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Chapter 1 : Open Intellectual Property Casebook | Duke University School of Law

Intellectual Property Law for Business Lawyers is designed as a practical guide for corporate counsel and for business and general practice attorneys. Surveying the full spectrum of intellectual property law, it discusses the fundamentals of.

A reaction to this situation arose in the early 8th century when pious scholars, grouped together in loose, studious fraternities, began to debate whether or not Umayyad legal practice was properly implementing the religious ethic of Islam. During the 3rd century bce, Tiberius Coruncanius, the first plebeian pontifex maximus chief of the priestly officials , gave public legal instruction, and a class of jurisprudentes nonpriestly legal consultants emerged. A student, in addition to reading the few law books that were available, might attach himself to a particular jurisprudens and learn the law by attending consultations and by discussing points with his master. Over the ensuing centuries a body of legal literature developed, and some jurisprudentes established themselves as regular law teachers. In the medieval universities of Europe , including those in England , it was possible to study canon law and Roman law but not the local or customary legal system, since the latter was understood as parochial and so unworthy of university treatment. In most European countries the study of national laws at universities began in the 18th century, though the study of Swedish law at Uppsala dates from the early 17th century. On the continent of Europe the transition to the study of national law was facilitated by the fact that modern legal systems grew mostly from Roman law. In England, on the other hand, the national law, known as the common law , was indigenous. In medieval times education in the common law was provided for legal practitioners by the Inns of Court through reading and practical exercises. These methods fell into decline in the late 16th century, mainly because students came to rely on printed books, and after the middle of the 17th century there was virtually no organized education in English law until the introduction of apprenticeship for solicitors in The famous jurist Sir William Blackstone lectured on English law at Oxford in the s, but university teaching of the common law did not develop significantly until the 19th century. In England, as on the Continent and throughout most of the rest of the world though not in the United States , university-based legal education became an undergraduate program and remained so until quite recently. Since the late 20th and early 21st century, a number of nations have adopted the so-called U. In the early years of the United States , persons hoping to enter the law sought apprenticeships in the offices of leading lawyers, a method of training that provided an acceptable avenue to the bar well into the 20th century. Such independent schools later gave way to university-based law schools, the first of which was established at Harvard University in As the number of law schools grew, so too did the proportion of the bar who were law school graduates. Law has long been a subject of serious study in some non-Western countries, as evidenced by the centrality of legal exegesis in the Islamic tradition and the inclusion of law on examinations for the civil service in China during the Song dynasty â€" Modern university-based legal education, however, is generally regarded as a foreign institution, having been introduced by European colonial powers in the 19th century. Lionel Astor Sheridan William P. Alford The aims of legal education Legal education generally has a number of theoretical and practical aims, not all of which are pursued simultaneously. The emphasis placed on various objectives differs from period to period, place to place, and even teacher to teacher. One aim is to make the student familiar with legal concepts and institutions and with characteristic modes of legal reasoning. Students also become acquainted with the processes of making law, settling disputes, and regulating the legal profession , and they must study the structure of government and the organization of courts of law, including the system of appeals and other adjudicating bodies. Another aim of legal education is the understanding of law in its social, economic, political, and scientific contexts. Prior to the late 20th century, Anglo-American legal education was less interdisciplinary than that of continental Europe. With the development of a more or less scientific approach to social studies since the late 20th century, however, this has been changing. Some American law schools appoint economists, historians, political scientists, or sociologists to their staffs, while most permit their students to take courses outside the law school as part of their work toward a degree. Continental legal education tends to be highly interdisciplinary, if more abstract and doctrinal than its American counterpart, with nonlegal subjects compulsory for students taking their first degree in law.

