Trusts and Future Interests

“Put not your trust in money, but put your money in trust”
-- Oliver Wendell Holmes Sr.

Spring Semester 2014
[Tuesday, 3:05 – 4:55 p.m. • Rm. 114]

Professor Kimberly Breedon

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Course Description and Objectives:
This course covers the creation and operation of trusts and the rights and obligations associated with them. It includes the kinds of trusts available, fiduciary duties in the administration of trusts, the law of future interests, and related topics. The primary aim of this course is to provide an introductory overview of the law of trusts. In particular, this course seeks, in part, to enable students to:

- Identify the requirements for and means of creating and terminating trusts;
- Recognize the various types of trusts, including their requirement, advantages, and limitations;
- Identify and understand the fact patterns and legal formulations required to create the various future interests in trust property;
- Understand and apply the Rule against Perpetuities under the appropriate circumstances; and
- Identify and apply the required fiduciary duties in trust administration.

Required Texts:
JESSE DUKE MINIER AND ROBERT H. SITKOFF, WILLS, TRUSTS, AND ESTATES, 9TH ED. (2013) (hereinafter “casebook”);
HANDOUTS (TO BE MADE AVAILABLE ON OR THROUGH TWEN).

Course Web Page: I have set up a TWEN (The West Education Network) web page for this course. Please register on that web page as soon as possible by going to www.westlaw.com, signing on with your student password, first selecting TWEN from the menu at the lower left-hand side of the screen, and then on the TWEN page selecting the web page for this course. TWEN will then walk you through registration. You will need to supply an email address that you routinely check.

It is your responsibility to keep your TWEN email address current and to check your email frequently. Throughout the semester I will use the TWEN page to distribute course-related
materials, to address administrative issues (including revisions to assignments or, if need be, cancellation and rescheduling of class sessions), and to answer student questions about the course. You are responsible for all material and information distributed via the TWEN page, without regard to whether I also mention the same in class.

Should you have any difficulty using TWEN, please contact your student Westlaw representative. Please let me know should he or she prove unable to remedy any problems you may have.

Students with Disabilities: If you have a disability that requires assistance, you will need to contact Associate Dean Nancy Oliver for coordination in your academic accommodations.

Attendance: Regular and punctual attendance is required. I reserve the right to count tardiness or early departure as absence. As noted below, unpreparedness may also count as absence. Any student with numerous unexcused absences will be subject to a grade reduction (see discussion of grading, below). More than three unexcused absences may result in a student’s withdrawal from the course. Whether such a withdrawal would be deemed authorized or unauthorized failing would ultimately be the decision of Associate Dean Nancy Oliver. A student seeking an excused absence must give me a brief explanation in writing (or by email), preferably before class, if possible. Illness or personal or family emergencies always constitute valid excuses for missing class, and I will entertain other grounds for excuse on a case by case basis. Of course, I will also honor the College’s policy of respecting observance of any religious holidays.

Class Expectations:

Preparation: Students are expected to read and think about the assigned materials carefully prior to class and to be prepared to discuss the materials during class. I reserve the right to count unpreparedness as absence (see discussion of grading, below, for consequences).

Participation: I expect every student to participate in class discussion. Every student must share the burden of discussing the cases or working the problems. It is your responsibility to fulfill this duty to participate. As a threshold matter, each student must sign up to be specially prepared to discuss at least two cases during the semester. I will post sign-up sheets for special preparation on TWEN for this purpose. A student who signs up for a case should have it prepared whenever we get to it, regardless of whether we are running ahead or behind schedule. Excellent participation can earn a student an increase in his or her final grade (credit for class participation is added after exam scores have been determined). Lack of class preparation or participation (or attendance) can lower a student’s final grade.

Respectful Presence: Students are expected refrain from web surfing, e-mailing, texting, or using cell phones during class, as they are both disruptive of class time and disrespectful to other class participants. I realize that exigencies can arise, so if you absolutely must take a call, please leave the classroom and return once the call is over. In
addition, if your cell phone is turned on during class, please make sure that it is on vibrate.

**Grading:** The grade for this course will be determined by your performance on the final examination. Absences, unpreparedness, and/or lack of participation can lower your grade (see discussions of attendance and of class expectations, above). Exceptional participation can raise your grade.

**Office Hours and Contact Information:** I strongly encourage you to contact me as often as you wish with any questions, suggestions, or concerns about this course or about law school generally. **My office is Room 421 (phone: 513-556-0061), and I will make every effort to be available to meet with you (and take your phone calls), at the following times (at a minimum):**

**Tuesdays: 2:00 p.m. - 3:00 p.m.**

I will also frequently be available at my office at other times and at any mutually convenient time by appointment. The hours above are merely the lower threshold for my availability.

In addition, you may reach me by email at kimberly.breedon@uc.edu or kbreedon1020@gmail.com. As a general rule, I will check my voicemail and email messages periodically each business day. (I may, however, take more than a day to respond.) I encourage you to write me comments or questions about the subjects we will be covering in class.

**Reading Assignments:** I will distribute a list of the topics that we will cover this semester, along with a tentative, partial schedule of reading assignments for the first several weeks of the semester. I will update the reading schedule for subsequent weeks as the semester progresses. We will follow the reading schedule as much as possible; nevertheless, I do expect changes, and I will announce any changes to the reading schedule as soon as I foresee them. The reading schedule is meant to assist your planning and efficient use of time, but it is subject to amendment. **You should prepare the material assigned for discussion on a particular day, whether or not you think we’ll get to it that day.**