Journal of Intellectual Property and Entertainment Law Comes Home

By Grant Ts ‘14

STAFF EDITOR

It might be the iPod-white paint job, the 60-inch flat panel monitor (replete with webcam for video conferences), or the casual discussion of web design meandering through the air, but something about the new office of the Journal of Intellectual Property and Entertainment Law (JIPEL) just fits. JIPEL is the school’s only journal aimed at art, entertainment, intellectual property, Internet, sport, and technology law. It is also NYU Law’s first entirely online journal — there is no print edition. Instead the bi-annual journal will have all of its content online, free of any subscription fees, viewable in PDF and e-book format. The journal’s slick new website (jipel.law.nyu.edu), allows readers and users to comment and respond, providing a channel for interaction between the industry, academics, practitioners, and students. JIPEL also solicits responses to its articles from some heavy hitters, for an article on free speech they prompted a response from a New York Times commentator.

Apropos to its subject matter, the articles skew toward the 140-character trend of the modern world. JIPEL accepts articles in the 20- to 50-page range, shorter than the average academic articles on relevant subject matter. Nicole Nussbaum, JIPEL’s editor-in-chief and a 3L, helped bring the Ledger its current look after joining its staff during her 2L year. She’s typical of those interested in the field — she has background in media and the arts, has taken just about every IP course on the school’s roster, and seems to be an avid technology user (I noticed her inbox had a mere 30,316 unread emails, and that’s nothing compared to the number of read emails). She was attracted to the bleeding-edge nature of intellectual property and entertainment law.

“It’s exciting to be working in a field where there’s so much that’s new. It’s exciting to be going into the bleeding edge — she has figured out,” Ms. Nussbaum said. “IP can be nerdy, but at the same time it’s at the forefront of some of the biggest changes that are happening in the world. With everything from music to Wikipedia, we’re nerds about something actually cool.”

When she was named editor-in-chief during her second year at the Ledger, the departing editor had a final request: get the Ledger accepted as an official journal. Ms. Nussbaum delivered. She and her fellow members of the journal’s senior board spent months in meetings pitching the quality of the Ledger’s scholarship to administrators and deans and garnering support from faculty and students, before ushering in JIPEL’s official acceptance.

The first semester required a lot of improvisation from JIPEL. “They didn’t have an official office, and the D’Agostino basement doesn’t exactly have a surplus of space. Luckily, a professor left the school, leaving a fixer-upper of an office space behind. Ms. Nussbaum leapt at the opportunity and after a frenzied renovation with the help of the law school’s IT and facilities departments, JIPEL’s headquarters, which looks like a cross between an Apple store and a spacious graphic-designer’s office, was ready for its 40 plus members. The journal also just developed its new website with the help of NYMS3, a web design firm, and is planning some major events in the near future.

The journal will be participating in the writing competition, and is looking to grow even more. It looks for students with a demonstrated interest in or a background related to IP and entertainment law. All 2Ls can apply either as Staff Editors or, if they have web design experience, as Web Content Editors, a position unique to JIPEL. The first crop of members already sings the journal’s praises.

“Our members are quirky and hip, with backgrounds in film, art, music, literature, and the sciences,” said Peter Couto, a 2L at the journal. “It’s a new organization, which means we are very interested in the reputation we are creating for ourselves. We get to forge our own way of doing things, and ultimately I think we are actually changing what a law school journal is.”

1L Class Divided As PILC Series Debates Criminal Justice

By Adam Saper ‘14

CONTRIBUTING WRITER

I look forward to Monday evenings crawling into Greenberg Lounge, shoulder to shoulder in unapologetically uncomfortable folding chairs crammed too close together. PILC’s Leaders in Public Interest Series allows students, if only for an hour a week, to buttress their legal education with real world insight, and without the use of a textbook, computer, or highlighter.

Plus, there are snacks. Each week brings a new speaker to campus. A new profession to explore. A new topic to engage with.

This past week’s speakers drew a more sizeable crowd than usual. The panel promised to tackle the question, “Is Social Justice Best Promoted by Being a Prosecutor or Public Defender.” The large turnout might have been due to interest in the topic, or, maybe just the result of students putting off their required attendance until the final few weeks before summer funding.

