



Message from the Section Chair

Robert Sitkoff (Harvard)



Greetings! These are exciting times indeed for the Section on Trusts and Estates. Our field is in the midst of quiet revolution. Traditional rules that had remained static for decades have lately been revised substantially or, in some cases, reversed. Cases involving facts that are indistinguishable from precedents fewer than twenty-years old are yielding opposite outcomes.

Some of this law reform has been bottom-up, driven by local lawyers and bankers in response to the increasingly national scope of the competition for trust and estate business. The bottom-up reforms, meant to attract business to the state, tend to promote dead hand control (e.g., perpetual trusts). Other major changes have been top-down, spurred on by the Uniform Acts and Restatements. The top-down reforms, often presaged in the scholarly literature (e.g., the prudent investor rule), tend to effect systematic updating.

The result of these dual modes of law reform is a rapidly changing canon, one that is increasingly statutory. And with the new canon has come a fresh and dynamic teaching and scholarly frontier. The recent scholarship collected in this newsletter at page 9 spans a broad array of topics and methodologies, a testament to the renewed vibrancy of the field. Further evidence for the shifting landscape is provided by the teaching survey results presented at page 7. In contrast to the prototypical Trusts and Estates course of years past, today's Trusts and Estates classes are more likely to cover will substitutes and fiduciary administration than future interests, rules of construction, or perpetuities.

At our Section's Annual Meeting in New Orleans, to be held on January 9, Program Chair **Melanie Leslie (Cardozo)** will preside over "Changing Times, Changing Law: Evaluating Legal Trends in Trusts and Estates Law." The panel will include presentations by **Phyllis C. Smith** (Florida A&M), **Robert Whitman** (Connecticut), and **Iris Goodwin** (Tennessee), and commentary by **Lee-ford Tritt** (Florida), **Bridget Crawford** (Pace), and **Jeffrey Cooper** (Quinnipiac). The topics are the tax ramifications of asset protection trusts, fiduciary accounting rules, and family trust companies.

Along with the rest of the Executive Committee, I hope to see you at the Annual Meeting. In the meantime, please do not hesitate to contact me or any of us with questions or comments on Section activities, or for that matter, about anything else. Our email addresses appear in the box to the right of this message.

2009 Executive Committee

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In This Issue

AALS Meeting	2
Member News	3
Member Spotlight	6
Survey Results	7
Recent Scholarship	9
Seminar Announcement	14

SECTION ON TRUSTS AND ESTATES



Association of American
Law Schools

2010 AALS Annual Meeting

Changing Times, Changing Law: Evaluating Legal Trends in Trusts and Estates Law

Saturday, January 9, 2010 from 1:30-3:15

We hope to see you all at the AALS Section on Trusts and Estates annual meeting in New Orleans. From the many excellent articles the Section received in response to our call for papers, we have chosen three to be presented during the meeting:

Phyllis C. Smith, Associate Professor, Florida A&M University College of Law: ***The Estate and Gift Tax Implications of Domestic Asset Protection Trusts***



Commentator: Lee-ford Tritt, Associate Professor, Director of Center for Estate and Elder Law Planning and Estates and Trusts Practice Certificate Program; Associate Director, Center on Children and Families, University of Florida, Levin College of Law



Robert Whitman, Professor, University of Connecticut School of Law: ***Fiduciary Accounting Statutes for the 21st Century***

Commentator: Bridget Crawford, Professor; Associate Dean for Research and Faculty Development, Pace Law School

Iris Goodwin, Associate Professor, University of Tennessee College of Law: ***How the Rich Stay Rich: Using A Family Trust Company To Secure A Family Fortune***

Commentator: Jeffrey Cooper, Associate Professor, Quinnipiac University School of Law