Although economics is increasingly popular as a tool for understanding law, much legal history is nonetheless taught in the context of the general law curriculum. Since the corpus of the law is a constantly evolving collection of rules and principles, many teachers consider it necessary to trace the development of the branch of law they are discussing. In civil-law countries, where most parts of the law are codified, it is not generally thought necessary to cover topics that antedate the codes themselves. On the other hand, in countries that have a common- law system, knowledge of the law has traditionally depended to a great extent on the study of the court decisions and statutes out of which common law evolved. Even in jurisdictions that require four or five years of law study as in Japan and India , the graduating law student is not expected to have studied the whole body of substantive law but is, however, typically expected to be familiar with the general principles of the main branches of law. To this end, certain subjects are regarded as basic: The materials studied are largely the same everywhere: Study and practice To some extent, legal education is out of harmony with legal practice, for in real life a case is not presented as neatly by a client to his lawyer as it is in a textbook. The case usually begins as a statement, often jumbled, of facts and problems that cut across pedagogical categories. A story of a road accident, for example, may involve the lawyer in considering questions of the civil responsibility for the cause of the accident; of contract in relation to insurance ; of criminal law in relation to a traffic offense ; and of other branches of law as well. It is therefore important, while making divisions of law for convenience of study and examination, to guard students against the danger of thinking in compartments. Lawyers also must contend in practice with branches of law in which they have received no formal education. A good law school produces a graduate who is not constricted by pedagogy but is trained to adapt toâ€”and perhaps even to help bring aboutâ€”changes in the law. The curriculum of the law school also must allow for the great diversity of careers followed by those who have been trained in the law. In many countries large numbers of persons with legal training seek careers outside the legal profession, commonly in civil service, commerce and industry, and education. The extent to which legal education aims to teach practice and procedure varies from place to place. Attention is always given to the methods of ascertaining the law from the books but not always to the ways of using this knowledge in various roles, such as legal adviser or judge. Discussion of these matters tends to be more widespread in countries where the main qualification to practice law is a university degreeâ€”as in the United Statesâ€”than it is in countries where law-school graduates undergo further professional trainingâ€”as in England , some parts of continental Europe , Japan , and Korea. Since the s, clinical programs, which provide students with real or simulated experience in law practice, have become a staple part of the American law-school curriculum. On the Continent such training would typically be part of a postgraduate apprenticeship programâ€”as in Switzerland , where graduates spend one or two years in practical work under the supervision of a judge or a lawyer. Courses on the rules and principles of court procedure are usually compulsory in university law schools. Teaching and scholarship Teaching Methods of legal education are constantly changing, but the requirement of a university degree has become more or less uniform, coupled in many countries with the need to pass a qualifying examination organized by the profession. Apprenticeship, once a usual way of entering the profession in common-law countries, has everywhere been increasingly displaced by university education, to which it has now become a supplement. University law schools tend to differ along national lines in their methods of teaching. In the United States , following the work of Christopher Columbus Langdell at Harvard in the latter half of the 19th century, the prevailing technique came to be the case method , in which the student reads reported cases and other materials collected in a casebook, and the class answers questions about them instead of listening to a lecture by the teacher. The case method has been adopted at some institutions in England and other common-law countries but has yet to find broad adherence elsewhere. Even in the United States most law schools now use seminars and lectures as well. It has the disadvantages of, first, being relatively time-consuming in relation to the amount of knowledge of legal principle that can be imparted and, second, concentrating on a source of law that has become just one of many in modern statutory and regulatory legal systems. The traditional teaching techniques in English universities have been lectures and tutorials or seminars. In continental European countries the backbone of legal education is the formal lecture. Class sizes are typically very large compared with those in the United States and England. Attendance is frequently voluntary, and those who stay away are usually able to secure the text

of what they have missed. Seminars are given too, particularly for specialized subjects. Similar methods are used in other countries with large numbers of law students. In Russia , as in western Europe, the lecture method supplemented by smaller discussion groups is typical. Teaching methods are not unrelated to the nature of the legal system. The methodology of Continental legal education has grown out of and perpetuates a legal tradition heavily influenced by scholars, while the methods in England and the United States have emerged from and contribute to the maintenance of the tradition of judge-made law. Methods were influenced also by the fact that in England legal education was from early times in the hands of the bar, while on the Continent from the 12th century on it was the province of the universities. The fact that in common-law systems principles of law are largely derived by a process of inductive reasoning from many decisions of higher courts lay behind the development of the case method. In continental Europe the fact that law is found mainly in systematic legislation is one of the chief reasons for the lecture method, in which the subject can be approached through its philosophical background. A desire to expound systematically a body of principles is met better by formal lectures and textbooks than by class discussion. This formal approach is reinforced in countries where published reports of local court decisions are scanty. Scholarship Legal scholarship has also undergone considerable change. With one foot in the academy and one in the world of affairs, legal scholars in many parts of the world do not fit entirely into either domain. In the United States and some other common-law jurisdictions, legal academics historically were not expected to produce the volume of scholarly writing characteristic of their brethren in the arts and sciences. In some civil-law jurisdictions, most notably Germany, scholars occupied a singular position of prominence in articulating the law. In many other jurisdictions, however, they were required to support themselves primarily through practice and thus were deprived of the opportunity to conduct extensive and fully independent research. Since the late 20th century there has been a growing trend toward a more scholarly approach. In the United States, for example, the standards by which legal faculty are judged for tenure have moved closer to those of purely academic fields, while in many other countries law schools have made concerted efforts to underwrite faculty research. Nonetheless, the gap between law and the rest of the academy remains, exemplified in the United States by the fact that law is one of a very small number of disciplines in which most major journals are edited by students. Examinations and qualifications The process of selecting members of the legal profession begins in the universities and law schools and continues afterward in the form of professional entrance requirements. School examinations In the common-law countries, students are generally required to pass an examination in each subject. Four or five subjects are studied simultaneously during the academic term, and students must take examinations in all of them at the end of the term or year. In many civil-law states, students are required to pass a certain number of examinations in various subject areas in order to qualify for a degree. In some continental European countries, more-comprehensive examinations are the rule. In Germany the course work for the university law degree normally takes about six years, with a single comprehensive examination at the end the First State Examination. Students are admitted to this examination if they produce certificates of satisfactory work in each subject, in a jurisprudence seminar, and in a course on economics and finance. The Netherlands has an intermediate system: Russia combines the system of examinations in each course with a comprehensive examination that may come after four, five, or six years of study. The method of subject-by-subject examination is less taxing on the memory than the system of comprehensive examination. It may well enable students to do more detailed work on the problems of each subject. It has the disadvantage of encouraging them to think in terms of separate subjects, whereas the comprehensive examination leads them to consider legal problems in all their aspects. They may also or alternatively require students to write papers about issues related to several of the subjects studied. No formal test is wholly satisfactory as a method of screening potential lawyers. The type used most widely, in which students write answers to questions in an examination hall, has been criticized for placing too much emphasis on memory. This criticism is met to some extent in many universities by allowing candidates to consult books and reference materials during the examination, thus bringing the test a little closer to what a lawyer will do when confronted with a real problem. Another objection is that testing creates a situation of stress, in which candidates do not necessarily demonstrate how they have benefited from legal education, and also a situation that does not require the

