



WILLS, ESTATES, & TRUSTS - BLAW 409

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Office Hours: Monday & Wednesday, 12:30-2:00 pm; and by appointment.

Course Description

This course provides an introduction to the law of wills, estates, trusts and other areas connected with estate planning. The course will consider the nature of property, joint ownership of property, the validity and probate of wills, inheritance under the laws of interstate succession, and the laws governing the establishment and administration of trusts. The course will also consider the law of estate taxation. *Prerequisites:* BLAW 280 and a passing score on the Upper Division Writing Exam.

Department of Business Law Mission Statement

Our mission is to equip students with the academic knowledge, problem solving, analytical and professional skills in the areas of business law, business ethics, and real estate necessary to achieve their personal and professional goals.

Course Objectives

Classes are taught using the Socratic method, with its goal of participatory learning and the development of reasoning skills. This active learning process requires students to articulate, develop and defend positions, to think critically and to engage in problem-solving. Students learn to formulate an effective legal analysis by synthesizing information, identifying legal issues, distinguishing relevant from irrelevant facts, using facts and law to support argument, reasoning by analogy and reaching conclusions based on analysis. In addition, students in all Business Law courses study ethical issues in a business context, with actual topics depending on course content.

You will analyze how law applies to factual settings. You will read court decisions, prepare written briefs of the decisions, orally defend your interpretations of the cases, and answer hypothetical questions in open class discussion. You will learn to distinguish the application of rules depending on changing circumstances in various cases and hypotheticals. You will learn to argue alternate sides of a dispute regardless of personal belief. You will learn to identify the functions, policies, and trends in the law, and to consider social, economic and ethical influences on the law.

Required Text

The required text for this course is: Saunders, *Wills, Estates, and Trusts: Cases, Materials, and Problems* (2017), which is available for download free of charge on the course Moodle website only.

Class Attendance and Participation

You are required to attend, be prepared for, and participate in class. Readings and problems will be assigned in advance of each class. Preparation for class entails reading the assigned materials, briefing all cases, and preparing written answers to

problems. Case briefs must summarize the facts, issues, holdings, and rationale of each decision. In addition, class participation is mandatory. Class will be conducted through use of the Socratic and case methods, lecture, and discussion. You will be called upon at random during each class to discuss your briefs, answer questions, analyze problems, and a portion of your final grade will be based on your participation in class.

Method of Assessment

Plus and minus grading will be applied. Each examination consists of two essay questions. Except in emergency or unforeseeable circumstances that you can document in writing, there are *no make-up examinations*. If you know *in advance* that you will be absent on the day of an exam and can present a valid excuse, you *may* be able to arrange with me to take the exam *in advance* of the rest of the class. Your final grade will be computed based on the total number of points you accumulate during the semester on the following:

Examination I	30 points
Examination II	30 points
Examination III	30 points
Class Participation	10 points

There will be *no extra credit* assignments. You are responsible for knowing and following the Academic Dishonesty Policy, available in the university catalog and online. Collaboration on examinations is prohibited. Instances of academic dishonesty will be immediately reported and will result in a grade of "F" for the course.

Reading Assignments & Topical Outline

WEEK	TOPIC	READING	CASES
1	Estates in Land: Present Possessory Interests	Text: 2-4	<i>White</i>
	Estates in Land: Concurrent Interests	Text: 7-9	<i>James</i>
2	Estates in Land: Future Interests	Text: 14-17	<i>Walton, Kost</i>
3	Gifts: Inter Vivos and Causa Mortis	Text: 22-29	<i>Foster, Estate of Smith, Gruen</i>
4	Intestate Succession: Shares of the Spouse and Others	Text: 33-35	No cases
	Intestate Succession: Definition and Status of Intestate Heirs	Text: 35-36	
5	<i>EXAMINATION I</i>		
6	Wills: Testamentary Capacity and Will Contests	Text: 48-53	<i>Estate of Shelly</i>
	Wills: Execution, Integration, and Interpretation	Text: 64-68	<i>Johnson's Estate</i>
7	Wills: Revocation and Revival	Text: 80-82	<i>Estate of Kaufman, Wolf</i>
8	Wills: Changes in Property and Beneficiaries after Execution	Text: 90-96	<i>Church, Gianoli</i>
9	Elective Share and Protection of Pretermitted Heirs	Text: 106-113	<i>Estate of Shannon, Azcunce</i>
10	<i>EXAMINATION II</i>		
11	Will Contracts and Non-Probate Transfers	Text: 125-131	<i>Self, Franzen</i>
12	Trusts: Creation and Uses	Text: 141-147	<i>Gurnett, Canal National Bank</i>
	Trusts: Modification and Termination	Text: 155-157	<i>Estate of Brown</i>
13	Fiduciary Administration	Text: 162-171	<i>Tracy, Carter</i>
14-15	Federal Estate and Gift Taxation	Text: 175-184	No cases
Final	<i>EXAMINATION III</i>		

You do not need to read and brief unassigned cases for class.