

Alan Newman  
Curriculum Vitae  
March 2011

**PROFESSIONAL EXPERIENCE**

- 8/07-Present Professor of Law  
The University of Akron School of Law
- 8/96-8/07 Associate Professor of Law  
The University of Akron School of Law
- 3/03-6/06 Reporter for the Ohio Trust Code Joint Committee of the Ohio Bankers League  
3/07-1/09 Legal, Legislative and Regulatory Committee and the Ohio State Bar  
Association Estate Planning, Trust, and Probate Law Section
- 8/95 - 6/96 Visiting Associate Professor of Law  
The University of South Dakota School of Law
- 6/95 - 5/01 Hartzog Conger & Cason (Of Counsel)  
Oklahoma City, Oklahoma
- 11/81 - 6/95 Hartzog Conger & Cason  
Oklahoma City, Oklahoma
- 1986, 88, 94 Adjunct Professor of Law,  
The University of Oklahoma College of Law
- 9/80 - 9/81 Judicial Clerk  
The Honorable Thomas Gibbs Gee  
United States Court of Appeals for the Fifth Circuit

**EDUCATIONAL BACKGROUND**

- Law School: The University of Oklahoma College of Law, Juris Doctor, with Honors, 1980  
Class Rank: 1st of 203  
Order of the Coif  
Article and Note Editor of the Oklahoma Law Review
- Undergraduate: The University of Oklahoma  
Bachelor of Accountancy, with Special Distinction, 1977

## **SUBJECTS TAUGHT**

Wills, Trusts, and Estates I; Wills, Trusts, and Estates II; Estate Planning; Accounting and Finance from a Lawyer's Perspective; Property II; and Estate and Gift Taxation (at the University of South Dakota School of Law)

## **SELECTED PUBLICATIONS**

**BOGERT, TRUSTS AND TRUSTEES (volume containing sections 961-974), Thomson West, third edition (2010).**

*The Trustee's Duty to Keep Beneficiaries Reasonably Informed*, 21 PROBATE L. J. OF OHIO 17 (Sept./Oct. 2010).

*Ohio Trust Code Update: Recent Developments*, 20 PROBATE LAW JOURNAL OF OHIO 1 (September/October 2009).

*Revocable Trusts and the Law of Wills: An Imperfect Fit*, 43 REAL PROPERTY, TRUST, AND ESTATE LAW JOURNAL 523 (2008).

*The Uniform Trust Code: An Analysis of Ohio's Version*, 34 OHIO NORTHERN UNIVERSITY LAW REVIEW 135 (2008).

*Shoemaker v. Gindlesberger: The Lack of Privity Defense Survives, but Just Barely*, 18 PROBATE LAW JOURNAL OF OHIO 214 (July/August 2008).

*The Ohio Trust Code: The Joint Committee's Proposal for Its First Amendment*, 18 PROBATE LAW JOURNAL OF OHIO 69 (November/December 2007).

WILLS, TRUSTS, AND ESTATES - SUM AND SUBSTANCE, Thomson West (2007) (with Jeffrey N. Pennell).

*The Ohio Trust Code and Revocable Trusts: Duties of the Trustee While the Settlor is Living*, 17 PROBATE LAW JOURNAL OF OHIO 103 (January/February 2007).

*Ohio Adopts New Trust Code*, THE OHIO LAWYER (September/October 2006).

OHIO TRUST CODE, Reference Manual of the Ohio State Bar Association CLE Institute, co-editor and author of Chapter 2, *Report on HB 416: The Ohio Trust Code, as Enacted* (July 2006).

*Powers of Withdrawal, Claims for Set-Off, and Spendthrift Protection*, 16 PROBATE LAW JOURNAL OF OHIO 143 (May/June 2006).

*Spendthrift and Discretionary Trusts: Alive and Well under the Uniform Trust Code*, 40 REAL PROPERTY, PROBATE AND TRUST JOURNAL 567 (2005).

*The Intention of the Settlor under the Uniform Trust Code: Whose Property Is It, Anyway?*, 38 AKRON LAW REVIEW 649 (2005) (lead article).

ESTATE AND TRUST PLANNING, ABA Publishing (2005) (with Jeffrey N. Pennell).

*The Modification and Termination of Irrevocable Trusts under the Ohio Uniform Trust Code*, 16 PROBATE LAW JOURNAL OF OHIO 2 (with Jamie Minor) (September/October 2005).

