

ADVANCED TOPICS IN ESTATES AND TRUSTS (SEMINAR)
(LAW 6936)
(2 credit hours)

Professor Grayson McCouch

Fall 2018

Office Hours, Telephone and E-mail

My office is located in Holland Hall 312B. Regular office hours are on Tuesday and Thursday, 2:30–3:30 p.m., or by appointment. If I am in my office and the door is open, you are welcome to drop by. You can also reach me by telephone at 352.273.0991 or by e-mail at gmccouch@law.ufl.edu.

Course Materials

There is no required textbook for the course. However, students should have access, either through the law library or via an electronic data base, to law journals, uniform laws, restatements, and treatises. Reading assignments for each class will be posted on the course website (TWEN) at least one week in advance of the scheduled class meeting time.

Course Objectives

The course has three primary objectives: first, to introduce students to selected substantive topics in trusts and estates; second, to give students an opportunity to develop their research and writing skills; and third, to foster students' oral communication skills through classroom presentations and discussions. In the initial class meetings we will discuss the nature and function of express trusts, focusing on the respective roles of the settlor, the trustee, and the beneficiaries. During the semester each student will choose a research topic, compile a bibliography, systematically review relevant sources and authorities, and prepare a substantial paper reflecting the results of the research. In the latter part of the semester each student will also give an oral presentation and lead a class discussion relating to his or her research topic.

Students should already have taken (or currently be enrolled in) the basic survey course in Trusts and Estates. Fiduciary Administration and Future Interests are helpful but not required.

Class Meetings and Attendance

Class will meet in Room 354 at 1:00–2:40 p.m. on Wednesdays, beginning August 15. Regular and punctual attendance is required. A student with more than two unexcused class absences may be penalized in the final grade or excluded from the course. Students should be prepared to discuss the assigned readings in class, and may expect to spend at least 60 hours outside of class meetings in research and writing during the semester.

Topical Outline

During the first five class meetings, topics will be covered in the following order. Reading assignments will be posted on the course page (TWEN). The assigned reading materials are available electronically on Westlaw and Lexis; links to those materials should also be posted on ARES.

- Aug. 15 Introduction
- Aug. 22 Duty of Loyalty
- Aug. 29 Trust Investments
- Sept. 5 Trust Protectors; Duty to Inform
- Sept. 12 Asset Protection Trusts

Research Topics, Class Presentations, and Papers

At the beginning of the semester, each student will propose a research topic which must be approved by me. I will provide a nonexhaustive list of general research areas and will be available to discuss specific topics proposed by individual students. Each student must submit a written topic proposal (no longer than one or two paragraphs) to me by Aug. 29 for review and approval.

During the semester each student will compile a bibliography of relevant primary and secondary sources (e.g., statutes, judicial decisions, law journals, and treatises) relating to his or her research topic. The final paper reflecting the results of the research will be 25–30 pages long (including footnotes). A first draft must be submitted to me by 5:00 p.m. on Oct. 17 for review and comment; the final paper is due by 5:00 p.m. on the last day of classes (Nov. 26). Papers should be in Word (or WordPerfect) format, with standard 1-inch margins and text in 12-pitch font, and should be submitted as an e-mail attachment. A student who submits a paper after the deadline may be penalized in the final grade.

During the last five weeks of class, each student will give an oral presentation and lead a class discussion (including questions and comments from classmates) on the topic of his or her research paper. Approximately one half hour of class time will be allotted for each student's presentation and discussion.

Evaluation

Students will be evaluated primarily based on the quality of their research papers and class presentations. Consideration will also be given to active, voluntary participation of consistently high quality in class discussion. Grades will follow the law school grading policy, which is available at <http://www.law.ufl.edu/students/policies.shtml#9>.

Students are encouraged to provide feedback on this course by completing an online evaluation shortly before the end of the semester. Students will be notified in advance of the

online evaluation period. Summary results of the evaluation are available at <https://evaluations.ufl.edu/results/>.

Learning Outcomes

Upon completion of the course, students should have (1) a basic understanding of the nature and scope of trustees' fiduciary duties and beneficiaries' rights, (2) an ability to perform legal research and writing on a topic related to trusts and estates, and (3) an ability to present a research topic orally and respond to questions.

Disability Accommodation

Students with disabilities requesting accommodations should first register with the Disability Resource Center (352.392.8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the Law School Office of Student Affairs when requesting accommodations. Students with disabilities should follow this procedure as early as possible in the semester.

Honor Code

Students are subject to the UF Student Honor Code, which can be found at <http://www.dso.ufl.edu/students.php>.