CAUTION: This syllabus should be read carefully by all prospective students. Any preliminary questions about the course should be addressed to Professor Beckwith at or before the first scheduled class on January 20th.

COURSE DESCRIPTION: This course builds on the following three courses offered during the Fall semester 2015: Income Taxation of Estates, Trusts and Beneficiaries; Introduction to the Estate and Gift Taxes; and Special Topics in Transfer Tax (together “Fall Courses”). It is designed to provide students with a solid grounding in advanced estate-planning techniques and to help them develop the drafting and client-relations skills necessary to design and implement a comprehensive, advanced estate plan. This course is required for the Certificate of Study in Estate Planning.

The course is structured as two concurrent modules. One module introduces students to complex planning scenarios. Topics covered include: estate and trust administration; planning for highly-compensated individuals; disability, insurance and benefit planning; and fiduciary litigation.

The other module consists of a substantial, hands-on exercise that focuses on developing, drafting, and executing a complex estate plan. Using a comprehensive fact pattern developed in class, students work in teams assigned by the faculty to prepare and present client and file memoranda, analyses of planning alternatives and related documents.

Students generally may not receive credit for both this course and former LAWJ/G-161-09, Estate Planning. A student seeking an exception from this rule should consult with the Director, Graduate Tax Program, before registering for this course.

PREREQUISITES: The prerequisites for this course are the successful completion with an equivalent grade of “B” or better in: Taxation I (or a similar J.D. course in basic
individual income taxation); Decedents’ Estates (or a similar J.D. course such as Trusts and Estates or Probate Law); and all of the 6-credits from the Fall Courses described above.


Students should consult Canvas on a regular basis for updates and additional materials. When a Code section is assigned it will be assumed the students have read the section carefully and will have become generally familiar with the contents of the related Regulations. Whenever a section of the Portfolio or a paragraph of the Text is assigned, students are expected to read the corresponding portions of the Supplement as well.

CLASS TIME AND LOCATION: Classes will be held on Wednesday evenings in a double period beginning at 5:45 pm and ending by 9:45 pm in Room 201 McDonough Hall.

SNOW POLICY: In the event of heavy snow, the Law Center follows the federal government's policy on morning closings and late openings. For morning classes, this means that when the federal government is open, the Law Center is open. When the federal government is closed, the Law Center is closed. When the federal government opens two hours late, the Law Center opens for 11:10 a.m. classes. When the federal government announces "unscheduled leave" every effort will be made to hold classes as scheduled. The Law Center will decide independent of the federal government whether to cancel late afternoon or evening classes. If canceled, faculty teaching those classes will be telephoned by the staff of the Office of the Registrar, announcements will be made on local television stations, and an announcement will be placed on the class cancellation line, (202) 662-9446.

CANCELLATIONS: If the Law Center was open for morning and afternoon classes, a given class will be held as scheduled unless you are notified by e-mail from Professor Beckwith that class has been cancelled or by the Law School that all evening classes have been cancelled due to inclement weather.

PARTICIPATION – PLEASE READ THIS CAREFULLY AND TAKE IT TO HEART: This is an advanced seminar. Each student is expected to prepare and be prepared to participate in each class. A student who is unwilling to actively participate fully in each class and in each aspect of the team assignments all semester long should not enroll in this course. For the purposes of this seminar a student should assume all
written assignments will be read by and should be understandable by a client who does not have the benefit of any technical training in the subject area.

EXAM and GRADING:  There will be no examination in this course. The grade for this course will be based entirely the class project and class participation.
SEMINARY MECHANICS for CLASS PROJECT
(please read very carefully and note all questions for class on January 20th)

Teams: The Class has been divided into two (2) working groups or teams (Team One and Team Two). The class list, with contact information and the Team assignments is found as Attachment 1.

Each Team will work as a group and produce one collaborative work per Team. While responsibilities will likely be divided by a given Team among its members, each team member is responsible for understanding and being able to explain and defend the Team’s entire effort.

Class Project: Each Team will prepare a complete solution set to a comprehensive planning problem common to both Teams which will be styled as two presentations. Each Team will prepare written materials and present and defend their findings and recommendations in camera to all four Faculty Advisors and Professor Beckwith (“Review Committee”). The written materials and in-class presentation should be technically accurate but delivered in a manner that would be understandable to a client or colleague who is intelligent but untrained in the subject matter.

Faculty Advisors: Each Team will be assigned a designated faculty member who will: (i) work with the Team throughout the semester at times to be agreed to by the Team and the faculty member; (ii) serve as a resource to the Team with respect to their project; (iii) grade each member of the Team he or she supports on the collective written work product and two in-class presentations of their work product as well as the individual contribution of each Team member; and (iv) serve as a resource to all Teams with respect to a designated topic area.

