

FACULTY OF LAW, UNIVERSITY OF VICTORIA
2010-11 COURSE REGISTRATION – PRELIMINARY COURSE INFORMATION¹

COURSE	Law 320 Succession and Estate Planning
UNIT VALUE	1.5 Units (3 hours per week)
INSTRUCTOR	Claude Marchessault
TERM OFFERED	Fall 2010
CLASS TIMES	See Schedule
PREREQUISITES/CO-REQUISITES	LAW 319 Trusts is a <u>recommended</u> (NOT required) pre- or co-requisite

COURSE DESCRIPTION

Law 320 offers an overview of common law principles applicable to succession and estate planning as well as relevant statutes relating to wills, powers of attorney, estate planning and estate administration. It also touches on trust law and taxation issues as they relate to estates and estate administration. Law 320 offers students a practical side to succession and estate planning through in-class exercises, discussions and simulated client encounters. Significant emphasis is placed on will drafting using precedents and techniques which will be discussed and developed in class. A significant portion of your final grade will be based on a will drafting assignment. Class attendance, while not mandatory, is very important.

General topics to be covered include: intestate succession; wills and variation thereof by a Court; equitable doctrines relating to gifts and succession; aboriginal succession; incapacity planning; joint tenancies; beneficiary designations; *inter-vivos* gifting and trusts; representation agreements and living wills.

COURSE OBJECTIVES

- To explore the common law and statutory issues and requirements relating to succession and estate planning and the estate dispute resolution process.
- To consider the role and professional responsibility of solicitors involved in estate planning, estate administration and will preparation.
- To become familiar with general principles and processes relating to estate planning and estate administration.
- To develop the knowledge and skill needed to draft a basic legal will and to apply that knowledge.

TEACHING METHODOLOGY

Law 320 will be taught using a variety of techniques including basic lectures, small group work, in-class exercises and class discussions. Students are expected to come to class having read assigned materials and ready to discuss relevant issues identified in the readings in the context of succession and estate planning. Lectures are designed to outline general principles and to serve as a framework for organizing the detailed subject matter in the casebook. Class discussions and in-class exercises are designed to stimulate critical thought and to offer students an opportunity to apply knowledge from the readings and lectures to real life problems.

EXPECTED EVALUATION METHODOLOGY

The final grade for this course will be based on three components, as follows:

1. A 70 minute mid-term exam will comprise 20% of the final grade in this course.
2. A will drafting assignment will be distributed. This mid-term will drafting assignment will comprise 30% of the final grade in this course.
3. A three-hour final exam will comprise the remaining 50% of the final grade in this course. The exam will be "qualified open-book" which means that you may only bring your notes, summary/outline and the required course materials (UBC Casebook) into the examination room.

April 7, 2010

¹ The information in this document is provided for course registration purposes only and is *subject to change*. More detailed course information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, the Manager of Academic Administration and Student Services (lawmaass@uvic.ca).