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AROUND THE BLAWGOSPHERE

Blaming the Baby Boomers; Do young children believe that ideas can be owned?

Posted May 31, 2013 8:30 AM CDT

By **Sarah Mui**

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Beware of the Boomers, Boston practitioner Dave Brown writes at **Hungry Hungry Lawyers**.

"As exceptional as the Greatest Generation might have been, they really tanked the endgame, handing a dominant military, a booming economy and atomic weapons over to children whom they had negligently entrusted to raise themselves," Brown wrote. "As a result, America got Baby Boomers, a gang of attention-starved consumption machines, hell-bent on winning their parents' approval and affection."

Lawyers from this generation, "chasing the dragon of approval from parents who mentally checked out somewhere on a French beach, in the South Pacific or at 38th parallel ... created a business built to give them exorbitant paydays that cripple the business beneath them. Just as the pharaohs celebrated themselves with pyramids built by slaves in the desert, the minds behind today's legal industry celebrate themselves with leveraged pyramids built by overworked associates in lavish, urban offices."

Brown's advice? Do not engage with the Boomer, much less wait for one to give you a job. "Certainly don't wait for them to give you a job you'll like. Go solo. Go small. Have principles. Stick to them. Make the Boomers seek your approval. They're good at that."

Illinois lawyer and **practicehacker** blogger Mazyar Hedayat was singing this tune **back in 2009**. "Like it or not, the Boomers threw a party, Gen-Xers showed up just after the keg was tapped out, and the Gen-Yers are on cleanup duty," Hedayat wrote.

Is IP ingrained?

Do children have an innate understanding of the concept of intellectual property? At **Jotwell: Intellectual Property**, Chicago-Kent law professor Chris Buccafusco notes a **psychologist's paper** (PDF) that he says "should be widely read by IP scholars."

The paper explores whether 6-to-8-year-old children were tested on whether they could apply principles of ownership to ideas. The authors "found that children apply the first possession heuristic—that the first possessor of a thing, not the first pursuer, is its owner—to intangible ideas in much the same way that adults do."

Why should IP scholars care? "Most interesting to me is what [the research tells] us about the emergence and strength of IP metaphors and the moral psychology of creativity and copying," Buccafusco wrote. "Much recent IP scholarship has focused on (and often critiqued) the use of real property metaphors in IP debates. Concepts like 'property rights' and 'theft,' it is argued, are inappropriate to copyrights and patents. ... But the work of [the researchers] suggests that getting people to think differently about IP may be incredibly difficult."

Will it get the bar's attention?

This week, New York Court of Appeals Chief Judge Jonathan Lippman announced that a committee would

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explore whether and how nonlawyer legal professionals can help bridge the "justice gap" by handling "simpler" legal matters for New Yorkers in need, as reported in the [New York Law Journal](#) and elsewhere.

Though some bar association representatives will be on this committee, the New York Law Journal reported, New York University law professor Stephen Gillers wrote at [Legal Ethics Forum](#) that he hopes this move will finally get the organized bar itself to explore this issue.

"Given the traditional bar's new competitors (outsource companies; differently trained lawyers abroad in differently constituted firms; compliance officers who, after all, advise on compliance with law; companies selling computer-driven legal advice like TurboTax sells tax help; Axiom and its competitors), you'd think the organized bar would want a seat at the table, if only to help formulate adaption to the new world that technology and cross-border practice entail," Gillers wrote. "Sadly, not demonstrably. 'If I don't recognize what's happening, it can't be happening,' is not an attribute of leadership."

License to split

What's a license worth? This week, Kristina Armstrong filed a [malpractice suit against her divorce lawyers](#) at Blank Rome, who she says sandbagged her case because her husband was an executive at Morgan Stanley, a corporate client of the firm.

Armstrong said in her filing that Blank Rome should have but did not seek possession of Michael Armstrong's securities license—the 'single most important economic asset at play' in the divorce, valued at between \$12 million and \$16 million—on her behalf.

"Indeed, New York is one of the few jurisdictions that places a value on a professional degree acquired during the marriage," Canadian solo Georgiale Lang wrote at [Lawdiva's Blog](#). "Its lifetime value is calculated by experts, who charge big fees for their valuation services. So, if you have credentials as a lawyer, doctor, securities trader, MBA, architect and presumably other professional designations, this qualification will be monetized and a payment will be made to the professional's spouse."

[Above the Law's](#) David Lat also noted the case and had this commentary: "Securities licenses: way more lucrative than a law degree."

The way New York divorce law treats licenses, certifications and even talents as property is widely criticized, the [Wall Street Journal](#) reported in December.

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Comments

1. **Robert B**
May 31, 2013 9:31 AM CDT

Regarding the "Will it get the bar's attention" piece, in Texas, the bar certainly is taking notice after the Texas Supreme Court apparently sanctioned party representation by nonlawyers in the state's Justice Court system. Evidently, having their monopoly threatened on small cases has some attorneys concerned that the scope of what a non-licensed individual can do in court might expand over time.

2. **shg**
May 31, 2013 11:06 AM CDT

A kid lawyer scamblogger has fantasies about why the boomers are to blame for his miserable world and this is worthy of mention? What's next, the Busy Bee Nursery School's critique of the Supreme Court's Citizens United opinion?



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Which novel should win the 2013 Harper Lee Prize for Legal Fiction?

The Wrong Man by David Ellis

Havana Requiem by Paul Goldstein

Defending Jacob by William Landay

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3. **Violette**

May 31, 2013 11:37 AM CDT

I hated Boomers before hating Boomers was mainstream. But I'm pretty sure "raising themselves" wasn't the problem.

4. **AzAttorney**

May 31, 2013 2:08 PM CDT

I don't know about hating a huge group of people, but certainly the X and Y types were handed a much weaker country than what the boomers were handed. What is the balance in the Social Security account again?

5. **Mazy Hedayat**

May 31, 2013 2:37 PM CDT

Sarah

Thank you for the mention. I appreciate your thoughtful comments. Since writing the post to which you refer I have primarily dealt with less thoughtful treatment; like that of Commenter #2 who identifies his or her self as "shg."

To shg, what a courageous choice to hide your identity. It tells the world that you are not shy about commenting; but won't be coerced into explaining yourself. You must be proud.

P.S. Being called a "kid lawyer scamblogger" makes me feel so hip!

6. **Chris Bradley**

May 31, 2013 2:47 PM CDT

Hedayat, you don't know? SHG is not hiding. When he uses his initials like this, it's the equivalent of spelling out his entire name.

7. **AGB**

May 31, 2013 3:05 PM CDT

Let's have a truce. I will accept all of the problems which are predicated on the principle that I am responsible for the time I was born if you would do the same.

8. **Yesterdays Wine**

Jun 1, 2013 2:48 PM CDT

First, the "Greatest Generation" was great for not quite 4 years. And we all are grateful for the few years. The rest of the time they gave us bigotry, sexism, environmental catastrophe, Depression, the Cold War, a ridiculous conformity, and indeed, the rise of consumer culture. Who the hell do you THINK raised Baby Boomers? Any reasonably well-informed jackass knows that 40% of all Boomers were raised in poverty or near poverty. The rest of us were mostly middle class or lower middle class. And anyone who tries to stereotype a huge cadre of 78 million people is moronic, prima facie.

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