Team Leader: Each Team will have a student leader. The student leader has no special authority or responsibility other than to coordinate convening the Team when it is advantageous for the Team to meet as a whole. The schedule establishes three evenings, February 10 (first 2 hours), March 16 and 30 (all 4 hours) for Group Preparation Sessions during regular class time. It is anticipated the Teams and subsets of each Team will need to meet several other times throughout the semester as agreed upon by the Team. Since a number of students work during the day, each Team should plan to meet in the evening and on weekends whenever possible.

Tasks: The Team assignments are divided into two Tasks.

Task One - Preliminary Fact Finding and Issue Identification and Advanced Planning Considerations: Prepare: (i) one or more file memoranda that organizes all of the relevant information, identifies what additional information may be needed, and sets out a preliminary plan; (ii) client engagement letter(s) that include a detailed description of the scope of engagement(s); (iii) file memoranda which identify all major tax and other pertinent legal issues and create detailed plans for completing the engagement. Each
Team will separately present this material in class on February 24th at the times assigned. **This task will be graded.** After each presentation, the faculty as a whole (“Review Committee”) will offer guidance to help assure success in the completion of Task Two.

**Task Two – A Formal Plan:** Each Team will prepare *detailed written client memoranda* or similar communications that set forth, with analysis and numeric computations, as advisable: (i) the lifetime private and charitable planning strategies associated with the engagement; (ii) the business succession issues associated with the engagement; (iii) the tasks associated with the estates and related trusts of all recently deceased members of the client family; and (iv) all of the tax and non-tax considerations associated with the administration of each device and technique presented as part of (i-iii above). Each team also will prepare PowerPoint slides, spreadsheets, charts, diagrams, etc. as needed to best present and illustrate their final work product. Each Team will separately present this material in class on April 6th at the times assigned. **This task will be graded.** After each presentation, the Review Committee will offer its evaluation of the Team’s plan and allow time for the Team to ask questions about the project.

**Presentations:** The entire Team will be responsible for assembly and the development of the presentations for the Review Committee for both Task One and Task Two. Each member of each Team will participate in the presentation and will be quizzed by the Review Committee.

**Nature of Written Materials:** When a Team believes the preparation of actual planning documents, i.e. Wills, Trusts, Partnership Agreements, etc., will help illustrate their strategic or technical thinking such documents can be included as an aid *but not* as a substitute for what is expected, comprehensive written work. It is not expected that any given Team will prepare a significant number of such documents or rely on such documents in lieu of clearly written explanatory and analytical materials. **Each Team will submit their materials on a thumb drive to Professor Beckwith and each Faculty Advisor no later than 4 days prior to that Team’s presentations in February and April.**

**Grading:** Each Team will be assigned a grade as a group for its written material and project defense before the Review Committee. However, each individual team member also will be separately graded with some members getting extra credit and some having credit deducted depending on the individual assessment of all other team members, the designated faculty advisor and the entire Review Committee. A copy of the semester end Team 360° review is found as Attachment 3.

The Faculty Advisors assignments for each Team and the subject for which each will be a resource for all Teams are as follows:

**Professor Davis:** Resource for Preliminary Fact Finding and Issue Identification.

**Professor O’Brien:** Team Two and Resource for Lifetime Planning (other than Charitable).
Professor Sega: Team One and Resource for Business Succession Issues.

Professor Siegler: Resource for Estate and Trust Administration.

Professor Beckwith: Resource for Charitable Organizations and Charitable Gift Planning.

The Fact Pattern: Professor Beckwith has been approached by Sam Flynn about representing the McCoy and Flynn families. Mr. Flynn is deeply concerned about the continued success of Washington Waistline Wizards LLC, a company owned by his wife and her twin sister, as well as the ongoing efficacy and success of the long range success of the estate planning put in place by his in-laws, Jack and Alison McCoy. Mr. Flynn has written a letter, found as Attachment 2, to describe some introductory background information and you will meet with Mr. Flynn during the last 2 hours of the first class on January 20th. Each student should come prepared that evening to conduct a preliminary interview with Mr. Flynn. Consider what questions should be asked, in what order and in what manner to best further develop the facts. After the first interview each Team should schedule a time to meet, with or without its Faculty Advisor, to compare notes of the first interview and strategize how best to gather the balance of the facts needed to properly complete Task One of the class project. The second interview with Mr. Flynn is scheduled for the last 2 hours of class on the evening of February 10th. Each Team will conduct this follow-up interview with Mr. Flynn as a Team and we will rotate between the Teams until all questions have been answered or time has expired. Each interview session will be between 60 and 120 minutes long so come fully prepared each time to engage with Mr. Flynn in a thoughtful, organized and professional manner.

