




PREFACE TO THE THIRD EDITION

Writing a Property text is daunting; Property covers a huge array of topics, but in one sense or another, each addresses the *creation, transfer, and destruction of wealth*. This wealth may arise in the form of personal property, intellectual property, or real property. This book therefore requires students to become familiar with the considerable body of legal rules and doctrine that make up Property law. Still, we hope to do more than provide a solid platform for teaching and learning doctrine, as crucial as that objective is to a first-year course. We have several additional and important goals for this book.

- This book represents a truly contemporary Property law text. Our goal is to make this intellectually challenging material as *accessible* and *understandable* as possible. We endeavor to explain the law clearly, but without oversimplification. We speak to student lawyers directly, in first person. We often use boxes, charts, photographs, documents, and online interactive exercises to supplement case opinions and text. When you see this icon:  that will signal you to access the Simulation for additional content.
- We have carefully considered the “next generation” bar exam, both in terms of changes in substantive coverage and format. We believe we have created a “NextGen Ready” book, including problems and exercises that will help students prepare for this new focus on lawyering skills. We regularly ask student lawyers to resolve problems and hypotheticals from the perspective of an attorney; our goal is to help student lawyers begin the difficult process of developing *professional judgment*. You will see a Briefcase icon  to highlight those practice-oriented problems that will encourage students to begin thinking like a lawyer.
- We include videos that will acquaint student lawyers with the role of attorneys in various fields of Property law. These videos also serve as an opportunity to begin a conversation about what it means to be a *professional* and *ethical* practitioner. We believe this is a conversation that must begin in the very first year of law school. When you see this icon:  that will signal you to access the video content in the Simulation.
- We wish to impart a lesson that is sometimes underemphasized in law schools. Legal rules underlie *transactions* and not just *litigation*. A transaction that “works” will allow the parties to avoid later disputes. This book does not focus solely on judicial resolution of disputes. We also examine Property law rules through the lens of a transactional attorney. This is particularly important in the chapters devoted to the lease, land, and loan transactions.
- We are fascinated by the *evolution of Property law*, and we regularly confront student lawyers with the policy arguments for and against different legal rules. We want student lawyers who use this book to understand that, in practice, they must consider policy to be able to resolve property issues they will encounter in their professional lives.

- We forge the connection between *traditional, historic cases* and *the modern world*, and we consider the profound effects on the law wrought by both science and a rapidly changing society. Rules governing property are often old, and sometimes ancient. Courts, legislators, and lawyers must adapt these rules to modern, cutting-edge problems. For example, the drafters of the U.S. Constitution anticipated the need to protect intellectual property, and provided for patents. But the founders could not have possibly imagined gene research, the enormous wealth this science makes possible, and the legal disputes that have arisen in their wake.
- Finally, we wish to transmit our love for Property law: the colorful characters who inhabit its case opinions, the rules and doctrine of which it is made, and the attorneys who practice it.

We hope that you find this book an engaging, effective tool for teaching or learning Property law.

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