*Estate Planning Trust and Probate Law Section Council Approves Draft #3 of Ohio Uniform Trust Code*, 15 PROBATE LAW JOURNAL OF OHIO 111 (with Karen M. Moore) (May/June 2005).

*What is the Status of Creditors under the Uniform Trust Code?*, 32 ESTATE PLANNING 29 (with three co-authors) (Feb. 2005).

*Codify – Not Modify: Creditor Remedies and the Ohio Uniform Trust Code*, 15 PROBATE LAW JOURNAL OF OHIO 24 (with Richard E. Davis) (November/December 2004).

*The Ohio Uniform Trust Code Takes Shape*, 14 PROBATE LAW JOURNAL OF OHIO 72 (March/April 2004).

*The Rights of Creditors of Beneficiaries under the Uniform Trust Code: An Examination of the Compromise*, 69 TENNESSEE LAW REVIEW 771 (2002) (lead article).

*Incorporating the Partnership Theory of Marriage Into Elective-Share Law: The Uniform Probate Code's Approximation System and The Deferred Community Property Alternative*, 49 EMORY LAW JOURNAL 487 (2000).

WILLS, TRUSTS, AND ESTATES ROADMAP, Aspen Law & Business (2000) (with Jeffrey N. Pennell).

### **PRESENTATIONS (most with written materials)**

**11/11 First-Knox National Bank, Estate Planning and Professional Ethics seminar, Mt. Vernon, Ohio. Subject: When "Irrevocable" Isn't Really Irrevocable:**

**Modification and Termination under the Ohio Trust Code.**

- 5/11 Lake Mount Church of Christ, New Waterford, OH program: Don't Blow It - Grow It; How to Protect Your Money. Subject: Planning for the Future: Wills, Trusts, Living Trusts, Powers of Attorney and More.**
- 2/11 The University of Akron School of Law Winter Institute. Subject: Trustee's Duties and Beneficiaries' Rights regarding Information about the Trust: The Basics and More.**
- 1/11 Wills for Heroes program for local police, firefighters and EMS personnel. Continuing legal education presentation for volunteer attorneys.**
- 11/10 First-Knox National Bank, Estate Planning and Wealth Management seminar, Mt. Vernon, Ohio. Subject: Trustee's Duties and Beneficiaries' Rights regarding Information about the Trust: The Basics and More.**
- 9/10 The University of Akron School of Law alumni program in Youngstown. Subject: Trustee's Duties and Beneficiaries' Rights regarding Information about the Trust: The Basics and More.**
- 11/09 The Supreme Court of Ohio Judicial College program on Key Issues under the Ohio Trust Code for Judges and Magistrates. Subjects: Overview of the Ohio Trust Code and Modification, Reformation, Termination and Private Settlement Agreements.**
- 11/09 First-Knox National Bank, Estate Planning and Wealth Management seminar, Mt. Vernon, Ohio. Subject: A National Perspective on the Trust Code: Developing Case Law.**
- 10/09 36<sup>th</sup> Annual Estate Planning Institute, Cleveland Metropolitan Bar Association. Subject: Developing Case Law under the Uniform Trust Code.**
- 9/09 Council of Estate Planning, Trust and Probate Law Section of the Ohio State Bar Association. Subject: Drafts of New Trust and Wills Anti-Lapse and Trust Distributions Statutes.**
- 6/09 The Ohio State Bar Association 20<sup>th</sup> Annual Estate Planning Conference on Wealth Transfer, Columbus. Subject: Developing Case Law under the Uniform Trust Code.**
- 6/09 The Ohio State Bar Association 20<sup>th</sup> Annual Estate Planning Conference on Wealth Transfer, Columbus. Subject: An Update on the Ohio Trust Code:**

