Basic Estate Planning Syllabus
(subject to change)

Spring 2016
Wednesdays 5–7:30 p.m.
Room 204
Law 526-3, § 001

Assoc. Prof. Drennan
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618-453-8729 (office)
314-943-4683 (cell)
Room 220

Required Materials: Course Packet of Materials (a/k/a “Corpak”). You will not need the Course Packet of Materials (“Corpak”) for the first two weeks of class. I will notify the class by email as soon as the Corpak is available for purchase. There may be additional hand-out materials from time to time.

Course Description: Estate Planning is arranging for the orderly distribution of an individual’s property at death—and much more. The traditional focus of estate planning has been on probate avoidance and tax minimization. While these remain relevant, additional topics will include disability planning, creditor protection, charitable planning, behavior-modification trusts, and asset management. Estate planners today may plan transfers of property to spendthrift beneficiaries and disabled beneficiaries, plan for the possibility of divorce, and plan for leaving property for the benefit of pets.

Grading: It is anticipated that there will be three graded drafting/writing assignments, and there will be no final exam, and that the first assignment will represent approximately 20% of the final grade; the second assignment will represent approximately 15% of the final grade, and the third assignment will represent approximately 65% of the final grade. For the first two assignments students will be required to work in pairs or in groups of three—students may choose their partners for these assignments (there is no requirement that you have the same partner(s) for both assignments). My assistant will assign any students who have not joined a group by a certain date. Students will work alone on the final assignment.

PROJECTED READING ASSIGNMENT FOR THE 1st WEEK:
Wednesday, January 20, 2016: Read Introductory Reading Materials pages 1 to 22 (including In re George McCoy; and Needham v. Hamilton, and Pridmore v. Pridmore). You will not need the Course Packet of Materials (“Corpak”) for the first two weeks of class.

PROJECTED READING ASSIGNMENT FOR THE 2nd WEEK
Wednesday, January 27, 2016: SKIM Introductory Reading Materials pages 23 to 48 (which continues the discussion of Intestacy & Wills, then moves on to estate planning miscellaneous materials, and an introduction to premarital agreements); READ Introductory
Attendance Policy: You are allowed to miss three (3) classes. Attendance will be taken at the beginning of class by passing around a roll sheet.

Recording of Classes: Students may audio record class from their regular location in the classroom, unless the professor announces in class that this policy has changed. Recordings of the class may not be shared with persons who are not enrolled in this class without the professor’s prior consent.

Emergency Procedures: Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT’s website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in an Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

Disability Policy: The School of Law no longer makes determinations about appropriate accommodations for disabilities. Those decision are now made by the University Disability Support Services (“DSS”) Office. In regards to these procedures: Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. http://disabilityservices.siu.edu/. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

Saluki Cares: The purpose of Saluki Cares is to develop, facilitate, and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For information on Saluki Cares: (618) 453-5714 or siucares@siu.edu,
http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

**Student Learning Outcomes:** At the end of this course, students will be able to:

- Advise potential clients on why they likely should have a will rather than allow their property to pass by the intestacy laws of either the state of Illinois or Missouri.
- Explain to potential clients the various problems that can arise due to changes in circumstances between the time a will is signed and the time the client dies, and be able to identify drafting techniques that may address those potential problems.
- Explain the economic rights that an Illinois or Missouri spouse has if his or her spouse dies, even if the predeceasing spouse has attempted to disinherit the surviving spouse.
- Prepare a draft pre-marital agreement for an Illinois couple.
- Analyze the issues faced by unmarried co-habiting couples in Illinois who wish to address their economic rights and obligation with a contract.
- Identify potential issues when a client desires to establish a charitable trust that will award scholarships to students of a particular race, gender, or religious affiliation.
- Advise clients regarding the potential tax benefits of charitable giving, and the rules for establishing a tax-exempt private foundation eligible to receive tax-deductible contributions.
- Prepare a trust that will be eligible to receive tax-deductible contributions and will award scholarships to students based on certain preferences designated by a hypothetical client.
- Advise potential clients about various methods of avoiding probate.
- Advise potential clients about various issues in connection with drafting a revocable trust, including (i) how to structure a beneficiary’s right to income and principal; (ii) how to protect a beneficiary’s interest in the trust from creditor claims; (iii) how to protect a beneficiary’s right to disability or other government benefits even though the beneficiary may receive substantial benefits from the trust; and (iv) how to structure trusts that may modify the beneficiary’s behavior (for example, structuring a trust that may encourage the beneficiary to obtain a graduate or professional degree).
- Prepare a revocable trust that will use the decedent’s property to benefit multiple generations.

**Calendar**

Jan. 20
Jan. 27
Feb. 3
Feb. 10
Feb. 17
Feb. 24
March 2
March 9
March 16 – Spring Break
March 23
March 30
April 6
April 13
April 20
April 27
Reading Day: Monday, May 2

**Tentative Assignment Schedule**

<table>
<thead>
<tr>
<th>Assignment #1</th>
<th>Assignment Handed-Out: Feb. 3</th>
<th>Assignment Due: Feb. 17</th>
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<tbody>
<tr>
<td>Assignment #2</td>
<td>Assignment Handed-Out: Feb. 24</td>
<td>Assignment Due: March 9</td>
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<tr>
<td>Assignment #3</td>
<td>Assignment Handed-Out: April 13</td>
<td>Assignment Due: Monday, May 2</td>
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