



THE COMMENTATOR

Vol. XLII, No. 9

The Student Newspaper of the New York University School of Law

February 18, 2009

Unfair Times Call for PILC Fair



Students from 21 law schools meet representatives from more than 80 organizations at "table talk" in Greenberg Lounge on Friday, February 6. The annual PILC Fair typically helps many 1Ls find summer employment.

By DANIELLE ESCONTRIAS '11

The 32nd annual Public Interest Career Fair, sponsored by the Public Interest Law Center, took place at NYU beginning on Thursday, February 5. The Fair, which was held over the course of two days, is the largest public interest career fair in the nation. It hosted students from 21 participating law schools from New York, Connecticut, New Jersey, and Rhode Island, and 196 employers from New York, California, Hawaii, Illinois, and Texas, among other states. These employers included

government, non-profit, and private organizations.

In order to be selected by an organization for interview, students submitted cover letters and resumes to the organizations of their interest through the PILC Career Fair's website. The organizations could then select the students they were most interested in to interview. However, the Fair didn't just provide for scheduled interviews; employers also took place in an event called "table talk."

Table talk gave students a chance to meet with organizations

they might not have otherwise considered, drop off resumes with new employers, or talk to employers that didn't select them after reviewing their resumes. It also provided organizations an opportunity to meet with more students and to advertise their organization. Eighty-six organizations showed up on the first day for table talk, and 89 participated the second day.

Student lunches were also offered at the Fair. The

See FAIR page 5

Change We Can Breathe In

By DAN MEYLER '09

In response to a memo signed by the editors-in-chief of the law journals and the chair of Moot Court, the Dean's Office initiated renovations last week to the sub-basement of D'Agostino Hall, where the journals are housed, to eliminate the foul smell that had long plagued the work space.

The smell had been described as "garbage-like" and "similar to raw sewage" by students working in the journal offices. When confronted with the problem, the

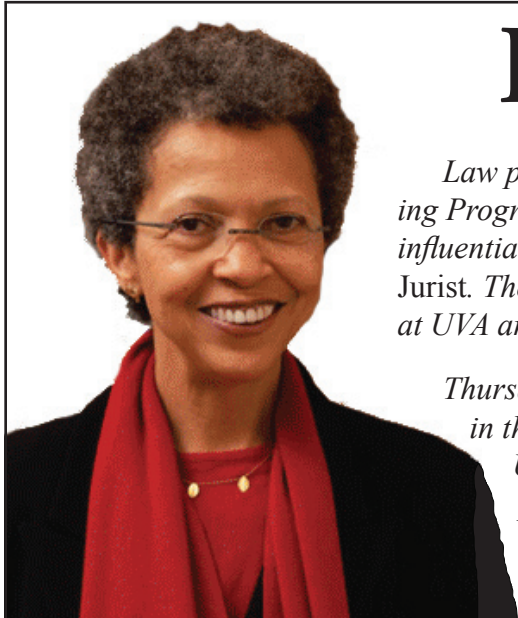
administration, through Vice-Dean Barry Friedman, urged the editors to send a memo to Dean Ricky Revesz documenting the problem. "The school has to respond once there is a written record," said Friedman.

The "Smell Memo," as it was called by the authors, urged the school to fix the problem so journals could better build community by making the journal offices a pleasant place to work and interact. The memo described the problem as "especially severe for the journals in the center cubicle area, the

Journal of Law & Liberty and the Journal of Law & Business."

According to Paul O'Grady, Associate Director for Student Affairs, contractors took air-readings and determined the air quality was safe, though they acknowledged the strong, foul stench. Con Edison sealed off electrical conduits that supply the building's main electrical feeds—a potential source of the odor—from the outside,

See ODOR page 5



Legal Briefs

Law professor Peggy Davis, who runs the Lawyering Program at NYU, was named one of the three most influential people in legal education by the National Jurist. The publication also honored Frederick Schauer at UVA and David Van Zandt at Northwestern.

Thursday, February 12 saw over 800 individuals in the American legal profession lose their jobs. Unsurprisingly, the National Law Journal is predicting more layoffs in the coming weeks. See infra page 7 for details on where the firings occurred.

Economy Prompts Schools to Emulate NYU's EIW Program

By MOLLY WALLACE '10

With the economy faltering, law schools are doing what they can to ensure that their students get jobs. As a result, many of NYU's peer schools have rearranged their interviewing schedules to get their students matched up with employers as early as possible. The law schools at Harvard, Yale, and University of Chicago, among others, have shifted their interview weeks to take place in August where in years past they have been held in late September and October.

Early interview week (EIW) programs in 2009 may look more or less the same for students as before, but firms will struggle to keep the interview weeks adequately staffed. As many as eight of the top law schools will be holding their interview programs at the same time on some days. Large firms traditionally send eight to twelve lawyers and recruiters to staff each school's interview program; with so many schools holding their pro-

grams simultaneously, that could mean coming up with as many as one hundred employees to staff the recruiting programs of the top-ten law schools. And yet more will be needed to attend the programs of schools outside the top ten.

During a normal work week, finding so many attorneys and staff at one time would be a tall order. In mid-August it might be a miracle. Summer camps are over but school has not yet started, so attorneys with children often need this time off to tend to their families. High school and college students who normally work as babysitters also tend to be out of town, so even those who would like to hire childcare may find themselves short-staffed.

