

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 DUKEMINIER

**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

Wills
Dukeminier, pp. 225-270

7. Sunday, October 4, 2009

Components of a Will
Contracts
Relating to Wills
Introduction to
Will Substitutes
Revocable
Trusts
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

12. Sunday, November 15, 2009

Introduction to Trusts
Creation of Trusts
Rights of Beneficiaries to Distributions from Trust
Dukeminier, pp. 485-543

13. Sunday, November 22, 2009

Rights of the Beneficiary's Creditors
Modification
and Termination of Trusts
Trust
Termination and Deviation
Problems of
Professional Responsibility
Dukeminier, pp. 543-587
Haskell, pp. 241-254, 322-351

Sunday, November 29, 2009

THANKSGIVING BREAK

14. Sunday, December 6, 2009

Review if possible; Make-up if necessary.

December 7 to December 20, 2009 – Exam Period