PROFESSOR DONNA LITMAN

Nova Southeastern University, Shepard Broad College of Law
3305 College Avenue, Room 259, Fort Lauderdale, Florida 33314
Telephone (954) 262-6154 litmand@nova.edu

PROFESSOR OF LAW

Tenured Full Professor (since 1988)
Associate Professor (1985-88); Assistant Professor (1983-85)

Teaching Areas:
Business Planning, Comparative Law, Estate Planning,
Legal Drafting, and Tax Law

Current Courses:
Business Entities, Business Planning Workshop, Income Tax,
Legal Drafting Workshop, and Wills and Trusts

Courses Previously Taught:
Employee Benefits, Estate Planning Workshop, Income Taxation of
Estates and Trusts, Jewish Law Seminar, and Will Drafting Workshop

Adjunct Professor, Estate Planning and Tax LL.M. Programs
University of Miami School of Law (1981-82)

DEGREES AND HONORS

J.D. with Honors, University of Florida College of Law (1976)
Order of the Coif
Executive Editor, University of Florida Law Review
Book Award, Advanced Corporate Tax (LL.M.)
Book Award, Florida Real Estate Transactions
A.B. cum laude, University of Miami (1973)
University of Michigan (1969-71)

FACULTY-STUDENT ACTIVITIES

Faculty Coach, National Transactional LawMeet, Southeastern Region (2012 - present):
NSU Law Students were Semi-Finalist for Buyer (2018) and won Best Draft for Seller (2013), (2015).

Co-Faculty Coach, The L. Edward Bryant, Jr. National Health Law Competition
(with Cerminara, K.) (2013 – 2017), (with Uzdavines, M.) (2018 – present):
NSU Law Students won Overall Competition (Champion 2013, 2014), Best Oral Presentation (2017, 2013), Third Place Team (2019).

FACULTY-STUDENT ACTIVITIES

Faculty Advisor, Jewish Law Students Association (since 2003).

Faculty Advisor, Transactional Law Practice Group (since 2012).

Faculty Advisor, Real Property, Probate, and Trust Law Society (since 2012).

PROFESSIONAL MEMBERSHIPS AND CERTIFICATIONS

Member, The Florida Bar (admitted 1977).
Member, State Bar of Georgia (admitted 1976).
Florida Bar Certified Tax Attorney (since 1983).
Florida Supreme Court Certified Circuit Mediator (since 2008).

PROFESSIONAL RECOGNITION

Who's Who in America (since 2009).
AV Preeminent rating, Martindale-Hubbell (av since 1983).

PROFESSIONAL COMMITTEES

Tax Certification Committee, The Florida Bar (Appointed Chair 1994-95, 2005-06, Vice Chair 1993-94, 2004-05, Member 1991-98, 2001-07, 2011-17).

Member, US/Canada Committee, Jewish Law Association (appointed 2013-present).

PUBLICATIONS

BOOKS

FLORIDA WILLS, TRUSTS, AND ESTATES – CASES AND MATERIALS (with Marty-Nelson, E., Maurer, J., Richmond, G., and Rodriguez-Dod, E.) (1st ed. 2007, 2nd ed. 2011, 3rd ed. 2016) and Teachers' Manual (1st ed. 2007, 2nd ed. 2012, 3rd ed. 2016).

LEXISNEXIS PRACTICE GUIDE: FLORIDA ESTATE AND PROBATE PRACTICE (Vol. I – 2006, Vol. II – 2007).

PORTFOLIOS

INCOME TAXATION OF TRUSTS AND ESTATES, Tax Management Portfolio 406 (1993) (with Christin, N.).

LOSSES, Tax Practice Series, Paragraph 2350 (Tax Management) (1989) (with Lefevere, J.F.).

BOOK CHAPTERS

MURPHY'S WILL CLAUSES, (Matthew Bender) (1991-2001):

