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Dean's Column

BY GUEST AUTHOR PROF. STEVE JOHNSON, William S. Boyd School of Law

ESTATE PLANNING CURRICULUM AT THE BOYD SCHOOL OF LAW

Like all areas of law, estate planning gives lawyers the chance to do good. Estate planning contributes to the economic well-being of Nevada and of the nation. Owners of family businesses, typically small and medium-sized businesses, are a key part of the client base of an estate planning practice. Such businesses are also the country's leading job creators. Good estate planning provides for smooth succession of ownership and continuity of leadership, preserving the vitality and viability of businesses.

Estate planning also advances important non-economic social and familial interests. Human life is more meaningful when individuals feel themselves part of a larger fabric. Estate planning allows clients to feel they have done their duty to succeeding generations and, so, to feel connected. The clarity of an estate plan also reduces uncertainty and, therefore, friction among family members during the most trying of times.

The gloss of experience is necessary in achieving the best results consistently, of course. Nonetheless, a new lawyer can do much good for his or her clients, particularly if well trained through a solid preparation in law school.

The Boyd School of Law offers a curriculum that can afford the estate-planner-to-be such solid preparation. Its available courses can be thought of as pyramidal. The base of the pyramid consists of the Estates, Trusts and Wills course. This is among the most popular upper-level electives at the Boyd School of Law. It is taken by nearly all our students.

To represent clients whose wealth subjects them to taxability and whose affairs are more complex, students need courses at another level on the pyramid. These include tax courses, like Estate & Gift Tax, Federal Income Tax and Taxation of Business Entities. They also include courses imparting other types of substantive knowledge, such as Community Property and Business Organizations. Not all students, of course, will take all of these courses, but they are available to interested students during their time at the Boyd School of Law.

Among the courses in the middle of the curricular pyramid, students interested in careers in estate planning will preferably consider taking an advanced drafting course. We are proud of our Lawyering Process Program, which is consistently ranked among the nation's best. Students take two Lawyering Process courses – emphasizing legal research, analysis and writing – in their first year. During their remaining years, students are also required to take a third Lawyering Process course from a menu of offerings adapted to different contexts and teaching different skills. Of course, drafting wills, trusts, agreements and other legal instruments is core to an estate planning practice. Students contemplating an estate planning practice have the opportunity to take an advanced drafting course in order to complete their Lawyering Process requirements.

The capstone of our pyramid of courses for prospective estate planners is our Estate



Planning Seminar. This course brings together the substantive knowledge gained in the foundational and intermediate courses and the skills learned in drafting courses.

The Boyd School of Law is blessed with an excellent corps of adjunct professors: lawyers at the top of their segments of the profession who give generously of their time and experience to teach specialized courses. Our Estate Planning Seminar is taught by one such adjunct professor, Douglas Edwards, with assistance from his partner, Neal Chambers.

The Estate Planning Seminar is offered each year, with an average enrollment of about 15 students. The emphasis of the seminar is drafting estate planning documents, both from documents created by the students themselves and from documents created by others. A secondary objective is to review utilization of various forms of entities to accomplish estate planning objectives.

Typically, students in the seminar are required to draft the following documents (or designated parts thereof): a single person's will, a married person's will with a testamentary by-pass trust, a revocable husband-and-wife trust, a generation-skipping trust, an irrevocable life insurance trust, a buy-sell

agreement, a family partnership, a grantor-retained annuity trust or qualified personal residence trust and a charitable remainder unitrust.

Also, from time to time, students in the Estate Planning Seminar receive additional assignments. For example, an assignment in the spring 2010 seminar was to draft provisions to cover situations in which the surviving spouse is not a United States citizen and wishes a testamentary trust to constitute a qualified domestic trust for purposes of the marital deduction for federal estate tax purposes.

In summary, a significant number of Boyd graduates include some estate planning in their practices. The curriculum of the law school offers a range of courses for students interested in such practice, from the foundational to the sophisticated. ■

STEVE JOHNSON is the E.L. Wiegand Professor and Associate Dean for Faculty Development and Research at the William S. Boyd School of Law. He is a frequent speaker at law conferences throughout the United States and has authored numerous books and articles. His work has been cited by the United States Supreme Court and many other courts, administrative agencies and commentators.