News of the Membership

Gerry Beyer (Texas Tech) continues to prepare the Wills, Trusts, and Estates Professor Blog at <http://www.beyerblog.com> and is always willing to post information about your research, writing, and other accomplishments. Gerry has also been appointed to the Real Estate, Probate, and Trust Law Council of the State Bar of Texas; has been elected as Treasurer of the Lubbock County Bar Association; and serves as President-Elect of the South Plains Trust and Estate Council. He has recently published three books: *Wills, Trusts, and Estates for Legal Assistants* (3rd ed. 2009) (co-authored with John C. Hanft) (Aspen); *Texas Estate Planning Statutes With Commentary* (2009-2010 ed.) (Aspen); and *Beyer's Texas Property Code Annotated* (2009 ed.) (West). Finally, he continues to make various presentations, including "Planning for the Non-Human Beneficiary" to the ACTEC State Laws Committee at the 2009 ACTEC Summer Meeting; the teleseminar "Estate Planning for Pets," on the Professional Education Broadcast Network; and "Case Law Update" at the 33rd Advanced Estate Planning & Probate Course offered by the State Bar of Texas, which was selected as one of the best presentations of the year as determined by evaluations and scores submitted by registrants of that course and later showcased in a series of "Best of 2009" CLE video replays.

Bridget Crawford (Pace) spoke at a Symposium on "Women, Law and the Economy," sponsored by the Rutgers Women's Rights Law Reporter, on November 13, 2009.

Frances Foster (Washington University in St. Louis) will be publishing "American Trust Law in a Chinese Mirror," in the *Minnesota Law Review* in 2010.

Tanya Hernandez (Fordham) has been elected to the American Law Institute, and she has also been named the New Jersey Law Review Commission Commenter on the Durable Power of Attorney Project.

Tanya Hernandez
(Fordham)



SECTION ON TRUSTS AND ESTATES



Association of American
Law Schools

News of the Membership *(cont'd from previous page)*

Kris Knaplund (Pepperdine) will publish “Can the Death Tax Kill Charity Too? The Impact of Legislation on Charitable Bequests,” in the *Gonzaga Law Review* in Spring 2010. The abstract is as follows: “The national debate over the federal estate tax has caused fear in American charities over the past ten years, a fear that is likely to continue for the foreseeable future. Since Congress acted in 2001 to repeal the dreaded ‘death tax’ for one year, for decedents dying in 2010, charities and individuals have become increasingly concerned about the impact of a repeal on charitable donations. While only a small percentage of charitable gifts come in the form of gifts at death, these few but generous incidents in fact amount to billions of dollars, and are imperative to the operation of our charities. Today, the vast majority of estates are already exempt from the tax. If the estate tax is repealed, or, as widely expected, the exemption simply remains at the current \$3.5 million, will those testators exempt from the estate tax in turn exempt charity from their estates? Legal literature has addressed many of the factors that affect whether a testator gives to charity, including tax laws, the economy, the individual decedent’s wealth, the family members the decedent leaves behind and the financial status of each. This article will focus on one factor that has been, thus far, largely ignored: state laws that impede gifts to charity at death. While true mortmain statutes are rare in the U.S., such impediments do still exist and must be examined in order to fully appreciate the impact on charitable donations.” Kris welcomes all comments.

Melanie Leslie (Cardozo) has accepted an invitation to become an ACTEC Academic Fellow.

Ray Madoff (Boston College) presented a paper on “What Leona Helmsley Can Teach Us About the Charitable Deduction” at the ACTEC Conference on Philanthropy in the 21st Century held at Chicago-Kent. Her book, *Immortality and the Law: The Rising Power of the American Dead*, will be published by Yale University Press in the spring. The catalog describes the book as follows: “This book takes a riveting look at how the law responds to that distinctly American dream of immortality. While American law provides virtually no protections for the interests we hold most dear—our bodies and our reputations—when it comes to property interests, the American dead have greater control than anywhere else in the world. Moreover, these rights are growing daily. From grave robbery to Elvis impersonators, Madoff shows how the law of the dead has a direct impact on how we live. Madoff examines how the rising power of the American dead enables the deceased to exert control over their wealth forever through grandiose schemes like ‘dynasty trusts’ and perpetual private charitable foundations and to control their creative works and identities well into the unforeseeable future. Madoff explores how the law of the dead can, in essence, extend the reach of life by granting virtual immortality to individuals. All of this comes, Madoff contends, at real costs imposed on the living.”

