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 & Sitkoff D & S (9th ed. Aspen 2013). It is quite good and an easy read. The statutory supplement is published by West and the lead ‘author’ is Ascher. 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; (3) tax planning; and (4) policy. That said, it is the first two approaches that will take up 90% of our effort. 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 a fair number of them in class. I list below an optimistic schedule of reading assignments.

I do not include Uniform Probate (UPC) code sections. I expect you to consult your code book (the notes to the code section in particular) when a code section is mentioned in the casebook. Please bring your codebooks to every class as that is the only place where the notes appear.

Final Exam: The principal determinant of your grade will be your score on a final exam consisting of more than 50 multiple choice questions.

Reading Assignments:

I. Introduction: D & S 1-28, 41-51
II. Intestacy: D & S 63-103, 109-145

III. Wills-Formalities: D & S chapter three

IV. Wills-Capacity: D & S 265-313, 317-326

V. Construction of Wills: D & S chapter five

VI. Will-Substitutes: D & S 435-483, 489-510

VII. Rights of Surviving Spouse: D & S 511-540, 552-557: special attention to UPC part 2

VIII. Trust-Creation D & S chapter six

IX. Trust Administration: D & S 579-593, 602-626, 646-667

X. Powers of Appointment: D & S chapter twelve

XI. Charitable Trusts: D & S chapter eleven