## **Recent Developments.**

- 5/09**      **The Cleveland Metropolitan Bar Association Probate and Estate Planning Section. Subject: A National Perspective on the Trust Code: Developing Case Law.**
- 2/09**      **The University of Akron School of Law Winter Institute. Subject: The Ohio Trust Code: Amendments, Planning Issues, and Case Law.**
- 2/09**      **The University of Akron Human Resources program for employees. Subject: Planning for the Future: Wills, Trusts, Living Trusts, Powers of Attorney and More.**
- 11/08      First-Knox National Bank, Estate Planning and Wealth Management seminar, Mt. Vernon, Ohio. Subject: An Update to the Ohio Trust Code.
- 11/08      The University of Akron School of Law alumni program in Youngstown. Subject: The Ohio Trust Code: Amendments, Planning Issues, and Case Law.
- 10/08      The University of Akron School of Law alumni program in Akron. Subject: The Ohio Trust Code: Amendments, Planning Issues, and Case Law.
- 4/08      Presented proponent's testimony on HB 499, to amend the Ohio Trust Code, to the Civil and Commercial Law Committee of the Ohio House of Representatives.
- 3/08      The Akron Bar Association, Probate Law Section. Subject: The Ohio Trust Code A Year After Enactment: Amendment Issues.
- 2/08      The University of Akron School of Law Winter Institute. Subject: The Ohio Trust Code A Year After Enactment: Amendment Issues.
- 3/07      Ohio State Bar Association seminar. Subject: Ohio Trust Code Revisited: Practical Applications Improving the OTC.
- 1/07      Cincinnati Estate Planning Council program. Subject: An Introduction to the New Ohio Trust Code (Part 1).
- 12/06      Akron Bar Association Ohio Trust Code seminar. Subject: An Introduction to the New Ohio Trust Code (Part 1).
- 11/06      Akron Bar Association Advanced Issues in Elder Law seminar. Subject: An Introduction to the New Ohio Trust Code.

- 11/06 Mellon Private Trust Company, N.A. seminar. Subject: The Creditors' Rights Provisions of the Ohio Trust Code and Selected Planning Implications.
- 11/06 First-Knox National Bank, Estate Planning and Wealth Management seminar, Mt. Vernon, Ohio. Subject: An Introduction to the New Ohio Trust Code.
- 7/06 Ohio State Bar Association CLE Institute seminar on the Ohio Trust Code. Subject: Creditor Issues and Government Benefit Qualification.
- 5/06 Central Ohio Estate Planning seminar. Subject: An Introduction to the New Ohio Trust Code.
- 5/06 The Oklahoma City Estate Planning Council program. Subject: An Overview of the Uniform Trust Code.
- 5/06 The Ohio State Bar Association annual convention Estate Planning seminar. Subject: An Introduction to the New Ohio Trust Code.
- 2/06 Presented testimony on a proposed bill to enact the Uniform Trust Code in Colorado to the Judiciary Committee of the Colorado House of Representatives.
- 2/06 Presented proponent's testimony on the Ohio Trust Code to the Judiciary Committee on Civil Justice of the Ohio Senate.
- 2/06 2006 Probate Practice seminar, Stark County Bar Association. Subject: An Overview of the Ohio Trust Code.
- 1/06 Presented explanation of amendments to the Ohio Trust Code to the Civil and Commercial Law Committee of the Ohio House of Representatives.
- 1/06 Presented proponent's testimony on the Ohio Trust Code to the Civil and Commercial Law Committee of the Ohio House of Representatives.
- 9/05 The Marvin R. Pliskin Advanced Probate and Estate Planning seminar, OSBA Continuing Legal Education Institute. Subject: Key Provisions of the Ohio Uniform Trust Code.
- 6/05 First Annual Uniform Trust Code National Conference. Subject: Creditors' Rights under the Uniform Trust Code.
- 5/05 16th Annual Estate Planning Conference on Wealth Transfer, OSBA Continuing Legal Education Institute. Subject: Ohio's Uniform Trust Code.