Deb Ellis (’82), Director of the Public Interest Law Center, moderated this week’s panel, a subtle indication of its gravity. Robin Steinberg (’86), Executive Director of the Bronx Defenders, opened with statistics on the racial disparities that pervade the criminal justice system. She offered a dictionary definition of social justice, highlighting the importance of respecting the dignity of all people.

Daniel Alonso (’90) of the Manhattan District Attorney’s Office presented his own take on social justice, as the term, he claimed, is too vague to be useful. A better phrase, he suggested, would be public interest, at best served by prosecuting the guilty and exonerating the innocent. Professor Erin Murphy, of NYU School of Law, shared her path through a legal education and career. She described being driven towards criminal defense, fearing the potential consequences of exercising her zealous work ethic with the unrestrained power of a prosecutor’s office.

Anne Milgram (’86), the former Attorney General of New Jersey, echoed the apparent challenge of defining social justice. After furnishing tales from her legal education, she encouraged students, no matter their professional path, to approach work with kindness, integrity, and a sense of justice.

Students asked questions of the speakers, alternating between the prosecutors and defenders. The panelists touched on community safety, government resources, disparate outcomes, police investigations, and making career choices.

And, yet others booted. Students who, presumably voluntarily, attended a Leader in Public Interest lecture, booted. At the idea that social justice, respecting the dignity in every human being, is fostered by confronting against an admittedly and unapologetically racially disparate system of “justice.”

At that they booted.

Mr. Alonso closed by stressing the fight for public safety, noting how prosecutors care about communities. Care so much in fact, that when someone is murdered and the police make a mistake, they use drug laws to go in and clean up the streets by simply arresting everyone they find. Every young man and woman of color they can find.

Because, if they arrest enough people, then they’ll probably catch the murderer. Or maybe not.

But, no one booted.
How to Find Enjoyment in Law College, Before It’s Too Late

By Leighton Dellinger ’12
Editor-in-Chief

Lately I have suffered an early-onset bout of law school nostalgia. I had planned to save my advice and regrets column for the last issue of the year (also commonly known as my last year at NYU), my last year to have a life and happiness, and my last year of school ever . . . depending on which frame of anxiety I am in at the time) but here I am, getting all nostalgic.

I am one of those terribly saccharine people who get worked up over firsts. My last first day of school ended in tears; my last first Winter break was exploited like a high school Senior Day; my last first day of the semester — more commonly known as The War Heads Incident — left me moody and weird and with a quickly empty bag of candy before a time of day when anyone, anywhere should eat candy as sugary as War Heads. So here I am, in my last law school semester — and in the best part!

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Truth: Rapid-Fire Answers to All Your Questions About Sex

BY TRUTH BADER GINSBERG

I don’t really have much to say this week. I’m not feeling particularly qualified to ramble on at length about other people’s love and sex lives, given that I can’t seem to figure out the first thing about my own. So I present to you: Rapid-Fire Answers To All Your Questions About Sex!

Q: What’s the best place to have sex in law school?  
A: Don’t go to law school. Alternatively: one of those weird subterranean nooks in the library. Or up in the 3rd/4th floor hallway. You’re going to have a lot of attention from random people in your classes, not your friends, join an activity.

Q: I want to dress to impress and catch the attention of someone in class. How?  
A: For ladies: Wear real pants, not leggings. For men: see Sanders Witkow.

Q: I have a crush on a 1L, but 1L anxiety irritates the hell out of me. What do I do?  
A: Don’t date a 1L. Head to Stern. All they do is make PowerPoint presentations and attend networking receptions.

Q: How do I meet new people in law school?  
A: Go to SBA; sit next to random people in your classes, not your friends, join an activity.

Q: How do I hit on someone in class?  
A: Make eyes and pass notes. Literally, go back to what you learned in 5th grade about flirting.

Q: Who should I nominate for Mr. WOCC?  
A: Wonjun Lee.

Q: If you were Katniss in the Hunger Games, would you date Gale or Peeta?  
A: Sleep with Gale and then when he inevitably ditches out because he can’t commit, marry Peeta.

Q: What’s the number one thing I can do to be more attractive to people?  
A: Say hello. Smile.

Akin Gump Strauss Hauer & Feld LLP is accepting applications for its fifth annual Summer Pro Bono Scholars Program.