student to demonstrate all the skills required of a lawyer. In particular, the examination does not test the capacity for patient research or the capacity for oral argument though it should be noted that, in some jurisdictions, end-of-term examinations are oral. Some universities in the United States, England, and the Commonwealth countries require one or more long essays or a short thesis or research paper as part of the work for a first degree in law as opposed to the more substantial dissertation, or thesis, for a postgraduate law degree. This is commonly written during the final year with no restriction on the resources employed. A thesis in the last year of study is required in some civil-law countries.

Chapter 2 : Property law | racedaydvl.com

The Property Law retains many existing core principles of existing Abu Dhabi real property law, such as the requirement for all dealings in property to be registered, and confirms much of the procedural market practice, for example, the information required in respect of mortgage registration.

A co-worker clumsily groped me in a public space at a conference, again and again. I left A professional colleague handed me a sheaf of his writing, watching me read his poorly written soft porn as we sat in a public cafe. As I attempted to call our meeting to an end, he stood in my office so as to block my exit from behind my desk. My office door was open at all times. These are some stories from my working life as a practising lawyer and as a legal academic over 30 years. One of these stories happened this year. I know that other women have it worse. These experiences came to mind as I read allegations this week, made by three young women lawyers about their experiences working for a senior lawyer. The man allegedly sent the women to fetch his Viagra from the pharmacy , hired based on physical attractiveness, had pornography visible in his office, made sexually explicit comments, and showed a drawing of his penis. While reading the stories of the three women, I reflected back on my feelings in similar circumstances. At first I thought it was deep shame that I felt â€” even after all these years. But I suspect that it is in fact fear. I was afraid of the potential of force â€” of violence â€” that each of these situations represented. I can only imagine the fear and confusion experienced by the young women who shared their stories. Remember â€” this all happened in professional contexts. Those in the legal profession know it is unlawful to sexually harass. Such behaviour breaches discrimination law, and workplace law. For good measure, it also breaches professional ethics. In some quarters, such behaviour is an open secret. This makes us all, the entire profession, complicit. The young women who have made the most recent allegations â€” and others like them â€” have thus experienced powerlessness, and maybe those same feelings of fear that I have had, in the face of our complacency. There are three actions we in the profession must take. Especially senior members of the profession, and especially men. Call out sexual harassment. Expose the open secret by telling the harasser to stop. Tell them straight just to stop. Team up with others and together tell the harasser that it is unacceptable behaviour in your workplace. Use the power of our professional culture for good, and turn things around. Support the person on the receiving end of the harassment. Ensure that they are supported by others. And, do not be that gossip. Hard, I know, in a gossipy profession. But gossip adds to the complicity. I think we need to look to the overall culture of the profession, and our tacit acceptance of such behaviour â€” and to look for action outside discipline as a first call. And call the professional body to account if it fails to act. You must deal with the alleged harasser too. In my own case, I have been personally well supported by men â€” but in some cases the man about whom I have complained has not been censured, and his bad behaviour continues. It is therefore our responsibility as employers, and as colleagues, to alert the man to his poor behaviour, to let him know that it is unacceptable, and to sanction it. Otherwise, we know that it will continue. And we will see yet another generation of lawyers suffer the same fate. But here it goes. Do not continue to be a bystander.

Chapter 3 : PLI: Continuing Legal Education Programs, Webcasts and Publications

Buy O'Connor's Texas Property Code Plus, ed. at Legal Solutions from Thomson Reuters. Get free shipping on law books.

