

Laws 2121 – Law of Succession Syllabus 2 Credit Hours

Fall 2018

Class hours, Wednesday 11:30 am to 1:20 pm, Weldon W104

Instructor: Debbie Garson

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Course Description

This course provides an opportunity to consider current legal issues involving wills, distribution of assets, and probate of estates, with a practical focus. In addition to the common law, we will consider Nova Scotia legislation including the Wills Act, Intestate Succession Act, Probate Act, Testators' Family Maintenance Act and Matrimonial Property Act, as well as the Code of Professional Conduct. Topics to be discussed include the formalities of execution, substantive challenges to wills such as testamentary capacity and undue influence, construction and administration of wills, problems relating to mistake, lapse and ademption, conjugal matters, vesting and class gifts, as well as dying without a will.

Learning Management System Site Information

Materials for this course will be located on the LAWS 2121 – Law of Succession Brightspace site.

Required Text(s)

- 1) Casebook Law of Succession posted on Brightspace
- 2) Statutory Supplement posted on Brightspace

NOTE: Students should bring these required materials to every class.

Recommended Reference Materials (not required reading; you are only responsible for what is covered in class)

- 1) J. MacKenzie & T. Feeney, Feeney's Canadian Law of Wills, 4th ed. (looseleaf)
- 2) A. Oosterhoff, Oosterhoff on Wills and Succession, 7th ed., 2011
- 3) H. Black, Wills and Estates: Cases, Text and Materials, 2009

Course Assessments

Final Exam – Open Book Tuesday December 18, 9:30 am 100%

NOTE: Class lectures are based on the assumption that assigned materials have been read in advance. Students are expected to participate in class discussion and sample problem-solving. Students will each be asked to sign up for and present one case.

Student Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean, Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, <u>before</u> a scheduled exam or a deadline for an assignment, and will generally require documentation. <u>Retroactive accommodation will not be provided</u>. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit <u>www.dal.ca/access</u> for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at (902) 494-2836.

Submission of Major Papers and Assignments

Major papers and assignments must be submitted in hard copy. Students should hand papers in to the place stipulated by the instructor and ensure they are date and time stamped. Please read the law school policy on late penalties: <u>https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html</u>

Please note students may also be required to provide an identical electronic copy of their paper to the instructor by the due date. Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography

Plagiarism

All students must read the University policies on plagiarism and academic honesty <u>http://academicintegrity.dal.ca/</u> and the Law School policy on plagiarism <u>http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html.</u> Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

General Resources

* General Academic Support – Advising Halifax: https://www.dal.ca/campus_life/academic-support/advising.html

* Fair Dealing Guidelines https://libraries.dal.ca/services/copyright-office/guidelines/fair-dealing-guidelines.html