



the Commentator

The Student Newspaper of the New York University School of Law

Volume XLIII, Number 5

November 11, 2009

Construction Continues at 133 MacDougal Street



Stavan Desai

By Andrew Kloster '10
Staff Writer

"[It is in this] hallowed ground in the region of Washington Square ... that we must look for the real birthplace of the American drama," noted theater critic William Archer in 1921. Archer was referring to the Provincetown Playhouse, 133-139 Macdougal Street, and the site of current construction to expand the law school. The historic theater was conceived by amateur writers and actors, including Anne Bancroft, Julie Harris and Nobel Prize-winning Eugene O'Neill, and its first performance took place 91 years ago, three days after the end of World War I.

The new building is the product of a compromise between the local community and NYU. It took nearly three years of back-and-forth discussions before construction started a year and a half ago. When the doors open in the summer of 2010, the building will house the law school's numerous centers and institutes, most of which are currently housed in Furman Hall and on the second floor of D'Agostino Hall.

In addition, however, 133-139 Macdougal will house a reconstructed Provincetown Playhouse that will be rented to the NYU Steinhardt School of Culture, Education, and Human Development. Steinhardt had used the location since 1998 as a part of its Educational Theater program, presenting a reading series for young audiences, debuting musical works, and hosting classes and events.

After the Provincetown Players collapsed with the stock market crash of 1929, the theater was used for awhile by the

Federal Theater Project, which stimulated the local economy and created and retained many jobs. When that failed, the lease changed hands many times. Despite this constant changing of hands, the building has always been used as a theater. The groups that held the lease produced Savoy operas, plays by Samuel Beckett, and Edward Albee's first play in New York City.

In the early nineties, the Playhouse hit its high point with its longest run, the five-year *Vampire Lesbians of Sodom*. Understandably, the community was up in arms when NYU, which has owned the property since 1984, decided to convert it for Steinhardt's use in the mid-nineties.

Given its proximity to the law school, 133-139 Macdougal was a natural choice for expansion. The initial plan proposals from five years ago were much more ambitious than what will ultimately sit across the street from Vanderbilt Hall. Plans now call for a contextual building only three feet taller than the previous one. Given that NYU's ownership rights permitted it to build "as of right" with no public review process, the current substantially smaller project represents a serious concession on the part of the university. Why not put the space to maximal use?

The answer is that NYU is always concerned with maintaining good community relations. As a part of this project, for example, the Law School worked with the Borough President's Community Task Force on NYU Development. Indeed, the Law School also worked

See **MACDOUGAL** page 5

NYU Gives H1N1 Vaccine to Students

By Michael Mix '11
Editor-in-Chief

The line stretched up the stairs, through the vestibule, out the doors of D'Agostino Hall and down 3rd Street. NYU students are used to long lines for things like free food during finals, but this line was a little different:

Students were queuing up for the swine-flu vaccine. Last Monday, NYU School of Law did its best to mitigate the spread of the disease, otherwise known as H1N1, between its students by distributing 250 free H1N1 vaccines at D'Agostino Commons.

H1N1 differs from the seasonal flu virus, most pointedly in that most people have not built up any antibodies yet, given the newness of the disease. In addition, the virus is very contagious, transmitted person-to-person by sneezing, coughing or touching. Students are especially susceptible because they maintain consistent close contact with others. Symptoms of H1N1 include high fever, cough, sore throat, a runny nose, chills, vomiting and diarrhea. Here at NYU, some students

have already suffered the effects of H1N1.

"Primarily, [swine] flu made my whole body hurt, nonstop, for days," said Nir Zicherman '11. "I was very physically drained, I had a painful cough and I also had a high fever for the first few days. I couldn't at all sleep unless I took NyQuil."

The vaccine that was distrib-

an allergic reaction, especially in those who are allergic to eggs. Furthermore, some have reported mild problems including runny noses, nasal congestion, sore throats, a severe cough, chills and headaches. Various media outlets have expressed worry about distributing a vaccine that is so new. However, these concerns did not stop many NYU students

from heading to D'Agostino to receive the vaccine.

"I wasn't really worried about the side effects because I think being protected against the swine flu was worth the risk of maybe experiencing cold-like symptoms from getting the vaccination," said Kosha Tucker '11.

