TRANSMISSION OF WEALTH
Professor Michael Hatfield
Winter 2016

Meeting: Monday, Wednesday, and Friday 1:30-3:00
Office hours: Wednesdays, 3:00-4:00 (and by appointment)
Contact: mhat@uw.edu
206-348-3318 (cell phone)
Assistant: Tabitha Acosta, ta25@uw.edu

Text: Gary, Borison, Cahn, Monopoli Contemporary Approaches to Trusts and Estates (2011) and Handouts (provided through the course website).

Exam: The exam will be an 8 hour take-home exam.

Journal: You are required to maintain a T&E Issues Journal in Word or PDF format. During the quarter, expect to be called upon in class to discuss your recent entries. The format of the Journal should be a cut-and-pasted excerpt from a blog or media report on a current issues related to estate planning, trust and estate administration, inheritance, probate, guardianship, end-of-life health decisions and similar topics followed by a paragraph of your reaction to the blog or media report. The purpose of maintaining the Journal is to encourage your active review of these issues. You may use any blog or media outlet. I suggest you begin by reviewing http://lawprofessors.typepad.com/trusts_estates_prof/. You must submit 6 entries on January 22; 6 additional entries on February 8; and 6 more entries on February 26. Submissions must be uploaded to the Canvas sites.

Grade: Your final grade in the course will be the grade on the final exam. However, your final grade may be lowered one increment (e.g., B+ to B) for either poor class participation or poor preparation of your T&E Issues Journal.

Accommodations: If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me at your earliest convenience so we can discuss your needs.

If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations (conditions include but not limited to; mental health, attention-related, learning, vision, hearing, physical or health impacts), you are welcome to contact DRS at 011 Mary Gates Hall or 206-543-8924 or uwdrs@uw.edu or disability.uw.edu. DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions.

Reasonable accommodations are established through an interactive process between you, your instructor(s) and DRS. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.
**Class Assignments:** You are responsible for having the following assignments completed by the noted date, **regardless of the pace of class discussion.** Assignments may be increased or otherwise modified during the quarter; such modifications will be announced via e-mail.

**Note the dates on which T&E Issues Journal submissions are due.**

**January 4**

CLASS LECTURE: *INTRODUCING ESTATE PLANNING*
Read: 1-20 and 41-56; TOW Handout 1

**January 6**

CLASS LECTURE: *PROFESSIONAL RESPONSIBILITY*
Read: 20-31; TOW Handout 2

CLASS LECTURE: *MALPRACTICE IN ESTATE PLANNING*
Read: 32-40

**January 8**

CLASS LECTURE: *DEFINING CHILDREN*
Read: 57-70
Study: Questions on p. 69; Problems on p. 70

CLASS LECTURE: *ADOPTED CHILDREN*
Read: 70-80; 91-92
Study: Problems on pp. 76 and 80

**January 11**

CLASS LECTURE: *CLASS GIFTS TO CHILDREN*
Read: 92-103; TOW Handout 3
Study: Question on page 98; Notes and Questions on page 103

CLASS LECTURE: *DEFINING PARENTS AND SPOUSES*
Read: 103-116

**January 13**

CLASS LECTURE: *COMMUNITY PROPERTY*
Read: 658-661; TOW Handout 6
Study: Notes and Questions on page 109; Exercise on p. 110; Exercise on p. 114; Problems on p. 115
January 15

CLASS LECTURE:  *INTESTACY*
Read:  117-128;  137-158;  TOW Handout 4;  TOW Handout 5;  TOW Power Point 1
Study:  Examples on page 155-158;  solve problems 1, 2, and 3 on pp. 155-58.  Note:  focus on inheritance of issue, not collateral relatives.

CLASS LECTURE:  *ADVANCEMENTS*
Read:  159-166
Study:  Exercise, p. 161;  Problems 1 and 2 on p. 164

January 20

CLASS LECTURE:  *NON-PROBATE TRANSFERS*
Read:  167-195;  TOW Handout 7

January 22

CLASS LECTURE:  *TO BE DETERMINED*

  T&E ISSUES JOURNAL SUBMISSION: SIX ENTRIES DUE
  (UPLOAD TO CANVS SITE)

January 25

CLASS LECTURE:  *INTRODUCING TRUSTS*
Read:  41-50 and 221-242

CLASS LECTURE:  *TRUST FORMALITIES*
Read:  242-278;  TOW Handout 8

CLASS LECTURE:  *REVOCABLE TRUSTS*
Read:  278-287;  TOW Handout 8 (cont.)