Definition and basic themes The problem of definition Property is frequently defined as the rights of a person with respect to a thing. The difficulties with this definition have long plagued legal theorists. The same problem of definition occurs in non-Western societies as well. In Russia , for example, the word property sobstvennost can have various meanings. In some cases it is used as the equivalent of things, belongings, or real estate. It is also used to refer to the right of ownership. In modern-day Russia, the term property is most accurately understood as the economic relations between the owner of a thing and all other persons with respect to that thing. Property law is best understood as the complex of jural relationships between and between persons with respect to things. It is the sum of rights and duties, privileges and no-rights, powers and liabilities, disabilities and immunities that exist with respect to things. This holds true for both Western and non-Western legal systems. What distinguishes property law from all other jural relationships, then, is that the jural relationships of property law deal with things. Many, but not all, legal systems that recognize a separate category of property law also include within that category some intangible things, such as stocks and bonds, but not other intangible things, such as claims for compensation for wrongs i. The definition of property law used here includes only those intangible things that the legal system under discussion classifies as property. For a discussion of property law relating to other forms of intangible assets, see intellectual property law. This descriptive definition of property law makes it possible to say that there is no known legal system that does not have a law of property. A legal system may not have a category that corresponds to property in Western legal systems, but every known legal system has some set of rules that deal with the relations between persons with respect at least to tangible things. Etymology The descriptive definition of property law adopted for this article is far removed from what the word property means in normal English usage: The Western tendency to agglomerate If property law in the descriptive sense exists in all legal systems, the extraordinary diversity of the property systems of non-Western societies suggests that any concept of property other than the descriptive one is dependent on the culture in which it is found. Even in the West, as the discussion of the English word property shows, the concept has varied considerably over time. Nonetheless, one tendency seems to characterize the legal concept of property, in the descriptive sense, in the West: In the technical language of jural relationships, Western law tends to ascribe the following to the possessor of the thing: Property law and the Western concept of private property The origins of the Western idea of property Rome In classical Roman law c. The classical Roman jurists did not say that their system tended to ascribe proprietas to the current possessor of the thing, but that it did is clear enough. A number of Roman legal rules denied the label possession to the person who was in fact, though not legally, in possession in order to keep legal possession in the proprietas. Further, the person legally in possession was presumed to be the proprietas. This is clear enough from the procedural rules that required a person who was not peaceably in possession of a thing to establish affirmatively that his title to the object was better than that of the peaceable possessor. Once the Roman system had identified the proprietas, it tended to prevent him from conveying anything less than all the rights, privileges, and powers that he had in the thing. Thus, full use rights divorced from ownership usufructus could be given only to a living person, and that person could not convey those rights to another. The ability of an owner to agree to legally binding restrictions on his privilege of use servitutes was sharply limited. One might argue that the tendency toward absolute individual property rights in Roman law was more apparent than real. For example, classical Roman law never developed a remedy whereby an individual could, upon proof of ownership, specifically recover a thing. The owner could obtain a judicial declaration of his right to the thing, but the defendant could respond by paying damages. The Roman law of persons put extraordinary power over things in the hands of the head of the household paterfamilias ; indeed, this power was so extraordinary that an elaborate system peculium was necessary to allow slaves and sons in the power of their fathers to make binding legal transactions with things that were in fact but not in law their own.

Moreover, land outside Italy was owned not by individuals but by the Roman people collectively or by the emperor, yet individuals who had use rights in such land came to have a quality of control over it that was not far different from that of the owners of Italic land, even though the individuals holding usage rights were not called owners. Finally, the sharp cleavage in Roman law between public law and private law prevented the Romans from ever developing a legal notion of protection of property as against the state. The agglomerative tendency itself existed to a marked extent in Roman legal thought about property. It is evident not only in the ways outlined above in which Roman legal thought focused on the interests of the owner of a thing to the expense of those of others, but also in the fundamental separation that Roman law made between property law and the law of obligations contract and delict. This latter separation was to become characteristic of all the Western legal systems, while the specific decisions that the Roman jurists made about what was to be characterized as a necessary part of ownership became characteristic of many Western legal systems, particularly the civil-law systems. The existence of the agglomerative tendency in Roman legal thought has no obvious explanation in Roman political or philosophical thought other than the broadest of connections with general ideas of individual worth. That the tendency, coupled with the Roman law of persons, favoured the property-holding classes seems obvious. England In medieval English law , the procedural system prevented any clear distinction between property and obligation. It was not until the abolition of the forms of action in the 19th century that Anglo-American law distinguished between property and obligation in the way the Romans had. It is therefore remarkable that English law prior to the abolition of the forms of action tended at critical junctures to move in directions similar to the Romanâ€”namely, to agglomerate property rights in a single individual. In England a notion of property in land emerged at the end of the 12th century from a mass of partly discretionary, partly customary, feudal rights and obligations. The way in which this happened was extraordinarily complex. In one of their few deviations from the principle of consolidating the power to convey in the present possessor of land, the English courts extended the scope of this legislation in the 14th century. In the 16th century the process that had operated at the end of the 12th century to consolidate ownership rights in the free tenant was replicated for the copyholder , the descendants of those who held land by unfree tenure. The earliest manifestations of the agglomerative tendency in 12th-century England seem to have announced a fundamental change in the English social system. According to contemporary thought, the man who was seised i. The European continent The collapse of Roman and then of Carolingian power led, in most areas on the Continent, to a situation not unlike that which prevailed in England before the emergence of the central royal courts in the late 12th century. As in England, land was bound up in a mass of partly discretionary, partly customary, feudal rights and obligations. England, however, was precocious in developing central royal courts as early as it did. The Roman idea of property was revived on the Continent as an intellectual matter before it came to have much practical force. Further, Roman ideas were influential both because they were part of the equipment of every university-trained jurist and because they were part of the jus commune. By the end of the Middle Ages the property law of most European countries was still far from that of the Romans, but it was heading in that direction. Civil law was thus displaying the same agglomerative tendency noted in more detail for England. Explaining the origins Both the Roman and the Anglo-American legal systems began as mechanisms for resolving disputes. Both systems began with possession of a thing by an individual. The convenience of assuming that the possessor had all the other rights, privileges, and powers one might have in a thing may go a long way to account for the presence of the agglomerative tendency in both legal systems. The tendency began as an allocation of a burden of producing evidence of ownership. A dispute arose about a thing. Both systems began by determining who is possessed of it. They then assumed that said person had all the rights, privileges, and powers that go along with property until someone else could show that this was not the case. Although Western legal systems are not unique in beginning as dispute-resolution mechanisms, the Western concept of property is, if not unique, certainly unusual. One may speculate that what makes this dispute-resolution device operate in favour of the individual property holder in the West is an accident of chronology: Thus, the notion of individual property emerges in both Roman and English law at a time when family ties to property were weakening and legal professionalization was occurring. Property law and theory in the early modern period Beginning in the 17th century, developments in

