Professor David English  
Office: Room 210  
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Course Description

Estate Planning is a three-hour elective that will apply what you have learned in Estates and Trusts and Basic Federal Income Taxation to the drafting of estate planning documents and other written communications.

Required Course Materials


(2) Supplement to be developed and posted on TWEN as semester progresses.

There is a page on TWEN for this course on which will be found a copy of this syllabus. The supplement and powerpoint slides will be posted as the semester progresses.

Assignments

The assignments for the course are attached to this syllabus.

Canvas Tax Lectures

Instead of trying to address advanced tax concepts in class, we will cover them by lectures that will be posted on Canvas. We will then spend time in class reviewing the tax lectures and answering your questions.

Grading

The course grade will be based on the following elements:

(1) Class participation—10%
(2) Written analysis of defective will (Chapter 2)—10%
(3) Draft marital agreement with annotations (Chapter 4)-20%
(3) Draft estate plan for young married couple with young children (Chapter 7)—30%
(5) Draft revocable trust and related documents for elderly client in physical decline (Chapter
Due dates for the various projects will be assigned as the semester progresses.

Instructor

I am the W.F. Fratcher Professor of Law at the University of Missouri at Columbia, where I have taught Property, Trusts and Estates, Estate Planning, Federal Income Tax, Elder Law, and Will and Trust Drafting. Before becoming a law teacher, I was an associate in the estate planning and probate department at the Chicago law firm of McDermott, Will and Emery, and an estate planning and tax associate and later partner at the Chicago law firm of D’Ancona and Pflaum.

I spend much of my time as a Uniform Law Commissioner for the State of Missouri. I was the Reporter (principal drafter) of the Uniform Trust Code, the Uniform Health-Care Decisions Act, and the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, and Chaired the Committee that drafted the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act. I also spend much of my time working with other professional organizations. I am currently the Chair of the ABA Section of Real Property Trust and Estate Law and Co-Chair of the Guardianship Statutory Task Force of the Missouri Developmental Disabilities Council. I am also the immediate past Chair of the ABA Commission on Law and Aging, and a past Chair of the Probate and Trust Committee of the Missouri Bar.


Office Hours

I maintain an open door policy. The best time for questions is immediately after class.

Audio/Video Recording

Recording of any part of the class session, in any action or video format, is not permitted without my permission.

Attendance Policy

According to American Bar Association accreditation guidelines, students must attend 80% of all classes. Any student who misses more than 5 regularly scheduled classes during the semester may be withdrawn from the course. Attendance will be taken beginning with the second week of class.
Mandatory Notices

Academic Dishonesty

Academic dishonesty can result in a lowered grade or failure of the course, dismissal from the school, and even disqualification for the bar exam. Academic dishonesty includes but is not limited to cheating, plagiarism, unauthorized possession of exams, and unauthorized changing of grades.

ADA Statement

If you have special needs eligible for assistance under the Americans with Disabilities Act (ADA) and desire such assistance, please contact the Office of Disability Services, Memorial Union S5, 882-4696, or the Associate Dean for Academic Affairs immediately. Reasonable efforts will be made to accommodate your special needs.

Diversity of Viewpoints

The School of Law community welcomes diversity and respects student rights. Students who have questions concerning the quality of instruction in this class may address concerns to either the Dean or Director of the Office of Student Rights and Responsibilities. All students will have the opportunity to submit an anonymous evaluation of the instructor at the end of this course.

Learning Objectives

Students will:
• apply knowledge learned in Estates and Trusts and Basic Federal Income Taxation to the preparation of estate planning documents for hypothetical clients;
• learn how to draft wills, trusts, powers of attorney and related estate planning documents;
• learn now to work with electronic forms systems

Assessment: formative

Standard 303 compliant (simulation/law clinic/field placement)? Yes
Chapter 1. Working with Clients

Read Chapter 1. Will discuss Exercises 1-1 (will interview), 1-3, 1-4, 1-5 (professional ethics), and 1-8 (custody of the will) in class.

Chapter 2. A Review of the Fundamentals of Drafting Wills

Read Chapter 2. Will discuss Exercises 2-1, 2-2, 2-3 (language issues), 2-7 (codicil procedures) and 2-8 (analysis of dispositions in light of near simultaneous deaths) in class. Read Case Study 2-1. Prepare written response to Exercise 2-6 (evaluation of will).

Chapter 17. Probate

Read Chapter 17, Part A. Will discuss in class.

Chapter 3. The Young Adult

Read Chapter 3. Will discuss Case Study 3-1, all parts.

Chapter 4. The Wealthy Young Adult Contemplating Marriage

Read Chapter 4. Will discuss Case Study 4-1, Parts A-D and F in class. Draft documents as required for Case Study 4.1, Part E.

Chapter 5. The Young Married Couple (Without Children)

Read Chapter 5 other than Part E. Will discuss Parts A, B, and D of Case Study 5.1 in class.

Chapter 6. Unmarried Couples

Read Chapter 6. Will discuss Case Study 6-1, all parts, in class.

Chapter 7. The Married Couple (with Young Children)

Read Chapter 7. Will discuss Case Study 7.1, Parts A-B, D-E in class. Draft documents as required for Case Study 7.1, Part C.

Chapter 8. Gifts from Grandparents

Read Chapter 8, Part E (standard provisions in trust documents). Will discuss in class.
Chapter 15. Planning for Incapacity

Read Chapter 15, Parts A and B. Will discuss Case Study 15-1, Parts A-B in class. Draft documents as required for Case Study 15-1, Part C.