

SYLLABUS

TRUST AND ESTATE (3 CREDITS)

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Spring 2024, 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 we will generally try to stick to this schedule and assignments, there may be additional reading—but you will be advised by the prior class as to what is required for the next class.

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 (10%), a midterm (30%), and performance on the final written exam (60%). For participation and engagement, the majority of the grade will be based on your participation during the class(es) you are scheduled, and the remaining based on voluntary participation on other evenings.

Midterm: The Midterm is essay format, scheduled for February 28, 2024, during our class time.

Final Exam: The final exam is scheduled for April 30, 2024, at 6 p.m. The final exam will consist of a selection of multiple choice and short answer questions. A short essay may be included.

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 17

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

Week 2: January 22 & 24

Chapter 2 Intestacy

Week 3: January 29 & 31

Chapter 3 Creation of Wills

Week 4: February 5 & 7

Chapter 4 Amendment and Revocation of Wills

Week 5: February 12 & 14

Chapter 5 Wills—Construction and Interpretation

Week 6: February 19 & 21

Chapter 14 Estate Administration and the Probate Process

Chapter 6 Will Contests

Week 7: February 26 & 28

Chapter 6 Will Contests (cont.)

WEDNESDAY MIDTERM

SPRING RECESS: No Classes March 4 or 6

Week 8: March 11 & 13

Chapter 15 Introduction to Federal Estate and Gift Taxes

Chapter 13 Professional Ethics in Trusts and Estates

Week 9: March 18 & 20

Chapter 7 Nonprobate Transfers and Planning for Incapacity

Week 10: March 25 & 27

Chapter 9 Creation of Trusts

Week 11: April 1 & 3

Chapter 11 Fiduciary Duties and Modification and Termination of Trusts

Chapter 10 Rights of Beneficiaries and Creditors in Trust Property

Week 12: April 8 & 10

Chapter 10 Rights of Beneficiaries and Creditors in Trust Property (cont.)

Chapter 12 Powers of Appointment

Week 13: April 15 & 17

Chapter 8: Family Protection

Week 14: April 22

Overflow Content & Review Class