

MARK L. ASCHER

(512) 232-6019

MAscher@law.utexas.edu

Permanent Employment

2015 to present Hayden W. Head Regents Chair for Faculty Excellence
2006 to 2015 Joseph D. Jamail Centennial Chair in Law
2000 to 2006 Sylvan Lang Professor in Law of Trusts
University of Texas School of Law

1997-2000 Ralph W. Bilby Professor of Law
1986-1997 Professor of Law
1982-1986 Associate Professor of Law
University of Arizona College of Law

1978-1982 Associate
White & Case, New York, New York

Visiting Professorships

Summer 1999 University of San Diego School of Law
Fall 1997 William Franklin Fratcher Professor, University of Missouri School of Law
Winter 1995 University of Miami School of Law
Spring 1990 Cornell Law School
Summer 1989 University of Colorado School of Law
Spring 1988 New York University School of Law
Summer 1986 University of Texas School of Law

Education

LL.M. (in Taxation), 1981, **New York University School of Law**

J.D., cum laude, 1978, **Harvard Law School**

M.A., 1977, **Kansas State University**

B.A., summa cum laude, 1975, **Marquette University**

Number one in Academic-Order-of-Merit, **United States Air Force Academy**, Class of 1975, after two academic years, when dismissed for medical disability resulting from 1973 parachute accident

Honors

Tamisiea Lecture, University of Iowa College of Law, 2010

Faculty Honoree, W. Page Keeton 2009 Law Week

Sole United States representative (by invitation) at conference on the international taxation of trusts, sponsored by Deakin University, Australia, July 1998

Leslie F. and Patricia Bell Faculty Award (for outstanding faculty achievement), 1997

Student Bar Association Outstanding Professor of the Year, 1986-1987, 1982-1983

Books

Scott and Ascher on Trusts (5th ed. 2006-10) (8 vols.)

Annual Supplements (2007-18, with Rigney)

Under contract for 6th edition; manuscript submitted for vol. 1, Nov. 2018

Annual Supplements (1993-2009, since 2001 with Rigney) for *Scott on Trusts* (Little, Brown and Company, 4th ed. 1987-91)

Federal Income Taxation of Estates, Trusts & Beneficiaries (Wolters Kluwer, 4th ed. 2016) (with Ferguson)

Federal Income Taxation of Estates, Trusts & Beneficiaries (Aspen Law & Business, 3d ed. 1998) (with Ferguson & Freeland)

Federal Income Taxation of Estates, Trusts, and Beneficiaries (Little, Brown and Company, 2d ed. 1993) (with Ferguson & Freeland)

Annual Supplements (1987-2018)

Cases and Materials on Gratuitous Transfers: Wills, Intestate Succession, Trusts, Gifts, Future Interests, and Estate and Gift Taxation (West, 7th ed. 2019) (with McCouch)

Cases and Materials on Gratuitous Transfers: Wills, Intestate Succession, Trusts, Gifts, Future Interests, and Estate and Gift Taxation (West, 6th ed. 2013) (with Clark, McCouch & Murphy)

Cases and Materials on Gratuitous Transfers: Wills, Intestate Succession, Trusts, Gifts, Future Interests, and Estate and Gift Taxation (West, 5th ed. 2007) (with Clark, Lusky, McCouch & Murphy)

Cases and Materials on Gratuitous Transfers: Wills, Intestate Succession, Trusts, Gifts, Future Interests, and Estate and Gift Taxation (West, 4th ed. 1999) (with Clark, Lusky, McCouch & Murphy)

Teacher's Manuals (2019, 2013, 2007, and 1999) (with McCouch)

Selected Statutes on Trusts and Estates (West, 2001-18) (with McCouch)

Federal Income Taxation of Trusts and Estates: Cases, Problems, and Materials (Carolina Academic Press, 4th ed. 2018) (with Danforth)

Federal Income Taxation of Trusts and Estates: Cases, Problems, and Materials (Carolina Academic Press, 3d ed. 2008) (with Danforth)

Federal Income Taxation of Trusts and Estates: Cases, Problems, and Materials (Carolina Academic Press, 2d ed. 1996)

