WILLS & ESTATES
Fall 2013
T/Th 9-10:25 am, Room 114

Prof. Felix Chang

COURSE REQUIREMENTS

Text
Stewart Sterk, Melanie Leslie, & Joel Dobris, Estates and Trusts: Cases and Materials, 4th ed. (Foundation 2011) [Note that this is not the 5th ed.]

Reading Assignments

The syllabus below provides a rough outline of the materials we will be covering. Readings are subject to change to meet the pace and needs of the class (e.g., if certain problems in the textbook should be omitted). When adjustments are made, I will post them on TWEN or send them via e-mail prior to each class. Additional materials may also be posted from time to time. You should therefore check TWEN regularly.

Attendance and Class Preparation
Regular and punctual attendance is required. I reserve the right to count tardiness as absence. That said, I realize that emergencies can arise; if you expect to be late or miss a class due to an emergency, please e-mail me ahead of time. Three or more unexcused absences may affect your grade adversely. Five or more unexcused absences may result in your withdrawal from the course.

All students are expected to read the assigned materials carefully prior to class and be prepared to discuss the materials in great detail during class. If you will not be prepared for class due to an emergency, please e-mail me ahead of time.

For very large classes, I may opt to call on part of the class for certain days or weeks of the semester. This does not absolve anyone of the obligation to prepare for class as outlined above. If you are unprepared more than once when you are on call and I am not provided with a prior explanation, your grade will be adversely affected.

In class, we may often touch upon sensitive issues. That said, I expect class discussions to proceed with respect. If you are consistently disrespectful to me or your fellow classmates, your grade will be adversely affected.

Grading
The grade for this course will be determined by primarily by performance on the final examination. I also take into account attendance and class participation for every student.
Exceptional participation can raise your grade, while absence, unpreparedness, or disrespect can lower your grade.

**Office Hours and Contact Information**
I can be reached by e-mail at felix.chang@uc.edu. Office hours are Tuesdays 11 am-12:30 pm or by appointment. My office is on the fourth floor.

**Recording**
Recording of any part of any class session is not permitted without my prior written consent.

**SYLLABUS**

*In the following readings, you can omit the Problems unless they are flagged in the syllabus.*

**Tues 8/25: pp 1-28**
1. Introduction
   - Living and the Dead
   - *Problem 1 on p 27*

**Thurs 8/27: pp 28-45; 65-72**
- Role of the Lawyer

2. Intestate Successions
   - Introduction

**Tues 9/1: pp 72-84 (end at n 4)**
- Share of Surviving Spouse
  - *Problems pp 75-76 (for Problem 1 only, include the analysis under Ohio law)*

**Thurs 9/3: pp 85-92**
- Lineal Descendants
  - *Problems pp 87-88, 90-91 (exclude the analysis under Ohio law)*

**Tues 9/8: pp 93-100; 107-13 (ending at n 4)**
- Collaterals
  - *Problem p 94 (exclude the analysis under Ohio law)*
- Halfbloods/Adoption
  - *Problems pp 108-109 (include the analysis under Ohio law)*

**Thurs 9/10: pp 130-39; 147-53**
- Nonmarital Children
- Simultaneous Death

**Tues 9/15: pp 154-61 (omit nn 4-6); 164-66**
- Disclaimer
- Advancements
Thurs 9/17: pp 227-50
  3. Wills
    - Execution

Tues 9/22: pp 260-83
  - What Constitutes the Will
  - Problem 1 on p 275, Problem 1 on p 277

Thurs 9/24: pp 283-91 (ending before the note on exoneration); 293-301 (ending before the UPC)
  - Abatement
  - Problem 1 on p 290
  - Ademption

Tues 9/29: pp 306-316 (ending at n.5)
  - Lapse
  - Problems pp 309-10 (subpart a only, but analyze under NY, NH, and VA law), 311

Thurs 10/1: pp 359-81
  - Revocation

Tues 10/6: pp 382-97 (ending before the problems)
  - Dependent Relative Revocation
  - Joint Wills

Thurs 10/8: pp 405-12
  - Illustrative Will

No classes 10/13 and 10/15: fall break

Tues 10/20: pp 413-42
  4. Will Contests
    - Capacity

Thurs 10/22: pp 442-68
  - Undue Influence

Tues 10/27: pp 473-86 (ending after part C)
  - Tortious Interference
  - Preparing for the Contest

No class Thurs 10/29

Tues 11/3: pp 519-40 (ending before Trust Formalities)
  5. Trusts
    - Intro
    - Creation
    - Problems pp 539-40

Thurs 11/5: pp 548-66
  - Support and Discretionary Trusts
Tues 11/10: pp 167-89 (ending before example 2)
   6. Protection of the Family
      - Elective Share

Thurs 11/12: pp 189-93 (ending before the problems)
   - Elective Share cont’d

Tues 11/17: p 193
   - Problem 1

Thurs 11/19: pp 196-203; 45-47 (ending before Gifts); 52-54 (ending before Franklin); 58 (starting at n5)-63 (ending before the notes)
   - Waiver of Elective Share

7. Estate Administration
   - Probate and Nonprobate Transfers

Tues 11/24: 1005-21 (ending before the Problems); 1041-46
   - Estate Administration
   - Duty of Loyalty

No class Thurs 11/26

Tues 12/1: pp 1046-61
   - Duty of Loyalty cont’d
   - Duty of Care

Thurs 12/3: Held open to catch up