WILLS AND TRUSTS
SUMMER 2008
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 Publishers

- *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 three absences for a student during the course of a summer semester will be deemed excessive, and will jeopardize the student’s ability to properly absorb the course material through class discussion. Anything more than five absences for a student during the course of a summer 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.

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. Monday, June 2, 2008
   The Power to Transmit Property at Death
   Transfer of the Decedent's Estate
   Attorney's Professional Responsibility
   *Dukeminier*, pp. 1-10, 21-40, 48-58

2. Thursday, June 5, 2008
   Administration of the Decedent’s Estate
   The Basic Intestacy Scheme
   Transfers to Children
   *Haskell*, pp. 181-224
   *Dukeminier*, pp. 59-100

   Non-Marital Children
   Managing a Minor’s Property
   An Estate Planning Problem
   *Dukeminier*, pp. 40-48, 100-126

4. Thursday, June 12, 2008
   Bars to Succession
   Mental Capacity to Make a Will
   Insane Delusion
   Undue Influence
   *Dukeminier*, pp. 126-167

5. Monday, June 16, 2008
   Undue Influence
   Fraud
   Formalities of Execution
   *Dukeminier*, pp. 167-211

6. Thursday, June 19, 2008
   Execution of Wills
   Holographic Wills
   Revocation of Wills
   *Dukeminier*, pp. 211-259

   Revocation of Wills
   Components of a Will
   Contracts to Make a Will
   *Dukeminier*, pp. 259-294

8. Thursday, June 26, 2008
   Contracts with Pay-on-Death Provisions
   Multiple Party Bank Accounts, Joint Tenancies
   Revocable Trusts
   Pour-Over Wills
   *Dukeminier*, pp. 295-345
Use of Revocable Trusts  
Planning for Incapacity  
Will Substitutes  
Construction of Wills  
Admission of Extrinsic Evidence  
  *Dukeminier*, pp. 345-387  
  *Haskell*, pp. 125-147

10. Thursday, July 3, 2008  
NO CLASS – HAPPY 4TH OF JULY!!

Predeceased Beneficiaries  
Changes in Property After Execution of Will  
Rights of the Surviving Spouse  
  *Dukeminier*, pp. 387-447

12. Thursday, July 10, 2008  
Rights of the Surviving Spouse  
Rights of Omitted Issue  
Pretermitted Child  
Conditional Gifts  
  *Dukeminier*, pp. 447-484  
  *Haskell*, pp. 164-167, 176-180

Introduction to Trusts  
Creation of Trusts  
  *Dukeminier*, pp. 485-533

14. Thursday, July 17, 2008  
Discretionary Trusts  
Creditors’ Rights: Spendthrift Trusts  
  *Dukeminier*, pp. 533-572

Modification and Termination of Trusts  
Trust Termination and Deviation  
  *Dukeminier*, pp. 572-587  
  *Haskell*, pp. 241-254

16. Thursday, July 24, 2008  
Problems of Professional Responsibility  
  *Haskell*, pp. 322-351  
Review if possible; Make-up if necessary.