

Probate Law (Wills, Trusts, & Estates)



What is Probate Law?

Probate law is the legal process of distributing assets and debts left behind by a decedent and testator of a will. Probate law seeks to give effect to the intent of the testator as reflected in her will. Probate begins with filing a petition with the probate or chancery court (depending on jurisdiction) and ends when the court formally closes the estate.

Lawyers who practice in probate law deal with issues relating to estate planning, estate taxes, wills, trusts, administration, executorships, guardianships, and conservatorships. Probate lawyers guide clients through collecting all probate property of the decedent; paying all decedent's debts, claims and taxes owed by the estate; collecting rights to income, stock dividends; settling all outstanding disputes; and distributing or transferring the remaining property to the heirs and beneficiaries.

State law governs probate, estate planning, and intestacy law.

Where Do Probate Lawyers Work?

Federal Government

Internal Revenue Services
Treasury Department
Department of Justice—Tax Division
State Government
Shelby County Probate Court—[Probate Court](#)
[Nashville Probate Clerk's Office](#)

Private Firms

Large and medium-sized firms with probate departments
In-house counsel in banks and other financial institutions

Colleges and Universities

Lawyers may work in an academic setting for development of planned giving programs

Types of Clients

The estate/executors
Will beneficiaries
Government
Large non-profits
Financial institutions

What Classes Should I Take?

Decedents Estates
Estate Planning
Property Law
Elder Law
Trusts
Business Organizations
Tax Law
Civil Procedure
Torts
Real Estate Transactions
Contracts

Probate Law Resources



Resume Boosters for Probate Law

Clerk with a state probate judge

Participate in the Elder Law Clinic

Work with a law firm specializing in elder law

Extern with the Shelby County Government

Write a law review article or participate in a law student essay contest on a probate law issue

Become a public notary

Extern with Memphis Area Legal Services

Participate in the Elder Law Track with Alternative Spring Break

Increase your financial literacy by pursuing a joint [JD/MBA](#)

Professional Associations

American Bar Association

All University of Memphis law students have free membership to the [American Bar Association](#). Their website provides routinely updated information and interest-specific career advice. Join different sections to find out what they offer. Check out the [Law Student Writing Competition](#) on the subjects of Real Property and Trust and Estate Planning and the [Real Property, Trust, and Estate Law Section](#)

Tennessee Bar Association

The [Estate Planning and Probate Section](#) offers resources and the latest in legal trends in the area of estate planning. The section produces annual CLE programming and shares news with members.

Probate Law Links

[Tennessee Probate Guide](#)

[Estate Law Specialist Board](#)