

SYLLABUS

Trusts and Estates Law 330 (003) – 24675 (3 cr.) Spring 2023

Instructors: Alvi Aggarwal & Thomas D. Yates
Office Hours: Zoom, by appointment (email alvi@ychlaw.com or
tyates@ychlaw.com to schedule)

MATERIALS

Sitkoff & Dukeminier, Wills, Trusts & Estates (11th ed. 2021)

Various statutory provisions (we'll make these available electronically after the 1st day of class)

LEARNING OBJECTIVES

Through this course, we anticipate you will learn the following:

- To spot and analyze major issues in U.S. wills, trusts, and estates for the bar exam and all the friends and family who will ask;
- What fiduciaries and fiduciary duties are; and
- To identify the layers and sources of law relevant to estate planning and administration, and to navigate some of them.

EXPECTATIONS

Attendance will be taken during each class.

The reading assignments are required in preparation for each class.

We will designate students to be "on call" to discuss the reading during class, but there will be short pop quizzes for everyone during some classes. Your contributions to discussions during class and quiz scores will be factored into your final grade.

A closed-book final exam will determine the rest of your grade. It will have both multiple choice and short answer questions.

TENTATIVE ASSIGNMENTS

The schedule of assignments and topics below is tentative. We may make changes as we progress through the semester to take into account the interests of the class and reality. We will announce any changes during class.

Please read the chapters/sections listed, and skip or stop as noted in parenthesis. (We're skipping some cases to make the reading assignments more manageable.) Please note that page numbers are included with the assignments just for more convenient reference. To the extent the chapters/sections and listed page numbers don't match up exactly, and you should follow the chapters/section numbers.

JANUARY 18 - INTRO

Read from Sitkoff:

1(A)(1) and 1(A)(2) (a-b) (Skim this if you're short on time) [roughly, pgs. 1-23]

1(B) [roughly, pgs. 41-53]

JANUARY 23 - INTESTACY

Read from Sitkoff:

2(A) and 2(B) (1-3) [roughly, pgs. 65-92]

JANUARY 25 - INTESTACY: CHILDREN

Read from Sitkoff:

2(C)(1) (a-c) (Skip *O'Neal v. Wilkes*) [roughly, pgs. 92-104]

2(C) (2-4) (Skip *Woodward*) [roughly, pgs. 109-123]

JANUARY 30 - INTESTACY: CHILDREN & BARS TO SUCCESSION

Read from Sitkoff:

2(C)(6) and 2(D) [roughly, pgs. 126-142]

FEBRUARY 1 - WILLS: FORMALITIES

Read from Sitkoff:

3(A)(1) (a-c) (Skip *Matter of Ryan*) [roughly, pgs. 143-163]

3(A)(1)(h) [roughly, pgs. 181-194]

FEBRUARY 6 - HOLOGRAPHIC WILLS & REVOCATION

Read from Sitkoff:

3(A)(3) (a-c) (stop before "Extrinsic Evidence") [roughly, pgs. 205-217]

3(B) (Skip *Thompson & Stoker*) [roughly, pgs. 224-248]

FEBRUARY 8 - WILLS: COMPONENTS & CONTRACTS

Read from Sitkoff:

3(C) and 3(D) (Skip *Clark & Greenhalge*) [roughly, pgs. 248-270]

FEBRUARY 13 – WILLS: CAPACITY

Read from Sitkoff:

4(A) [roughly, pgs. 271-288]

FEBRUARY 15 – WILL CONTESTS

Read from Sitkoff:

4(B)(1-2) [roughly, pgs. 289-312]

4(D) [roughly, pgs. 323-325]

FEBRUARY 20 – CONSTRUCTION OF WILLS

Read from Sitkoff:

5(A)(1) [roughly, pgs. 333-334]

5(A)(3) [roughly, pgs. 349-358]

FEBRUARY 22 – CONSTRUCTION OF WILLS

Read from Sitkoff:

5(B)(1-2) [roughly, pgs. 359-377]

FEBRUARY 27 – CONSTRUCTION OF WILLS

Read from Sitkoff:

5(B)(3) – 5(C) (Skip *Anton*) [roughly, pgs. 377-394]

MARCH 1 – PROTECTION OF SPOUSES AND CHILDREN

Read from Sitkoff:

8(A)(1)(a-d), 8(A)(1)(e)(2), and 8(A)(1)(f) [roughly, pgs. 529-563]

8(A)(4) [roughly, pgs. 572-576]

8(C) (Skip Gray) [roughly, pgs. 582-598]

MARCH 6 – CASE STUDY

We'll provide a case study to you electronically by Feb. 27. Review and analyze it using what we've covered in class so far. We'll discuss it during class.

MARCH 13 & 15 - SPRING BREAK

No reading!

MARCH 20 – TRUSTS

Read from Sitkoff:

6(A), 6(B)(1) (a and c) [roughly, pgs. 395-424]

MARCH 22 – TRUSTS

Read from Sitkoff:

6(B)(2) – 6(B)(4)(a) (Stop before *Fournier*) [roughly, pgs. 424-439]

MARCH 27 – REVOCABLE TRUSTS

Read from Sitkoff:

7(A-B) (Skip *Fulp v. Gilliland*) [roughly, pgs. 449-480]

MARCH 29 – FIDUCIARY ADMINISTRATION

Read from Sitkoff:

9(A-B) and 9(C)(1) (Skip *Rothko*) [roughly, pgs. 599-635]

APRIL 3 – FIDUCIARY ADMINISTRATION

Read from Sitkoff:

9(C) (2-3) (Skip *Jones*) [roughly, pgs. 635-664]

9(D-E) (Skip *NAS v. Cambridge Trust Co.*) [roughly, pgs. 673-700]

APRIL 5 – TRUSTS: BENEFICIAL INTERESTS

Read from Sitkoff:

10(A) (1-3) (Stop before *Huber*) [roughly, pgs. 701-721]

APRIL 10 – MODIFICATION & TERMINATION OF TRUSTS

Read from Sitkoff:

10(B) [roughly, pgs. 732-757]

APRIL 12 – POWERS OF APPOINTMENT

Read from Sitkoff:

12(A) Pgs. 817-830; 12(B)(3)(b) [roughly, pgs. 844-847]

APRIL 17 – CONSTRUING TRUSTS & FUTURE INTERESTS

Read from Sitkoff:

13(B)(1) [roughly, pgs. 865-880]

APRIL 19 – TAXATION

Reading assignments TBD

APRIL 24

Exam Review

4884-7632-2370, v. 2