The implications of parent-attorneys taking this time off may affect students who hope to get a sense of work/life balance during their callbacks. In New York, public schools do not start until after

See INTERVIEW page 4

MALDEF President Has High Hopes for New Administration



By MARK WEINER '11

A packed crowd filled Vanderbilt Hall's Greenburg Lounge on Monday, February 9, 2009 for the inaugural Bickel & Brewer Latinos and the Law Lecture. John Trasviña, Stanford Law School graduate and president and general counsel of the Mexican American Legal Defense and Education Fund (MALDEF), gave a talk

entitled "National Immigration Policy in the New Administration," but he also touched on many other issues facing the nation's Latino community.

Trasviña said clearly that he is "optimistic about the new administration." He has worked with President Barack Obama in the past, and the story is telling. Obama, along with Vice President Joe Biden and Secretary of State Hillary Clinton, voted for the Secure Fence Act of 2006, legislation Trasviña quipped was better named the "Secure Re-election Act." The vote angered many of then-Senator Obama's Chicago residents, particularly its Latino community. To build a bridge with that growing community, Obama set up a meeting with MALDEF and Trasviña at which he promised to work together in the future.

"In a non-Senator-like move," Trasviña said, "Mr. Obama then

See TRASVIÑA page 4

Feeling low? Reading about Michael Phelps will get you high. page 2

Infra

For the first time in 42 years, The Commentator does some investigative reporting. And it's about the state of the journals. page 4

Rock beats scissors, scissors beats paper, paper beats rock. NYU Law knows this mantra well. page 8

Banneth the Laptopeth!

TO THE EDITOR:

I am writing to put an end to the debate over laptops in the classroom: they should be ruthlessly banned from all classes. That otherwise reasonable people can even differ over this issue shocks me, but that these reasonable people would dare speak out in favor of laptops in the classroom causes me to consider folding in half and placing myself in a soft velour carrying case.

Here's why: you're not supposed to take any notes in class. No one tells you that as a 1L, and many people come to law school mistaken. But there is absolutely nothing to write down—I have never been to a class where there was anything worthwhile to write down. All you are supposed to do is have a sheet of your own notes from the reading and circle and underline things the professor emphasized, or perhaps make a quick note in the margin if he or she gives some ad-libbed elaboration that's not otherwise in the casebook. And even that elaboration is *not going to be on the test*. The only things that will ever be on the test are the cases which are in the casebook and general ideas that the professor repeats so much throughout the semester that you'd have to have a lead skull not to know them.

Without the laptop, you take fewer notes and then have fewer piles of future trash to sort through come exam time. I am not a glutton for punishment. I like to make studying a streamlined affair (and good lawyers know how to simplify things, right?). It's easier to study if you have less to study.

As to the "but class is booooooring" critique, first: there is nothing more boring than the internet. Everyone prefers to be actively engaged in something than to be killing time reading *Slate*. But what's that you say? You have a poor imagination and can't get into the way the boring professor teaches? The solution: participate in class. If the professor is making it boring, you should raise your hand and start talking yourself. This technique will not work if most of the class is on a laptop, but if no one has a laptop then there's a greater pool of malcontents to chime in when the prof starts phoning it in (which he is more apt to do when he realizes 78% of the class is watching their Gchat for that special someone to come online).

Once you agree that the "L" in "laptop" is for "Loser!" you'll leave yours home too, and help me start a campaign to ban cell phones south of 14th Street.

THE LUDDITE '09

THE COMMENTATOR

*The Student Newspaper of
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Phelps Photo Brings "Just Say No" into Question

BY MICHAEL MIX '11

When I was in elementary school, our cafeteria included a giant "Just Say No" sign. Made famous by a Nancy Reagan quip, the purpose of the "Just Say No" campaign was to empower kids to reject drugs. Unfortunately for the organizers of the campaign, no one ever told the students in my school what the sign was for. Instead, kids used to joke that whenever they were in sight of the sign, the only word they could say was "no." As in, "Do you prefer Fruit by the Foot or Fruit Roll-Ups?" "No."

I couldn't help but think of that imposing yet ultimately meaningless sign over the last few weeks as Olympic swimmer Michael Phelps, a titan of the sports world, was embroiled in a drug scandal. A photo of Phelps taking a bong hit at a University of South Carolina party began to circulate a few weeks ago, sending the media into an absolute tizzy.