property law both in England and on the Continent can be related to developments in speculative jurisprudence. General speculation about the nature of property is at least as old as Plato and Aristotle. Although property is considered, sometimes quite critically, in the writings of the Church Fathers of the Latin West and of medieval theologians, these writings had relatively little direct effect on the secular law. The classical theories of property In the early 17th century the Dutch speculative jurist Hugo Grotius announced the theory of eminent domain condemnation of private property. On the one hand, according to Grotius, the state did have the power to expropriate private property. On the other hand, for such a taking to be lawful, it had to be for a public purpose and had to be accompanied by the payment of just compensation to the individual whose property was taken. The idea was not original, but Grotius stated it in such a way that it became a commonplace of Western political thought. In the late 17th century the German jurist Samuel von Pufendorf refined a theory of the origins of property rights that had been in existence since ancient times. Property, Pufendorf said, is founded in the physical power manifested in seizing the object of property occupation. In order, however, to convert the fact of physical power into a right, the sanction of the state is necessary. But the state cannot, Pufendorf seems to suggest, make a property right where physical possession is not present. Thus, both occupation and state sanction are necessary conditions for the legitimacy of property. What gives someone a right to a thing, according to Locke, is not simply his seizing of the object but rather the fact that he has mixed his labour with the thing in making it his own. This right to a thing arising out of labour is a natural right. It does not require state sanction in order to be valid. It should, however, be protected by the state. Indeed, property is fundamental to the contract that people make in forming the state, and for the state to deny the right to property is a breach of this contract see social contract. Property, according to Bentham, is nothing but an expectation of protection created by the legislator and by settled practice. It is, however, an expectation that should be carefully respected. Since the function of the legislator is to maximize the sum of human felicity , he should know that rarely does any interference with property produce more felicity than it destroys. Jeremy Bentham, detail of an oil painting by H. Modern economic theories of property that justify property on the ground that there must be an initial allocation of resources to allow the market to operate and on the ground that individual property rights minimize transaction costs derive from the tradition of Bentham and Mill. On the Continent, thought about property took a somewhat different turn. The reason for this, according to Hegel, is that when someone extends his will to a thing, he makes that thing a part of himself. Protection of property is thus intimately connected with protection of the human will. The middle of the 19th century saw the first concerted attacks on the institution of property since the time of the early Christians. The Communist Manifesto of Karl Marx and Friedrich Engels holds that property is nothing but a device in the social warfare between the capitalist and proletarian classes, the means by which the capitalist expropriates the labour of the proletarian and keeps him in slavery. Reform, according to Marx and Engels, would not come until the revolution, when property would be abolished. For utilitarianism and Hegelianism , and their combination in various forms of liberal thought, the evidence of influence is more pronounced as the 19th century progressed. The beginning of the 19th century was marked by the promulgation in France of the Napoleonic Civil Code , a systematic and comprehensive code of private noncommercial law that was to have great influence in the European codification movement that followed. Liberal conceptions of property seem to have influenced legal thought later in the 19th century. On the Continent the pandectists, a group of systematic jurists prominent in Germany , took the agglomerative tendency inherent in the Roman conception of property and developed it to a point that most modern commentators find goes far beyond what the Roman sources themselves suggest. Their ideas were embodied in the German Civil Code effective and had substantial influence on the codes of other countries see Pandects.

