

WILLS, TRUSTS, AND ESTATES

Syllabus

T & E is a fun subject with lots of nifty analytical twists and many juicy cases. Our casebook is **WILLS, TRUSTS AND ESTATES** by Dukeminier and Johanson **D & J** (6th ed. Aspen 2000). It is quite good and an easy read. Its only minor shortcoming is that the authors, in their penchant to include juicy cases, sometimes chose those that are not representative of good law. Fear not, I will correct any misapprehensions in that regard in class. The statutory supplement is by Foundation: **UNIFORM TRUST AND ESTATE STATUTES**. There are any number of good hornbooks in the field. When I get stuck I will probably consult **WILLS, TRUSTS AND ESTATES** by McGovern, Kurtz, & Rein (West 1988), but I have no reason to recommend it over any other. A helpful, short, soft-cover book that you might find useful is **WILLS TRUSTS AND ESTATES: ESSENTIAL TERMS AND CONCEPTS** by Reutlinger (Little Brown 1998) 2nd edition, which should be available in the bookstore.

The course, following the text, will give weight to each of four approaches to the material: (1) legal doctrine; (2) estate planning and practical problem prevention (how's that for alliteration?); (3) tax planning; and (4) policy. Much as I would like to teach the material cover to cover, time does not permit such complete treatment. Further, if you intend to practice in this area I would urge you to take courses in: individual tax, estate and gift tax, and estate planning.

Interspersed throughout the text are notes and questions. Pay close attention to these questions and try to work out the answers yourself. I will endeavor to go over most of them in class. I list below an optimistic schedule of reading assignments. I do not include code sections. I expect you to consult your code book (the notes to the code section as well) when a code section is mentioned in the casebook, and please bring your codebooks to class.

Final Exam: The principal determinant of your grade will be your score on a final exam consisting principally, if not exclusively, on 50 or more multiple choice questions.

Reading Assignments:

- I. Introduction: **D & J** Preface, 1-2, 13-23, 24-58
- II. Intestacy: **D & J** 71-108, 115-157
- III. Wills-Capacity: **D & J** 159-215, 221-222

- IV. Wills-Formalities: **D & J** chapter four
- V. Will-Substitutes: **D & J** chapter five
- VI. Death of a beneficiary before death of testator: **D & J** 438-458
- VII. Rights of Surviving Spouse: **D & J** 471-500
- VIII. Trust-Creation: **D & J** chapter eight
- IX. Investment of Trust Funds 957 - 976
- X. Powers of Appointment: **D & J** chapter nine
- XI. Charitable Trusts: **D & J** chapter twelve
- XII. The Rule Against Perpetuities: **D & J** chapter eleven
- XIII. Wealth Transfer Taxation: **D & J** chapter fourteen

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Initial Reading Assignments:

I. Introduction: **D & J** 1-2, 13-23, 24-58