SECTION ON TRUSTS AND ESTATES



Association of American
Law Schools

News of the Membership *(cont'd from previous page)*

F. Philip Manns Jr. (Liberty) has published a recent article (see the publications section) which addresses the interactions among UPC section 2-707, reversing the no-implied-condition-of-survival (NICS) rule, reversions arising under NICS rule reversals, and sections 2037 and 2033 of the Internal Revenue Code.

Mary Radford (Georgia State) has been awarded the Verner F. Chaffin Career Service Award by the Fiduciary Law Section of the State Bar of Georgia. The peer award is presented occasionally in recognition of a distinguished career of outstanding, unselfish and dedicated service to fiduciary law and the citizens of Georgia. Only a handful of lawyers have been so rewarded. Anne Emmanuel, Mary's colleague at Georgia State who sent in this news, reports that "this is an especially prestigious award because it is not annual; rather, it's awarded when someone's contributions cry out for recognition at this level." Steven J. Kaminshine, dean at Georgia State, stated in a press release that "Mary is incredibly deserving of this honor. Her law reform and legislative work in this area has virtually transformed Georgia law and policy. The Georgia Probate Code, the new Guardianship Code and the proposed Trust Code Revisions are among the major pieces of legislation that bear [her] hand print." R. Mark Williamson, an attorney with Alston & Bird in Atlanta, who is the fiduciary law section chair of the State Bar of Georgia, confirmed that "Mary is one of the most important fiduciary law professors in the state of Georgia. The Career Service Award is given only when it's deemed appropriate. We are all big fans of Mary and she is one of our most stalwart members."



Mary Radford
(Georgia State)

Robert Sitkoff (Harvard) has been reappointed by Governor Deval Patrick as a Uniform Law Commissioner for Massachusetts. He has also been named the law school liaison to the Joint Editorial Board for Uniform Trusts and Estates Acts. Rob gave the Joseph Trachtman Memorial Lecture at the last ACTEC Annual Meeting, and the new Eighth Edition of the Wills, Trusts, and Estates casebook with Dukeminier and Lindgren, which Rob edits, was published this summer.

SECTION ON TRUSTS AND ESTATES



Spotlight on Section Member Ronald Volkmer

Ronald R. Volkmer, the Frank J. Kellegher Professor of Trusts and Estates at Creighton University School of Law, was recently honored by one of his former students. A Creighton Law School alumnus and his wife donated \$100,000 to create the Creighton University School of Law Service and Justice Fund in recognition of and appreciation for Ron's work at Creighton. The fund will support law school programs that aspire to develop a foundation of moral values for lifelong service in the law and that seek to develop the whole person through discernment, community service, and outreach to those in need.



Ron Volkmer

The Service and Justice Fund guidelines give highest priority for funding the Law School's immersion trips to the Dominican Republic. For the past four years, Ron has organized and led the immersion trips to the Dominican Republic, teaming up with Creighton's ILAC (Institute for Latin-American Concer) office, a division of University Ministry.

Because of the timing of the trips, Ron misses seeing his fellow trusts and estates teachers at the AALS meeting, but for the past four years he has embraced what he calls his "higher calling": giving students an opportunity to confront third world poverty while offering them the chance to reflect on spiritual values and perspectives.

Ron joined the Creighton faculty in 1969. Among his various honors, Ron won the 2008 Robert M. Spire Public Service Award, given by the Omaha Bar Association to a member of the legal profession who has helped enhance the public's knowledge of law. He is a former member of the House of Delegates of the Nebraska State Bar Association and is an Academic Fellow of ACTEC. He teaches Trusts and Estates and Property and continues to support mediation development in Nebraska. Ron has also long compiled the "Recent Cases of Note" for this newsletter. In light of our spotlight, the Section is giving Ron an issue off, but we look forward to his return!

We Know You Know

This Newsletter is a forum for the exchange of points of view. Opinions expressed herein are not necessarily those of the Section and do not necessarily represent the position of the Association of American Law Schools.

What Do You Teach in Trusts and Estates?

