

PROFESSOR DONNA LITMAN

Nova Southeastern University, Shepard Broad College of Law
3305 College Avenue, Room 255, Fort Lauderdale, Florida 33314
Telephone: (954) 262-6154 Email: 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
Tax Law, and Transactional Law

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)

TRANSACTIONAL LAW STUDENT COMPETITIONS

Co-Faculty Coach, The L. Edward Bryant, Jr. National Health Law Competition
(with Cerminara, K.) (2013 – 2017), (with Uzdavines, M.) (2018 – present):
Team won Overall Competition (Champion 2013, 2014, 2023)
Team won Second Place Overall (2025)
Best Oral Presentation (2017, 2013), Third Place Team (2019)

Faculty Coach, 2021 Transaction LawMeet, UMKC School of Law Region
NSU Law Students were Overall Runner Up Team for Seller (2021)

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

Regional Host, 2018 Transactional LawMeet™
Region 5 – NSU Shepard Broad College of Law

PROFESSIONAL MEMBERSHIPS AND CERTIFICATIONS

Member, The Florida Bar (admitted 1977)

PROFESSIONAL RECOGNITION

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

PUBLICATIONS

BOOKS AND PORTFOLIOS

FLORIDA WILLS, TRUSTS, AND ESTATES – CASES AND MATERIALS (with Marty-Nelson, E., Maurer, J., Richmond, G., and Rodriguez-Dod, E.) (1st ed. 2007 through 5th ed. 2024) and Teachers' Manual (1st ed. 2007 through 5th ed 2024).

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

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

Sawada v. Endo, 561 P.2d 1291 (Hawaii 1977), in FEMINIST JUDGMENTS: REWRITTEN PROPERTY OPINIONS, 261-82 (ch. 12) (E. Marty-Nelson, E. Rodriguez-Dod, eds., Cambridge University Press 2021).

Commentary on Egelhoff v. Egelhoff, in FEMINIST JUDGMENTS: REWRITTEN TRUSTS AND ESTATES OPINIONS 149-58 (ch. 8) (D. Gordon, B. Lewis, & C. Spivack, eds., Cambridge University Press 2020).

Religious Courts, FLORIDA'S OTHER COURTS: UNCONVENTIONAL JUSTICE IN THE SUNSHINE STATE (FLORIDA GOVERNMENT AND POLITICS) 110-42 (ch. 6) (R. Jarvis, ed. University Press of Florida 2018).

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).

BOOK CHAPTERS (CONT'D)

MURPHY'S WILL CLAUSES: (CONT'D)

- 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 AND RELATED PRESENTATIONS

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).

Presentation of Paper, *sub nom.*, “Rules of Construction for Biblical and American Law – A Comparative Analysis,” at Jewish Law Association 17th International Conference (Aug. 2012).

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.).

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

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).

ARTICLES AND RELATED PRESENTATIONS (CONT'D)

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).

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

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).

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) (online).

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 COLUMN

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, Mar. 4, 1996.

Tailor Estate Planning to Suit the Individual, Jan. 29, 1996.

Probate Laws Don't Necessarily Protect Survivors, Dec. 25, 1995.

Care Must Be Taken in Naming Fiduciary, Nov. 27, 1995.

Rules Allow You to Avoid Gift Taxes, Oct. 16, 1995.

Law to Alter Rules on Revocable Trusts, Sept. 11, 1995.

Understand Joint Accounts Before Signing Up, Aug. 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, Apr. 17, 1995.

For Sake of Children, Establish Contingency Plan, Mar. 13, 1995.

Adoption has Effect on Child's Inheritance, Feb., 1995.

Legalese Doesn't Have To Be Greek To You, Jan. 9, 1995. *Beneficiary Might Not Benefit from Promises*, Nov. 14, 1994.

Attorney's Value Goes Beyond Suits—Lawyers Are Essential for Wills and Trusts, Oct. 14, 1994.

Make a Plan in Case You Become Disabled, Sept. 19, 1994.

Trusts Let People Provide for Children, Aug. 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, Apr. 4, 1994.

Will Helps Assure that Assets Go Where You Want, Mar. 7, 1994.

