

**HEIRS' PROPERTY CLINIC
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
SPRING 2025 SYLLABUS – LAW 6940 – 3 CREDITS**

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Office Hours: Tuesdays 10:00 a.m. – 11:00 a.m.; Wednesdays 10:00 a.m. – 11:00 a.m.

MEETING TIME: Mondays 4:30 p.m. – 6:30 p.m.

LOCATION: HH - 355D

COURSE DESCRIPTION AND OBJECTIVES

Welcome to the Heirs' Property Clinic ("HPC")! **The HPC is the first clinic of its kind in the State of Florida, and you are the first cohort.** This inaugural semester will focus on building the foundation for the Clinic, and as with any new initiative, adjustments may be necessary along the way.

The HPC is funded by the City of Gainesville and Alachua County to provide you the opportunity to represent low-income individuals and families seeking to solve problems related to heirs' property, or land owned by persons entitled to the property of a decedent under Florida's intestacy statutes. Specifically, you will help clients clear or quiet title to heirs' property, determine clear property ownership of such property, generate sustainable plans for clients' ancestral lands, and develop reliable estate plans to preserve and effectively transfer real property at death. You will have opportunities to work directly with clients, explore relevant public policy reform, and engage in community outreach and education. You must read the syllabus in its entirety to understand what is required to satisfactorily complete the course.

STUDENT LEARNING OUTCOMES

At the end of this course, students should be able to:

- Develop and apply practical knowledge and skills in property law; wills, estates, and trusts law; and other applicable areas of law;
- Draft estate planning documents (e.g., wills, trusts, and powers of attorney);
- Represent clients directly in legal matters related to heirs' property issues, including conducting client interviews, providing legal counsel, and employing problem-solving skills to find creative solutions;
- Effectively manage cases and employ effective timekeeping strategies and skills;
- Engage with the community to learn about the issues facing heirs' property owners and educate community members of their property rights;
- Employ holistic, cross-discipline solutions to address legal problems through strategic partnerships; and
- Engage in policy advocacy to address the root causes of the heirs' property problem and identify policy initiatives to reduce the historic limitations of heirs' property ownership.

REQUIRED READING MATERIALS

Readings will be made available on Canvas and through other links.

Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

COURSE EXPECTATIONS AND GRADING EVALUATION

This course is graded Satisfactory or Unsatisfactory. For further information on current UF Law grading policies, see <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>.

You will be evaluated based on the quality of your assignments, class preparation and participation, case work, and class attendance. There is no final exam.

TIME REQUIREMENT AND COMMITMENT

The HPC operates as both a law office and a classroom. During the semester, you will assume full responsibility for cases. The HPC is the equivalent of a part-time job. **You should expect to spend 10 hours a week to fulfill clinic responsibilities.** This means you must be available for clients and cases until the cases are formally transferred back to the Clinic Director.

- *Class:* Classes will be held on Mondays 4:30 p.m. to 6:30 p.m. Class time will be split by covering substantive and procedural areas of law and conducting case rounds. Additionally, the classes may have invited speakers, additional skills training, or policy discussions affecting heirs' property owners and their families.
- *Recorded Hours:* You are expected to keep track of your hours weekly. You will submit your case work and additional non-casework hours via CLIO. You must submit your weekly time to CLIO by **NO LATER THAN 6 p.m. ON FRIDAYS**. You will be asked to review and edit time entries, as needed, to ensure conformity with proper time reporting. Please note that, at any point, you may be working on a matter in which legal fees may be requested. Therefore, it is incumbent upon you to keep accurate, precise time records to the tenth of every hour you work.
- *Conflicts:* During the semester, you may be asked to present to community service organizations or participate in other clinic-related activities outside of the times that you typically set aside for client work. If you have a conflict with another College of Law class, see me as soon as you determine that you have a problem so we can work it out. Also, I will do what I can to schedule outreach events at a convenient time. As a student attorney, it is your responsibility to set your own schedule to minimize conflicts and communicate appropriately when conflicts arise.