Federal Income Taxation of Trusts and Estates: Cases, Problems, and Materials (Carolina Academic Press 1988)

Teacher's Manuals (2018 and 2008 (with Danforth), 1996, and 1988)

Annual Supplements (1989-2018, since 2009 with Danforth)

Articles, Chapters, and Book Reviews

"*Helvering v. Clifford*: The Supreme Court Spoils the Broth," 42 **ACTEC L.J.** 29 (2016)

"Federalization of the Law of Charity," 67 **Vand. L. Rev.** 1581 (2014)

"But I Thought the Earth Belonged to the Living," 89 **Tex. L. Rev.** 1149 (2011) (reviewing *Dead Hands: A Social History of Wills, Trusts, and Inheritance Law*, by Lawrence M. Friedman)

"The Grantor Trust Rules Should Be Repealed," 96 **Iowa L. Rev.** 885 (2011)

"Austin Wakeman Scott," *The Yale Biographical Dictionary of American Law* (Yale University Press 2009)

- “Recent Regulatory Developments Relating to Subchapter J,” 36 **U. Miami Est. Plan. Inst.** ¶ 1200 (2002)
- “Tax Planning with Consensual Community Property: Alaska’s New Community Property Law,” 33 **Real Prop. Prob. & Tr. J.** 615 (1999) (with Blattmachr & Zaritsky)
- “The Income Taxation of Trusts in the United States,” 53 **Bull. for Int’l Fiscal Documentation** 146 (1999)
- “A Response to Professor Fellows,” 77 **Minn. L. Rev.** 683 (1993)
- “The 1990 Uniform Probate Code: Older and Better, or More Like the Internal Revenue Code?” 77 **Minn. L. Rev.** 639 (1993)
- “Curtailing Inheritance,” 89 **Mich. L. Rev.** 69 (1990)
- “When to Ignore Grantor Trusts: The Precedents, a Proposal, and a Prediction,” 41 **Tax L. Rev.** 254 (1986)
- “The Fiduciary Duty to Minimize Taxes,” 20 **Real Prop. Prob. & Tr. J.** 663 (1985)
- “The Quandary of Executors Who Are Asked to Plan the Estates of the Dead: The Qualified Terminable Interest Property Election,” 63 **N.C. L. Rev.** 1 (1984)
- “Drafting for the Marital Deduction under the Economic Recovery Tax Act of 1981,” 8 **Prob. Notes** 3 (1982) (with Kartiganer)
- “Drafting for the Marital Deduction Today,” **ALI-ABA Course Materials J.**, Oct. 1981, at 29 (with Kartiganer)

Classes Taught

Wills & Estates; Estate & Gift Tax; Estate Planning; Federal Income Taxation; Income Taxation of Trusts & Estates

Selected Professional Service

Adviser, Restatement (Third) of Trusts, 1993 to 2011
 Member, American Law Institute, 1992 to present
 Academic Fellow, American College of Trust and Estate Counsel, 1991 to present
 Board of Directors, ACTEC Foundation, 2002-08
 Adviser, Philip E. Heckerling Institute on Estate Planning, University of Miami, 1995 to 2012
 Reporter, State Bar of Texas Committee to Consider Enactment of Uniform Trust Code, 2000-02
 Chair, American Bar Association Committee on Administration and Distribution of Trusts, 1994-95
 Vice-Chair, American Bar Association Committee on Income Taxation of Trusts and Estates, 1986-94
 Board of Directors, Southern Arizona Estate Planning Council, 1983-97
 Chair, Association of American Law Schools Section on Donative Transfers, 1993-94

Selected Law School Service

At Texas

Chair, Faculty Appointments Committee, 2001-02, 2006-07, Member, 2002-05, 2011-14
 Chair, Standards and Rules Committee, 2008-11, Member 2007-08

At Arizona

Chair, Faculty Appointments Committee, 1996-97, Member, 1983-85, 1986-87, Fall 1987, 1988-89,
1992-95, Spring 1998

Chair, Faculty Status [Promotion and Tenure] Committee, 1988-89, Fall 1998

Chair, Executive Committee, 1990-92