

WESTERN STATE COLLEGE OF LAW
AT WESTCLIFF UNIVERSITY

SYLLABUS, POLICIES, AND ASSIGNMENTS
2020 FALL SEMESTER
ESTATES, SECTION 497A

PROFESSOR C. SHEPPARD

CLASS MATERIALS:

REQUIRED TEXT: **WILLS, TRUSTS, AND ESTATES, TENTH EDITION**
Robert H. Sitkoff and Jesse Dukeminier
Wolters Kluwer
ISBN: 978-1-4548-7642-7

REQUIRED TEXT: **2019-2020 A California Companion for the Course in Wills, Trusts and Estates**
Susan French
Wolters Kluwer
ISBN: 978-1-4548-9485-8

RECOMMENDED: **Uniform Probate Code and the 2020 CALIFORNIA PROBATE CODE.**

COURSE COVERAGE AND OPPORTUNITIES:

The course of Estates is a study of principles of law regarding intestate succession, wills, and trusts.

In the basic Property course, you learned that titles to and interests in property may be transferred either during a transferor's lifetime (*inter vivos* transfers), or as of the time of the death of the transferor (testamentary transfers). You will encounter circumstances in this course that involve both *inter vivos* and testamentary transfers of titles to or other interests in property. An *inter vivos* transfer might result in the transferred property right not constituting a part of a decedent's testamentary estate. A testamentary transfer may be in the form of a devise or legacy under a will, or by operation of law under the law of intestate succession.

The topics upon which we will focus most of our attention during this course are:

1. Freedom of Disposition
 - a. The Power to Transmit Property at Death
 - b. The Mechanics of Succession
 - c. Professional Responsibility
2. Intestate Succession
 - a. An Estate Plan by Default
 - b. The Structure of Intestate Succession
 - (1) Surviving Spouse
 - (2) Descendants
 - (3) Ancestors, Collaterals, Others
 - (4) Disinheritance by Negative Will
 - c. Transfers to Children
 - d. Bars to Succession

3. Wills: Formalities and Forms
 - a. Execution of Wills
 - b. Revocation of Wills
 - c. Components of a Will
 - d. Contracts Relating to Wills
4. Wills: Capacity and Contests
 - a. Capacity to Make a Will
 - b. Undue Influence
 - c. Duress
 - d. Fraud
 - e. Tortious Interference with an Expectancy
5. Wills: Construction
 - a. Mistaken or Ambiguous Language in Wills
 - b. Death of Beneficiary Before Death of Testator
 - c. Changes in Property After Execution of Will
6. Trusts: Characteristics and Creation
 - a. The Trust in American Law
 - b. Creation of a Trust
7. NonProbate Transfers and Planning For Incapacity
 - a. The Rise of Nonprobate Succession
 - b. Revocable Trusts
 - c. The Other Will Substitutes
 - d. Planning for Incapacity
8. Limits on Freedom of Disposition: Protection of the Spouse and Children
 - a. Protection of the Surviving Spouse.
 - b. Intentional Omission of a Child
 - c. Protection Against Unintentional Omission
9. Trusts: Fiduciary Administration
 - a. From Limited Powers to Fiduciary Administration
 - b. The Duty of Loyalty
 - c. The Duty of Prudence
 - d. The Duty of Impartiality
 - e. The Duty to Inform and Account
10. Trusts: Alienation and Modification
 - a. Alienation of the Beneficial Interest
 - b. Modification and Termination
 - c. Trustee Removal
11. Trusts: Charitable Purposes, Cy Pres, and Supervision
 - a. Charitable Purposes
 - b. Cy Pres and Deviation
 - c. Enforcement of Charitable Trusts
12. Trusts: Powers of Appointment
 - a. Purposes, Terminology, and Types of Powers
 - b. Exercise of a Power of Appointment
 - c. Failure to Exercise a Power of Appointment
13. Trusts: Construction and Future Interests
 - a. Future Interests
 - b. Construction of Trust Instruments
14. The Rule Against Perpetuities and Trust Duration
 - a. The Common Law Rule
 - b. Perpetuities Reform
 - c. Application of the Rule to Class Gifts and Powers of Appointment
 - d. Other Durational Limits

We will not be able to devote class time to extensive discussions of the material that comprises Chapter 15 of the text regarding taxation.