What is the program?  
This two-year program allows students to gain valuable work experience with both pro bono and commercial clients. During the first summer, scholars receive a $20,000 stipend while spending at least seven weeks at a public interest organization of their choice, as well as three weeks at an Akin Gump office (Washington, New York, Houston, Los Angeles or Dallas) assisting with pro bono cases and being paid a summer associate stipend. During the second summer, the Pro Bono Scholars are part of the firm’s regular summer associate program, which will include pro bono opportunities as well as a commercial workload.

Are you eligible?  
Law students completing law school in Winter 2013 or Spring 2014 are eligible to apply.

How do you apply?  
Send your resume, transcript, writing sample and short (500-word) statement of interest to the recruiter for your preferred office: nylegalsrecruiting@akingump.com (NY) | dcrecruiting@akingump.com (DC) | dallassrecruiting@akingump.com (TX) | hourecruiting@akingump.com (TX) | nMexnman@akingump.com (LA).

The subject line should read “Pro Bono Scholars Program.” Applications are accepted between January 23 – February 15, 2012.

What else should I know?  
Please visit the akingump.com/probono/probonobocholarsprogram for further program information, including a schedule of live information sessions offered at your school.

Pro Bono Scholars Information sessions featuring Akin Gump’s Pro Bono Partner will be hosted at select law schools in January and February 2012. Be on the lookout for details.

Akin Gump Strauss Hauer & Feld LLP & 2011 Akin Gump Strauss Hauer & Feld LLP.

Comment

Habeas Coitus with Truth Bader Ginsberg

Q: How can I convince my significant other that I really don’t have time to do housework during finals?  
A: Bring home wine and dessert when you’re leaving the library at 1 a.m.

Q: How can I convince my significant other that I really don’t have time for sex during finals?  
A: Never underestimate the lasting power of a weekly blow job. A few minutes once a week and you’re set.

Q: Will growing a beard/shaving my beard get me laid more?  
A: Beard or no beard doesn’t really matter. But that Movember moustache must go.

Q: Is it wrong that I want to kiss Amy Adler?  
A: No. Go to Brooklyn.

Q: Should I date someone I met in my Lawyering group?  

Q: How can I meet undergrads?  
A: Shush them in Bobst library. They’ll be into the neg.

Q: What bar is best around the law school to meet people?  
A: None. Go to Brooklyn.

Q: How do I avoid running into my ex at law school?  
A: Triple awesome.

Q: Is it okay to date a pro-fessor?  
A: This question assumes that they want to have anything to do with you. So, um, no. But Amy Adler, please call me.

Q: If someone doesn’t have their relationship status listed on Facebook, do you assume they’re single?

A: No. Proceed with caution and investigate photo statuses and wall postings.

Q: Is it okay to date a professor?  
A: This question assumes that they want to have anything to do with you. So, um, no. But Amy Adler, please call me.

Q: I’m a public interest kid, and am dating someone who’s going to a firm after graduation. Can I let them pay for more stuff?  
A: Sure. For every time you pay, he/she should probably pay twice. Seems like a reasonable ratio.

Q: I did well at EIW/my summer job search, but my significant other didn’t. How do I deal?  
A: With openness, a bit of tact, and a lot of acknowledgement about how awkward and bewildering this whole process is. Work through it together; it could actually bring you closer.

Q: Why does my roommate hate my girlfriend?  
A: Because he pays rent, but she doesn’t — yet she takes twice as long in the bathroom.

Q: I’m dating this guy, but he won’t commit. What’s the deal?  
A: Don’t waste your time trying to figure it out. Move on to the next one.

Q: How do I hit on someone in my Lawyering group?  
A: Communicate through your Bluebooking comments. Also: plan a happy hour.

Q: How do I hit on my Lawyering TA?  
A: Do really well on your brief this spring. Also: suggest a happy hour.

Q: How do I hit on my Lawyering student?  
A: Communicate through your Bluebooking comments. Also: plan a happy hour.