Thomas P. Gallanis, the N. William Hines Professor of Law at the University of Iowa College of Law and a past chair of the Section on Trusts and Estates, set out to compile answers to that question by asking Trusts and Estates professors across the country to respond to a survey administered through the Survey Monkey website. Forty-five professors completed the survey. This is what the survey revealed about what they typically cover in the basic Trusts and Estates course:

Intestacy		Will Execution and Revocation	
Rights of spouse	100%	Execution requirements	97.5%
Rights of descendants	100%	Self-proved and statutory wills	92.5%
Rights of ancestors & collaterals	95%	Holographic and oral wills	92.5%
Advancements	100%	Substantial compliance & harmless error	90%
Negative Wills	62.5%	Revocation by instrument or act	100%
Changing Structure of Families		Revocation by marriage or divorce	100%
Marriage and divorce	92.5%	Revival	100%
Domestic partnerships	70%	Dependent relative revocation	100%
Adoption	95%	Unattested Documents and Events	
Nonmarital children	85%	Incorporation by reference	97.5%
Assisted reproduction	75%	Independent significance	92%
Rules of construction for class gifts	77.5%	Post Execution Events Affecting Wills	
Elder Law		Ademption by extinction	100.0%
Guardianship & conservatorship	37.5%	Accessions and accretions	57.5%
Powers of attorney	55%	Abatement	97.5%
Medicaid planning	12.5%	Ademption by satisfaction	95%
Making health care decisions	47.5%	Lapse and antilapse	97.5%
Assisted suicide	10%	UPC §2-603	42.5%
Anatomical gifts	15%	Will Contests	
Rights to the human body	15%	Lack of testamentary intent	90%
Taxation		Lack of testamentary capacity	100%
Federal gift tax	35%	Undue influence	100%
Federal estate tax	42.5%	Fraud and forgery	80%
Generation-skipping transfer tax	12.5%		
State wealth transfer taxes	10.0%		

What Do You Teach in Trusts and Estates? (cont'd from previous page)

Will Substitutes		Trusts	
Revocable trusts	95%	Creation & requisites of valid trust	100%
Pension plans	60%	Spendthrift trusts	100%
Multiple party accounts	75%	Discretionary and support trusts	100%
Joint tenancies	77.5%	Creditors' rights	95%
Life insurance	65%	Asset protection trusts	72.5%
Amending or revoking	70%	Term./mod. by beneficiaries	87.5%
Rules Applying to Wills & Will Substitutes		Term./mod. because of unforeseen circumstances	80%
Revocation on divorce	90%	Charitable trusts, including cy pres	72.5%
Antilapse	97.5%	Fiduciary Obligations	
UPC §2-706 or §2-707	32.5%	Duty of loyalty	77.5%
Slayer rule	92.5%	Duty of prudence	72.5%
Family Protection		Duty to account and inform	62.5%
Elective share	97.5%	Duty of impartiality	67.5%
UPC's elective share regime	72.5%	Uniform Principal & Income Act	17.5%
Omitted spouse statutes	92.5%	Rules of Construction	
Rights of omitted children	90%	Express & implied cond. of survival	50%
Other Issues Related to Wills		Class closing & rule of convenience	37.5%
Will contracts	70%	Class gifts to "heirs," "next of kin"	50%
Disclaimers	87.5%	Transfers to the grantor's heirs	15%
Probate procedure	35%	Incomplete dispositions	27.5%
Powers of Appointment		Rule Against Perpetuities	
Types	62.5%	Common law RAP	45%
Who Owns	35%	USRAP	30%
Exercising a power	47.5%	"Wait & see" other than USRAP	20%
Release of powers	35%	Application of RAP to class gifts	17.5%
Failure to exercise a power	37.5%	Application to powers of appt.	15%
Future Interests		Saving clauses	35%
Classifying estates & future interests	22.5%	Dynasty trust movement	32.5%
Consequences of classification	17.5%		

SECTION ON TRUSTS AND ESTATES



Association of American
Law Schools

Selected Recently Published Scholarship

Anne Alstott, Family Values and the Law of Inheritance, 7 Socioeconomic Rev. 145 (2009).

D. Benjamin Barros, Toward a Model Law of Estates and Future Interests, 66 Wash. & Lee L. Rev. 3 (2009).

Gerry W. Beyer & Jonathan P. Wilkerson, Max's Taxes: A Tax-Based Analysis of Pet Trusts, 43 U. Rich. L. Rev. 1219 (2009).