"I was really sick during finals my first semester of law school and do not want that experience again,"

said Danielle Escontrias '11.

The NYU Student Health Center is currently out of vaccinations, but expects to receive more in the coming weeks for those who did not receive the vaccination on Monday. The seasonal flu vaccine continues to be available. Those infected with H1N1 are contagious beginning the day before experiencing symptoms until five to seven days after. The CDC recommends that those infected should stay home until 24 hours after the fever subsides.



Michael Mix

Students eagerly await both the seasonal and the H1N1 vaccine last Monday in D'Agostino Hall. The school distributed 250 doses.

uted on Monday is live but in attenuated form, and is sprayed into the nose, as opposed to the traditional flu vaccine, which is given as an arm injection. The Center for Disease Control (CDC) recommends that the vaccine should be given to pregnant women, people who care for young children, health care and emergency-service personnel, and persons between 2-24 years of age.

The vaccine is not without controversy, however. It may cause



Stavan Desai

Washington Square Park patrons dance to swing music Sunday afternoon, ignoring the abutting construction.

Infra

For the second issue in a row, we have a restaurant review with a painfully obvious pun in the title. page 6

Yes Fall Ball did actually happen. And we have a collage of pictures to prove it. page 8

The Fall Classic Between the Yankees and Phillies Was Certainly Not Must-See TV for Spiteful and Angry New York Mets Fans

BY MICHAEL MIX '11
EDITOR-IN-CHIEF

Yankees vs. Phillies. New York vs. Philadelphia. Jeter vs. Rollins. My worst nightmare.

I am sure that many New York Mets fans around the country were angry or annoyed when the Yankees and Phillies clinched their respective league championship series, setting up a matchup that I lovingly dubbed "The Nightmare Series." But for me, it goes beyond anger; instead, I have a deep-seeded hatred for both teams.

I knew from an early age that I hated the Yankees. Even before I was officially a Mets fan, I knew that I could never root for the team from the Bronx. I became a baseball fan when I was seven, in 1993. Even though the Yankees weren't very good then, I just had an inkling that I could never be a fan. Maybe it was the pristine jerseys. Maybe it was George Steinbrenner. Maybe it was the fact that they had won so many championships, given that I like rooting for the underdog. Whatever the reason, as a child, I embarked on a long and tumultuous relationship with the Yankees.

In 1996, the Yankees won their first World Series since 1978. I remember how growing up in Western Connecticut, my entire school got Yankee fever during that postseason — except for me. I fell asleep during the

clinching Game 6, but my Dad woke me up for the conclusion. I'll never forget watching Charlie Hayes catch that final pop-up, dreading that I'd have to face the glee of my classmates the next morning.

1996 was bad enough, but of course the Yankees had to go and become a dynasty. In 1998,

the game the right way. I hated how they found players like Tino Martinez and Paul O'Neill who were so clutch in the playoffs. I hated how David Wells and David Cone threw perfect games in two consecutive years. I hated how I was pretty much forced to root for the Red Sox every postseason.

the Phillies. I didn't really mind the Phillies growing up. The Atlanta Braves were the class of the division, so I hated them with a passion. Philadelphia was like the little runt in the division; you knew they had talent, but they never would amount to anything.

Then, when the Mets began to get better circa 2005, the Phillies did as well. The Braves were at the end of their run, and it became clear that the Mets and Phillies were the class of the division, starting in 2006. And soon after, I began to hate them

ers would get into wars of words with Carlos Beltran. And worst of all, they beat the Mets for the division crown in 2007 and 2008. Similarly, I had several friends in college who were huge Phillies fans, contributing to my hatred. When the Phillies somehow won the World Series last year, it was hard to even enjoy the fact that the Yankees missed the playoffs.

So when the Yankees and Phillies took the field for the World Series, I knew that I couldn't watch. It was like having Sarah Palin and Rush

Limbaugh get together, and then follow me around for a week, constantly chirping in my ear. I watched bits and pieces, but I couldn't bear knowing that one of my hated teams was bound to win. It was awful.

Now that it's over, I can at least take solace in the fact that at least the Phillies lost, and some of my friends are really upset.