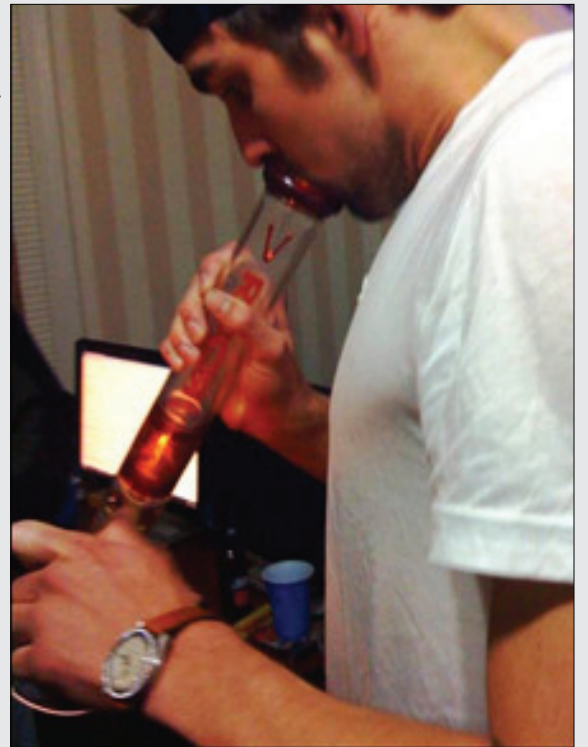
Interestingly though, the reaction to the Phelps saga has been decidedly split. Some writers, such as Sally Jenkins of *The Washington Post*, vigorously defended Phelps. Jenkins writes that Phelps "merely got caught doing what scores of people... did every weekend in college," and that 42% of Americans have admitted to smoking marijuana at some point in their lives. The next day, Jenkins's colleague Michael Wilbon absolutely excoriated her, pointing out that Phelps was previously arrested for drinking and driving in 2004, and "people who stand to gain so much from their talent and image had better know by the age of 23 that a standard of behavior is expected of them that isn't expected of other people their age."

Phelps's sponsors also seem split. Kellogg's dropped Phelps, so no longer will he be adorning boxes of Corn Flakes, but he still has promotional agreements with all his other sponsors. Phelps was also banned from swimming competitively for three months by USA Swimming.

It's hard for me to side strongly with any of those views. On one hand, Phelps's folly was a youthful indiscretion that many people commit frequently. On the other, Phelps is one of the most famous athletes in the world, and he should have been mature enough to realize that he shouldn't smoke marijuana at a party in the age of the ubiquitous camera phone.

Phelps's moral culpability notwithstanding, I think that this controversy brings up an important issue that is pertinent in this day and age—should smoking marijuana still be a crime? I am not interested in judging the scientific criteria as to why or why not marijuana is unhealthy, but I am interested in judging our societal norms, and it seems that there are just as many people who are pro-marijuana as are against it.

About half the population has admitted to having smoked marijuana. Many sportswriters, such as Jenkins, defend smoking marijuana in their writing, while others like Wilbon criticize it. Some movies, like *Pineapple Express*, glorify marijuana, while others like *Requiem for a Dream* vilify the drug. Many famous rock bands throughout history have used marijuana as a songwriting tool, and most people don't seem to mind. President Obama and former-President Clinton have both admitted to using the drug at some point in their lives. Many cultures have traditionally used marijuana for medicinal or religious purposes, while others believe the drug to be unhealthy and immoral. When celebrities such as Phelps



Michael Phelps exercises his lung capacity and loses his Kellogg's endorsement deal.

or Ricky Williams admit to doing marijuana, the reaction seems to tend less toward concern for their health or well-being and more toward amusement.

So if so many people in the United States are just fine with marijuana, why is it still illegal? I think one would be hard-pressed to find another illegal activity that is equally as polarizing. In my opinion, if there isn't a general consensus as to whether something should be legal, it probably should not be outlawed. Why should the anti-marijuana populace tell the pro-marijuana populace what they can or can't do? People who don't like marijuana can just refrain from using it.

This brings us back to the "Just Say No" signs in my old school. Just as elementary school students don't understand what exactly they are saying "no" to, I think that most people do not understand why marijuana is illegal anymore; they just seem to accept that it is. As a society, I think it is important to reevaluate a law that many in the populace do not agree with and flout on a frequent basis. I am sure that Michael Phelps would approve.

Is the law rubbing you
the wrong way?

Rub back.

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Make your voice heard, through print media.

Coke Now Available, but Some Want to Regulate Your Ova

TO THE EDITOR:

On Wednesday, February 4, the University Senate voted 28-22 to overturn the campus-wide ban on Coke products. Owen Moore, the director of NYU's dining services, is on record noting that we might see Coke products available on campus within as few as five to ten business days.

Let me go on record noting that I am currently enjoying a 48-hour celebratory caffeine bender.

However much this is a victory for individual conscience and consumer choice, I am dismayed by last issue's letter to the editor entitled "Do the Chickens Have Large Talons?" The misleading title of the letter at first had me excited that President Obama had publicly announced support for a project to weaponize chickens. Were that the case, the size of the chickens' talons would indeed be a pressing issue for public discussion. Instead, the letter was advocating for expanding the Law School's "battery-cage" egg ban to the entire campus.

Once again, we are confronted with the same concerted push for top-down restrictions on consumer choice in the name of vaunted ethical gods. And, once again, two points present themselves. First, that it is entirely within the authority

of the University to permit or ban whatever products it would like to permit or ban. Second, that banning certain products is paternalistic.

I am not arguing to reverse the Law School policy of purchasing "cage-free" eggs. I'm not sure I could find even one person who preferred the taste of a "battery-cage" egg (though I'm also not sure "cage-free" isn't just a clever marketing ploy). Furthermore, the marginal cost of the policy to the Law School is hopefully fairly low. What I am arguing for is an end to ethical imperialism. What highfalutin ideas we may entertain at the law school may not be relevant to the average NYU undergraduate. We at the law school have our ban, and we can rest easy that our dollars are not supporting the torture of (probably Coke-deprived) chickens. Why do we feel that civilizing the University writ large is the law school student's burden?