Chapter 4 : Black's Law Dictionary - Free Online Legal Dictionary

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Chapter 5 : Home | Wolters Kluwer Legal Education

Property law is the area of law that governs the various forms of ownership and tenancy in real property (land as distinct from personal or movable possessions) and in personal property, within the common law legal system.

I have collected highlights from all of the posts, approximately 10 posts at a time. The first batch appears here. The second batch is here. The third batch is here. The fourth batch is here. The fifth batch is here. We are currently developing programs to train professionals in legal issues at the intersection of IP and health care in the bioinnovation industry. But we can do more to work with other law schoolsâ€”and universitiesâ€”as partners in ways that capitalize on our individual strengths for collective benefit. Companies like iLaw are treading into waters beyond the traditional boundaries of individual law schools in ways that can help overcome these barriers. But I would challenge us, too, as leaders of our own institutions, to think about ways to unbundle what we offer and work together in ways that provide the best education for students beyond the silos of individual schools. At Emory â€” as elsewhere â€” we have introduced a growing collection of courses directed to skills that are essential to operating at the highest level of legal practice, but which are not legal skills per se. From leadership, project management, and various soft skills, to the fundamentals of client value, the economics of legal practice, and basic accounting, these skills are likely to significantly enhance the efficacy of lawyers in the 21st century â€” notwithstanding their distance from the traditional core curriculum of legal education. We have offered them in concentrated formats, meanwhile, to maximize the ability of a wide swath of students to enroll. Whatever the format, however, such courses might be thought of as helping to ensure that our graduates are versed in the full range of skills and abilities to thrive amidst a challenging â€” but opportunity-rich â€” landscape of legal practice in the 21st century. And, frankly, there will be a ceiling for student demand for these initiatives, given their career ambitions endogenous to the economic model of legal education to be sure and the configuration of law faculties. So, at bottom, law schools will attend to Public Interest Law to only some extent â€” should be more, but will only do so much. How will the representation of this client serve the public interest, as well as her private, and typically pecuniary, interest? How will the development of creative legal solutions enabled by new technologies further public interest agendas alongside the economic interests of actors availing themselves of these technologies? Folks in the vanguard of thinking about, say, blockchain and autonomous vehicles are considering such questions, and law schools should be encouraging and incentivizing these ventures. I offer it as a slight help in framing our objectives. Constructing programs and curricula to further law in the public interest is a salutary task to be considered as larger, and perhaps realistically more comprehensively than, ambitions to expand offerings and opportunities in Public Interest Law although, let me say again, such goals are worthy in their own right. Rather, in the face of increasing complexity, it extends to the very heart of what we have traditionally been thought to teach: But the heart of thinking like a lawyer â€” perhaps too well-known to every family member of every lawyer in history â€” is a particularly systematic and refined approach to complex problem-solving. And in an increasingly complex world, interest in such problem-solving skills can only be expected to grow. And not just among lawyers, but among professionals of all stripes. The coming years may not, as such, be a Golden Age for every law school. For those of us willing to learn from the insights of scholars, teachers, and practitioners such as those who have participated in this symposium, thus, I believe the future is bright. I think this is because I always overestimate the speed of technology uptake, and underestimate the effect of culture. I have spent my entire career professionally watching the way that digital tech has transformed our life. In a negative way. Law profs and law deans are a smart bunch. The university has existed more-or-less in its current form within the Western tradition for more than years. And the lessons of the innovation generation are being built out into the wide range of law school responses, as Andrew Perlman sagely documents. And it turns out that this kind of knowledge exists within universities. The lesson of the Lockheed-Martin Skunk Works and innumerable startups since then is that significant innovation is almost certainly not going to come out of a committee, and it needs to be stuck away in a corner, with a small amount of funding, a limited timeframe, a forgiving governance structure, and the right to fail. This is the opposite of how our normal

