

ESTATES
Professor Gary Brooks

ASSIGNMENT #1: INTRODUCTION TO INHERITANCE AND ATTORNEY LIABILITY

Objectives:¹

1. Understand course logistics, expectations, and requirements.
2. Understand the nature of property and the ability to control its transmission at death.
3. Consider the value of inheritance and its advantages and disadvantages.
4. Consider the policy implications of allowing a decedent to control the disposition of property at death, including the right to condition inheritance on specific behavior or to request destruction of property.
5. Understand the concept of “freedom of testation” and its limitations.
6. Understand the basic terminology of intestacy, wills, and probate.
7. Consider the possible remedies for a lawyer’s mistakes or wrongful conduct.

Required Reading:

Course Syllabus posted on TWEN (under Syllabus)
Text: pages 1 to 20, and 51 to 57

Suggested Reading:

Course Overview posted on TWEN (under Syllabus)

SPECIFIC ASSIGNMENTS:

1. Read the Syllabus before the first class. Take special note of the class participation requirement and the laptop requirement for the final examination.
2. Be prepared to discuss *Shapira v. Union National Bank* at page 5.
3. Read *In re: Estate of Max Feinberg* (attached) and be prepared to discuss
4. Be prepared to discuss *Simpson v. Calivas* at page 52.
5. Read *Sisson v. Jankowski* (attached) and be prepared to discuss.

¹ Each assignment has course objectives that are designed to help you prepare for class. The term “understand” indicates that you are responsible for learning the concepts and rules. This means that you should be able to apply those concepts and rules to various hypotheticals and to explain the policy or theory underlying the concepts and rules. The term “consider” indicates that the issue is one of policy or theory and not rules or standards. You are responsible for understanding and being able to articulate the theories and policies implicated by the statutes, cases, and other readings assigned for this course.