And when I encounter Yankee fans, I can always go back to my familiar refrain of "you bought the World Series." As for my Mets, there's always next year.

Comment

The Guy Behind the Guy Behind the Guy

1999, and 2000, I had to suffer through three more championships. By that time, pretty much my entire school rooted for the pinstriped team, so I had to suffer alone. 2000 was the worst; the Yankees beat my beloved Mets in the World Series. I was convinced that the Mets had a chance to win; the 2000 team was the worst Yankee squad of the dynasty, and the Mets were red hot after dispatching the Cardinals in five games in the National League Championship Series. But of course Timo Perez made a huge base-running blunder in Game 1, then Armando Benitez blew the save, and that was all she wrote.

Everything about the Yankees angered me. I didn't like their payroll. I didn't like the fact that I couldn't hate Derek Jeter because hustled and played

Then, inexplicably, after the 2001 World Series, the Yankees changed course. They started throwing money on every big free agent on the market, and made blockbuster trades for players like Alex Rodriguez. Amazingly though, they stopped winning championships. In 2003, I remember being giddy as I watched the Marlins clinch the Series with a group of Yankees fans. As they started making excuses like "the Yankees really won the World Series, because they beat the Red Sox in the ALCS," I laughed and laughed. And how sweet it was last year, in 2008, when the Yankees didn't even make the playoffs. Yankee fans were almost as mad as their team as I was at mine.

In contrast, I have had a very different relationship with



with a passion I only reserved for the Yankees. They had players like Jimmy Rollins who ran his mouth. Their fans quickly became obnoxious. Their play-

the commentator

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Go Public With Your Relationship, Literally

BY HONEY RYDER

If I ever get hired it will be a miracle. It's not that my qualifications are necessarily lacking in any significant way. Rather, it is this annoying urge I get to hook up in public places that I fear will sooner or later lead to a citation/arrest for public indecency. And while some people may get off on lying to the bar examiners during that whole character and fitness bit, I cannot subscribe to that particular brand of adventure. What I can get behind, though, is taking in the sweet sights, sounds, and smells of nature. While in the act.

There are a number of preferred locales for a little late night, plén aire rendez vous. Parks can be a great choice for the shier folks. Often, there are concealed areas, tree canopies, etc. that can make your local park the ideal pick for going at it outside the home. I mean, hey, if animals can do it, why can't you? After all, it's not as though I'm advising getting it on in the middle of the Vanderbilt courtyard like the two hump-happy squirrels I witnessed the other day. We're talking about a nice, big park, at night, away from prying eyes.

Understandably, sanitation is a primary concern. If a well-

placed beach towel and/or copious amounts of Pirel and/or three showers does not sound like your idea of fun, you may have to scoot over to a different public place. If you can stand the smell or drunk enough, a bar bathroom might be the setting for you. The nice thing about the bathroom thing is that it's still public, but there's a door and a lock between the intercourse and everyone else. In terms of hygiene, you can always do the

ons potentially visible through his rearview mirror. Further, no matter what you are doing back there, your taxi driver has probably seen worse. It is New York, after all. Also, if you're drunk enough, you just won't give a crap what he's thinking. Same goes for the people in surrounding vehicles peering in to double check that they haven't just hallucinated you being pounded in a yellow cab.

If you just can't see yourself

Comment

There's Always Money in the Banana Stand

tried and true standing doggie style method. Remember, unless you want to be interrupted by angry knocks and shouts, be sure to pick a bar with multiple restrooms.

For the truly uninhibited, backseats of cars remain a viable option. The boldest among us, undeterred by such concepts as "decency" and "decorum" choose taxis as our vehicle of choice. The taxi offers many benefits, such as a driver who is often chatting away on his hands free cellphone while maneuvering through traffic, thus blissfully unaware of the goings-

sexing it up in a taxi, a park, a bar, or the Brooklyn Bridge (Tip to the ladies: Get used to bending over if you're substituting the Great Outdoors for a bed), try taking baby steps. Spice up a gathering at a friend's place by cozying up under a blanket during movie night and secretly rubbing away. Too scared to go all the way in the bathroom? Go one base less instead (Helpful hint: This is slightly more sanitary.) Pretty soon, the exhilaration of the Public Sex Act will be so ingrained that you'll soon be scouring NYC maps for more places to do it.