SKILLS AND VALUES

A task force report exists that is commonly referred to as “The MacCrate Report.” The authors of that report examined the legal skills and values listed above as well as other skills and values. [Section on Legal Education & Admissions to the Bar, American Bar Association Legal Education and Professional Development —An Educational Continuum (Report of the Task Force on Law Schools and the Profession: Narrowing the Gap, 1992). A collection of law review articles that represent supporting and critical views of “The MacCrate Report” appear in Volume 69 of the *Washington Law Review* published in July of 1994.]

On page 1 of his “Property Law Simulations” text, Professor Sprankling notes: “The MacCrate Report had little impact on legal education. But the Carnegie report has been more successful, prompting many law schools to make curricular changes that expand opportunities for experiential learning.” Actually, Western State was one of the few law schools that took special note of The MacCrate Report prior to the publication of the Carnegie Report as is evidenced by Western State’s “Mission Statement” and various aspects of the law school’s course offerings both in terms of courses offered and the manner in which the courses are taught.

In this course, you will be provided with opportunities to:

- Enhance your analytical, problem solving, statutory deconstruction, and related skills that you will use as an attorney either in non-dispute resolution settings, or in dispute resolution settings, or both.
- Develop a working knowledge of various principles of law regarding intestate succession, wills, and trusts; and enhance your understanding of various principles of law regarding property, contracts, torts, civil procedure, and other.
- Enhance your oral communication skills and legal research and writing skills.
- Develop and enhance client counseling skills.

WESTERN STATE COLLEGE OF LAW – PROGRAMMATIC LEARNING OUTCOMES

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) **Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Associations, Evidence, Civil Procedure, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) **Practice Skills**

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternative dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) **Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities and differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to

identify and evaluate the public policies of a precedent case or rule, and to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author's or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' backgrounds and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

COURSE METHODOLOGY

I utilize a combination of classroom methods to assist you in your effort to achieve the objectives of this course, including use of the Socratic method of interaction to enable you to properly gauge the current level of your working knowledge of course subject

matter, use of the case method of exploring and examining legal principles and methods of application of those principles (including, but not limited to, how to deconstruct case law, statutory law, and other sources of law).

It will be incumbent upon you to engage in an appropriate study and review of each course assignment before we engage in classroom discussions about the course material that is part of that assignment. The primary focus of our classroom discussions will be the manner in which you should use the course material to raise and resolve issues that can arise in either a dispute resolution setting or a transactional or other non-dispute resolution setting. To engage in an appropriate study of course material, at a minimum, you must complete a critical reading of that material; and you must brief each principal case included in the course text, each case cited in a text note, and any case which I might assign as additional reading. You should also read additional reference material (e.g., relevant portions of a hornbook or treatise). Your study habits must also include you engaging in activities that will hone your skills of legal analysis and exam taking and writing. I will also expect you to have prepared appropriate work product regarding text problems that are part of the assigned reading as well as having engaged in the preparation of appropriate work product regarding the simulations materials that I recommend that you study. I expect you to compare your work product with comments that I post to the Assignments Section of the web course regarding a text problem or simulation material. Adhere to the IRAC method of legal analysis to the extent necessary during classroom discussions, when engaged in problem solving exercises, during quizzes, and during the course final exam.

EXPECTATION OF YOUR AMOUNT OF OUTSIDE PREPARATION TIME

I expect you to devote a **MINIMUM** of four and one-half hours a week to prepare for each one and one-half hour class session (i.e., a minimum of nine hours a week).

ZOOM CLASS SESSIONS AND ZOOM OFFICE CONFERENCES

Unless you are notified otherwise, our semester class sessions will be conducted using Zoom. In addition, I will be available by Zoom for office conferences. Additional information will be provided to you regarding classroom and office hours Zoom sessions at a later date.

