Assignment for August 25th and preliminary course information

Unit I: The Power to Transmit Wealth at Death: Policy Considerations

Please carefully read the pages identified below from Wills, Trusts, and Estates (8th ed.) by Dukeminier, Sitkoff, and Lindgren for the first day of class. Be prepared to thoughtfully discuss the following issues:

1. What are the pros and cons of allowing older generations to transmit property to younger generations at their death? Should the state place any limits on this ability, by taxation or otherwise? What other systems for dealing with property owned by a decedent can you imagine? (Pages 1-3, 16-27)

2. To what extent should you have a right to determine what happens to your property after you die? (Pages 27-28, 33-38)

Consider the following:

   a. In the Shapira case (omitted from the assigned reading), the testator left his son a portion of his estate, but only if the son married a Jewish woman within 7 years. What are the pros and cons of allowing testators to impose such restrictions on their heirs? What if the restriction instead merely required the son to attend synagogue weekly? Go to college? Hold a job?

   b. Should a person be allowed to order that their property be destroyed after their death? Consider the stories in the casebook (page 37) concerning Hugo Black and Franz Kafka. Suppose Black’s will had ordered the shredding of his Supreme Court conference notes and Kafka’s will had demanded the destruction of his writings. Should a court require their executors to respect their wishes? Are there any differences in the Black and Kafka cases that might influence a court’s resolution of the problem?

At some point during the first week of class, you should also skim pages 38-47. These pages provide important background information.

We will be using TWEN for the remainder of the semester, so be sure to add our class to your course list. The assignment for August 27th has already been posted, as has a course syllabus.

Lastly, in addition to the Dukeminier casebook, the Langbein and Waggoner compilation of Uniform Trust and Estate Statutes (2009-2010 edition) is required for the course.