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Recent Publications

WHAT EVERY ENGINEER SHOULD KNOW ABOUT PATENTS, By William G. Konold, Bruce Trittel, Donald F. Frei, David S. Stallard, Marcel Decker, New York, 1979, Pp. 124.

This work is designed to provide the engineer with a working knowledge of the patent system. Written in straightforward language, this book explains the types of patentable intellectual property, and the steps that an inventor/engineer should take to protect his intellectual property.

The authors did not attempt to make the reader an expert on patent law, but merely tried to make him aware of his rights in an invention and then to show, step by step, how to go about protecting those rights. The book starts with a brief explanation of what a patent is and what it protects and goes on to explain how the inventor, working with his attorney can go about protecting his intellectual property. The final chapters address themselves to after-patent considerations such as interference, enforcement and licensing.

This book should be a very useful tool for the engineer/inventor. The authors have attained the goal stated by the book's title, letting the engineer know what he should know about patents.

J.G.A.

SPORTS INJURY LITIGATION, By Leonard Decof and Richard Godosky, Practising Law Institute, New York, New York, 1979, Pp. 149.

This handbook is one of about 150 published each year by the Practising Law Institute. While its primary function is to serve as an educational supplement to the Institute's programs, it is also useful as a reference manual for attorneys and law students. *Sports Injury Litigation* is published in many relatively small handbooks, each covering diverse aspects of litigation involving sports-related injuries.

The value of these handbooks lies in their simplicity. For example, number 139 deals primarily with litigation involving football helmet related injuries and liability for skiing injuries. The elements of proving negligence in each situation are concisely outlined, as are the possible defenses. Moreover, valuable precedent is offered which supports both positions.

Each handbook assumes that the reader has some knowledge of basic contract and tort law. They specifically address the interplay of these legal precepts as they relate to suits brought by athletes to gain redress for their sports incurred injuries. Mr. Decof and Mr. Godosky successfully achieve their objective in *Sports Injury Litigation*: they give attorneys a short guide on how to institute or defend a suit based on an injury which is sustained during the performance of a sport.

W.S.

RESTRICTING HANDGUNS—THE LIBERAL SKEPTICS SPEAK OUT, Edited by Don B. Kates, Jr. North River Press, Inc., 1979, Pp. 237.

Professor Kates, a civil rights activist and an antipoverty lawyer, has compiled several of his own articles and those of others with self proclaimed liberal political disposition into an artful book with an inescapable message: legislation to prevent the sale or use of handguns historically has been, and will continue to be, ineffective as a means of preventing violent crime. The various authors oppose handgun restrictions because the benefits of such prohibitions are substantially outweighed by great financial, constitutional, and human costs in enforcement.

New York's Sullivan Law and The Gun Control Act of 1968 serve as useful models of current gun control legislation and are referred to throughout the work. *Restricting Handguns* is replete with case studies, graphs, and illustrations which show that these measures have not reduced crime. For example, it is pointed out that criminals who want handguns can procure them easily despite the laws, or they may turn to more lethal weapons such as sawed-off shotguns.

The most important contribution made by this book is the conclusion which it draws: if national handgun legislation is passed, which seriously restricts the citizenry's right to obtain and keep pistols, many law abiding people will have to be sent to jail because they will refuse to comply with the law. Professor Kates and his co-authors have managed to cut through the rhetoric of a

controversial subject and skillfully point to the impracticalities of strict gun control.

W.S.

OCEAN OIL AND GAS DRILLING AND THE LAW, By Peter Nachant-Swan, Oceana Publications, Inc., Dobbs Ferry, N.Y., 1979, Pp. 462.

This book is intended as a resource for lawyers who are not specialists in offshore oil exploitation, for government officials involved with the offshore industry, for environmental groups, and for those who may be specialists in the offshore energy field but desire information about involved legal problems. In short, the author does not profess to have made an in-depth study, but offers an overview of offshore oil and gas technology from the exploration through the construction and development phases, along with an overview of the legal concepts involved therewith, including licensing, operating agreements, construction contracts, financing, insurance, public and international law, and administrative regulations. The last part of the book is devoted to conventional liability considerations, arising from collision, personal injury and death, design and maintenance, pollution, and compensation.

The subject matter is highly specialized. However, when confronted with the problem in the offshore oil and gas field, the general practitioner may well find this book a fine introduction to the engineering and legal aspects of exploration.

E.D.B.

REALTOR'S LIABILITY, By Mark Lee Levine, J. Wiley Publications, New York, 1979, Pp. 265.

This work is basically a casebook dealing with the liability which a real estate licensee is exposed to in practicing his profession. The author raises points of concern in the practice of real estate, and then gives a well-edited opinion from a leading case on the subject. While this approach works effectively in a law school setting, it is of little value to the practicing realtor.

Real Estate practice, being governed by state law, varies greatly from jurisdiction to jurisdiction. Most states require that the real estate licensee be a resident of that state before he can practice there. For these reasons, an overview of the law such as the one presented by this work, is of little value to the practicing professional. The law student interested in learning more about the practice of Real Estate would be the one who would benefit most from this work.

J.G.A.

LAND BANKING, By Ann L. Strong, The John Hopkins University Press, Baltimore, 1979, Pp. 312.

The author, accompanied by her husband, who took a leave of absence from his law firm, spent five months in Sweden, the Netherlands and France under a senior fellowship from the National Endowment for the Humanities. Her book explores how land banking is functioning in the European communities, and whether land banking may be compatible in the near future with the American property system.

Land banking is defined rather broadly as public, or publicly authorized, acquisition of land to be held for future use, before development value attaches to it, with a view to orderly and efficient development, and with the gains in land value occurring to the public rather than private developers. Since private land ownership has been one of the keystones of the American system, the entire concept of land banking seems iniquitous to the American way of life. However, the last decade of increased governmental control brought us much closer to a point wherein such a concept might be considered or accepted. Until only a few years ago, the land management themes of this country favored expansion over growth control, dispersion versus concentration, and exploitation versus conservation. However, there is a growing understanding that, while vast, the land, water, and mineral resources of our country are not limitless, some of these resources have been squandered, and that others will soon be exhausted. Thus a long dormant concept of land ownership has gained new currency. Whether one uses the term public trust, sovereignty, or quasi-sovereignty, the idea that government has a right and an obligation to protect natural resources is taking root.

After a discussion of the various concepts of land ownership, Mrs. Strong devotes a major portion of her book to detailed examinations of the land banking programs in Sweden, the Nether-

lands, and France. She obviously feels that there is something for us to learn from the various programs, but she feels no definite conclusion can yet be reached regarding whether land prices and speculation have been inhibited.

The author devotes the last portion of her book to the current setting in the United States, and various proposals for land banking in this country, in particular the American Law Institute's model land development code. The Federal government already owns one-third of the area of the country, some 761 million acres, but these public lands are primarily in remote areas and offer the public sector little direct control over urban development. Urban development is now shaped by land use controls, and public investment in specific programs such as utilities and some public housing. Local influence on land use is powerful, sometimes as a deterrent to development and sometimes as a stimulus. However, it is highly fragmented because of the different aims of the multiplicity of local governments. Some communities welcome development, and others resist it steadfastly. All communities are influenced to some extent by their dependence on real property tax as a principal source of operating income.

The author negates the impression that a land bank program modeled on the experience in Europe would be a panacea for American urban development problems. She says it may be the best hope, but that does not mean that it waits on our horizon trouble free. The very idea seems contrary to the American system of property. Further, local governments have limited capacity for funding land acquisition, and must rely on bond issues and borrowing. Thus, state or Federal backing would be required, a further encroachment on government control.

E.D.B.