Carefully review and adhere to the following requirements regarding Zoom sessions:

- **Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.**
- **Arrive to a class Zoom session early and dressed as you would to attend an in-person class session.**

- **Your camera must be turned on for the duration of either a class Zoom session or a Zoom office conference. If you desire, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.**
- **Come prepared, as you would for an in-person class session or in-person office conference. Participation in Zoom classes is as important as it is during an in-person class session.**
- **Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.**
 - **Zoom classes are not YouTube or Netflix. You should be actively engaged in answering questions, taking notes, writing down questions you wish to ask later during class or during office hours, etc. This will not only help you stay engaged and participating in class, it will also help your learning in the online format.**
- **If you have to miss a Zoom session, or arrive late, or leave early, notify me in advance; as you would for an in-person class.**
- **If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify me so other accommodations can be explored.**
- **Do not post screenshots or recordings of any Zoom classes or Zoom office conferences on social media. Such actions will constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact me.**
- **Sign into Zoom with the name under which you are registered for class. If you prefer to be called by a different name or nickname, please notify me in advance to avoid being marked as absent.**
- **Unless I instruct you otherwise, mute your microphone when you are not speaking. Unmute your microphone to ask a question, or to respond to a question, or to make a comment.**
- **If you intend to use your computer to take notes and/or to use the eBook version of the course text, you may not be able to easily switch between those apps and the Zoom session. This could undermine your ability to pay attention to the class discussion. You must figure out how you will resolve that**

technological issue before our first class session and consider possible modifications to your normal mode of note taking (e.g., switch to taking notes by hand) or using a two-screen set-up.

- Zoom has a number of tools available for you to use as a student: yes/no symbols, raise hand and thumb icons, share screen if I permit you to use that tool, chat windows, etc. Please familiarize yourself with those tools before class so that you can use them to the extent I allow you to use those tools. I will provide additional information to you about the way in which you are to use a particular tool in during a particular Zoom class session.
- From time-to-time, I may utilize various interactive functions in Zoom such as polling questions, breakout rooms, etc. I will expect you to participate fully in any such activities and functions; for example, answering polling questions, speaking with your classmates during breakout sessions, and so forth.

LEXIS CLASSROOM

You are required to enroll in the course LexisNexis Classroom platform so that you will be able to access information that I have posted to that platform for your benefit; and so that you will be able to receive emails that I will send to members of the class using the email function of the LexisNexis Classroom platform. I will also require you to be an active LexisNexis Classroom Discussion Board participant.

You will be able to enroll in the course LexisNexis Classroom platform on and after 9:00 a.m., Monday, August 10, 2020. The last day that you will be able to access the web course material is Thursday, December 31, 2020. To enroll in the web course:

1. Log into LexisNexis for Law School at <https://www.lexisnexis.com/lawschool/>.
2. In the **Student** view, click the **Add A Course** link found on the right-hand side of the page.
3. Locate my name (Sheppard); then click my name.
4. Locate **Select Course to Enroll**; locate Trusts_And_Estates_112176 and click.
5. Follow the instructions to enroll in the Trusts and Estates Lexis Classroom
6. If you are directed to enter a password, enter: 9KLRGM

If you encounter a problem while attempting to enroll in the web course, please contact a LexisNexis representative, or Faculty/Academic Support person Julie Kohler (714-459-1128), or Library Director Sarah Eggleston (714-459-1110).

EXAMINATION AND GRADING

There will not be a midterm exam in this course. Each class session will provide to you ample opportunity for you to engage in self-assessment of your level of understanding of course material which will enable you to plan weekly study regiments accordingly and to formulate questions that you will need to present to me either during a class session, or during an office consultation, or by email, or a combination thereof.

There will be one graded exam; to wit: the course final exam.

FINAL EXAM

A three-hour final exam will be administered as part of this course. I will provide information to you about the format of the final exam prior to the last day of instruction.

