

The practice of trust and estate law is one of the most hands-on, client-intensive fields of law. More than many areas of practice, it involves getting to know intimate details about clients, their finances, and family: is the family functional or dysfunctional; are some children more deserving than others and are any in trouble with creditors or drugs; are there secrets such as a nonmarital child that one spouse has kept from the other; should special provision be made for a disabled child or a family member dealing with drug abuse or mental illness; are the client's investments doing well or poorly; are taxes a critical concern; are certain members of the family likely to contest the will if they do not inherit what they think they deserve; after their death, do clients want a family member to have access to their social media accounts?

Although lawyers and professors may consider the field fascinating as well as challenging, students often expect that trust and estate classes will involve boring cases detailing the formalities attendant to will execution on behalf of wealthy, entirely uninteresting, dead people. That *might* have been the primary focus 75 years ago, but not any longer. Trust and estate study and practice involves family, death, and money — the basic elements of gossip — which makes the subject area and the course fun. Moreover, the law this course explores affects students personally, even if they do not practice in the area. Plus, the course relates to pressing contemporary topics of economic inequality.

As you will see, the field of trust and estate law is experiencing a transformation. Probate law and trust law derive from centuries-old doctrines. The doctrines changed slowly because society and the composition of the family changed slowly. But in recent years, the pace of change in the law has accelerated to keep up with societal and demographic changes. Unmarried parents give birth to children, unmarried partners form families, multiple marriages create blended families, and divorces dissolve families. Some parents abandon or abuse their children, and some children do the same to their elderly parents. People give birth to children in the “usual” way, while others use the sperm or eggs of others, sometimes long after the death of one of the genetic parents using cryonically preserved embryos and sperm. The profound changes that have transformed the subject area over the past half-century have resulted in new laws and also in new ways of transmitting property. This book captures the rapid evolution of doctrine, introduces students to emerging policy debates, and explores ethical and practical issues that arise in estate planning practice.

Based on recent developments in legal education *Contemporary Trusts and Estates* integrates legal analysis, judgment and perspective, ethics, and practice skills. It focuses simultaneously on the theoretical foundations and practical applications of the material, teaching students by using traditional case analysis and, at the professor's option, innovative exercises.

While the casebook covers the customary elements of a trust and estate course and focuses students on core trust and estate issues of intent and statutory analysis, it does so with three innovations:

- Early in the semester, it provides an overview of the status of all people involved in estate planning, addressing issues such as the meaning of “spouse” and “child” and the ethical obligations of lawyers who represent multiple clients.
- It includes *exercises* that are integrated into the more traditional casebook material and are designed to provide hands-on practical experience; these exercises involve skills ranging from counseling to drafting to litigation.
- It includes numerous *problems*, which drill down on a particular statute or common law doctrine and require students to apply what they have learned to a hypothetical fact pattern.

The book also presents important questions that arise in trust and estate law, helping frame the policy questions and laws that provide the background to effective estate planning. Ultimately, our goal is for students to understand and appreciate the interrelated aspects of all forms of estate planning — the relationship of wills to trusts to gifts to tax to medical directives — and the necessity for everyone, regardless of their economic circumstances, to consider these issues.

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