

WILLS AND TRUSTS
FALL 2008 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 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.

Class Assignments:

1. Thursday, August 21, 2008 The Power to Transmit Property at Death
Dukeminier, pp. 1-30
2. Tuesday, August 26, 2008 Transfer of the Decedent's Estate
Attorney's Professional Responsibility
Dukeminier, pp. 30-40, 48-58
3. Thursday, August 28, 2008 Administration of the Decedent's Estate
The Basic Intestacy Scheme
Haskell, pp. 181-224
Dukeminier, pp. 59-83
4. Tuesday, September 2, 2008 Transfers to Children
Dukeminier, pp. 83-116
5. Thursday, September 4, 2008 Guardianship and Conservatorship of Minors
An Estate Planning Problem
Dukeminier, pp. 40-48, 116-126
6. Tuesday, September 9, 2008 Bars to Succession
Dukeminier, pp. 126-140
7. Thursday, September 11, 2008 Mental Capacity to Make a Will
Dukeminier, pp. 141-157
8. Tuesday, September 16, 2008 Undue Influence
Dukeminier, pp. 158-186
9. Thursday, September 18, 2008 Fraud
Duress
Tortious Interference With Expectancy
Dukeminier, pp. 186-197
10. Tuesday, September 23, 2008 Execution of Wills
Dukeminier, pp. 199-225
11. Thursday, September 25, 2008 Curative Doctrines
Holographic Wills
Dukeminier, pp. 225-251
12. Tuesday, September 30, 2008 Revocation of Wills
Dukeminier, pp. 251-270
13. Thursday, October 2, 2008 Components of a Will
Contracts Relating to Wills

Dukeminier, pp. 271-294

14. Tuesday, October 7, 2008
Introduction to Will Substitutes
Revocable Trusts
Dukeminier, pp. 295-315
15. Thursday, October 9, 2008
Use of Revocable Trusts in Estate Planning
Life Insurance, Pensions, P.O.D. Arrangements
Dukeminier, pp. 316-344
16. Tuesday, October 14, 2008
Joint Tenancies in Realty
Planning for Incapacity
Dukeminier, pp. 344-363
- Thursday, October 16, 2008
FALL BREAK
17. Tuesday, October 21, 2008
Content and Construction of Wills
Will Substitutes
Haskell, pp. 92-147
18. Thursday, October 23, 2008
Mistaken or Ambiguous Language in Wills
Dukeminier, pp. 365-387
19. Tuesday, October 28, 2008
Death of Beneficiary Before Death of Testator
Changes in Property After Execution of Will
Dukeminier, pp. 387-415
20. Thursday, October 30, 2008
Rights of the Surviving Spouse
Dukeminier, pp. 417-438
21. Tuesday, November 4, 2008
Rights of the Surviving Spouse
Dukeminier, pp. 438-466
22. Thursday, November 6, 2008
Rights of Omitted Issue
Pretermitted Child
Conditional Gifts
Dukeminier, pp. 466-484
Haskell, pp. 164-167, 176-180

