WILLS AND TRUSTS
SPRING 2010 SYLLABUS

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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 email 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 a combination of multiple choice, short answer, and essay questions.

Class Assignments:
<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Pages/Authors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday, February 1, 2010</td>
<td>Administration of the Decedent’s Estate The Basic Intestacy Scheme Transfers to Children</td>
<td>Dukeminier, pp. 71-136&lt;br&gt; Haskell, pp. 181-224</td>
</tr>
<tr>
<td>Monday, February 8, 2010</td>
<td>Guardianship and Conservatorship of Minors An Estate Planning Problem Bars to Succession</td>
<td>Dukeminier, pp. 49-58, 136-157&lt;br&gt; Haskell, pp. 92-124</td>
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<tr>
<td>Monday, February 15, 2010</td>
<td>Mental Capacity to Make a Will Undue Influence</td>
<td>Dukeminier, pp. 159-207</td>
</tr>
<tr>
<td>Monday, February 22, 2010</td>
<td>Fraud Duress Tortious Interference With Expectancy Execution of Wills</td>
<td>Dukeminier, pp. 207-253</td>
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<tr>
<td>Monday, March 1, 2010</td>
<td>Curative Doctrines Holographic Wills Revocation of Wills</td>
<td>Dukeminier, pp. 253-307</td>
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<tr>
<td>Monday, March 8, 2010</td>
<td>Components of a Will Contracts Relating to Wills Mistaken or Ambiguous Language in Wills Content &amp; Construction of Wills</td>
<td>Dukeminier, pp. 307-357&lt;br&gt; Haskell, pp. 92-124</td>
</tr>
<tr>
<td>Monday, March 15, 2010</td>
<td>Death of Beneficiary Before Death of Testator Changes in Property After Execution of Will Introduction to Will Substitutes</td>
<td>Dukeminier, pp. 358-392&lt;br&gt; Haskell, pp. 125-147</td>
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<tr>
<td>Monday, March 22, 2010</td>
<td>Introduction to Will Substitutes Life Insurance, Pensions, P.O.D. Arrangements</td>
<td></td>
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Monday, March 29, 2010  
SPRING BREAK

10. Monday, April 5, 2010  
Planning for Incapacity  
Rights of the Surviving Spouse  
*Dukeminier*, pp. 448-487

11. Monday, April 12, 2010  
Rights of the Surviving Spouse  
Rights of Omitted Issue  
Pretermitted Child  
Conditional Gifts  
*Dukeminier*, pp. 487-539  
*Haskell*, pp. 164-167, 176-180

12. Monday, April 19, 2010  
Introduction to Trusts  
Creation of Trusts  
Rights of Beneficiaries to Distributions from Trust  
*Dukeminier*, pp. 541-609

13. Monday, April 26, 2010  
Rights of the Beneficiary's Creditors  
Modification and Termination of Trusts  
Trust Termination and Deviation  
Problems of Professional Responsibility  
*Dukeminier*, pp. 609-666  
*Haskell*, pp. 241-254, 322-351

Review if possible; Make-up if necessary.

May 7 to May 20, 2009 – Exam Period