Q: What should I do for Valentine’s Day?  
A: Some friends and I will be at Stillwater in the East Village, drinking cheap beer and eating hot wings. You should join us.
A Dangerous Method

Cover

By Thomas Poirot "33

STAFF EDITOR

“Downton Abbey” is basically the English version of “The Help,” except it is actually pretty good. Rather, like many of David Cronenberg's films it is all about somewhat common (albeit not usually to the heightened level portrayed in his films) and highly alluring sexual “dysfunctions.” I use dysfunctions in quotation marks because I’m not sure Cronenberg entirely sees them as dysfunctions at all. However, I’m getting ahead of myself. First, let’s discuss the catalyst to all of this: “A Dangerous Method,” Sabrina Spielrein (Keira Knightley), Spielrein first comes into contact with Carl Jung (Michael Fassbender) as a patient. She suffers from mental hysteria and spontaneous orgasms provoked by hallucinations.

Eventually, the allure of Spielrein's dark sexuality and intellect is too great and Carl Jung begins to sleep with her despite her being his patient. Spielrein manages to get her hysteria under control and becomes a student of psychology and eventually a major psychoanalyst. This, however, does not mean that Spielrein leaves behind her masochistic tendencies. Things are never that simple with Cronenberg. Downton Abbey seems to suggest that most, if not all, of us have our own weird sexual preferences. For instance, Jung seems to desire a quite a bit of pleasure from being the dominant in his relationship with Sabina. Cronenberg's films argue that one should strive to come to terms with and manage one's sexual “dysfunction” rather than letting it be completely uninhibited or attempting to repress it.

Sado-masochism plays a large role in one of Cronenberg's masterpieces, “Videodrome” (1986). Videodrome follows Max Renn (James Woods), the sleazy CEO of a small cable station that specializes in softcore pornography and violence. Max is made aware of a bizarre television broadcast that features “Videodrome.” The show has no plot and depicts the torture and murder of anonymous victims. Thinking that the show must cost almost nothing to produce since the set is very bare and the actors are anonymous, Max sets out to find the person running the broadcast so he can buy the show. Max believes it is the future of television. Max also begins to see a sado-masochist psychiatrist and radio host named Nicki Brand (Blondie's Deborah Harry). After introducing her to Cronenberg, Sabina’s “dysfunction” really isn’t a dysfunction at all if dealt with sensibly. Cronenberg seems to suggest that most, if not all, of us have our own weird sexual preferences. For instance, Jung seems to desire a quite a bit of pleasure from being the dominant in his relationship with Sabina.

In the first season, Robert Crawley and Josephine Crawley, the Dowager Countess, count, and mother of Robert Crawley. Played by the incredible Maggie Smith, she is more openly classist than any of the show’s other characters, and their relationship with Johnny Hallyday is surprisingly touching. The movie includes some clever segues for action sequences and Johnnie To’s compositions, especially in slow motion, are beautiful. “Videodrome” is available for streaming on Netflix.

By Thomas Poirot “33

Trendy Downton Offers Only a Rosy Portrayal of Edwardian Times

Not only fails to be realistic, but it is also rather cowardly. Unlike the show it is often compared to, “Mad Men,” “Downton Abbey” does not put forth historically accurate, but flawed and sometimes dreadful lead characters. Don Draper may be more progressive than many of his peers on “Mad Men,” but the show refuses to idealize him. Although he was progressively enough to hire a woman as a copywriter, Draper is still a womanizer that treated his former wife, Betty Draper, no better than any other early-60s male and went on to befriend and betray the woman for the cute and younger woman that resents the oldest; the “ugly, Jan Brady middle sister that resents the oldest; the relationship between Matthew Crawley and Josephine Crawley that mirrors that of Benedick and Beatrice from “Much Ado About Nothing,” etc. Although the show’s clichés, the show deploys them in such a light-hearted and knowing manner that they become quite fun and addictive. “Downton Abbey” also features one of the best and funniest characters on television, Nicki Brand (Blondie’s Deborah Harry). After introducing her to the show, an amused Nicki talks Max into having some rather dangerous sado-masochistic sex involving a knife.

“Videodrome” adds an additional layer to Cronenberg’s ideas on sado-masochism. Specifically, the film delves into its heroes’ fascination about how pornography and violence affect the viewer. After viewing “Videodrome,” the viewers have bizarre hallucinations — one of which includes a television with Max Brand on it attempting to suck him in. Cronenberg believes that television can and will exert a substantial influence on us. Max Renn is eventually transformed into a deadly, strange, and disfigured cyborg because of watching “Videodrome.” However, Renn is ultimately able to wrest control of himself and his abilities for some good. Perhaps one can transform the sado-masochistic influence of television into something positive.