Chapter 1	*Complete Wills and Codicils – An Overview* (2001).
Chapter 2	*Basic Estate Planning and Will Drafting Considerations* (1991).
Chapter 3	*Federal Estate and Gift Taxation: Will Drafting and Planning Considerations* (2000).
Chapter 3B	*Federal Income Taxation of Decedents and Their Estates: Will Drafting and Planning Considerations* (Updated 2000).
Chapter 3C	*Federal Income Taxation of Trusts: Drafting and Planning Considerations (Updated 2000).*
Chapter 4	*Non-Dispositive Will Provisions* (1996).
Chapter 5	*Testamentary Dispositions of Property – Types of Devise and Devises of Specific Types of Property (1998).*
Chapter 6	*Successive and Concurrent Interests – Ownership and Devise (1999).*
Chapter 7	*Testamentary Trusts (2000).*
Chapter 10	*Particular Beneficiaries (2001).*
Chapter 13	*Beneficial Aspects of Devises: Conditions, Lapse, and Disclaimers (2002).*
Chapter 14	*Property Aspects of Devises: Changes in Assets and Liabilities (2002).*
Chapter 15	*Appointment and Compensation of Fiduciary (1997).*
Chapter 16	*Fiduciary Duties, Powers, and Liabilities (1997).*
Chapter 17	*Tax Apportionment and Related Directions (1996).*
Chapter 18	*Inter Vivos Trusts* (1999).
Chapter 18A	*Estate Planning Agreements and Other Estate Planning Documents* (1998).
Chapter 20	*Living Wills and other Health Care Directives* (1995).

ESTATE AND PERSONAL FINANCIAL PLANNING (Callaghan & Company): Chapter 16, *Overview of Gift and Estate Taxation* (1988).

ARTICLES

A Case on the Border Between Jewish and American Rules of Statutory Construction: A Comparative Analysis, in C. Hayes & A. Israel-Vleeschhouwer (eds.), XXV JEWISH LAW ASSOCIATION STUDIES – JEWISH LAW AND ITS INTERACTION WITH OTHER LEGAL SYSTEMS, 120-175 (Liverpool, Deborah Charles Publications 2014).

Jewish and American Inheritance Law: Commonalities, Clashes, and Estate Planning Consequences, in L. Moscovits & Y.Rivlin (eds.), XXII JEWISH LAW ASSOCIATION STUDIES – WISDOM AND UNDERSTANDING – STUDIES IN HONOUR OF BERNARD S. JACKSON 166-192 (Liverpool, Deborah Charles Publications 2012) (with Resnicoff, S.J.).

ARTICLES

Financial Disclosure on Death or Divorce: Balancing Privacy of Information with Public Access to the Courts, 39 SOUTHWESTERN LAW REVIEW 433-498 (2010).

Revocable Trusts Under the Florida Trust Code, 34 NOVA LAW REVIEW 1-70 (2009).

Jewish Law: Deciphering the Code by Global Process and Analogy, 82 UNIVERSITY OF DETROIT MERCY LAW REVIEW 563-598 (2005).

The Interrelationship Between the Elective Share and the Marital Deduction, 40 REAL PROPERTY, PROBATE AND TRUST JOURNAL 539-556 (2005).

Intestacy in the Context of Estate Planning in Florida: When to Apply the Intestacy Rules and How to Avoid Them, LXXVI, No. 9 FLORIDA BAR JOURNAL 53-58 (October 2002).

Bankruptcy Status of "ERISA Qualified Pension Plans"– An Epilogue to Patterson v. Shumate, 9 AMERICAN BANKRUPTCY INSTITUTE LAW REVIEW 637-697 (2001).

Apportionment of the Federal Estate Tax–Effect of Selective Federal Apportionment and Need for Reform, 33 REAL PROPERTY, PROBATE AND TRUST JOURNAL 327-409 (1998).

Judicial Lien Avoidance and the Homestead Exemption, 3 JOURNAL OF BANKRUPTCY LAW AND PRACTICE 319-402 (1994).

There's No Place Like Home(stead) in Florida--Should it Stay that Way?, 18 NOVA LAW REVIEW 801-890 (1994).

The New Math for Alimony and Separate Maintenance Payments, 13 REVIEW OF TAXATION OF INDIVIDUALS 34-65 (1989).

An Update on the Legal Chameleon: Florida's Homestead Exemption and Restriction, 40 UNIVERSITY OF FLORIDA LAW REVIEW 919-948 (1989).

Cited by Supreme Court of Florida in:
Snyder v. Davis, 699 So.2d 999, 1001n.3 (Fla. 1977).

Chapter 7 Cases: Do ERISA and the Bankruptcy Code Conflict as to Whether a Debtor's Interest in or Rights Under a Qualified Plan Can Be Used to Pay Claims?, 61 AMERICAN BANKRUPTCY LAW JOURNAL 219-254 (First Installment), 301-340 (Second Installment) (1987).