The final exam will be comprehensive in scope. If I do not advise you differently, the final exam will be comprised of questions and problems that collectively pertain to **every** major topic covered by the course reading and study assignments and during class lectures and discussions.

The maximum number of points that you will be able to earn on the final exam will be 100 points. I will use the score that you earn on the final exam and any extra-credit grade points that you might earn to determine your final grade in this class.

“EXTRA CREDIT” QUIZZES

I will administer four pop quizzes during the semester. Each pop quiz will be worth 100 points. If the average of your scores on each of the course quizzes is 70 to 74, you will have earned one extra-credit course grade point. If the average of your scores on each of the course quizzes is 75 – 79, you will have earned one and one-half grade point. If the average of your scores on each of the course quizzes is 80 to 84, you will have earned two grade points. If the average of your scores on each of the course quizzes is 85 – 89, you will have earned two and one-half grade points. If the average of your scores on each of the course quizzes is 90 to 94, you will have earned three extra-credit grade points. If the average of your scores on each of the course quizzes is 95 to 100, you will have earned four extra-credit course grade points. If the average of your scores on each of the course quizzes is less than 70, you will not have earned any extra credit grade points. If you earn extra credit grade points, those points will be added to your final exam score to determine your grade in the course.

I will provide information about the format and procedure regarding the administration of each extra-credit quiz during the semester.

GRADING

Your academic performance in this course will be measured and recorded using a numeric grade system on a scale of 0.0 to 4.0. Please also read that portion of the current edition of the Student Handbook regarding the “Grading System and Student Honors.”

To earn a numeric grade of 4.0, your course grade points must equal 90 or better. The total of 89 course grade points results in a 3.9 course grade; 88 course grade points results in a 3.8 course grade and so forth.

The foregoing illustrates that the highest accumulation of raw points earned by a student enrolled in this course is **not** automatically regarded as an “A.” For example, if the best aggregate, graded student work product in this class results in a total of 85 course grade points, then the highest grade in the class will be a 3.5. On the other hand, if the exam work product of **every** student in the class results in total course grade points for each student that is 90 or better, then the course grade earned by each student will be a grade of 4.0.

PRACTICE EXERCISES

I admonish you to include exam preparation or writing *exercises* as part of your daily study habits beginning in the second week of the semester and continuing throughout the semester including the interim between the last day of class and the administration of the final exam. The time devoted to any such *exercise* can range from about ten minutes to about twenty minutes.

I am amenable to reviewing your practice work product, or reviewing your outlines of answers to practice questions, or practice answers to text problems during the semester **provided** you have first studied the exam preparation material posted to the web course. If you wait until close to the end of the semester to submit any such work product to me for review and comment, you will run the risk that I will not have sufficient time to provide feedback to you before the final exam is administered to the class; or that you will not have sufficient time to take advantage of feedback that I provide to you. I do **not** critique student course outlines.

OFFICE HOURS, OFFICE TELEPHONE, E-MAIL, FAX

I encourage you to communicate with me on a regular basis. If you are not able to meet with me during my office hours during a particular week for any reason whatsoever, please do not hesitate to communicate with me via e-mail. If it becomes necessary to do so, you may request for us to meet at a time other than my posted office hours.

Until further notice, I will use Zoom to engage in “office conferences”. I will provide additional information to you about the procedure you will be required to follow to reserve time to confer with me during my office hours. **Appointments for two or more students at a time are encouraged.**

I expect to maintain the following office hours **beginning** Monday, August 31, and **ending** Monday, November 30:

Mondays: 12:00 PM to 2:00 PM (Except Monday, September 7 – Labor Day)
5:00 PM to 7:00 PM (Except Monday, September 7 – Labor Day)
Tuesdays: 1:00 PM to 4:00 PM
9:00 PM to 10:00 PM
Wednesdays: 12:00 PM to 2:00 PM
5:00 PM to 7:00 PM

My WSCL email address is csheppard@wsulaw.edu.

My WSCL office telephone number is (714) 459-1152. The faculty fax number is (714) 525-2786.