process in schools works: After all, much of the future is in their hands. However one slices and dices the data, it is becoming clear that the development of these programs is a major event in the modern evolution of legal education. There are more than 17, non-JD students enrolled in ABA-accredited law schools right now, and, while I do not know the breakdown between LLM and other programs, I am reasonably confident that the non-LLM Masters cohort is large and where the real growth is. I want to add to this discussion two reflections. First, the attention paid to the market, that is, the demand of students for these programs on the one hand the demand of the marketplace for individuals with these new, and rather unusual, credentials and education, should not blind us to the need as law schools and legal educators to make some fundamental judgments about 1 what it means as a pedagogical â€" and even epistemological â€" matter to teach law to folks who are not aspiring to become lawyers, and 2 how we expect these students to become integrated in a law school environment where the core mission remains educating future lawyers. As you would expect, I received some mentorship from professors and some encouragement from classmates, family members, and friends, but the work of law school was largely solitary. Near the end of last semester, I was reflecting on those experiences with my co-teacher in a leadership course and thinking about the contrast provided by our experience with LawX. We decided to make teamwork a focus of our new course. In our syllabus, we wrote: Our objective is to help each other excel in learning and in performance. Traditionally, law students have been trained to anticipate the future, but we live in an increasingly complex and unpredictable world. Our students need to experience and embrace surprise. And those of us who aspire to innovate in legal education should expect many surprises along the way. Design thinking is not the only approach to teaching the value of surprise, but I am embracing the notion that as we strive to improve legal education, we should avoid prejudging solutions. One of the most crucial elements of creating an innovation culture is providing space for failure. I talk a lot with our community about the importance of learning leadership. We all make mistakes, and the key to success is what we learn from them and how resilient we are. In a pilot, we try something new at a small scale without knowing if it will work. It is intentionally structured for the learning crucial to innovation. So, we are piloting modular online courses aimed at nonlawyers, new approaches to joint degrees, our first pop up event for the Legal-Tech Virtual Lab, new educational partnerships in Panama, etc. Some of these pilots will work well, some will need some tweaking, and some will be disasters. But where we end up as a law school will be better because we made room for playful learning. Established leaders are critical not only because of what we might call wisdom, in the absence of a better description, but because they will have the institutional muscle and reputational capital to propel reform. It is easy to be cynical about the current and future generation of deans and, as I am on the verge of exiting this role for good, I have no self-referential investment here , but it is to this generation of leaders that those committed to reform should look. You want to foment and sustain change in a turbulent law school world? Choose your leaders wisely; and give them every encouragement and incentive to succeed and to lead. Maintenance experts are a dime-a-dozen. Visionary leaders are a rare commodity. Know the difference, and embrace the difference. Furthermore, young faculty will be critical in propelling reform. They have the stamina and the interest investment to facilitate change, and their most temporally meaningful connections to the real world of practice and, in addition, to more modern modalities of higher education and legal education are key pieces in the puzzle. In the olden days, young faculty waited their turn. Their turn must come earlier, and reform efforts will, I predict, will emerge from a much greater governance role of faculty members who are coming into their own as skilled, experienced teachers and scholars just as they are able and willing to turn their attention to reform of their enterprise. Last but not least, entrepreneurs of a scattered background â€" imaginative law firm leaders, technologists, and consultants â€" can and will build bridges with academic leadership to generate change. Social media and other devices are bringing, and will continue to bring, these folks together with legal educators. Rather than view such entrepreneurs as the barbarians at the gate, they should and will be viewed as contributors to a collective enterprise, that is, reforming legal education in salutary and sustainable directions. Comparing the submissions to that Commission to the posts at this symposium is revealing and potentially important. I thank him, all the other contributors, and the editors of this blog for indulging us in this multi-week conversation. I hope the readers found the discussion provocative and thought-provoking. Here is some interesting data analytics from

our discussion: We had 61 posts, from 27 contributors, including 11 guest posters. Contributors were from a diverse range of schools and professional roles and you can see that they offered perspectives that were quite diverse in content and in tone. In total, these posts added up to 57, words â€" equivalent to a huge law review article or two plentiful articles or even a short monograph. A lot of nourishing food for thought! Thanks, again, for all who contributed to this virtual symposium. We can only hope that these ideas contribute to a great future of legal education.

Chapter 6 : Property law - Wikipedia

Property Law. There are two types of property: real property and Personal racedaydvl.com of the legal concepts and rules associated with both types of property are derived from English Common Law.