Cited by Supreme Court of United States in:
Patterson v. Shumate, 112 S. Ct. 2242, 2249 n.6, 2250 (1992).

ARTICLES

The Bankruptcy Code and ERISA: Do They Conflict as to Whether a Debtor's Interest in or Rights Under a Qualified Plan Can Be Used to Satisfy Claims and Expenses?, 3 BANKRUPTCY DEVELOPMENTS JOURNAL 1-126 (1986).

Marital Deduction Clauses: An Alternate Formula, THE ESTATES, GIFTS AND TRUSTS JOURNAL 21 (1980).

Our Legal Chameleon Revisited: Florida's Homestead Exemption, 30 UNIVERSITY OF FLORIDA LAW REVIEW 227-309 (1978) (with Maines, J.A.).

Cited by Supreme Court of Florida in:
Snyder v. Davis, 699 So.2d 999, 1001n.3 (Fla. 1977).
Jameson v. Jameson, 38 So.2d 351, 353 (Fla. 1980).

ESSAYS AND NOTES

Essay, *People of the Book: Judaism's Influence on American Legal Scholarship, My Journey from Judaism to Jewish Law,* 16 RUTGERS JOURNAL OF LAW AND RELIGION 330 (2015), available online at:
http://www.lawandreligion.com/volume http://lawandreligion.com/volume-16.

Case Note, *Grand Jury Investigations versus Administrative Power: Which is More Confusing to the Electorate*, 27 UNIVERSITY OF FLORIDA LAW REVIEW 582 (1974-75).

MONTHLY NEWSPAPER COLUMNS

Estate Planning, Business Weekly, SUN-SENTINEL, Fort Lauderdale, Florida (1992-96):

Setting Up a Will Can Be a Frustrating Task, June 3, 1996.
You Can Use Your Will to Help Apportion Tax Burden, March 4, 1996.
Tailor Estate Planning to Suit the Individual, January 29, 1996.
Probate Laws Don't Necessarily Protect Survivors, December 25, 1995.
Care Must Be Taken in Naming Fiduciary, November 27, 1995.
Rules Allow You to Avoid Gift Taxes, October 16, 1995.
Law to Alter Rules on Revocable Trusts, September 11, 1995.
Understand Joint Accounts Before Signing Up, August 14, 1995.
Good Rapport with Attorney Essential, July 5, 1995.
Review Your Estate Plan During and After Divorce, June 26, 1995.
Will Substitutes Boost Choice, May 15, 1995.
Take Stock of Life Via Estate Planning, April 17, 1995.
For Sake of Children, Establish Contingency Plan, March 13, 1995.
Adoption has Effect on Child's Inheritance, February, 1995.
Legalese Doesn't Have To Be Greek To You, January 9, 1995.
Beneficiary Might Not Benefit from Promises, November 14, 1994.

MONTHLY NEWSPAPER COLUMNS

Estate Planning, Business Weekly, SUN-SENTINEL:

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Attorney's Value Goes Beyond Suits–Lawyers Are Essential for Wills and Trusts, October 14, 1994.
Make a Plan in Case You Become Disabled, September 19, 1994.
Trusts Let People Provide for Children, August 8, 1994.
There are Several Ways to Leave Assets, Money to Beneficiaries, July 11, 1994.
Plans Help Assess Personal Situation–A Well-Thought Out Estate Plan Can Ensure Your Dreams Continue Without You, June 20, 1994.
Defining Equal Treatment Varies, May 9, 1994.
Assets, Debts Vital to Planning Estate, April 4, 1994.
Will Helps Assure that Assets Go Where You Want, March 7, 1994.
Law Gives You Choice, Through Living Wills, Health Surrogates, February 7, 1994.
Revocable Trusts Useful as Substitutes for Wills, January 3, 1994.
Estate Planning Involves Gift Decisions, November 29, 1993.
For Revocable Trusts, You Need a Lawyer, October 25, 1993.
Some Ways to Choose Who Inherits Family Heirlooms, October 4, 1993.
Make a Will–While You're Still Healthy, August 23, 1993.
Some Precautions Can Help Prevent Undue Influence, July 19, 1993.
New Florida Law Changes Terms of Revocable Trusts, June 21, 1993.
There are Several Ways You Can Control an Asset, May 24, 1993.
With Wills, Planning Ahead Adds Certainty, April 19, 1993.
Where There is a Will, There May Be Questions, March 15, 1993.
Homestead Protection Keeps Creditors at Bay, February 15, 1993.
Careful Planning Benefits You and Your Survivors, January 18, 1993.
Be Aware of the Limits on What a Will Can Do, December 14, 1992.
Planning a Will Necessary but Sensitive Topic, November 16, 1992.
Estate Planning is Private and Essential, October 12, 1992.

