WILLS AND TRUSTS
SPRING 2009 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 (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
12. Thursday, February 26, 2009
   Revocation of Wills
   Dukeminier, pp. 251-270

13. Tuesday, March 3, 2009
   Components of a Will
   Contracts
   Relating to Wills
   Dukeminier, pp. 271-294

14. Thursday, March 5, 2009
   Introduction to Will Substitutes
   Revocable
   Trusts
   Dukeminier, pp. 295-315

15. Tuesday, March 10, 2009
   Use of Revocable Trusts in Estate
   Planning
   Life
   Insurance, Pensions, P.O.D. Arrangements
   Dukeminier, pp. 316-344

16. Thursday, March 12, 2009
   Joint Tenancies in Realty
   Planning for Incapacity
   Dukeminier, pp. 344-363

17. Tuesday, March 17, 2009
   Content and Construction of Wills
   Will Substitutes
   Haskell, pp. 92-147

18. Thursday, March 19, 2009
   Mistaken or Ambiguous Language in Wills
   Dukeminier, pp. 365-387

   Tuesday, March 24, 2009
   SPRING BREAK

   Thursday, March 26, 2009
   SPRING BREAK

19. Tuesday, March 31, 2009
   Death of Beneficiary Before Death
   of Testator
   Changes in Property After Execution of Will
   Dukeminier, pp. 387-415

20. Thursday, April 2, 2009
   Rights of the Surviving Spouse
   Dukeminier, pp. 417-438

21. Tuesday, April 7, 2009
   Rights of the Surviving Spouse
   Dukeminier, pp. 438-466

22. Thursday, April 9, 2009
   Rights of Omitted Issue
Pretermitted Child
Conditional Gifts

*Dukeminier*, pp. 466-484
*Haskell*, pp. 164-167, 176-180
<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Subtopics</th>
<th>Textbook(s)</th>
<th>Pages</th>
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<tr>
<td>23. Tuesday, April 14, 2009</td>
<td>Introduction to Trusts</td>
<td>Creation of Trusts</td>
<td>Dukeminier, pp. 485-518</td>
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<td>24. Thursday, April 16, 2009</td>
<td>Creation of Trusts</td>
<td>Rights of Beneficiaries to Distributions from Trust</td>
<td>Dukeminier, pp. 518-543</td>
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<td>25. Tuesday, April 21, 2009</td>
<td>Rights of the Beneficiary's Creditors</td>
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<td>Dukeminier, pp. 543-572</td>
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<td>26. Thursday, April 23, 2009</td>
<td>Modification and Termination of Trusts</td>
<td>Trust Termination and Deviation</td>
<td>Dukeminier, pp. 572-587</td>
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<td>26. Tuesday, April 28, 2009</td>
<td>Modification and Termination of Trusts</td>
<td>Trust Termination and Deviation</td>
<td>Haskell, pp. 241-254</td>
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<td>27. Thursday, April 30, 2009</td>
<td>Problems of Professional Responsibility</td>
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<td>Haskell, pp. 322-351</td>
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<td>28. Tuesday, May 5, 2009</td>
<td>Review if possible; Make-up if necessary</td>
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