

Trusts & Wills

Course No. 5339

Section 13425

Fall 2025

6:00-7:30 p.m. [Tuesdays & Thursdays FACE TO FACE]

First Class Tuesday, August 26, 2025

Last Class Tuesday, November 25, 2025

Gus G. Tamborello

Adjunct Professor of Law

Syllabus

This syllabus does not contain the individual class assignments. A detailed assignment sheet will be made available prior to the first class. The assignments will come from the text book and the Texas codes shown below.

I. Contact Information

Gus G. Tamborello

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Email: Gus@TamborelloLaw.com (Please use this email rather than my UH email)

Phone: 713.659.7777 office

Fax: 713.659.7780

Website: www.TamborelloLaw.com

Office hours will be made by appointment.

I prefer you contact me by email or in person after class.

II. Required Course Materials

A. Textbook

Wills, Trusts, and Estates, **Eleventh Edition**, Robert H. Sitkoff, Jesse Dukeminier
Published 11/12/2021

Connected eBook with Study Center + Hardcover
(New print textbook includes access to the eBook, study center)
ISBN: 9781543824469

Connected eBook with Study Center (Digital Only)
ISBN: 9781543849141

B. Statutes

In the past, I have required the students to have a current edition of the Texas Estates Code and Texas Property Code (which contains the Texas Trust Code). Even though the Texas Bar Exam is now basing its questions on the Uniform Probate Code and the Uniform Trust Code, I feel it is important for the students to also learn Texas law on the subject. Therefore, my strong suggestion will be to purchase the **2025** edition of *Johanson's Texas Estates Code Annotated* published by Thomson Reuters Westlaw. Alternative option: Jones McClure Texas Estates Code. The text book itself has references to the Uniform Probate Code and the Uniform Trust Code, so you will not need to purchase the uniform codes.

NOTE- Do not purchase the 2024 edition or earlier because it will not contain the legislative changes which will be made by the Texas legislature in the Summer of 2025.

III. *Learning Objectives/Outcomes/Goals*

The course covers major portions of the law of trusts and wills. The course will familiarize students with common law and statutory provisions relating to the gratuitous transfer of assets. Attendance at class and timely reading the assigned the materials will enable to the student to develop competence in (1) The Laws Relating to Giving; (2) The Laws Relating to Dying Without a Will or Other Estate Planning; (3) The Laws relating to the formation of wills, construction of wills, revocation/reformation of wills, and contest of wills; (4) Laws relating to the non-probate methods of transferring property such as survivorship provisions and agreements, transfer on death designation, beneficiary designations, and trusts; (5) Laws relating to the formation and construction of trusts and the duties of trustees; and (6) The special rights of a surviving spouse and minor children, including an overview of the Texas community property laws.

The course will be a combination of lecture and discussion. I will also attempt to offer examples of practical application based upon my years of practice in the area of probate and estates, which will include slides, handouts, and some video. I believe the course will be both challenging and enjoyable. Students usually find this area of law to be more interesting than they originally thought. Issues surrounding wills and estates are in the news regularly.

IV. *Class Attendance*

You will be expected to attend every class meeting and to arrive promptly. We will adhere to the school's standard 80% attendance policy. Any person not complying with the attendance policy will be dropped from the class.

After the first or second class, I will take attendance by distributing a roll sheet at the beginning of each class. Each student should personally initial by his or her name for that class session. It is your responsibility to insure that you have initialed the roll sheet before you leave the classroom each day. Students who do not sign the role sheet are deemed to have been absent.

Please note that you are responsible for managing your absences from class and ensuring that your total number of absences does not exceed the threshold for the class. If you are unable to attend a class, or you need to arrive late or leave early, I prefer that you notify me in advance by email if your group is on call for that class. I request this notification primarily because I call on students and it is useful to know in advance that a student will not be available.

Even if you have notified me that you will be absent, that absence still uses one of your available absences. If your situation is such that you are close to the limit, you are required to consult with me to determine precisely the number of absences available. Do not exclusively rely on your own calculation as to the limit. Also, I advise you to use caution in taking absences early in the semester. Early semester absences reduce your "margin for error" for the remainder of the semester and can create a difficult situation if sicknesses or other life events arise.

V. Grades & Class Participation

Your grade will be based upon your performance on the final exam.

However, your grade may be affected by class participation and attendance, or lack thereof. I reserve the right to raise or lower your grade (i.e. A- to A, B+ to B) based upon class participation and/or absences.

The class will be divided into groups for purposes of required participation. The number of groups will depend on the number of students enrolled in the class. Each group will be assigned a class. The groups will rotate throughout the semester, with each group being responsible for the class to which they are assigned. Each group member must be prepared to answer questions or recite cases for that class. Being unprepared on the day your group is responsible is an example of what can affect your grade adversely.

Regardless of the foregoing, each student should prepare for each class by reading the entire assignment for the day before attending class. This is the only true pathway to success in the class in terms of grade and learning the subject matter. I plan for us to cover the assigned material per class period. However, there will be days when it may take us more or less than one class period to cover an assignment. You are responsible for keeping track of what assignment number we are on throughout the semester. I will do my best to tell the class if I think we will not reach or complete the next day's assignment. If you miss a class meeting, it is your responsibility to check with a classmate to determine whether the class finished the entire assignment on the day you missed.

VI. Final Exam - Closed Book

There will be one final exam at the end of the semester, **which will be a closed book exam** (closed textbook, closed rule book, closed notes). It is anticipated that the final exam will consist of multiple choice and short answer questions.

VII. Recording of Class

Recording of the class by any means is prohibited without the express consent of the professor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform.

Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

VIII. Student Handbook and Compliance with Honor Code

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

IX. Professionalism

During class discussions, I expect participants in the class to be respectful, civil to each other, incorporate constructive comments, and not dominate the discussion. This does not mean students cannot express disagreement in a significant way, but should do so using the sort of language they might use in court and in a way that displays respect for other persons in the class. In essence, students should argue in class as if they were arguing before a judge to engender the good will of the judge yet working to state their case as persuasively as possible.

X. AI Generated Text

The software technology known as artificial intelligence has recently expanded its capability to generate text and other work product (AI Generated Work Product). Examples of the technology include what are known as "generative" large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text and other work product in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Work Product, appears to have human mimicking "intelligence" and is thus potentially usable as a substitute for material one might generate themselves. AI Generated Work Product can include computer code or programs as well as human language content and materials.

Your continuing enrollment in this course obligates you to not knowingly prompt, generate, or use any AI Generated Work Product in relation to any activity or assessment in this course. This applies to AI Generated Work Product from yourself or others. This obligation includes that your assessment materials in the course be without any contribution from AI Generated Work Product. This obligation specifically extends to not plagiarize any writing required of you for assessment in the course: AI Generated Work Product will be treated as from another/others in applying the plagiarism policy to this course. The term "assessment" means any material generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Work Product may not be used in the development or drafting of any assessments created by you in a non proctored environment, such as a "take home" final examination.

XI. Mental Health & Wellness

The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

XII. Title IX/Sexual Misconduct

Per the UHS Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

XIII. Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

XIV. Women and Gender Resource Center

The mission of the WGRC is to advance the University of Houston and promote the success of all students, faculty, and staff through educating, empowering, and supporting the UH community. The WGRC suite is open to you. Stop by the office for a study space, to take a break, grab a snack, or check out one of the WGRC programs or resources. Stop by Student Center South room B12 (Basement floor near Starbucks and down the hall from Creation Station) from 9 am to 5 pm Monday through Friday.