Gerry W. Beyer, The Communicationally Challenged Testator, Est. Plan. Dev. for Tex. Prof. (April 2009), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1415143.

Gerry W. Beyer, The Uniform Power of Attorney Act: New Solutions to Old Problems, Est. Plan. Stud. (April 2009), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1396502.

Gerry W. Beyer, Wills & Trusts, 62 SMU L. Rev. 1499 (2009).

Jonathan G. Blattmachr, Mitchell Gans & Alvina H. Lo, A Beneficiary as Trust Owner: Decoding Section 678, 35 ACTEC J. 106 (2009).

Samuel Bray, Preventive Adjudication, 76 U. Chi. L. Rev. (forthcoming 2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1483859.

Bryan Camp, Protecting Trust Assets from the Federal Tax Lien, 1 Est. Plan. & Community Prop. L. J. 295 (2009).

Paul L. Caron & James R. Repetti, The Estate Tax Non-Gap: Why Repeal a "Voluntary" Tax?, 20 Stan. L. & Pol'y Rev. 153 (2009).

Bridget J. Crawford, Mitchell Gans, Jonathan G. Blattmachr, & Joshua C. Tate, Celebrity, Death, and Taxes: Michael Jackson's Estate, 125 Tax Notes 345 (2009).

Bridget J. Crawford & Jonathan G. Blattmachr, Estate Tax on Gift Tax: The Liability Conundrum, 123 Tax Notes 1265 (2009), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1414520.

Bridget J. Crawford & Mitchell Gans, Sticky Copyrights: Discriminatory Tax Restraints on the Transfer of Intellectual Property, 67 Wash. & Lee L. Rev. (forthcoming 2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1454797.

Bridget J. Crawford, Tax Lessons from the Astor Trial, 124 Tax Notes 933 (2009).

SECTION ON TRUSTS AND ESTATES



Association of American
Law Schools

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Stephen Duane Davis II & Alfred L. Brophy, *The Most Esteemed Act of My Life: Family, Property, Will, and Trust in the Antebellum South*, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1398522.

Miranda P. Fleischer, *Theorizing the Charitable Tax Subsidies: The Role of Distributive Justice*, 87 *Wash. U. L. Rev.* (forthcoming 2009), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1348772.

Wendy C. Gerzog, *Families for Tax Purposes: What About the Steps?*, 42 *U. Mich. J.L. Reform* 805 (2009).

Wendy C. Gerzog, *Jorgensen: A Familiar FLP Story*, 124 *Tax Notes* 79 (2009), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1430345.

Wendy C. Gerzog, *Negron: Circuits Now Split 2-2*, 123 *Tax Notes* 767 (2009), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1402647.

Wendy C. Gerzog, *The Times They are Not A-Changin': Reforming the Charitable Split Interest Rules (Again)*, 84 *Chi.-Kent L. Rev.* (forthcoming 2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1484615.

Gil J. Ghatan, *The Incentive Problem with Prospective Overruling: A Critique of the Practice*, *Real Prop. Prob. & Tr. J.* (forthcoming 2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1477030.

Iris J. Goodwin, *Ask Not What Your Charity Can Do For You: Robertson v. Princeton Provides Liberal-Democratic Insights into the Dilemma of Cy Pres Reform*, 51 *Ariz. L. Rev.* 75 (2009).

Daphna Hacker, *The Gender Dimensions of Inheritance: Empirical Food for Legal Thought*, 7 *J. Empirical Legal Stud.* (forthcoming 2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1482988.

Terri Lynn Helge, *Policing the Good Guys: Regulation of the Charitable Sector Through a Federal Charity Oversight Board*, 9 *Cornell J.L. & Pub. Pol'y* (forthcoming 2009), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1511796.

Adam J. Hirsch, *Delaware Unifies the Law of Charitable and Noncharitable Purpose Trusts*, 36 *Est. Plan.* 13 (Nov. 2009), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1481977.

Adam J. Hirsch, *Disclaimer Law and UDPIAs Unintended Consequences*, 36 *Est. Plan.* 34 (Apr. 2009), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1369325.