N.B. Mr. Flynn has scheduled a lengthy vacation abroad starting February 7th. Accordingly, any questions which remain unanswered after the second interview session will be filled by each Team on a Team by Team basis with assumptions and the rationale for such assumptions clearly described and explained in the Team’s written materials.

To assure uniformity of response, ALL questions of interpretation or protocol regarding the overall class project should be addressed only to Professor Beckwith.
CLASS LECTURES

In addition to the Class Project, the faculty has arranged 10 hours of in-class lectures on topics important to becoming a successful private wealth attorney. There will be reading assignments of varying lengths for each lecture. *Each student is expected to have completed each reading assignment in advance of the class associated with a given assignment.* While there is no written exam in the course, the material, along with the class assignments from the fall semester, is considered important to the successful completion of the class project. When a given student has not mastered the topics sufficiently to apply them successfully to the class project it will be evident to others on a Team, as well as to the Team’s faculty advisor and the entire Review Committee when the Team’s work product is formally presented.

CLASS and SEMINAR SCHEDULE AND ASSIGNMENTS

**January 20 – Ed Beckwith/ Chris Sega/ Ethel Mitchell/ Marianne Kayan/ Taylor Bechel/ and Christie D. Evey**

Ethel Mitchell is a well-established solo practitioner in DC in the estate planning field; Marianne is an attorney and Senior Manager, with Ernst & Young’s Private Client Services (Individual Global Tax Planning); Christie is a Vice President and Trust Officer with U.S. Trust, Bank of America’s Private Wealth Management group; Taylor is an associate with Venable LLP. Marianne is a graduate of GULC; both Christie and Taylor are graduates of the Certificate program.

1 Hour - Course Introduction – Ed
1 Hour - Career Panel – Ed, Taylor and Emily
   Emily is an Associate with Sutherland and Taylor Bechel is an associate with Venable LLP; Both are graduates of the Certificate program
2 Hours Initial Client Interview with Mr. Flynn– Ed

**Assignment:**

Portfolio A-1 to A12 and A277 to A-284
Each student should read the letter from Mr. Flynn and be prepared to conduct a live interview with him designed to ascertain those facts needed to prepare a complete and comprehensive private wealth plan for the Flynn and McCoy families.
January 27 – L. Laurel Lea/ David Siegler

2 Hours - Disability Planning – Laurel
   Disability Planning: Property
   Disability Planning: Healthcare
   Disability Insurance
   HIPPA Considerations and Constraints
   Medicaid Planning
   Planning For The Physical Aspects Of Death: Living Wills and Advance
   Directives (with drafting examples)
   Anatomical Gifts
   Estate Planning For the Family with A Special Needs Child
   Representing a Client Who Is Aged or Disabled

1 Hour – What is Life Insurance? – David

1 Hour – Review, Placement and Financing of Insurance Products – David

Assignments: Portfolio A-162 to A--186 and A-219 to A-237, Text ¶ 4.11, 4.14
and 8.03-8.09

February 3 – David Kirk/ Laura Jeltema/ Doug Siegler

2 Hours – Post-Mortem Estate Planning – Executors’ Elections – David

1 Hour - Probate Administration, the nuts and bolts – Laura

1 Hour - Common Legal Issues in Trust and Estate Administration – Doug

Assignments: Please consult Canvas for reading materials

February 10 - Ed Beckwith

2 hours - Individual Private Group Preparation Team Sessions to prepare for
follow-up interview with Mr. Flynn – Faculty Advisors

2 hours – Follow-up interview with Mr. Flynn – Ed and Faculty Advisors

February 17 - NO CLASS – Faculty Retreat

February 24 - Oral In-Class Team Presentations – Task One (defense of preliminary
Plan considerations)

1.5 Hours (5:45-7:15) - Team One Presentation and Faculty Critique and
Direction
1.5 Hours (7:30-9:00) - Team Two Presentation and Faculty Critique and Direction

March 2 - Chris Sega/ Joe Estabrook

2 Hours – The Art of Preparing a Quality Valuation - Joe

2 Hours – A Structural Approach to Planning for Family Business Interests – Chris

Assignments: Please consult Canvas for reading materials

March 9 - NO CLASS - Spring Break

March 16 – Natanya Allan

1 Hour - Life Insurance Tax Issues and the Anatomy and Operation of a Basic Life Insurance Trust – Natanya

.5 Hour - Compensation & Benefits Rules – Natanya

.5 Hour - Compensation & Benefits Planning, Anatomy of Basic Beneficiary Designation Drafting – Natanya