PREPARATION & PARTICIPATION

Adequate preparation requires identifying and researching case specific issues in a timely manner and being able to discuss them in class. All written assignments will be due by the date notated on the schedule. Extensions for the completion of work will be assessed on a case-by-case basis. Remember, being an effective and zealous advocate requires meeting deadlines for your clients. Further, effective advocacy in a team environment requires open and robust deliberation of case facts and issues. Students will often disagree with each other, and with their supervisors, on how a case should be handled. However, we must always treat each other with respect, consideration, and professionalism. Remember, it is the client's right to make the final decision regarding the course of their matter as long as it is within our legal and ethical bounds.

PROFESSIONALISM

You may be asked on multiple occasions to meet with clients, present to community organizations, or appear in court. While meeting with clients directly or through Zoom, the HPC requires you dress in business casual attire. Further, if the HPC has a proceeding before a court or is presenting or otherwise engaging in community outreach and education, the HPC requires courtroom attire. Otherwise, while in class, there is no formal dress code. However, be advised that there may be instances where you are asked on short notice to join an intake or participate in a client meeting.

CLASS ATTENDANCE POLICY

Attendance in class is required by both the ABA and the Law School. Class attendance is mandatory, and attendance will be taken at each class meeting. You are responsible for ensuring that you are not recorded as absent if you come in late. Unavoidable absences will be excused. If you must miss class due to a documented illness, religious holiday, or an emergency, you must notify the Clinic Director immediately. If possible, give the Clinic Director advanced notice of your absence. The Law School's policy on attendance can be found [here](#).

COMPLIANCE WITH UF HONOR CODE

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Law Honor Code located [here](#). The UF Law Honor Code also prohibits the use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments unless expressly authorized by the professor to do so.

INFORMATION ON UF LAW GRADING POLICIES

The Levin College of Law's mean and mandatory distributions are posted on the College's website, and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent	Letter Grade	Point Equivalent
A (Excellent)	4.0	C (Satisfactory)	2.0
A-	3.67	C-	1.67
B+	3.33	D+	1.33
B	3.0	D (Poor)	1.0
B-	2.67	D-	0.67
C+	2.33	E (Failure)	0.0

The law school grading policy is available [here](#).

OBSERVANCE OF RELIGIOUS HOLIDAYS

UF Law respects students' [observance of religious holidays](#).

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.

- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

EXAM DELAYS AND ACCOMMODATIONS

The Law School policy on exam delays and accommodations can be found [here](#). There is no exam for this class.

STATEMENT RELATED TO ACCOMODATIONS FOR STUDENTS WITH DISABILITIES

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester. Students may access information about various resources on the UF Law Student Resources Canvas page, available at <https://ufl.instructure.com/courses/427635>.

STUDENT COURSE EVALUATIONS

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students [here](#).

RECORDINGS OF CLASS

The HPC is a legal live-client clinic and as such must adhere to the Rules Regulating The Florida Bar, court procedural rules, any other applicable rules. Pursuant to Rule 4-1.6, all information relating to a client's representation is **confidential** and may not be voluntarily disclosed by the lawyer without either the client's consent or the application of a relevant exception to the confidentiality rule. **Because client information is frequently discussed during class, recording of HPC classes is prohibited.**

Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule will be referred to the College of Law Honor Code Council and the University's Office of Student Conduct and Conflict Resolution.

ABA OUT-OF-CLASS HOURS REQUIREMENTS

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction. Each weekly class is approximately 2 hours in length, requiring at least **4 hours of preparation** outside of class including but limited to reading the assigned materials, meeting with clients' needs, conducting relevant client casework, and participating in community engagement activities.

HEALTH AND WELLNESS RESOURCES

Law school can be a daunting experience, especially when life outside the law becomes challenging. UF Law provides numerous resources for your support, and I encourage you to seek help if you have concerns. Any student who has difficulty accessing sufficient food or lacks a safe place to live is

encouraged to contact the Office of Student Affairs. If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

- *U Matter, We Care*: If you or someone you know is in crisis, please contact umatter@ufl.edu, (352) 392-1575 (available 24/7), or visit the [U Matter, We Care website](#) to refer or report a concern and a team member will reach out to the student in crisis.
- *Counseling and Wellness Center*: [Visit the Counseling and Wellness Center website](#) or call (352) 392-1575 for information on crisis services as well as non-crisis services.
- *Student Health Care Center*: Call (352) 392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](#).
- *University Police Department*: [Visit UF Police Department website](#) or call (352) 392- 1111 (or 9-1-1 for emergencies).
- *UF Health Shands Emergency Room / Trauma Center*: For immediate medical care call (352) 733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; [Visit the UF Health Emergency Room and Trauma Center website](#).