SECTION ON TRUSTS AND ESTATES



Association of American
Law Schools

Selected Recently Published Scholarship *(cont'd from previous page)*

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David Horton, Unconscionability in the Law of Trusts, 84 Notre Dame L. Rev. 1675 (2009).

Irene D. Johnson, Tortious Interference with Expectancy of Inheritance or Gift - Suggestions for Resort to the Tort, 39 U. Tol. L. Rev. 769 (2008).

Douglas A. Kahn, Rudkin Testamentary Trust - A Response to Prof. Cohen, 124 Tax Notes 1263 (2009), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1478561.

Charles P. Kindregan, Jr., Considering Mom: Maternity and the Model Act Governing Assisted Reproductive Technology, 17 Am. U. J. Gender Soc. Pol'y & L. 601 (2009).

Charles P. Kindregan, Jr., Dead Dads: Thawing an Heir from the Freezer, 35 Wm. Mitchell L. Rev. 433 (2009).

Jeffrey S. Kinsler, The Unmerry Widow: Spousal Disinheritance and Life Insurance in North Carolina, 87 N.C. L. Rev. 1869 (2009).

Kristine S. Knaplund, The Right of Privacy and America's Aging Population, 86 Denv. U. L. Rev. 439 (2009).

Nina A. Kohn, Outliving Civil Rights, 86 Wash. U. L. Rev. 1053 (2009).

Sheldon F. Kurtz & Lawrence W. Waggoner, The Uniform Probate Code Addresses the Class-Gift and Intestacy Rights of Children of Assisted Reproduction Technologies, 35 ACTEC J. (forthcoming 2009), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1477961.

Mentoring program



Wendy Gerzog
(Baltimore)

The Section has a mentoring program for both new faculty members and any faculty member who is teaching a new course. If you would like to be placed in contact with a T&E mentor, please contact Professor **Wendy Gerzog**, who manages the program, at wgerzog@ubalt.edu. Please provide Professor Gerzog with your email address and a short description of the area(s) in which you desire to be assigned a mentor or would like to serve as a mentor.

SECTION ON TRUSTS AND ESTATES



Association of American
Law Schools

Selected Recently Published Scholarship *(cont'd from previous page)*

Rebecca Lee, Conceptualizing the Chinese Trust, 58 Int'l & Comp. L.Q. 655 (2009).

Melanie B. Leslie, Conflicts of Interest and Nonprofit Governance: The Challenge of Groupthink, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1477553.

Melanie B. Leslie, Helping Nonprofits Police Themselves: Lessons From Trust Law, 84 Chi.-Kent L. Rev. (forthcoming 2010).

Browne C. Lewis, Dead Men Reproducing: Responding to the Existence of Afterdeath Children, 16 Geo. Mason L. Rev. 403 (2009).

C. Timothy Lindstrom, Conservation Easements, Common Sense and the Charitable Trust Doctrine, 9 Wyo. L. Rev. 397 (2009).

John M Lund, The Contested Will of "Goodman Penn": Anglo-New England Politics, Culture, and Legalities, 1688-1716. 27 Law & Hist. Rev. 549 (2009).

Kevin Noble Maillard, The Color of Testamentary Freedom, 62 SMU L. Rev. (forthcoming 2009), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=956834.

F. Philip Manns Jr., New Reasons to Remember the Estate Taxation of Reversions, 44 Real Prop. Prob. Tr. J. 323 (2009).

Nancy A. McLaughlin & Mark Benjamin Machlis, Amending and Terminating Perpetual Conservation Easements, 23 Prop. & Prob. 52 (2009).

Nancy A. McLaughlin & W. William Weeks, In Defense of Conservation Easements: A Response to *The End of Perpetuity*, 9 Wyo. L. Rev. 1 (2009).

Paula A. Monopoli, Marriage, Property and [In]Equality: Remediating Erisa's Disparate Impact on Spousal Wealth, 119 Yale L. J. Online 61(2009).

John V Orth, Allowing Perpetuities in North Carolina, 31 Campbell L. Rev. 399 (2009).

Mary F. Radford, Ethical Challenges in Representing Families in Family Limited Partnerships, 35 ACTEC J. 2 (2009).