2 Hours – Fixing Broken Trusts - Natanya

Assignments: Please consult Canvas for reading materials

March 23 – Private Group Preparation Sessions

March 30 – Brian L. Schwalb/ Anne O’Brien

1.5 Hour – Is Your Armor on Straight: Avoiding Conflicts and other Nightmares – Brian

2.5 Hours – A Structural Approach to Identifying and Addressing Issues in International Estate Planning – Anne

April 6 - Private Group Preparation Sessions

April 13 – Oral In-Class Team Exams (defense of Final Plan solutions)

1.5 Hours (5:45-7:15) - Team One Presentation and Faculty Critique

1.5 Hours (7:45-9:15) - Team Two Presentation and Faculty Critique
### ATTACHMENT 1

**STUDENT TEAMS and CONTACT LIST**

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<thead>
<tr>
<th>Name of Student</th>
<th>Team</th>
<th>Email Address</th>
<th>Phone (home/work)</th>
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Dear Mr. Beckwith:

I know we are scheduled to meet at your firm on January 20th but I thought it might help if I wrote to you in advance to tell you a little bit about me and why I would like to retain the services of your firm.

My wife, Jane McCoy Flynn, and her twin sister, June McCoy own a successful business, Washington Waistline Wizards LLC. My wife has a Masters degree in nutritional health; Her sister has her Masters degree in human physiology and is a certified athletic trainer. They operate a chain of local shops which provide healthy Smoothies and fresh salads and Pilate studios. The company motto is “Your Heath is Your Wealth”. The last few years Jane and June have personally invested heavily is an all-in-one nutritional supplement and appetite suppressant which they call “FitBites”. The research and production occurs in a plant they own in their own names in Juarez, Mexico. To facilitate access to this operation they have built a hacienda adjacent to the plant.

Jane and I are both 60, have been married for 35 years and have three adult children, all married with children of their own. June has a same sex partner, Lucy, and they have adopted two children who are now 34 and 32, also with children of their own. Lucy is 50 and they have been together for 25 years.

Jane and June’s parents are Jeff (“Brick”) McCoy and Alison Blutarski McCoy. Brick is 90 and played professional football back in the day. He is a retired sports equipment executive. Many years ago he had a financial windfall. At the time he created and funded the McCoy Family Endowment, a long-term trust for the benefit of his lineal descendants. I began my career at Goldman Sachs and retired from the firm a few years ago to help my wife and her family with their business and financial affairs. I am presently the sole Trustee of the Endowment and am responsible for what has now grown to nearly $60 Million. Alison is a retired physician and one of the pioneers in sports medicine. Brick and Alison are financially secure. I understand they plan to give the bulk of their estate to charity when the survivor of the two of them dies.

I am concerned for a number of reasons, not the least of which is the advanced age of my in-laws and my wife’s recent diagnosis with advanced heart disease. While the families have done some planning there are few documents concerning Jane and June’s business and while I like June’s partner she has issues that make her an unlikely successor should anything happen to June.

I will bring a better summary of the family assets with me on the 20th but hope this helps you start thinking about the range of issues and needs we might discussed.
Sincerely

Sam Flynn
ATTACHMENT 3

CONTACT INFORMATION

Faculty and Lecturers for *Estate Planning Seminar*:

[Bars or columns representing different lecturers]
Faculty for *Income Taxation of Trusts and Estates*:

[Bar Chart]

Faculty and Lecturers for *Special Topics*:

[Bar Chart]
ATTACHMENT 4

360 DEGREE EVALUATIONS FOR TEAM _____

Task: As part of the grading process each member of each TEAM will complete this form and evaluate himself or herself and every other member of the TEAM. Please save this as a separate document and complete by typing your answers within the document. Once done, please e-mail the revised document to Professor Beckwith at beckwith@bakerlaw.com no later COB Friday April 22nd.

Instructions: Fill in your TEAM above and the following grid (listing yourself first) and then the rest of your TEAM alphabetically. Please complete what you think is the best response for each member of the TEAM under each category, including yourself. The absence of any mark in any given box will be read to mean that the person being evaluated performed AS EXPECTED. If you believe that a Team Member excelled in a particular area or performed below expectations, you should use one or two pluses (+s) or one or two minuses (-s).

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<th>Presentation (including team preparations)</th>
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