Both Democrats and Republicans Claim Victory in 2009 Elections, Maine Repeals Previous Legalization of Same-Sex Marriage

By DENNIS CHANAY '11
STAFF WRITER

Political junkies nationwide were generously granted one more quick fix by way of the 2009 elections last Tuesday, Nov. 3. Gubernatorial elections

cent, becoming the first Democrat to take the seat since 1857. Coincidentally enough, Owens was also the first Democratic candidate since 1857 without a Republican opponent. To much surprise and the faint sound of eerie laughter emanating from

proclaimed the elections “a blow” to the Democratic party and agenda. Both seemed oblivious to the fact that their party had, in fact, lost an election or

himself instead of election coverage. No doubt, a display of apathy that will resound with a majority of Americans.

The Republican party has

year, but should probably admit for the first time since 2008 that there's still an elephant in the room. Owens didn't defeat the GOP as much as he stood by and watched his opponents fracture. McDonnell and Christie ran elections focused squarely on their own states, making little mention of the sitting president.

For all of Michael Steele's talk of a 2010 sweep and Pelosi's talk of a crumbling GOP, perhaps voters on Nov. 3 were not thinking nationally. In fact, the only real use of a United States president in the gubernatorial elections might have been incumbent Cor-

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Full of Sound and Fury

in New Jersey and Virginia, a special congressional election in New York's 23rd district and a vote on Maine's Marriage Equity Law were the contests drawing the most national attention. The results were as follows.

Republicans swept both gubernatorial contests by wider than expected margins. Bob McDonnell (R) trounced Creigh Deeds (D), 59 percent to 41 percent to become governor of Virginia, while Chris Christie (R) defeated incumbent John Corzine (D), 49 percent to 45 percent in New Jersey. Highlight: in a moment of political high-strangeness, Christie voters could be heard chanting “Yes We Can” at the victory rally.

In New York's 23rd district, Bill Owens (D) defeated Conservative Party candidate Doug Hoffman, 49 percent to 46 per-

cent, becoming the first Democrat to take the seat since 1857. Coincidentally enough, Owens was also the first Democratic candidate since 1857 without a Republican opponent. To much surprise and the faint sound of eerie laughter emanating from

cent, becoming the first Democrat to take the seat since 1857. Coincidentally enough, Owens was also the first Democratic candidate since 1857 without a Republican opponent. To much surprise and the faint sound of eerie laughter emanating from

Both parties were quick to capitalize on the election results. Nancy Pelosi exclaimed “We won!” while Michael Steele

two to their “socialist” or “tea bagging” opponents. Also, depending on whether you believe Robert Gibbs “Master of Nuance” or Robert Gibbs “The Walking Smug Storm,” Obama, who campaigned in both Virginia and New Jersey, was either watching the Chicago Bulls or an HBO documentary about

proven that it has a pulse by winning in Virginia and New Jersey but should cool it with all the ‘referendum on Obama’ talk. The economy is awful and Democratic incumbents controlled both governorships before Tuesday. The Democratic party pulled out a notable win in the only national race of the

zine's television ads attacking Christie for once supporting and even (gasp) raising money for President Bush. Maybe voters were trying to say, “Republicans: its too soon to win elections by bashing B.H. Obama. Democrats: its to late to win elections bashing G.W. Bush.” I think that's fair, don't you?



Residents of the NYU dorms voted last Tuesday at the Children's Aid Society on Sullivan Street.

NEW YORK STATE BAR ASSOCIATION



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The Public Option is Key to Health Care Reform

BY DOUG MARTIN '11
CONTRIBUTING WRITER

I recently read about a woman who was dropped from her health care provider after being raped, primarily as a result of her needing to take anti-HIV medicine as a preventative measure. Online there were people who first argued that there were other reasons why she was dropped, but quickly turned to defending health insurance companies; the American health care system; and attacking Democrats for not taking allegedly obvious measures to fix problems in the health care system. I now write in response.