SECTION ON TRUSTS AND ESTATES



Association of American
Law Schools

Selected Recently Published Scholarship *(cont'd from previous page)*

Mary F. Radford, Post-Mortem Sperm Retrieval and the Social Security Administration: How Modern Reproductive Technology Makes Strange Bedfellows, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1376402.

Kent D. Schenkel, Trust Law and the Title-Split: A Beneficial Perspective, 78 UMKC L. Rev. 181 (2009).

Frederic S. Schwartz, Misconception of the Will as Linguistic Behavior and Misperception of the Testator's Intention: The Class Gift Doctrine, 86 U. Det. Mercy L. Rev. 443 (2009).

Stewart E. Sterk, Rethinking Trust Law Reform: How Prudent is Modern Prudent Investor Doctrine?, 95 Cornell L. Rev. (forthcoming 2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1476970.

Joshua C. Tate, Christianity and the Legal Status of Abandoned Children in the Later Roman Empire, 24 J.L. & Religion 123 (2008).

Joshua C. Tate, Immortal Fame: Publicity Rights, Taxation, and the Power of Testation, 44 Ga. L. Rev. (forthcoming 2009), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1335507.

Joshua C. Tate, Should Charitable Trust Enforcement Rights Be Assignable?, 84 Chi.-Kent L. Rev. (forthcoming 2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1493967.

Lee-ford Tritt, Sperms and Estates: An Unadulterated Functionally Based Approach to Parent-Child Property Succession, 62 SMU L. Rev. 367 (2009).

Terry L. Turnipseed, Scalia's Ship of Revulsion Has Sailed: Will Lawrence Protect Adults Who Adopt Lovers to Help Ensure Their Inheritance From Incest Prosecution?, 32 Hamline L. Rev. 95 (2009).

Lawrence W. Waggoner, The Uniform Probate Code Authorizes Notarized Wills, 34 ACTEC J. 83 (2008).

Reid K. Weisbord & Peter DeScioli, The Effects of Donor Standing on Philanthropy: Insights from the Psychology of Gift-Giving, 45 Gonz. L. Rev. (forthcoming 2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1435149.

SECTION ON TRUSTS AND ESTATES



Association of American
Law Schools

Seminar Announcement

The Estate Planning & Community Property Law Journal has announced the program for its 2010 Seminar to be held on February 5, 2010 at the Texas Tech University School of Law.

Here are some of the topics and speakers scheduled to appear:

The New Importance of Surrogate Directives, Rebecca C. Morgan, Boston Asset Management Faculty Chair in Elder Law, Stetson University College of Law

The Slip and Fall of the California Legislature in Classification of Personal Injury Damages at Divorce and Death, Helen Y. Chang, Associate Professor of Law, Golden Gate University School of Law

Post-Mortem Sperm Retrieval and the Social Security Administration: How Modern Reproductive Technology Makes Strange Bedfellows, Mary F. Radford, Catherine C. Hanson Professor of Law, Georgia State University School of Law

Courthouse Morals and Legislative Developments: A Review of Recent Cases and Legislation Impacting Texas Estate Planners, Gerry W. Beyer, Governor Preston E. Smith Regents Professor of Law, Texas Tech University School of Law

Ad Litem and DNR's: Or Who Woke the Sleeping Firefighter, The Honorable Rory R. Olsen, Probate Court No. 3, Houston, Texas

Protecting Trust Assets from the Federal Tax Lien, Bryan Camp, George H. Mahon Professor of Law, Texas Tech University School of Law

Cutting Edge v. Over the Edge: Ethics and Malpractice Issues for Medicaid Planning, Patricia F. Sitchler, Shareholder, Schoenbaum, Curphy & Scanlan, P.C.

Can Estate Planners and Trust Administrators Offer Help to Trust Beneficiaries Who Want to Learn to Make Positive Life Planning Decisions?, Robert Whitman, Professor, University of Connecticut School of Law

For more information, see http://professorbeyer.com/Blog/2010_EPJ_Seminar.pdf

The Last Word

Any News to Share? Please feel free to share news of your or your colleagues' accomplishments, publications, career moves, service and other professional activities. We have several hundred Section members; please let us know what you are doing by contacting Laura Rosenbury at lrosenbury@wustl.edu.