

**PROBATE AND SUCCESSION PLANNING
(SOLICITOR SEAT) CHECKLIST**

Introduction

A Probate and Succession Planning Seat should prepare a practice trainee (“PT”) to a standard which will enable him or her to deal with the work likely to be encountered in the first few years of probate and succession planning practice.

- 1) For PTs undertaking the Probate and Succession Planning Seat as their **Core Seat**, the supervising solicitor must ensure that the PT completes:
 - a) All tasks set out in Section A;
 - b) All tasks set out in Section B; and
 - c) **Four tasks** set out in Section C.

- 2) For PTs undertaking the Probate and Succession Planning Seat as their **Secondary Seat**, the supervising solicitor must ensure that the PT completes:
 - a) All tasks set out in Section A; and
 - b) All tasks set out in Section B.

SECTION A

No.	Task	Done <i>(please tick accordingly)</i>
A1	Assist in interviewing and taking instructions from a client on the drafting of a Last Will and Testament on at least one occasion	
A2	Prepare and finalise attendance notes in A.1	
A3	Prepare and draft at least one Last Will and Testament, and attend or assist in the execution of the same	
A4	Gain an understanding on the formal requirements of a Last Will and Testament, including the formal requirements on execution, executorship and attesting witnesses	

A5	Conduct legal research on a specific legal issue(s) with reference to the Probate & Administration Act 1934, Intestate Succession Act 1967 and/or the Wills Act 1838, and communicate research results to their supervising solicitor, or any other lawyer as directed by the supervising solicitor, as effectively as possible through written memoranda or any other medium	
A6	Gain an understanding of important matters to note when preparing a Last Will and Testament, i.e. testamentary capacity and intentions of the testator	
A7	Gain an understanding on the types of assets and properties that can be disposed by way of a Will	
A8	Conducts legal research on a client's query on estate matters, which can include but is not limited to issues of appointment of personal representatives, distribution, responsibilities of a personal representative of an estate, and communicate research results to their supervising solicitor, or any other lawyer as directed by the supervising solicitor, as effectively as possible through written memoranda or any other medium	
A9	Be aware of the procedural requirements in relation to non-contentious probate applications, e.g. the Family Justice Rules relating to non-contentious probate applications	
A10	Prepare and draft papers for an application of a Grant of Probate and/or a Grant of Letters of Administration (on an uncontested basis)	
A11	Attend and/or assist in the updates to client on the progress of the applications in A10	
A12	Gain an understanding of the powers and duties of personal representative(s), after a Grant of Probate/Grant of Letters of Administration is extracted	
A13	Receive guidance on handling conflicts of interest issues, in particular vis-à-vis personal representatives and beneficiaries, as well as in the preparation of Last Wills and Testaments	
A14	Discuss with supervising solicitor potential ethical issues that may arise when providing advice to personal representatives or beneficiaries to an estate	
A15	Gain an understanding on the safekeeping of wills and the Wills Registry	

SECTION B

No.	Task	Done <i>(please tick accordingly)</i>
B1	Assist in interviewing and taking instructions from a client on the making of a Lasting Power of Attorney (“LPA”) on at least one occasion	
B2	Prepare and finalise attendance notes in B1	
B3	Conduct legal research on a specific legal issue(s) with reference to the Mental Capacity Act 2008, and communicate research results to their supervising solicitor, or any other lawyer as directed by the supervising solicitor, as effectively as possible through written memoranda or any other medium	
B4	Conduct legal research on a client’s query on mental capacity matters, including but not limited to issues of appointment of deputies / donees, special needs considerations, and communicate research results to their supervising solicitor, or any other lawyer as directed by the supervising solicitor, as effectively as possible through written memoranda or any other medium	
B5	Demonstrate an understanding of the criteria for assessing a person’s mental capacity (i.e. Sections 4 and 5 of the Mental Capacity Act 2008)	
B6	Demonstrate an understanding of the acts and decisions covered by the Mental Capacity Act 2008	
B7	Discuss with supervising solicitor potential ethical issues that may arise when providing advice to deputies or donees of a person lacking mental capacity	

SECTION C

No.	Task	Done <i>(please tick accordingly)</i>
C1	Consider and/or discuss with the supervising solicitor, or any other lawyer as directed by the supervising solicitor, the substantive merits of a claim / defence, or parts thereof of a contentious probate proceeding or assist in preparing advice on the merits of a claim in a contested mental capacity proceeding	
C2	Receive guidance on the use of iFAMS and/or Probate eService platforms for the purposes of deputyship / probate matters	
C3	Attend one mediation / hearing in relation to mental capacity / deputyship / probate matters	
C4	Assist with the drafting of one opening statement, case statement or a settlement agreement for mediation, neutral evaluation, or arbitration, or assist with the drafting of written submissions for a hearing of a mental capacity / deputyship / probate proceedings	
C5	Assist with the drafting and preparation of one Affidavit of Foreign Law or Affidavit of Due Execution for probate proceedings	
C6	Assist with and/or attend discussion(s) / negotiation(s) of parties in relation to disputes arising from mental capacity / deputyship / probate matters	
C7	Assist with the drafting and preparation of one Deed of Disclaimer, Deed of Variation and/or Deed of Family Arrangement	
C8	Conduct legal research on a client's query pertaining to foreign grants or foreign law issues, and communicate research results to their supervising solicitor, or any other lawyer as directed by the supervising solicitor, as effectively as possible through written memoranda or any other medium	

C9	Draft general correspondence, i.e. letters to Court, to the opposing counsel and relevant third parties, in relation to contentious mental capacity / deputyship / probate matters, with a discussion with the supervising solicitor, or any other lawyer as directed by the supervising solicitor, on the appropriate tone to adopt for different scenario(s) and having regard to the therapeutic justice mindset	
C10	Research, prepare and/or draft an application to re-seal Grants from Commonwealth countries	
C11	Assist with the drafting and preparation of a Power of Attorney pursuant to Section 27 of the Trustees Act 1967	
C12	Draft correspondence to third parties / institutions in relation to mental capacity / deputyship / probate matters, e.g. (a) a cover letter to a medical professional for the purposes of mental capacity assessment explaining the purpose of the assessment requested and providing a brief family history in the letter, (b) a letter to bank(s) or financial institution(s) for the purpose of asset tracing	

To the Singapore Institute of Legal Education:

I certify that this Practice Area Checklist accurately reflects the training undertaken and completed by the Practice Trainee under my supervision during the relevant period as specified in the Certificate of Diligence.

Name of Practice Trainee as per NRIC / FIN:	
Name of Singapore Law Practice:	
Practice Training Period Commencement Date:	
Name of Supervising Solicitor as per Practising Certificate:	
Signature of Supervising Solicitor:	
Date:	

Note: Ensure that the details provided above match with those in the approved Practice Training Contract.