflective essay follows the student's review of one (1) episodes of the Discovery Channel's documentary series: "The Will: Family Secrets Revealed." The second essay is a reflective essay documenting the student's experience in the clinic. Students are provided with questions to guide their draft of the essay.	30%
Heirship Pleadings Preparation	20%
Quiz #1 (guardianship)	20%
Quiz #2 (probate—wills)	20%

A	90-100	Excellent
B	80- 89	Above Average
C	70-79	Average
D	60-69	Needs Improvement
F	59 & below	Poor

## PARTICIPATION, ATTENDANCE & PROFESSIONALISM

1. You will be considered ABSENT if you are not in the classroom by 11:05 am
  2. Attendance is MANDATORY. There are no EXCUSED ABSENCES. Pursuant to Article III.9 of the Student Rules and Regulations, if you miss more than the allotted number of classes in accordance with Article III.9, your grade may be reduced up to two (2) letter grades. A dismissal from class for lack of proper preparation will count as a missed class.
  3. **All assignments must be turned in timely. No assignment will be accepted late. No exceptions.**
  4. This syllabus is NOT a contract and is subject to change with or without notice.
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## **POLICIES & PROCEDURES**

### ***ADA Policy***

The Law School will make reasonable accommodations to individuals with documented disabilities. Such accommodations will not be provided, however, if they fundamentally alter the nature of the program or if they would be unduly burdensome either financially or administratively.

The term “disability” is defined by the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008, and Section 504 of the Rehabilitation Act of 1973. These federal acts mandate equal opportunities for qualified persons with disabilities in all public facilities, programs, activities, services, and benefits derived from them. In order to receive accommodations a student must have a documented mental or physical disability that substantially limits a major life activity. Some examples of major life activities that would impact learning are: seeing, hearing, concentrating, communicating, reading, and writing. Reasonable accommodations are recommended based on the application review process and supporting documentation.

For more information about the accommodation process, please contact the Office of Assistant Dean for Student Development.



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**SEMINAR SCHEDULE AND READING ASSIGNMENTS**

Classes meet every Tuesday and Thursday, 11:20 am to 12:20 pm on Blackboard. This seminar is devoted to both instruction in substantive law and skills training. Tuesday classes are lectures, consisting primarily of discussion on the Estates Code, with Thursday classes devoted to skills training and “rounds” or discussion of cases and/or case matters.

This schedule may be changed, depending upon individual caseload.

- WK 1 (T) Ethics & Professionalism--Practice in the Probate Courts (Lecture)  
(Th) Professionalism (Essential Lawyering (E/L), p.7-19)
- WK 2 (T) Guardianship  
(Th) Client Centered Lawyering (E/L, p. 21-31)
- WK 3 (T) Guardianship  
(Th) Communication Skills Clinic (E/L, p. 47-57)
- WK 4 (T) Intestate Estates—Heirship Determination (Doing the math!!)  
(Th) Multi-cultural Lawyering (E/L, p. 59-68)
- WK 5 (T) Intestate Estates—Heirship Determination (In class exercises)  
(Th) Interviewing: Observation, Memory (E/L, p. 71-87)
- WK 6 (T) Intestate Estates—Small Estate Affidavit and Order  
(Th) Interviewing: Interviewing the Client (E/L, p. 90-116)
- WK 7 (T) Estate Administration—Intes. Estates; Duties of the Administrator/rix (Dep.)  
Interviewing Exercise—Probate
- WK 8 (T) Estate Administration—Duties of the Executor/Executrix  
(Th) Interview Exercise—Guardianship
- WK 9 (T) Testate Estates—Muniment of Title v. Issuance of Letters Testamentary  
(Th) Organizing Facts (E/L, Chpt. 10-13, p. 139-190)
- WK 10 (T) Estate Planning  
(Th) Organizing Facts—Exercise
- WK 11 (T) The Role of the Ad Litem (Attorney/Guardian)  
(Th) What Happens When A Lawyer Counsels a Client (E/L, p. 233-41)
- WK 12 (T) Mental Health Docket—Emergency Detention Orders  
(Th) Negotiation Preparation: Assessing the Parties (E/L, p. 403-427)



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- WK 13      (T) Mental Health Docket—Emergency Detention Orders  
              (Th) Negotiation Strategies & Tactics (E/L, p. 369-385)
- WK 14      Last Day of Class--REFLECTIONS