As we saw with the Coke ban, it is very easy to garner support for a policy dressed in hip, "socially progressive" clothing. The problem is that the ethical discussion here creates the demand for the ethos in question, in a glorious echo-chamber of gastronomic nonsense.

ANDREW KLOSTER '10

Course Evaluation Comments Now Widely Available Many Student Comments Cruel Yet Hilarious, As Expected

The administration, with faculty approval, decided last semester to make available most of the comments students provided about their classes on the evaluations filled out at the end of each semester. If a faculty member requests that certain comments be redacted (and the Student Bar Association approves), they aren't made available in their entirety. But much of what's left is still entertaining.

Please comment specifically on any aspects of the course or the instructor that you feel warrant elaboration.

"fiduciary duties" (Allen, Corporations); "gun-jumping rules" (Choi, Securities Regulations)

"When I think of how much money I spent on this course, I want to cry."

"[T]he classroom was completely unacceptable. [H]uman beings are not equipped to function in routinely stifling heat."

"[P]lease don't end explanations with 'I probably just confused you more, so let's move on.'"

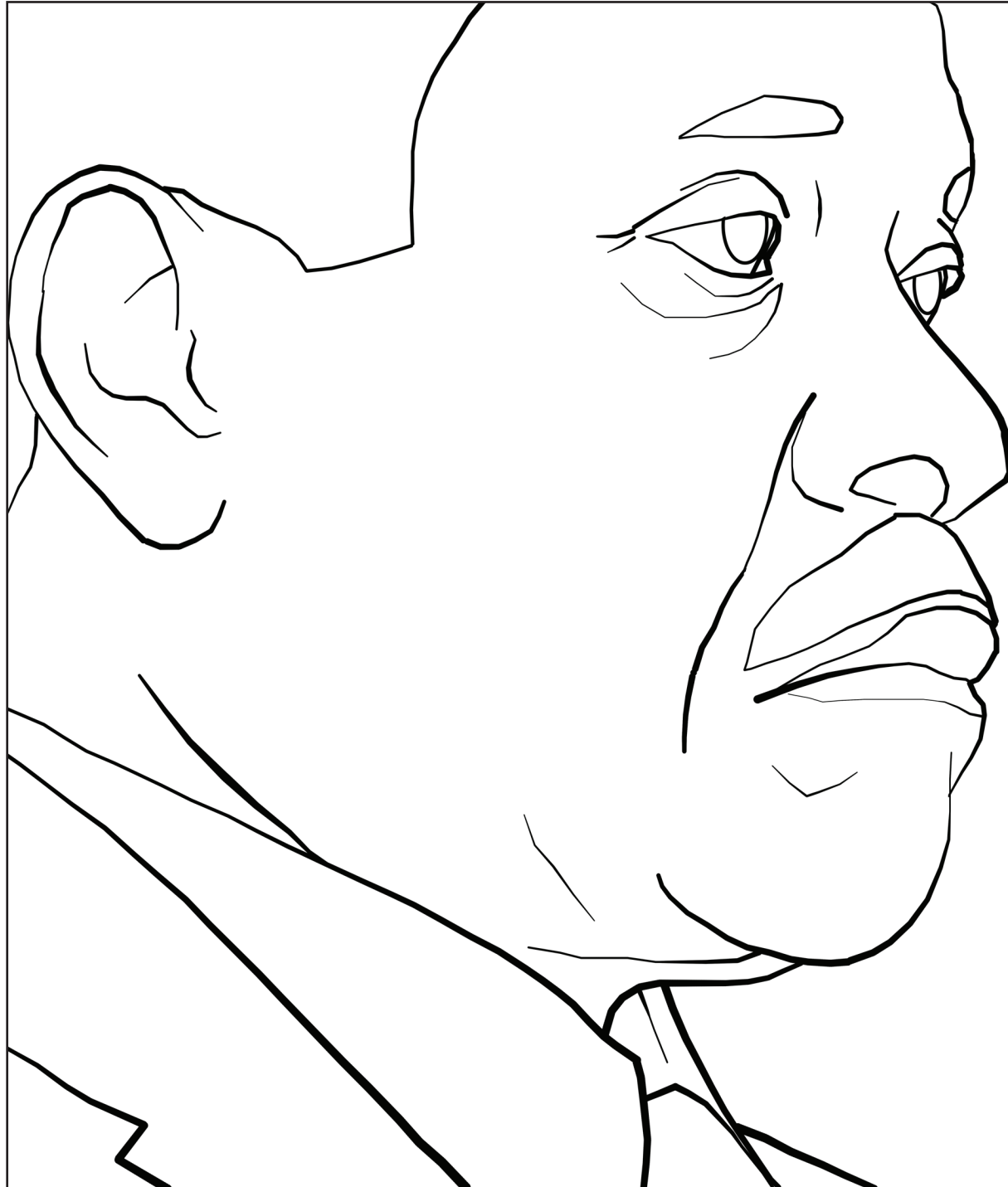
"But for the girl in the back who asks good questions, you're [sic] class would be inscrutable."

"I wish [the professor] had been sterner. I did not find his cheerful willingness to overlook laziness and sloppiness conducive to an atmosphere of serious intellectual engagement with the material."

"I would love to have a beer with [the professor]."

"[The professor] is very humorous, keeps me on track in class during my usual 'napping hour,' 2pm-4pm."

