WILLS AND TRUSTS
FALL 2009 SYLLABUS

Professor Craig P. Goldman
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Note: E-mail is strongly preferred over the telephone as a means of contacting Professor Goldman

Required Texts:
- Wills, Trusts, and Estates (8th ed.)
  Dukeminier, Johanson, Lindgren & Sitkoff, Aspen Law & Business

- Preface to Wills, Trusts and Administration (2nd ed.)
  Haskell, University Textbook Series

Goals and Objectives: This course is intended to educate students about the various forms of estate planning available today, including a detailed comparative study of probate versus non-probate assets, and Wills versus Trusts. Discussion points will include the various elements of both types of documents, variations on the standard forms, and numerous examples of poor lawyering in this area. Students will also learn the rights of various parties in an estate plan, such as surviving spouses, children, trust beneficiaries, and creditors, and how those rights are altered depending on the form of the decedent’s estate plan. Some emphasis will also be given to topics such as powers of attorney, health care directives, and government benefits for long-term care.

Attendance Policy: Attendance will be taken by sign-in sheet circulated at the beginning of each class. Anything more than six absences for a student during the course of a semester will be deemed excessive, and will jeopardize the student’s ability to properly absorb the course material through class discussion. Anything more than eight absences for a student during the course of a semester will be deemed grossly excessive, and will result in the removal of the student from the class. The decision whether such student will receive a “W” or an “F” grade for the class rests solely with the Associate Dean and not with Professor Goldman.

Computer Policy: Computer use during class time is limited to word-processing only. No e-mail or Internet use is permitted.

Testing and Grading: Each students’ grade in the class will be based entirely upon the score earned by that student on the Final Exam at the end of the semester. Class participation is strongly encouraged as a means of solidifying a student’s grasp of the course principles, but the Final Exam will consist of multiple choice questions, a series of short answer questions, and an essay.

NOTE: THE PAGE NUMBERS LISTED FOR THE DUKE MINIER
BOOK ARE FOR THE 7TH EDITION, AS THE 8TH EDITION HAS
NOT BEEN CIRCULATED AS OF THE DATE OF THIS SYLLABUS.
THE SYLLABUS WILL BE AMENDED AS SOON AS THE
8TH EDITION OF THE BOOK IS AVAILABLE.

Class Assignments:

1. Sunday, August 16, 2009  The Power to Transmit Property at
   Death  
   Transfer of the 
   Decedent’s Estate
   Attorney’s Professional Responsibility
   Dukeminier, pp. 1-40, 48-58

2. Sunday, August 23, 2009  Administration of the Decedent’s
   Estate
   The Basic Intestacy Scheme
   Transfers to Children
   Haskell, pp. 181-224
   Dukeminier, pp. 59-116

3. Sunday, August 30, 2009  Guardianship and Conservatorship of
   Minors
   An Estate
   Planning Problem
   Bars to
   Succession
   Dukeminier, pp. 40-48, 116-140

Sunday, September 6, 2009  LABOR DAY BREAK

4. Sunday, September 13, 2009  Mental Capacity to Make a Will
   Undue
   Influence
   Dukeminier, pp. 141-186

5. Sunday, September 20, 2009  Fraud
   Duress
   Tortious
   Interference With Expectancy
   Execution of
   Wills
   Dukeminier, pp. 186-225

6. Sunday, September 27, 2009  Curative Doctrines
   Holographic
   Wills
   Revocation of
7. Sunday, October 4, 2009

Components of a Will
Contracts Relating to Wills
Will Substitutes
Trusts
Revokeable

Dukeminier, pp. 271-315

8. Sunday, October 11, 2009

Use of Revocable Trusts in Estate Planning
Life Insurance, Pensions, P.O.D. Arrangements
Joint Tenancies in Realty
Planning for Incapacity

Dukeminier, pp. 316-363

Sunday, October 18, 2009

MID-TERM BREAK

9. Sunday, October 25, 2009

Content and Construction of Wills
Will Substitutes
Mistaken or Ambiguous Language in Wills

Haskell, pp. 92-147

Dukeminier, pp. 365-387

10. Sunday, November 1, 2009

Death of Beneficiary Before Death of Testator
Changes in Property After Execution of Will
Rights of the Surviving Spouse

Dukeminier, pp. 387-438

11. Sunday, November 8, 2009

Rights of the Surviving Spouse
Rights of Omitted Issue
Pretermitted Child
Conditional Gifts

Dukeminier, pp. 438-484
Haskell, pp. 164-167, 176-180
<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
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<tbody>
<tr>
<td>Sunday, November 15, 2009</td>
<td>Introduction to Trusts</td>
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<td>Creation of Trusts</td>
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<td>Rights of Beneficiaries to Distributions from Trust</td>
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<td><em>Dukeminier</em>, pp. 485-543</td>
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<td>Sunday, November 22, 2009</td>
<td>Rights of the Beneficiary's Creditors</td>
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<td>Modification and Termination of Trust</td>
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<td>Termination and Deviation</td>
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<td>Professional Responsibility</td>
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<td><em>Dukeminier</em>, pp. 543-587</td>
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<td><em>Haskell</em>, pp. 241-254, 322-351</td>
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<td>Sunday, November 29, 2009</td>
<td>THANKSGIVING BREAK</td>
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<td>Sunday, December 6, 2009</td>
<td>Review if possible; Make-up if necessary.</td>
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<td>December 7 to December 20, 2009 – Exam Period</td>
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