ATTENDANCE

Attendance in class is mandatory. If you miss more than four hours of class sessions, or other class activities where attendance will be mandatory, you will be subject to being administratively withdrawn from the course. If you have not already done so, you should review the appropriate portions of the current edition of the “Student Handbook” regarding attendance requirements.

Due to possible differences in the manner in which course materials are covered in class, you are **not** permitted to “make-up” a missed class by attending another section of this course regardless of whether the other section is taught by me or by another Professor.

PARTICIPATION IN CLASS AS AN ACTIVE LEARNER

To be successful in law school, you must be an active learner. You will gain maximum benefit from class attendance only if you have engaged in a proper preparation for class. Proper preparation for class by you will include, but not be limited to: proper time management; engaging in a critical reading and re-reading of reading assignments; briefing case opinions included in the assigned reading; critically reading and re-reading text notes and footnotes; analyzing problems included in the assigned reading; critically reading court opinions of the cases cited in the text notes or text problems; critically reading and deconstructing pertinent statutory law; reviewing and

editing your class notes from prior class sessions; personally preparing and reviewing study aids (e.g., sections of your personally prepared course outline, flash cards, flow charts, etc.); reading and re-reading appropriate segments of hornbooks, treatises, or commercial study aids; and including some form of exam taking exercise as part of your daily study habits.

I call your attention to the following law review article: Laurel Currie Oates, *Beating The Odds: Reading Strategies of Law Students Admitted Through Alternative Admissions Program*, 83 IOWA L. REV. 139 (1997). Portions of that law review article illustrate how a student might “outperform” his or her “law school predictors” by being an active learner and not a passive learner. That is an important message regardless of whether a person has been admitted to law school through a regular admissions program, as you were, or an alternative admissions program (e.g., an admissions by performance program).

Regardless of whether a class session is conducted in person or via Zoom or some other distant learning platform, you should be prepared to participate in class on a regular basis. You should be an active listener in class at all times when you are not speaking in class. Being an active listener includes assessing whether you understand, or you do not understand, comments being made by me, or by one of your classmates. If you conclude that you do not understand the comments of others, you should raise your hand to be recognized, and when recognized by me, you should voice your question. If you understand the comments, you should then assess whether you agree or disagree with those comments. More importantly, you should assess the reason or reasons for your agreement or disagreement. Please do not hesitate to seek recognition to voice your questions or comments along those lines as well.

If you are not prepared for a particular class session, please so notify me prior to the start of that class session. You will not be penalized for being unprepared for a class session **provided** you have not been unprepared for two prior class sessions. If you have not been prepared for two prior class sessions, I may regard you as being absent from the third class session for which you are also unprepared. Furthermore, I may regard you as being absent from any subsequent class session for which you are not prepared. Of course, you will not be regarded as being unprepared for class if you make a good faith, although erroneous, attempt at analyzing a particular question or point that is a subject matter of discussion during a class session.

DECORUM

Regardless of whether a class session is conducted in person or via Zoom or some other distant learning platform, you are expected to maintain proper decorum when entering the classroom, while attending and participating in each class session, and when departing the classroom. You are also required to adhere to the College of Law’s “Principles of Community” and, of course, the College of Law’s “Honor Code.”

SEATING CHART

If we are able to transition to on-campus class sessions prior to the expiration of the semester, I will circulate a seating chart during the initial on-campus class session.

DISABILITY SERVICES STATEMENT

Western State College of Law provides accommodations to qualified students with disabilities. The Disability Services office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Sr. Asst. Dean Donna Espinoza, Disabilities Services Coordinator, whose office is in the Students Services suite #111. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza in her capacity as the Disability Services Coordinator to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Allen Easley at aeasley@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

Course Reading and Study Assignments

The table of course reading and study assignments begins on the next page.