Law Gives You Choice, Through Living Wills, Health Surrogates, Feb. 7, 1994.

Revocable Trusts Useful as Substitutes for Wills, Jan. 3, 1994.

Estate Planning Involves Gift Decisions, Nov. 29, 1993.

For Revocable Trusts, You Need a Lawyer, Oct. 25, 1993.

Some Ways to Choose Who Inherits Family Heirlooms, Oct. 4, 1993.

Make a Will—While You're Still Healthy, Aug. 23, 1993.

Some Precautions Can Help Prevent Undue Influence, July 19, 1993.

New Florida Law Changes Terms of Revocable Trusts, June 21, 1993.

MONTHLY NEWSPAPER COLUMN (CONT'D)

Estate Planning, *Business Weekly, SUN-SENTINEL (CONT'D)*:

There are Several Ways You Can Control an Asset, May 24, 1993.

With Wills, Planning Ahead Adds Certainty, Apr. 19, 1993.

Where There is a Will, There May Be Questions, Mar. 15, 1993.

Homestead Protection Keeps Creditors at Bay, Feb. 15, 1993.

Careful Planning Benefits You and Your Survivors, Jan. 18, 1993.

Be Aware of the Limits on What a Will Can Do, Dec. 14, 1992.

Planning a Will Necessary but Sensitive Topic, Nov. 16, 1992.

Estate Planning is Private and Essential, Oct. 12, 1992.

CITATIONS TO PUBLICATIONS

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

PROFESSOR-STUDENT ACTIVITIES

Transactional Law Practice Group (Faculty Advisor since 2012)

Real Property, Probate, and Trust Law Society (Faculty or Co-Faculty Advisor since 2012)

Jewish Law Students Association (Co-Faculty or Faculty Advisor since 2003)

PROFESSIONAL COMMITTEES

Tax Certification Committee, The Florida Bar

Chair (1994-95, 2005-06); ViceChair (1993-94, 2004-05)

Member (1991-98, 2001-07, 2011-17)

SELECTED PROFESSIONAL COMMITTEES

Member, Chapter 607 Subcommittee, Corporations, Securities & Financial Services Committee, Business Law Section, The Florida Bar (2017 – present)

Member, Direct vs. Derivative Taskforce, Business Law Section, The Florida Bar (2025 – present)

Member, The Series LLC Task Force, Business Law Section, The Florida Bar (2021)

Member, US/Canada Committee, Jewish Law Association (2013 - 2021).

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

SELECTED NATIONAL OR REGIONAL SPEAKING ENGAGEMENTS

Sole Panelist, *Demystifying the Transactional Law Process; Flipping Time and Perspective*, 7th Biennial Conference on the Teaching of Transactional Law and Skills: Emerging from the Crisis – the Future of Transactional Law and Skills Education, Emory Center for Transactional law and Practice (June 2021).

SELECTED NATIONAL OR REGIONAL SPEAKING ENGAGEMENTS (CONT'D)

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

Speaker and Panelist, *Teaching Jewish Law in American Law Schools*, American Association of Law Schools (AALS) Annual Convention – Jewish Law Section (Jan. 2008).

SELECTED FLORIDA SPEAKING ENGAGEMENTS

Panelist, *The Inc. is Finally Dry: The Update and Modernization of the Florida Business Corporation Act*, The Florida Bar, Business Law Section, Miami-Tampa (Dec., 2019).

Co-Presenter, *Legal Planning for Start-Ups: Limited Liability Entities*, Second Annual Sharon and Mitchell Berger Boot Camp, Nova Southeastern University (with Shu-Acquaye, F and Nuñez, K.) (Sept., 2019).

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

Co-Presenter, *Business Models: Legal Structures, Ownership Models, and Tax Implications*, 2018 Sharon & Mitchell W. Berger Entrepreneur Boot Camp, Nova Southeastern University (with Steve Kass) (Aug., 2018).

Moderator, NSU Law's Entrepreneur Simulator – Business Startups from the Attorney-Client Perspective, Nova Southeastern University College of Law (Association of Business Law Students, Transactional Law Practice Group, and Intellectual Property Law Society – Inaugural Event, Feb., 2017).

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 (Feb., 2015).

January 2025