Trusts & Estates  
Fall 2021 Syllabus

Professor Barbara Lock.  
Email: block@seattleu.edu.  
Class times: Tuesday & Thursday 10:30-11:45.


Canvas Course Page. I will post the syllabus and other information about the course on the Canvas course page.

Laptops and Recording. Laptops and other electronic devices may be used in class only for taking class notes and accessing materials we are discussing in class. You may not electronically record classes without my express consent unless you have a disability accommodation. Recording devices can make individuals feel less free to express themselves, and I like to encourage an open and welcoming atmosphere for discussion.

Course Overview. This course covers the law and policy of the two main legal vehicles for controlling the posthumous distribution of one’s property: wills and trusts. Specific coverage includes introductory matters (freedom of disposition and the mechanics of succession); intestate succession (basic structure, transfers to children, and bars to succession); the law of wills (formalities, contests, and construction); the law of trusts (creation, administration, alienation, appointment powers, and duration); and related issues (other will substitutes, planning for incapacity, and limits on freedom of disposition).

Expected Learning Outcomes. Upon completion of this course, you will:
1. Know how property passes when a person dies intestate or with a will.
2. Understand the different types of wills, how to determine whether a will is valid, and how to guard against a will contest.
3. Understand and appreciate the effect of changes to property and to beneficiaries after a will’s execution.
4. Know how to interpret and construe wills using applicable statutory and judicial rules.
5. Know how and why a trust is created, and how it is administered, enforced, modified, and terminated.
6. Understand the roles of the settlor, trustee, and beneficiary of a trust.
7. Understand the trustee’s duties and powers, and the difference between them.
8. Understand the difference between a constructive and a resulting trust, and the importance of the constructive trust as an equitable remedy.
9. Understand how a revocable trust is used as a will substitute.
10. Understand the use of other will substitutes such as life insurance and payable on death accounts.
Methods of Assessing Outcomes. You will have a final exam worth 60% of your grade and a midterm worth 40% of your grade. Attendance and class preparedness/participation are required and expected. Too many unexcused absences may cause you to fail the class.

Support for Students with Disabilities. If you have, or think you may have, a disability (including an “invisible disability” such as a learning disability, a chronic health problem, or a mental health condition) that interferes with your performance as a student in this class, you are encouraged to arrange support services and/or accommodations by contacting Donna Deming, Associate Dean for Student Affairs (Office 210H, dceming@seattleu.edu). Disability-based adjustments to course expectations can be arranged only through this process.

Notice on Religious Accommodations. It is the policy of Seattle University to reasonably accommodate students who, due to the observance of religious holidays, expect to be absent or endure a significant hardship during certain days of their academic course or program. Please see, Policy on Religious Accommodations for Students (https://www.seattleu.edu/media/policies/Policy-on-Religious-Accommodations-for-Students---FINAL.pdf).

Class Dates – Note: One class every other week will be taught remotely.

There are 28 scheduled classes (excluding Veteran’s Day and Thanksgiving Day). There are 27 reading assignments. The midterm will occur on October 7th during the regularly scheduled class period. There will be no reading assignment for that date. My goal is to complete one reading assignment each class period. If I need to revise the reading assignments, I will post the revised assignments on Canvas.

Week 1

August 24. Chapter One. Introduction: Freedom of Disposition. Read entire chapter, but just skim pp. 16-33. Section B. on the mechanics of succession is important background reading that you need to know, but we will not discuss in class.


Week 2


September 2. Chapter Three. Wills: Formalities and Forms. Read pp. 141-176. ZOOM.

Week 3


Week 4


Week 5


Week 6


Week 7


October 7. MIDTERM

Week 8


Week 9


Week 10


Week 11


Week 12


November 11. VETERAN’S DAY – NO CLASS.

Week 13


Week 14


November 25. THANKSGIVING DAY – NO CLASS.

Week 15


December 2. *Chapter Fourteen. The Rule Against Perpetuities and Trust Duration.* Read pp. 887-916