Choi and Allen are both "the man." Miller, on the other hand, simply "rock[s]."



The New York University Journal of Law & Liberty presents:

The Unknown Justice Thomas
Symposium

Monday, March 2, 2009
9:15 AM Greenberg Lounge, Vanderbilt Hall

INTERVIEW: Earlier Early Interview Week

Continued from page 1

Labor Day, and private schools do not start until the week following. Because Labor Day is late this year, many working parents may be unavailable, taking care of their children until September 14—almost a full month after EIW. Irene Dorzback, Assistant Dean for Career Services, suggests that students continue to schedule their callbacks as early as possible but—upon receiving an offer—request a second visit to meet those attorneys who may have been out during their callback.

The repercussions of earlier interview weeks will impact other interviewees as well. Because of the increased number of students interviewing early on, there is increasing pressure to schedule as many callbacks as possible as soon as possible. As a result, students may need to be more conscious of scheduling their classes to leave time for callbacks. Students will also have to be more flexible than in prior years—not only in terms of size of firm and type of practice, but also geographically. Interviewing in New Jersey, the District of Columbia, or Boston means not just setting aside a morning or an afternoon, but an entire day. Having a schedule that allows for callbacks earlier on in the semester is to students' advantage.

Career Services will be encouraging students to both schedule their callbacks earlier and respond to job offers earlier. Firms are going to have to be cautious with the number of offers they make; economic pressures will have unpredictable effects on the rate of acceptances. If a student does not respond to an offer when he knows he is not interested, it prevents the firm from making an

offer to another student. Turning down an offer “is good sportsmanship, and it's a real challenge to encourage good sportsmanship in a highly competitive environment,” Dorzback said.

The timings of interviews and acceptances are not the only calendar changes in the recruiting process. A number of firms have announced shorter summer programs, and first-year associates are starting later. As summer programs get shorter, it is possible some schools will opt to move their interview programs back even earlier in August, though there is no sign of such moves yet.

First-year associates are frequently being asked to start in November and some even as late as January, compared to the September start dates common in years past. For students with a six-month grace period on their loans, these late start dates may cause concern. However, law firms are continuing to pay a stipend for bar review, and those students who start particularly late are given advances.

Measures like keeping the summer programs shorter and delaying start dates can help firms save jobs. “It's almost a quarter million dollars per associate, and for firms to sit and think about changing the food in the cafeteria, cutting car service, turning the lights off at night, is a lot,” Dorzback commented. As these ways to cut costs relieve some of the pressure that prompted so many schools to start their recruiting efforts earlier in the first place, there may be a return to more normal interviewing schedules—but not for the foreseeable future.

TRASVIÑA: Lecturer on Latinos in the Law Seeks Comprehensive Immigration Reform

Continued from page 1

took on working with the Immigration Subcommittee and jumped right in to improving electronic verification systems; a system that can, if designed properly and passed, protect rights, penalize employers who circumvent it, and give the Social Security Administration the resources they need.”

In a small group prior to the lecture, Trasviña also spoke highly of Obama's choice of Rep. Hilda Solis (D-CA), a Congressional Hispanic Caucus leader, as labor secretary, one of three Latino members of Obama's cabinet. He also praised the choice of Attorney General Eric Holder.

Trasviña focused much of the lecture on the growing incidence of hate crimes targeted against the Latino community in the United States. “Latino immigrants make great targets,” he said, “because they work in a largely cash economy due to blocks on their access to banks, and perpetrators often believe they won't report the crimes by holding their immigration status over their heads.” He pointed to the recent killing in Shenandoah, PA of Luis Ramirez, a 25-year-old Mexican beaten to death by a group of white teens yelling ethnic slurs.

Not a day goes by, said Trasviña, that he doesn't receive a phone call from a Latino person victim-

ized by violence. He believes that the Obama administration should pass a hate crimes bill that would increase federal authority for prosecution of hate crimes. However, Trasviña indicated that we must also attack the problem at its source by training police and agencies to report hate crimes to the federal government and instituting hate crime curricula in schools to train youths. The problem, he pointed out, isn't just their occurrence but a lack of understanding and reporting of such violence as hate crimes.

Trasviña pointed to other steps the Obama administration can take even without the passage of immigration-reform legislation. He emphasized the importance of the upcoming 2010 census, which he said is a critical tool for the Latino community. “We need everybody to be counted. [Former Homeland Security Chief] Michael Chertoff was unwilling to say that Immigrations and Customs Enforcement would not conduct raids when immigrants opened their doors to census takers. We need the Obama administration to do so.”

Trasviña posited that, once new census figures are in and evidence the ever-expanding Latino population, MALDEF and other groups will begin the process of redistricting to further strengthen the political

power of that population. “By 2018, with the census and immigration reform having passed, Latinos will have the power to elect state senators even in places like Iowa, Georgia, and other places you normally wouldn't associate with the Hispanic population.”

Trasviña concluded by saying that he hopes the Obama administration can put together a comprehensive immigration package that “not only provides for the security of the country, but also sensibility for its families.”

Maribel Hernandez '10, one of five recipients of full-tuition scholarships to NYU from the Bickel & Brewer Latino Institute for Human Rights, helped organize the lecture and considered it a great success. According to Hernandez, the Bickel & Brewer scholars worked with Dean Ricky Revesz to start the lecture series in order to “not just bring Latino issues to the attention of the NYU Law community, but to bring in successful Latino leaders doing important work in the legal field.” They hope to expand upon the success of this lecture to create a full-blown Latinos in the Law symposium, which Hernandez said would be the first of its kind.