Theory[edit] The examples and perspective in this article may not represent a worldwide view of the subject. You may improve this article , discuss the issue on the talk page , or create a new article , as appropriate. January Learn how and when to remove this template message The word property, in everyday usage, refers to an object or objects owned by a person â€" a car, a book, or a cellphone â€" and the relationship the person has to it. Factors to consider include the nature of the object, the relationship between the person and the object, the relationship between a number of people in relation to the object, and how the object is regarded within the prevailing political system. Most broadly and concisely, property in the legal sense refers to the rights of people in or over certain objects or things. Supreme Court Justice and professor of law at the University of Pennsylvania , in and , undertook a survey of the philosophical grounds of American property law. He proceeds from two premises: Wilson traces the history of property in his essay "On the History of Property. That theory was brought to a focus on the question of whether man exists for the sake of government, or government for the sake of man â€" a distinction which may derive from, or lead to, the question of natural and absolute rights, and whether property is one of them. While he doubts this is so, he nonetheless states: Or was it, by a human establishment, to acquire a new security for the possession or the recovery of those rightsâ€¦.? Useful and skillful industry is the soul of an active life. But industry should have her just reward. That reward is property, for of useful and active industry, property is the natural result. Wilson does, however, give a survey of communal property arrangements in history, not only in colonial Virginia but also ancient Sparta. Non-legally recognized or documented property rights are known as informal property rights. These informal property rights are non-codified or documented, but recognized among local residents to varying degrees. Priority[edit] Different parties may claim a competing interest in the same property by mistake or by fraud. For example, the party creating or transferring an interest may have a valid title, but may intentionally or negligently create several interests wholly or partially inconsistent with each other. A court resolves the dispute by adjudicating the priorities of the interests. The term "transfer of property" generally means an act by which a living person conveys property, in present or in future, to one or more other living persons, or to himself and one or more other living persons. To transfer property is to perform such an act. Property rights and rights to people[edit] Property rights are rights over things enforceable against all other persons. By contrast, contractual rights are rights enforceable against particular persons. Property rights may, however, arise from a contract; the two systems of rights overlap. In relation to the sale of land, for example, two sets of legal relationships exist alongside one another: More minor property rights may be created by contract, as in the case of easements , covenants , and equitable servitudes. A separate distinction is evident where the rights granted are insufficiently substantial to confer on the nonowner a definable interest or right in the thing. The clearest example of these rights is the license. In general, even if licenses are created by a binding contract, they do not give rise to property interests. Property rights and personal rights[edit] Property rights are also distinguished from personal rights. Practically all contemporary societies acknowledge this basic ontological and ethical distinction. In the past, groups lacking political power have often been disqualified from the benefits of property. In an extreme form, this has meant that people have become "objects" of propertyâ€"legally "things" or chattels see slavery. More commonly, marginalized groups have been denied legal rights to own property. These include Jews in England and married women in Western societies until the late 19th century. The dividing line between personal rights and property rights is not always easy to draw. The question of the proprietary character of personal rights is particularly relevant in the case of rights over human tissue, organs and other body parts. For example, government intervention that controls the conditions of birthing by prohibiting or requiring caesarian sections. Whether and how a woman becomes pregnant or carries a pregnancy to term is also subject to laws mandating or forbidding abortion, or restricting access to birth control. English judges have recently made the point that such women lack the right

to exclusive control over their own bodies, formerly considered a fundamental common-law right. Also in the United States, it has been recognised that people have an alienable proprietary " right of publicity " over their "persona". A particularly difficult question is whether people have rights to intellectual property developed by others from their body parts. In the pioneering case on this issue, the Supreme Court of California held in Moore v. Regents of the University of California that individuals do not have such a property right. Classification[edit] Property law is characterised by a great deal of historical continuity and technical terminology. The basic distinction in common law systems is between real property land and personal property chattels. Before the midth century, the principles governing the transfer of real property and personal property on an intestacy were quite different. Though this dichotomy does not have the same significance anymore, the distinction is still fundamental because of the essential differences between the two categories. An obvious example is the fact that land is immovable, and thus the rules that govern its use must differ. A further reason for the distinction is that legislation is often drafted employing the traditional terminology. The division of land and chattels has been criticised as being not satisfactory as a basis for categorising the principles of property law since it concentrates attention not on the proprietary interests themselves but on the objects of those interests. Real property is generally sub-classified into: The general principle is that a person in possession of land or goods, even as a wrongdoer, is entitled to take action against anyone interfering with the possession unless the person interfering is able to demonstrate a superior right to do so. In England, the Torts Interference with Goods Act has significantly amended the law relating to wrongful interference with goods and abolished some longstanding remedies and doctrines. Transfer of property[edit] The most common method of acquiring an interest in property is as the result of a consensual transaction with the previous owner, for example, a sale or a gift. A person may also obtain an interest in property under a trust established for his or her benefit by the owner of the property. It is also possible for property to pass from one person to another independently of the consent of the property owner. For example, this occurs when a person dies intestate , goes bankrupt , or has the property taken in execution of a court judgment. Priority[edit] Different parties may claim an interest in property by mistake or fraud , with the claims being inconsistent of each other. For example, the party creating or transferring an interest may have a valid title, but intentionally or negligently creates several interests wholly or partially inconsistent with each other. In this section "living person includes a company or association or body of individuals, whether incorporated or not, but nothing herein contained shall affect any law for the time being in force relating to transfer of property to or by companies, associations or bodies of individuals. Lease[edit] Historically, leases served many purposes, and the regulation varied according to intended purposes and the economic conditions of the time. Leaseholds, for example, were mainly granted for agriculture until the late eighteenth century and early nineteenth century, when the growth of cities made the leasehold an important form of landholding in urban areas. The modern law of landlord and tenant in common law jurisdictions retains the influence of the common law and, particularly, the laissez-faire philosophy that dominated the law of contract and the law of property in the 19th century. With the growth of consumerism , the law of consumer protection recognised that common law principles assuming equal bargaining power between parties may cause unfairness. Consequently, reformers have emphasised the need to assess residential tenancy laws in terms of protection they provide to tenants. Legislation to protect tenants is now common.

Chapter 7 : How to Become an Intellectual Property Paralegal: 10 Steps

of America's foremost property law scholars even asserts that "[t]he question is unanswerable."2 The problem arises because the legal meaning of "property" is quite different from the common meaning of the term.

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