January 27

CLASS LECTURE:  *TRUSTEE DUTIES #1*
Read:  289-313;  TOW Handout 9
Study:  Question on page 309

CLASS LECTURE:  *TRUSTEE DUTIES #2*
Read:  313-342;  TOW Handout 10
Study:  Problems on page 317
January 29

CLASS LECTURE: TRUSTEE DUTIES #2
Continued

February 1

CLASS LECTURE: TRUST DISTRIBUTION STANDARDS
Read: 343-384; 431-432; TOW Handout 11
Study: Problems 1 and 2 on page 356

CLASS LECTURE: THE RULE AGAINST PERPETUITIES
Read: 434-441

February 3

CLASS LECTURE: ASSET PROTECTION PLANNING 1
Read: TOW Handout 12
Study: Problem 1 on p. 379; Exercise on p. 380

CLASS LECTURE: ASSET PROTECTION PLANING 2
Read: 380-384 and TOW Handout 13

February 5

CLASS LECTURE: POWERS OF APPOINTMENT
Read: 401-406 and TOW Handout 14

CLASS LECTURE: TRUST MODIFICATIONS
Read: 384-400

CLASS LECTURE: REVIEW OF TRUST ISSUES

February 8

CLASS LECTURE: TO BE DETERMINED

T&E ISSUES JOURNAL SUBMISSION: SIX ENTRIES DUE
(UPLOAD TO CANVS SITE)

February 10

CLASS LECTURE: WILL FORMALITIES
Read: 443-471; TOW Handout 15
CLASS LECTURE: **HOLOGRAPHIC WILLS**  
Read: 472-487; Study Problem 1, on p. 486

**February 12**

CLASS LECTURE: **PROFESSIONAL RESPONSIBILITY IN WILL DRAFTING**  
Read: 20-33 and 500-510; Study Questions p. 503 and p.

CLASS LECTURE: **IDENTIFYING THE WILL’S TERMS**  
Read: 53-56 and 513-525; TOW Handout 16  
Study: Question p. 516 and Problems and Questions on pp. 519-520 and 522

**February 17**

CLASS LECTURE: **RESOLVING AMBIGUITIES IN THE WILL’S TERMS**  
Read 525-533; TOW Handout 17  
Study: Exercise on p. 532 and Notes and Questions on pp. 532-533

CLASS LECTURE: **UNITENTIONALLY OMITTED SPOUSES AND CHILDREN**  
Read: 696-717; TOW Handout 18

**February 19**

CLASS LECTURE: **INTERPRETING THE WILL**  
Read: 533-578; TOW Handout 19  
Study: Rest. Third of Property Wills § 5.1, p. 536; UPC § 2-604 on p. 537; UPC § 2-603 on pp. 539-539; answer the questions on the handout; solve the Problems on pp. 547-548 (using the handout with Will of Taylor Smith etc.); UPC § 2-606 on p. 550; UPC § 2-605 on p. 552; solve the Problems on pp. 555-556 (using the handout); UPC § 2-609 on p. 558; UPC § 2-507 on p. 559; UPC § 3-902 on p. 560; Problems on p. 561 (using handout); materials on apportionment on pp. 561-562; UPC § 2-702; Problem on p. 573; UPC § 2-1105 on p. 575; UPC § 2-1106 on p. 575; UPC § 2-1113 on p. 576; Internal Revenue Code § 2518 on p. 577; and Problem on p. 577 (assuming the disclaimer needs to qualify for tax purposes).

**February 22**

CLASS LECTURE: **REVOKING THE WILL**  
Read: 599-631  
Study: Problems on p. 602; Problems on pp. 604-605 (ignore references to UPC § 2-503); Problems on p. 631

CLASS LECTURE: **COMPLICATIONS OF REVOCATION**  
Read: 617-631
Study: Problems on p. 631

February 24

CLASS LECTURE: WILL CONTESTS
Read: 632-653; Handout TOW Handout 20

February 26

CLASS LECTURE: TO BE DETERMINED

T&E ISSUES JOURNAL SUBMISSION: SIX ENTRIES DUE
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February 29

CLASS LECTURE: ESTATE ADMINISTRATION
Read: 829-899

March 2

CLASS LECTURE: PLANNING FOR INCAPACITY
Read: 719-737 and 759-763; Michael Jackson’s Will (p. 55)
Study: Exercises p. 723; Problems on pp. 732-733; Problem 2 and Exercise on p. 737

March 4

CLASS LECTURE: END-OF-LIFE ISSUES
Read: 737-758 and 736-769; Appendices B and C

March 7

CLASS LECTURE: TO BE DETERMINED

March 9

CLASS LECTURE: REVIEW