

Estates and Trusts Fall 2008

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This course examines the interplay between the law of estates and the issues that accompany the prospect of aging and the desire to make a meaningful disposition of property during life and at death. Throughout the semester, we will emphasize that inheritance law plays a crucial role in the maintenance of families. Estate and trusts lawyers work with clients to craft solutions to numerous issues, including the care of children, spouses and aging parents, as well as a client's own retirement and potential disability. By the end of the semester, you will have an understanding of the challenges faced by lawyers and their clients, as well as the basic tools that lawyers use to effectuate the choices their clients make.

Coverage

We will explore these subjects from **Dukeminier et al., Wills, Trusts, and Estates (7th ed. 2005)**:

Chapter 1	Introduction to Estate Planning
Chapter 2	Intestacy: An Estate Plan by Default
Chapter 3	Wills: Capacity and Contests
Chapter 4	Wills: Formalities and Forms
Chapter 5	Nonprobate Transfers and Planning for Incapacity
Chapter 6	Construction of Wills
Chapter 7	Restrictions on the Power of Disposition
Chapter 8	Trusts: Creation and Characteristics
Chapter 9	Powers of Appointment
Chapter 12	Charitable Trusts
Chapter 13	Trust Administration
Chapter 14	Wealth Transfer Taxation

Throughout the semester, I will distribute specific reading assignments in two or three week blocks. These assignments will also be posted on my faculty web page, under the icon "Estates and Trusts."

Participation

This course depends heavily on your active participation. You should come to class prepared to answer questions.

Because participation is so critical to our success, I reserve discretion to raise a student's final exam grade by one-third (e.g., from a B to a B+) for outstanding class participation. Up to

10% of the class may benefit from this discretion. While I will consider both the quantity and quality of class participation, I will put heavy emphasis on quality.

On the flip side of the coin, I also reserve discretion to reduce a student's final exam grade by one-third (e.g., from a B to a B-) when it becomes apparent that the student is regularly unprepared for class or unwilling to participate.

Exam

The exam will be open-book.

Attendance

The Law School's Class Attendance Policy applies to this course. You are expected to be familiar with this policy. The bottom line is that students must attend a minimum of 75% of class sessions or be administratively withdrawn from the course. The Attendance Policy does not draw a distinction between excused and unexcused absences.

Students who arrive a few minutes late or leave a few minutes early may sign the roster. However, a student must attend class both before and after the mid-class break; no student may sign the roster if they are attending only part of the class.

Adoption of this policy by no means signifies that I consider attendance at only 75% of class sessions acceptable. To this end, I reserve discretion to reduce a student's grade by one-third for repeated *unexcused* absences.

Laptop Policy

The use of laptops is not permitted after the first day of classes, unless I announce otherwise. The reasons for this policy will be discussed during the first day of class.

Office Hours and Email

My office hours are by appointment. The best times to "catch" me in the office without an appointment are on Wednesday and Thursdays. You may feel free to drop in whenever you see my door open, except that I am generally unavailable in the one hour before our classes begin.

You may also direct questions to me over email, although I may advise you that you need to see me one-on-one. I typically respond to all emails within 48 business hours.