The Commentator:
Filling white space wherever it can.

Contact law.commentator@nyu.edu.
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TORT LAW IN THE SHADOW OF AGENCY PREEMPTION

a Symposium presented by the *Annual Survey of American Law*

Friday, February 27, 2009

Tort and government agencies often regulate the same behaviors, and thus have overlapping jurisdictions. Please join us for a series of conversations among theorists and practitioners exploring issues arising from this overlap. These issues are especially timely in light of the recent decision in *Warner-Lambert v. Kent* and the change of presidential administration.

Participants include Judge Guido Calabresi, Catherine Sharkey, Richard Epstein, Mark Geistfeld, Elizabeth Cabraser, Catherine Carroll, Mark Herrmann, Allison Zieve, and more.

Schedule

- 9:00 a.m. Registration for CLE Credit & Breakfast
- 9:30 a.m. Keynote Address, Judge Guido Calabresi
- 10:00 a.m. Panel 1: Institutional Competency Between the Courts & Agencies
- 11:45 a.m. Panel 2: Issues of Federalism
- 2:30 a.m. Panel 3: Preemption in the Trenches

For further information, contact Nicholas Almendares, Symposium Editor, *Annual Survey of American Law* at naa230@nyu.edu.

The Rumor Mill: All's Quiet on the Journal Front

BY JOSEPH JEROME '11

The Rumor:

Every year it seems rumors arise about the state of law journals. Will credit-earning editorial boards shrink? What about the size of the journals or the number being published each year?

The Reality:

According to Vice-Dean Barry Friedman, there's no merit to any potential rumor floating around this year. "What they publish is their business," he said.

The chain of rumors, it seems, flows from the Vice-Dean's meetings with the journals' editors-in-chief on January 26. "There has been some discussion about limiting print runs, but not output in any meaningful way," Clay Kaminsky, editor-in-

chief of the *Journal of International Law and Politics*, wrote in an email. Concerns about economic and environmental costs generated the notion of reducing print runs. Vice-Dean Friedman further suggested that the journals should feel no need to publish work if the journals deemed it unworthy, even if the result is thinner journals.

As for eliminating journal credit? The question arises regularly, but "there is no action I know of to take journal credit away," Vice-Dean Friedman said. Considering he might be the first to know, the issue seems settled for now.

The Rumor Mill is The Commentator's newest periodic feature. Heard a law school rumor you want checked out? Email law.commentator@nyu.edu.

ODOR: Journal Offices Smell Normal Again After Quick Response by NYU

Continued from page 1

said Ken Stenstrom, Manager of Facilities for D'Agostino Hall. Stenstrom added that he recently hired an electrical contractor to seal the electrical feeds from the inside as well. The sealant will prevent unclean air from leaking in from the outside.

Additionally, said Stenstrom, "We checked every supply and return air vent in the journals for proper operation, and found that thirteen of the supply vents were shut. We believe that journal members closed them at some point in an attempt to regulate

temperature in their individual suites." Those air vents, when working properly, bring a mix of fresh and recycled air into the sub-basement. However, Honeywell, the school's HVAC contractor, has confirmed that the sub-basement currently utilizes the minimum amount of fresh air in its mix. Honeywell is looking into increasing the proportion of fresh air in the near future.

Journal leaders were pleasantly surprised with the school's quick response to their request and have noticed a markedly improved smell in the journal offices and the sub-basement.

FAIR: Lunches Prove Popular



Table talk was a popular method for students to talk to public interest employers.


Continued from page 1

"Working for Justice in the South" lunch, cosponsored by a number of student groups, took place on Thursday. Students were able to hear from different public interest

organizations working in the South, including the ACLU Capital Punishment Project and the Orleans Public Defender's office. "Pizza, Film Screening, and Discussion with the Alliance for Justice" was held the next day. The event screened the documentary *Access Denied?: The Fight for Corporate Accountability*, which details the case of Diana Levine and her lawsuit against a pharmaceutical company.

One extra perk for NYU students in particular was a student/employee mixer. Only NYU Law students were invited to the mixer, which was another opportunity for students to mingle with potential public interest employers. Employers were told in advance that only NYU students would be in attendance, so they were expressing a particular interest in hiring students from NYU by attending the event.

THE FIGHT



REVESZ VS. A MYSTERY TENNIS MASTER

15th Annual
NYU School of Law
Public Service Auction
Thursday, February 19, 2009

Find Out Who!

SCHUDOKO!

Below you'll find a variation on a standard sudoku grid. Fill in the missing boxes such that each row, column, and three-by-three box contains one of each of the following letters: **N Y U L A W S C H**

A		Y	S					C
	N		A		U			
			N	Y				U
	C						Y	A
H							U	
L				N	S			
				U		A		H
U						H		L

Solution on page 7.

D'Agostino Hall Begins Eco-Friendly Composting Initiative



Law school residential building D'Agostino Hall has instituted a new composting program in an effort to cut down on the amount of organic waste being sent to landfills by the law school. The move has left residents of law school housing with several burning questions: Why just D'Agostino and not Mercer? Why did someone feel the need to place "Property of NYU" stickers on all of the compost bins? What, exactly, is that awful smell? And why would anyone compost if it means having to live with that putrid stench?