- 5/05 Ohio State Bar Association Council of Delegates. Subject: The Ohio Uniform Trust Code.
- 5/05 Fratcher Estate and Trust Symposium (The University of Missouri-Columbia School of Law and the Missouri Bar Continuing Legal Education). Subject: Spendthrift and Discretionary Trusts under the Missouri Uniform Trust Code.
- 4/05 Ohio State Bar Association Council of Delegates Screening Committee. Subject: The Ohio Uniform Trust Code.
- 3/05 Council of Estate Planning, Trust and Probate Law Section of the Ohio State Bar Association. Subject: Third Draft of the Ohio Uniform Trust Code.
- 1/05 39<sup>th</sup> Annual Heckerling Institute on Estate Planning (the University of Miami School of Law). Subject: Creditors' Rights under the Uniform Trust Code.
- 10/04 Symposium on Representing the Elder Client, The University of Akron School of Law. Subject: The Intention of the Settlor under the Uniform Trust Code: Whose Property Is It, Anyway?
- 10/04 The Cleveland Estate Planning Institute program. Subject: Key Issues Concerning Ohio's Proposed Version of the Uniform Trust Code.
- 9/04 Ohio American College of Trust and Estate Counsel, Fall 2004 meeting. Subject: Creditors' Rights and the Ohio Uniform Trust Code.
- 1/04 Board of Governors of the Estate Planning, Trust, and Probate Law Section of the Ohio State Bar Association. Subject: Overview of the Ohio Uniform Trust Code.
- 5/01 American Law Institute – American Bar Association Continuing Legal Education program. Subject: Fundamentals of Wills and Trust Law. Three-day course at the Emory University School of Law. Co-taught with Professor Jeffrey N. Pennell.
- 6/98 Ohio Appellate Judges Continuing Legal Education program. Subjects: Ohio Considers the Uniform Probate Code's Spousal Elective Share and Estate Planning: The Roth IRA.
- 5/98 University of Akron School of Law Alumni Continuing Legal Education program. Subject: Wills & Trusts: The Spousal Elective Share.
- 10/97 The Central States Law Schools Association 1997 Annual Meeting Works in Progress presentation. Subject: The Spousal Elective Share Under the Uniform Probate Code: The Deferred Community Property Alternative.

- 5/97 University of Akron School of Law Alumni Continuing Legal Education program.  
Subject: Wills & Trusts: The Spousal Elective Share.
- 6/96 Quad State (Oklahoma, Kansas, Missouri, and Arkansas) Meeting of the American College of Trust and Estate Counsel. Subject: The Spousal Elective Share.
- Pre-1996 Numerous continuing legal education programs of the Oklahoma Bar Association and The University of Oklahoma. Subjects: various trust and estate related topics.

### **SELECTED PROFESSIONAL RECOGNITION**

Voted Outstanding Professor of the Year by University of Akron School of Law graduating class, 1997-98, 1999-00, 2000-01, 2006-07, and **2010-11** school years; nominee for the 1998-99, 2001-02, 2002-03, 2003-04, 2004-05, and 2007-08 school years

**Academic Fellow of the American College of Trust and Estate Counsel**

**Certified Public Accountant:**

Gold Medal Winner - Highest grade in Oklahoma on November, 1977 CPA exam  
American Institute of Certified Public Accountants, Elijah Watts Sells Honorable  
Mention award - One of the top 71 papers in the United States on the  
November 1977 CPA exam

### **SELECTED PROFESSIONAL ACTIVITIES**

**Member, Editorial Advisory Board of the Probate Law Journal of Ohio**

**Member of the American, Ohio, Akron and Oklahoma Bar Associations**

**Member of the AALS Section on Donative Transfers, Fiduciaries and Estate Planning**

**Former Reporter for the Ohio Trust Code Joint Committee of the Ohio Bankers**

**League Legal, Legislative and Regulatory Committee and the Ohio State Bar Association Estate Planning, Trust, and Probate Law Section**

Former Chair of the Estate Planning and Probate Law Section of the Oklahoma Bar Association

Former Chair of the Taxation Law Section of the Oklahoma Bar Association

Former Director of the Oklahoma City Estate Planning Council

**Certified Public Accountant**

### **SELECTED SCHOOL OF LAW ACTIVITIES**

**2010-2011: Member, Admissions and Alumni and Student Affairs Committees**

**2008-2009: Secretary to the Law Faculty**

2008-2009: Member, Faculty Appointments Committee



2008-2009: Member, Community Service Committee

2004-08: Chair – Alumni and Student Affairs Committee

2007-2008: Member, Planning and Resources Committee

Prior years: served on the following committees of the law school: Academic; Alumni and Student Affairs; Curriculum; Faculty Appointments; Library; Standards Regulations Bylaws Review; Ad Hoc Judicial Clerkships; Ad Hoc Bar Performance (including as Chair). Also served as the law school's representative to the Faculty Advisory Committee to the Provost.

### **SELECTED UNIVERSITY ACTIVITIES**

2008: Member of the University Budget Committee

2007-2008: Member of the University's Provost Operations Advisory Committee

2001-06: Law school's representative on the University's Well-being Committee (secretary during 2002-03 and 2003-04 years)