PREFERRED NAME AND PRONOUNS

It is important to the learning environment that you feel welcome and safe in this class; and that you are comfortable participating in class discussions and communicating with me on any issues related to the class. I would like to refer to you by your preferred pronoun and name. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise. I welcome you to the class and look forward to a rewarding learning adventure together.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change. **Readings may be supplemented with sufficient notice.**

01/27	<i>Class 1: Introduction & Course Overview: Introduction to the HPC and Virgil Hawkins Civil Clinics Procedures</i>
02/03	<i>Class 2: Initiation of an HPC Case & Client Engagement</i> <i>Required Readings:</i> <ul style="list-style-type: none"> • HPC Engagement Letter • “Heirs’ Property: Understanding the Legal Issues in Florida” by Francine Miller
02/10	<i>Class 3: Avoiding and Navigating Conflicts of Interest</i> <i>Required Readings:</i> <ul style="list-style-type: none"> • Rules Regulating The Florida Bar <ul style="list-style-type: none"> ○ Rule 4-1.6: Confidentiality of Information ○ Rule 4-1.7: Conflict of Interest; Current Clients

02/17	<i>Class 4: Property Record Search and Title History</i> <i>Property and Title History Search Exercise Due</i>
02/24	<i>Class 5: Community Engagement Event (Tentative)</i> <i>Time, location, and other logistical information TBD.</i>
03/03	<i>Class 6: Determining Heir-Owners</i> <i>Required Readings:</i> <ul style="list-style-type: none"> • Sections 732.101-732.108 of the <i>Florida Statutes</i>
03/10	<i>Class 7: Clearing Property Title Through Probate Proceedings</i> <i>Required Readings:</i> <ul style="list-style-type: none"> • The Eighth Judicial Circuit of Florida, “Petition for Administration (Intestate) Checklist” (including citations) • The Eighth Judicial Circuit of Florida, “Summary Administration Petition” (including citations)
03/17	<i>SPRING BREAK</i>
03/24	<i>Class 8: Clearing Property Title Through Adverse Possession</i> <i>Required Readings:</i> <ul style="list-style-type: none"> • Section 95.18 of the <i>Florida Statutes</i> • Section 65.061 of the <i>Florida Statutes</i>
03/31	<i>Class 9: Tax Certificate Sales, Redemption, and Tax Deed Sales</i> <i>Required Readings:</i> <ul style="list-style-type: none"> • Section 197.432 of the <i>Florida Statutes</i>
TBD	<i>Class 10 (Make-up Session): Property Deed Drafting and Execution</i> <i>Required Readings:</i> <ul style="list-style-type: none"> • Sections 689.01-689.04 of the <i>Florida Statutes</i> • <i>Schneberger v. Schneberger</i>, 979 So. 2d 981 (Fla. Dist. Ct. App. 2008) • John N. Redding, <i>Florida Real Property Sales Transactions: Title Considerations</i>, Ch. 11, § 11.5. Life Estates, (Fla. Bar CLE 11th ed. 2023)

04/07	<p><i>Class 11: Last Will and Testament Drafting</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • Sections 732.501-732.526 of the <i>Florida Statutes</i>
04/14	<p><i>Class 12: Durable and Limited Power of Attorney Drafting and HPC Case Transition</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • Sections 709.02-709.07 and 709.2104-709.2105 of the <i>Florida Statutes</i> • Case Transition Memo
04/21	<p><i>Class 13: Land Trust Formation and Closing a HPC Case</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • Section 689.071 of the <i>Florida Statutes</i> • Closing Case Checklist