

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

Professor Grayson McCouch

Fall 2022

*Office Hours, Telephone and E-mail*

My office is located in Holland Hall 312B. Regular office hours are on Thursday at 10:30 a.m.–12:30 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](mailto: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 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 285A at 10:00–11:50 a.m. on Wednesdays, beginning August 24. Regular and punctual attendance is required. A student with more than two unexcused class absences may be penalized in the final grade or dropped 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. The assigned reading materials are available electronically on Westlaw and Lexis; links to those materials should also be posted on ARES.

Aug. 24	Introduction
Aug. 31	Duty of Loyalty
Sept. 7	Trust Investments
Sept. 14	Trust Protectors; Duty to Inform
Sept. 21	Asset Protection Trusts

### *Research Topics, Class Presentations, and Papers*

At the beginning of the semester, each student will select a research paper topic which must be approved by me. I will provide a nonexhaustive list of general research areas and will be available to discuss specific topic proposals with individual students. Written topic proposals (no longer than one or two paragraphs) must be submitted to me by Wednesday, Sept. 7 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 journal articles, and treatises) relating to his or her research topic. The final paper reflecting the results of the research will be 20–30 pages long (including footnotes). A first draft must be submitted to me by 5:00 p.m. on Wednesday, Oct. 19 for review and comment; the final paper is due by 5:00 p.m. on the last day of classes (Tuesday, Nov. 22). 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. The final grade for the course may be raised by one grade level to reflect active, voluntary participation of consistently high quality in class discussion. Grades will follow the law school grading policy, which is available at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>.

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://gatorevals.aa.ufl.edu/public-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, <https://disability.ufl.edu/>) 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.

### *Class Recording Policy*

Class recordings are maintained for a limited period of time by the Office of Student Affairs for students who miss class for health reasons. Students seeking access to class recordings should contact the Office of Student Affairs promptly after each absence.

### *Honor Code*

Students are subject to the UF Student Honor Code, which can be found at <https://sccr.dso.ufl.edu/process/student-conduct-code/>.