

WILLS AND TRUSTS
SPRING 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* (7th 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 strictly limited to word-processing only. No e-mail or Internet use of any kind is permitted.

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

Class Assignments:

1. Tuesday, January 20, 2009
The Power to Transmit Property at
Death
Dukeminier, pp. 1-30
2. Thursday, January 22, 2009
Transfer of the Decedent's Estate
Attorney's Professional Responsibility
Dukeminier, pp. 30-40, 48-58
3. Tuesday, January 27, 2009
Administration of the Decedent's
Estate
The Basic Intestacy Scheme
Haskell, pp. 181-224
Dukeminier, pp. 59-83
4. Thursday, January 29, 2009
Transfers to Children
Dukeminier, pp. 83-116
5. Tuesday, February 3, 2009
Guardianship and Conservatorship of
Minors
An Estate
Planning Problem
Dukeminier, pp. 40-48, 116-126
6. Thursday, February 5, 2009
Bars to Succession
Dukeminier, pp. 126-140
7. Tuesday, February 10, 2009
Mental Capacity to Make a Will
Dukeminier, pp. 141-157
8. Thursday, February 12, 2009
Undue Influence
Dukeminier, pp. 158-186
9. Tuesday, February 17, 2009
Fraud
Duress
Tortious
Interference With Expectancy
Dukeminier, pp. 186-197
10. Thursday, February 19, 2009
Execution of Wills
Dukeminier, pp. 199-225
11. Tuesday, February 24, 2009
Curative Doctrines
Holographic
Wills
Dukeminier, pp. 225-251

Pretermitted Child

Conditional Gifts

Dukeminier, pp. 466-484

Haskell, pp. 164-167, 176-180

23. Tuesday, April 14, 2009
 Introduction to Trusts
 Creation of Trusts
Dukeminier, pp. 485-518
24. Thursday, April 16, 2009
 Creation of Trusts
 Rights of
 Beneficiaries to Distributions from Trust
Dukeminier, pp. 518-543
25. Tuesday, April 21, 2009
 Rights of the Beneficiary's Creditors
Dukeminier, pp. 543-572
26. Thursday, April 23, 2009
 Modification and Termination of
 Trusts
 Trust Termination and Deviation
Dukeminier, pp. 572-587
26. Tuesday, April 28, 2009
 Modification and Termination of
 Trusts
 Trust Termination and Deviation
Haskell, pp. 241-254
27. Thursday, April 30, 2009
 Problems of Professional Responsibility
Haskell, pp. 322-351
28. Tuesday, May 5, 2009
 Review if possible; Make-up if
 necessary.