The Commentator
Cordially Invites Readers to

The 2009 Law Firm Massacre

Law firm associates and support staff laid off on the day before Friday the 13th, 2009:

	Associates	Support Staff
DLA Piper	80	100
Holland & Knight	70	173
Bryan Cave	58	76
Goodwin Procter	38	36
Faegre & Benson	29	0
Epstein Becker	23	30
Dechert	19	0
Cozen O'Connor	0	61
Total	317	480



The NYU Journal of Law & Business cordially invites you to its Fourth Annual Symposium

Modernizing the Financial Regulatory Structure

Friday, February 20, 2009

9am – 5pm

New York University School of Law

40 Washington Square South

Vanderbilt Hall: Greenberg Lounge

CLE credit will be available for all-day attendance

Schedule

- 8:30 – 9:10 am: Registration and Welcome Reception (Continental Breakfast)
- 9:10 – 10:00 am: Opening Remarks and Keynote Address
- 10:00 – 11:45 am: **Panel One: Systemic Risk and its Management-A Comparative Look**
- 11:45 – 1:15 pm: Lunch Break
- 1:15 – 3:00 pm: **Panel Two: Consolidation of Banking Industry Regulators and Oversight of the Financial Services Industry**
- 3:00 – 3:15 pm: Coffee Break
- 3:15 – 5:00 pm: **Panel Three: Sovereign Wealth Funds- Problem or Panacea?**

Speakers

- Thomas C. Baxter, Jr., *Federal Reserve Bank of New York*
- Joshua Ford Bonnie, *Simpson Thacher & Bartlett LLP*
- James Carlson, *Mayer Brown LLP*
- H. Rodgin Cohen, *Sullivan & Cromwell LLP*
- Paul Downs, *Jones Day*
- Ronald Gilson, *Stanford Law School*
- Michael Greenberger, *University of Maryland Law*
- Edward Greene, *Cleary Gottlieb Steen & Hamilton LLP*
- Henry T. Hu, *University of Texas Law*
- Richard Kim, *Wachtell, Lipton, Rosen & Katz*
- Jonathan Macey, *Yale Law School*
- Ed Mierzwinski, *U.S. Public Interest Research Group*
- Henry Ristuccia, *Deloitte LLP*
- Steven L. Schwarcz, *Duke Law School*
- Waajid Siddiqui, *Hogan & Hartson*

Viewing *Friday the 13th* Trailer Saves Money, Time

By BEN PEACOCK '09

In reviewing a film based solely on its trailer, one must be cautious to avoid unfairly assuming that certain shortcomings of the trailer also exist in the film as a whole. Indeed, this has been considered by many to be the most common shortcoming of purely trailer-based reviews.

But reviewing trailers also has its advantage—namely efficiency. In order to gain the insights from the entire film that I easily gleaned from the trailer, I would have had to watch it as many as four times. Such an endeavor would have cost me \$50 at the local theatre or forced me to become a pirate on the digital seas. No thank you! And this doesn't even consider the cost of my time. Major New York law firms bill out their young associates at around \$300/hr. Assuming that this film runs three hours (the trailer provided unsatisfyingly little information about this matter), producing a review of a quality that matches what follows would have an investment of \$3600 worth of billable hours (remember I'd need to watch it four times), plus the \$50 sunk ticket cost! \$3650 is a lot of money! Given a relatively standard diet of a single 25-cent packet of ramen noodles per day, 365 days per year, this review would have cost

pushes open the door to a cabin (putatively the same cabin, temporally contemporaneous with the scream). God, I wish I knew what was in there! But instead we're treated to two or three more beats of the black screen, which marks the transition from rising action to climax.

What follows is a heart-thumping, frenetically paced 43 seconds in which the flashlight from earlier stars. We see it bouncing around in the hand of a panic-stricken, running young adult; illuminating a creepy doll; passing over the face of some mortally frightened androgyne; and illuminating every single drop of rain falling on a young woman, whose face registers a resolute defiance to the fear that has evidently gripped the cabin, the woods surrounding it, and perhaps even that lake from the beginning. By this point, we all want to know a lot more about this flashlight, which plays on screen like a primitive, unemotional, pointalistic Wall-E. Unfortunately, her role seems to have ended as the climax gives way to the resolution.

We see a girl who has fallen in the mud frantically crab-walking backwards, her face stricken with bone-chilling terror, before the final frenetic cut, this time to some dude who looks to be in a mask. The mask-intuition is confirmed in a final zoom, when

we see a dirty old hockey mask, partially illuminated, and we're finally made to understand that this film in fact coheres with the long line of *Friday the 13th* that it claims to remake.

I wanted to like this film; I really did. I watched it about seven times at regular speed, one of those with sound, before

pausing it and dragging the cursor frame-by-frame (or as close as possible, given the limitations of YouTube and the coffee jits). Ultimately, though, the film fails because it fails to tie up any of its loose ends, in the process wasting a seminal performance by the flashlight. With no resolution, there can be no catharsis. We're just left wanting more. Moreover, the pacing is far too fast, even to the point of recklessness. It's as if the director had never heard of transition scenes or character development! As avant garde as that was, it didn't make for good watching.