5 "Dangerous Method" comes out on DVD and Blu-Ray on March 27. “Videodrome” is available for streaming on Netflix.

By Thomas Poirot "33

STAFF EDITOR

”A Dangerous Method” comes out on DVD and Blu-Ray on March 27. “Videodrome” is available for streaming on Netflix.

Reviews in Brief

“Vengeance” (“Johnnie To, 2009): Johnny Halliday plays a man whose daughter and family have been killed or seriously injured by a Hong Kong gang. Halliday, a chef, used to be an assassin and is prepared to take down the entire gang gang. However, Halliday is slowly losing his memory and is forced to hire a trio of hitmen. The hitmen are incredibly endearing (David Phelps says “they take” on the system as a good excuse to hang out with each other) and their relationship with Johnny Hallyday is surprisingly touching. The movie includes some clever segues for action sequences and Johnnie To’s compositions, especially in slow motion, are beautiful. “Videodrome” is available for streaming on Netflix.

“Essential Killing” (Jerzy Skolimowski, 2010): Vincent Gallo plays a possible terrorist that is captured by the United States and taken to a Guantanamo-esque prison in Poland. He escapes after an accident during transport and is forced to survive in the frozen wilderness. Gallo delivers an excellent woodless performance as a man that descends into animalistic behavior. Whether this descent is necessary in order to survive or at times completely unnecessary and simply savage is left to the viewer. Legendary Polish director Jerzy Skolimowski does an incredible job of depicting the beauty and brutality of Poland’s frozen wilderness. “Essential Killing” is available for streaming on Netflix.

“Gamer” (Mark Neveldine & Brian Taylor, 2009): “Gamer” has no right to be any good. It looks like the sort of horrible action movie that is marketed at 13-year-old boys. However, “Gamer” manages to transcend the action clichés it often employs. The best illustration of this is the scene in which Gerard Butler finally comes face to face with the man that ruined his life, Michael C. Hall. All of a sudden the film turns into a musical and the action genre’s roots in old Hollywood musicals are made clearer than ever before. “Gamer” is available for streaming on Netflix.

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“Videodrome” follows Max Renn (James Woods), the sleazy CEO of a small cable station that specializes in softcore pornography and violence. Max is made aware of a bizarre television broadcast that features “Videodrome.” The show has no plot and depicts the torture and murder of anonymous victims. Thinking that the show must cost almost nothing to produce since the set is very bare and the actors are anonymous, Max sets out to find the person running the broadcast so he can buy the show. Max believes it is the future of television. Max also begins to see a sado-masochist psychiatrist and radio host named Nicki Brand (Blondie’s Deborah Harry). After introducing her to Cronenberg, Sabina’s “dysfunction” really isn’t a dysfunction at all if dealt with sensibly. Cronenberg seems to suggest that most, if not all, of us have our own weird sexual preferences. For instance, Jung seems to desire a quite a bit of pleasure from being the dominant in his relationship with Sabina.

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“Essential Killing” (Jerzy Skolimowski, 2010): Vincent Gallo plays a possible terrorist that is captured by the United States and taken to a Guantanamo-esque prison in Poland. He escapes after an accident during transport and is forced to survive in the frozen wilderness. Gallo delivers an excellent woodless performance as a man that descends into animalistic behavior. Whether this descent is necessary in order to survive or at times completely unnecessary and simply savage is left to the viewer. Legendary Polish director Jerzy Skolimowski does an incredible job of depicting the beauty and brutality of Poland’s frozen wilderness. “Essential Killing” is available for streaming on Netflix.

“Gamer” (Mark Neveldine & Brian Taylor, 2009): “Gamer” has no right to be any good. It looks like the sort of horrible action movie that is marketed at 13-year-old boys. However, “Gamer” manages to transcend the action clichés it often employs. The best illustration of this is the scene in which Gerard Butler finally comes face to face with the man that ruined his life, Michael C. Hall. All of a sudden the film turns into a musical and the action genre’s roots in old Hollywood musicals are made clearer than ever before. “Gamer” is available for streaming on Netflix.

By Thomas Poirot "33

STAFF EDITOR

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