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Equity - the body of law developed in the English Court of Chancery - has a long and distinguished history. In the 21st century, it continues to be an important regulator of both commercial and personal dealings, as well as informing statutory regulation. Although much equitable doctrine is settled, there remain some intractable problems that bedevil lawyers across jurisdictions. The essays in this collection employ new historical, comparative, and theoretical perspectives to cast light on these fault lines in equitable doctrine and methodology. Leading scholars and practitioners from England, Australia, and New Zealand examine such contentious topics as: personal and proprietary liability for breaches of equitable duties (including fiduciary duties) * the creation of non-express trusts * equitable rights in insolvency * the fiduciary 'self dealing' rule * clogs on the equity of redemption * the distribution of assets on family breakdown * the suitability of unjust enrichment analysis. The book addresses specific doctrinal questions, as well as the 'meta' issues of organization and methodology, and the findings will be of value to academics and practitioners alike. (Series: Hart Studies in Private Law - Vol. 1)



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Fault Lines in Equity (Hart Studies in Private Law) From Hart Publishing Bibliography

- Rank: #7337435 in Books
- Published on: 2012-05-18
- Original language: English
- Number of items: 1
- Dimensions: 9.21" h x .69" w x 6.14" l, .0 pounds
- Binding: Hardcover
- 300 pages

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Editorial Review

Review

...practitioners and scholars who are searching for a deeper analysis of recent developments in equitable doctrine that that which is available in the standard textbooks would do well to consult this collection.
(Darryn Jensen *Journal of Equity Volume 6*)

About the Author

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