I'm not 13 years old, and this isn't a church dance at the local rec center; it's a film. So I'm not just looking to be teased. In other words, this film is a bread sandwich, and "man doth not live by bread only." Deut. 8:2; see also Matt. 4:4; accord Luke 4:4. If you want to satisfy your viewers, *Friday the 13th*, then we're gonna need some meat. And more of that flashlight.



More unsuspecting victims are brutally murdered in the reboot of *Friday the 13th*.

the equivalent of exactly 40 years of food! (Nota bene: the author does not observe leap years.) I could not, in good conscience, do anything but review the trailer, and I think you'll find that I've been quite fair.

The reboot of *Friday the 13th* begins with a long-lens shot over a lake. There's smoke or mist or something rising from it. We don't know what it is, and, as happens all too often throughout this film, we don't find out. But before we're able to ponder this first mystery for long—BAM!—the screen goes black for a solid three or four beats. There's a wipe with what may or may not be a flashlight, and we're looking at a kind of creepy old cabin. The baleful cry of a single female voice pierces the night air, which may or may not have an eerie chill.

Who's in this cabin, and why did the lady just scream? We don't get to find out, but evidently one of the characters does, because we observe his back as he

Coraline Emphasizes Style Over Substance

By JOSEPH JEROME '11

Neil Gaiman is a master of creating rich surreal fantasy, so using the directing talents of Henry Selick (of *The Nightmare Before Christmas* fame) to bring one of Gaiman's worlds to the big screen makes sense. *Coraline* has the visual style and pedigree to be the next *Alice's Adventures in Wonderland*—it even has a creepy cat—but a few misfires dramatically hamper the final product. However, a big budget and lots of talent ensure that what's left is still worth appreciating.

Our story is that of a lonely, attention-starved 11-year-old. After moving

across the country, poor Coraline Jones finds herself in a gloomy old house, her parents absorbed in their own work, surrounded by odd neighbors who keep calling her Caroline. One night, Coraline opens a small door that leads to a parallel world. There, her gloomy house is suddenly full of color and life, and the girl meets two beings who claim to be her "other" parents. While they look and talk like her parents, the other parents dote on her, sing her songs, and give her presents. Curiously, they also have black buttons for eyes, but this small oddity aside, Coraline finds her other parents to be pretty much

perfect. Of course, Coraline slowly learns her other mother is not quite who she appears, and her dream world literally unravels into a nightmare.

Watching *Coraline* is a comparable experience. Everything begins wonderfully before cracks start to appear all over the place, but the film makes one fantastic first impression. For the first 15 minutes, I thought

immersive, and beautiful, but as Coraline explores the parallel world, the movie's visuals transform into something almost too surreal and garish. I was fortunate to see the movie in 3-D, but even that was a mixed experience. While it was great not to have more dishes or random sharp objects thrown out at the audience just for the sake of 3-D, the effect was almost so subtle as to be pointless.

Even the voice acting caught me off guard. Coraline is voiced by Dakota Fanning, which I thought would distract me given that actress's overexposure. I was surprised to find that Desperate Housewife Teri Hatcher and John "PC" Hodgman as Mother and Father Jones



Celebrity voices such as Teri Hatcher, playing Mother Jones (left), take away from *Coraline's* otherwise captivating visual substance.

Pixar had a new competitor. But the movie's pace quickly grinds to a halt before racing to a questionable conclusion. As a result, I found myself checking my watch despite only a hundred-minute runtime.

The direction feels schizophrenic. Once Coraline finds her purpose, the movie wraps things up in an unsatisfying ten minutes. One child behind me kept asking what was going on, and I wouldn't have been able to answer him. The story feels like it has more going on than it needs to have, and characters appear and disappear without reason.

Visually, the stop-motion world is initially enchanting,

more bothersome. When mom is baking and dad is yelling at his computer, it immediately pulled me out of the film. To the very end, I was stunned by how constricted my views of Coraline's parents were by their voice actors.

So the voice acting bothered me, the 3-D was a waste, the plot was slow and potentially pointless, but I would not hesitate to recommend the film to anyone. *Coraline* is the ultimate triumph of style over substance—the creepy yet beautiful world Selick creates is a unique and satisfying experience for the eyes. The film is quite literally worth seeing.

SCHUDOKU!

Solution

See puzzle page 5.

T	M	N	H	C	Y	A	S	U
S	H	C	A	T	U	N	W	Y
Y	A	U	S	N	W	C	H	T
N	U	T	Y	S	C	W	A	H
H	C	S	W	A	T	U	Y	N
A	Y	W	N	U	H	T	C	S
U	S	A	C	Y	N	H	T	W
W	T	Y	U	H	A	S	N	C
C	N	H	T	W	S	Y	U	A

Law School Takes Third at University Games



Thursday, February 12 saw the annual University Games take over Coles Sports Center. The law school fielded a full team to compete against students from Stern, Wagner, Gallatin, and the other schools at NYU. Taking third place overall, the law school placed in a number of events:

- 1st Place Volleyball
- 1st Place Sumo Wrestling
- 2nd Place Basketball
- 2nd Place Foosball
- 3rd Place Rock-Climbing
- 3rd Place Rock-Paper-Scissors

Photos Contributed by Chuck Egbuonu '10 and Robert Gerrity '09