CITATIONS TO PUBLICATIONS

A list of judicial and scholarly citations to these published works is available upon request.

PROFESSIONAL COMMITTEES

Member, Chapter 607 Subcommittee, Corporations, Securities & Financial Services Committee, Business Law Section, The Florida Bar

Founding Committee Member, Broad Fellowship, Hillel of Broward and Palm Beach (2003-2012).

Member, Jewish Law Section, AALS (since 2001)

PROFESSIONAL COMMITTEES

Liaison for Nova Southeastern University, Shepard Broad Law Center, Tax Section, The Florida Bar

Committees with Real Property, Probate and Trust Law Section of The Florida Bar: Chair, Tax Aspects of Homestead Subcommittee (1994-93); Chair, Tax Aspects of Administration of Estate and Trusts (1984-86); Member, Homestead Law Committee (1993-94).

Committees with Tax Section of The Florida Bar: Chair, Law Colleges and Scholarships (1988-91); Co-Chair, Seminars Committee (1989-90); Chair, Institutes Committee (1988-89); Estate and Gift Tax Committee (Chair 1983-86; Vice Chair 1980-82).

SPEAKING ENGAGEMENTS

Speaker, *Trends and Hot Topics in Trusts*, Trust Boot Camp: Beyond the Basics, Estate and Probate CLE Committee, Palm Beach County Bar Association (March, 2019).

Co-Presenter, *Business Models: Legal Structures, Ownership Models, and Tax Implications*, Berger Entrepreneur Bootcamp, Nova Southeastern University (with Steve Kass) (August, 2018).

Presenter, *Making Sense of the New Tax Law*, Thinking Money Program, Nova Southeastern University (May 2018).

Moderator and Panelist, *Law Center Plus – Board Certification: Reaching the Pinnacle of Practice*, Nova Southeastern University Shepard Broad College of Law (May, 2015).

Presenter, *Repairing Broken Trusts and Drafting Trusts that Don't Break*, Third Annual Elder Law Symposium, Saint Thomas University School of Law (February, 2015).

Panelist, *Teaching Transactional Aspect of Wills and Trusts with Will Forms*, SEALS Discussion Group on Trusts and Estates Scholarship and Pedagogy (August, 2013).

Guest Lecturer, *Women's Issue in American and Jewish Law*, DePaul University College of Law (October, 2012).

Featured Speaker, *Legally Fit: Significance of Jewish Law*, Professional Women's Council of Hadassah, Alvin Sherman Library at Nova Southeastern University (October, 2004).

Featured Speaker, *Comparison of American Law and Jewish Law*, Bet Shira Congregation and Temple Samuel Or Olom Sisterhoods (October, 2004).

Speaker, *The Heart of Estate Planning in Life and Death*, One Book/One Broward, South Broward Regional Library (November, 2003).

SPEAKING ENGAGEMENTS

Featured Speaker: *Introduction to Jewish Law*, Weston Hadassah Chapter, April, 2003.

Featured Speaker: *Importance of Jewish Law for American Lawyers and Law Students*, Nova Southeastern University, Shepard Broad Law Center (November, 2003).

Featured Speaker, *Pension, Profit Sharing and IRA Assets for the Trustee,* National Association of Bankruptcy Trustees, Annual Convention (August, 1990).

Program Chair, *Choice of Entity: Partnerships/Limited Liability Companies; S Corporations and C Corporations,* The Florida Bar (May, 1990).

Seminar Speaker, *IRAs, Pension Plans and Employee Benefits after TRA '86*, Nova Law Center (April, 1987).

Program Chair, *Estate Planning after the Tax Reform Act of 1986*, The Florida Bar (May, 1987).

Seminar Speaker and Group Leader, *Professional Corporations after TEFRA,* The Florida Bar (September, 1983).

Featured Speaker, *The Effect of the Tax Equity and Fiscal Responsibility Act of 1982 on Life Insurance and Employee Benefit Plans*, The Merkin Companies (October, 1982).

Featured Speaker, *The Tax Reform Act of 1976,* Massachusetts Mutual Life Insurance Company (September, 1976).