

SYLLABUS: TRUST AND ESTATE (3 CREDITS)

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Spring 2022, Mondays and Wednesdays 8:10 p.m.- 9:35 p.m.

Tentative Syllabus: We may deviate from this tentative syllabus with assignments and case law additions as we go. Although I will generally try to stick to this schedule and assignments, there may be additionally reading—but you will be advised by the prior class as to what is required.

Text: Wills, Trust and Estates in Focus, Naomi R. Cahn; Alyssa DiRusso; Susan N. Gary

Grading: Substantive grades will be based upon classroom (virtual) participation and engagement and performance on the final written exam.

Final Exam: The Final Exam is scheduled for May 6, 2021 at 6 p.m. The final exam will consist of a selection of essay, multiple choice, and short answer questions.

Course Description: Trusts and Estates is one of the areas of law you will almost be guaranteed to encounter on your bar exam. It is also, in the field, one of the more interesting practices of law as it intersects with so many other practice areas. This course is designed to provide a practical approach to the field of trusts and estates. We will be using Wills, Trust and Estates in Focus for this semester. Although rooted in caselaw and statute, our approach will be conversation-based to work outside the frame of the coursebook.

Learning Outcomes: By the end of the semester, students should have acquired a working knowledge of trusts and estates, be conversant in this practice area and identify Virginia-specific nuances, as well as be able to identify other areas of law that may overlap in the day to day practice of trusts and estates.

Below is the anticipated schedule so you can review and prepare. All reading assignments should be completed before class, in preparation for class discussion.

Week 1: January 19

Chapter 1 Introduction to the Law and Practice of Trusts and Estates

Week 2: January 24 & 26

Chapter 2 Intestacy

Week 3: January 31 & February 2

Chapter 8 Family Protection

Week 4: February 7 & 9

Chapter 3 Creation of Wills

Week 5: February 14 & 16

Chapter 4 Amendment and Revocation of Wills

Week 6: February 21 & 23

Chapter 5 Wills—Construction and Interpretation

Week 7: February 28 & March 2

Chapter 6 Will Contests

Week 8: March 7 & 9

Chapter 14 Estate Administration and the Probate Process

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Week 9: March 21 & 23

Chapter 7 Nonprobate Transfers and Planning for Incapacity

Week 10: March 28 & 30

Chapter 9 Creation of Trusts

Week 11: April 4 & 6

Chapter 10 Rights of Beneficiaries and Creditors in Trust Property

Week 12: April 11 & 13

Chapter 11 Fiduciary Duties and Modification and Termination of Trusts

Chapter 12 Powers of Appointment (*tentative content*)

Week 13: April 18 & 20

Chapter 15 Introduction to Federal Estate and Gift Taxes

Chapter 13 Professional Ethics in Trusts and Estates

Week 14: April 25 (final day of class)

Overflow of content

Preparation for final exam/Q&A