TABLE OF READING AND STUDY ASSIGNMENTS

Wk.	Dates	Topics	Sitkoff	French	Supplements
01	08/24 08/26	Preface Freedom of Disposition: (A) Power to Transmit Property at Death; (B) The Mechanics of Succession; (C) Professional Responsibility	xxxiii-xxxvi 1 – 62	xxvii – xxviii 1 – 7	Intro & General Course Materials: Supplements 1 – 6
02	08/31 09/02	Intestacy: (A) An Estate Plan by Default; (B) The Structure of Intestate Succession; (C) Transfers to Children	63 – 127	9 – 42	Intestate Succession: Supp. 1 – 11
03	09/09	Intestacy:...(D) Bars to Succession; Wills – Formalities: (A) Execution of Wills	127 – 176	42 – 59	Will – Intro Material: Supp. 1 - 6
04	09/14 09/16	Wills – Formalities: (A) Execution of Wills; (B) Revocation of Wills	176 – 240	59 – 85	Wills – Revocation: Supp. 1 and 2
05	09/21 09/23	Wills – Formalities:...(C) Components of a Will; (D) Contracts Relating to Wills; Wills – Capacity & Contests: (A) Capacity to Make a Will; (B) Undue Influence	240 – 309	85 – 134	Wills – Components: Supp. 1 – 9 Wills – Bene: Supp. 3 – 8
06	09/28 09/30	Wills – Capacity & Contests: ... (C) Duress; (D) Fraud; (E) Tortious Interference with an Expectancy; Wills – Construction: (A) Mistaken or Ambiguous Language in Wills; (B) Death of Beneficiary Before Death of Testator; (C) Changes in Property After Execution of Will	310 – 384	134 – 182	Wills – Bene, Probate, and Admin.: Supp. 1 and 2
07	10/05 10/07	Trusts: Characteristics and Creation: (A) The Trust in American Law; (B) Creation of a Trust; Nonprobate Transfers, etc.: (A) The Rise of Nonprobate Succession; (B) Revocable Trusts	385 – 459	183 – 221	Trusts – History and Methods: Supp. 1 – 8 Trusts – Honorary Trusts: Supp. 2
08	10/12 10/14	Trusts: Characteristics and Creation:...(B) Revocable Trusts; (C) Other Will	459 – 517	221 – 233	

		Substitutes; (D) Planning for Incapacity			
09	10/19 10/21	Limits on Freedom of Disposition: (A) Protection of the Surviving Spouse; Protection Against Unintentional Omission	517 – 585	235 – 246	Wills-Revocation, Protection, etc.: Supp. 3
10	10/26 10/28	Trusts – Fiduciary Administration: (A) Powers; (B) Duty of Loyalty; (C) Duty of Prudence; (D) Duty of Impartiality	587 – 657	247 – 261	Trusts-Duties: Supp. 1 – 3
11	11/02 11/04	Trusts - Fiduciary Administration:... (D) Duty of Impartiality; (E) Duty to Inform and Account; Trusts – Alienation & Modification: (A) Alienation of the Beneficial Interest	657 – 727	261 – 304	Trusts - Modification, Termination Supp. 2
12	11/09 11/11	Trusts – Fiduciary Administration... (B) Modification and Termination; (C) Trustee Removal; Charitable Trusts: (A) Charitable Purposes; (B) Cy Pres and Deviation; (C) Enforcement of Charitable Trusts	727 – 806	304 – 313	Trusts – Duties: Supp. 3 Powers of Appointments Chart
13	11/16 11/18	Trusts – Powers of Appointment: (A) Purposes, Types, and Terminology; (B) Exercise of a Power of Appointment; (C) Failure to Exercise a Power of Appointment	807 – 869	315 – 325	
14	11/23 11/25	Trusts – Construction and Future Interests; The Rule Against Perpetuities and Trust Duration	869 – 900	327 – 341	
15	11/30	Perpetuities Reform; Application of the RAP to Class Gifts and Powers of Appointment; Other Limits on Trust Duration	900 – 928	327 – 341	
16	TBD	FINAL EXAM			

NOT ASSIGNED, BUT RECOMMENDED, READING:

Chapter 15: Wealth Transfer Taxation: Pp. 929 – 982