First, the United States does not have an infinitely, or even marginally, better health care system than Europe, Canada or a large number of other countries. The United States spends more per person on health care than any other country in the world. We spend 53 percent more than the next highest-spending country, Switzerland, and 140 percent more than the median for industrialized countries. New figures show that in 2009, the United States will spend up to 17.6 percent of its GDP on health care. As recently as 2005, the United States was spending 15.2 percent of its GDP on healthcare, but that's still 33 percent more than the next industrialized nation, again Switzerland. By comparison, France spent 11.2 percent, Germany spent 10.7 percent, Canada spent 9.8 percent, and the UK spent 8.2 percent. While that may seem like a large difference, the 3.8 percent extra that we spend over our closest runner-up, Switzerland, represents more than half a trillion dollars.

What do we have to show for it? Not much. Our overall health care system is ranked 37th in the world, behind such notable countries as Oman, Saudi Arabia, Colombia, the United Arab Emirates and all of Northern and Western Europe. By another measure, we're ranked 72nd in the world. According to our own CIA's information, we rank 50th in the world for life expectancy. This is just embarrassing. This is supposed to be AMERICA. We strive to be the biggest and best at everything. So far, at least, we're winning (or losing, I guess) the obesity race, taking first place for obesity rates.

But many people don't think numbers tell the whole story. Well, then, let's put a face on it. I read a post recently by a man named James Stroman, a public official and city administrator in Texas. Here is the post, unedited, in his words:

"A person I work with went to the ER over the weekend with vertigo like symptoms. The visit lasted 2-3 hours. The bill was over \$9500. Yes we have insurance, but our small city has reduced benefits each year to keep the insurance costs constant. We are working on verifying and negotiating the bill, but they

initially have him responsible for over \$6000. He nets about \$22K annually and spends much of that on his elderly mom. We need people like him to work jobs where education and social networking do not lead to higher pay. He is a TCEQ certified water treatment plant operator. Hopefully universal health care will be a reality to the next generation rather than a debatable issue."

Still think that America's healthcare system is the best in the world? Here's another post by a young woman named Danielle Pickard:

"The same thing happened to me in college, twice. The first time, I went to the ER for a kidney stone--incredible pain and no choice but to go--without insurance, my bill (for 4 hours, a saline IV, and some x-rays) came out to over \$8000. The second time, I had severe salmonella poisoning and was in the ER for 3 hours ... the bill this time was over \$9000 because I couldn't drive myself and had to call an ambulance. What is a 22-year-old college student who is paying her own way through college supposed to do with almost \$20,000 in hospital bills, just because she can't afford health insurance even though she's working two jobs and taking out loans to live on every year? There has to be some support for people who need it."

While America has a great system of government, wonderful people, guaranteed freedoms, and the strongest military force the world has ever seen, that does not mean we get everything right all the time. For another brief comparison of how other countries' diverse medical systems have trumped America's, see "One Injury, 10 Countries: A Journey in Health Care" by Abigail Zuger, in *The New York Times*.

But many say that the costs of health care could be better fixed by the market, or less regulation (because we all know that the market always works to everyone's best interests). A proposal by Republicans, including Senator John McCain, would remove barriers preventing insurance companies from selling insurance across state lines. This would allegedly reduce costs by ensuring greater competition. There are several problems with this theory, besides the ridiculous idea that greater competition will somehow magically insure people like Danielle, or James' friend. While some insurance companies are indeed one-state outfits, the largest share of the market is held by national corporations. Kaiser Permanente of California is not going to begin competing with Kaiser Permanente of Nevada. If it does lower costs at all, it will likely only do so for such national providers, driving out smaller providers, and either removing coverage for their clients or centralizing insurance

even further, in the hands of a smaller number of national insurance corporations. But that's not even the worst of it.

The reason that providers don't sell insurance across state lines is that they have to follow the laws only of the state in which they are based. If they are forced to be based in every state, as they are currently, this allows states to best legislate to protect their citizens. This should come as comfort to those who argue for states' rights, and who are worried about an overreaching federal government. Removing these restrictions would allow insurance corporations to locate in whichever state provided them with the most lax laws. Why would states loosen the regulations they impose? Because if insurance companies locate in their state, they receive the tax revenue from their profits — which is enormous. Removing the restrictions would then create a "race to the bottom" among states competing for insurance business tax revenues, with all states eventually bottoming out, and none being better off for it. Insurance companies would then have their pick of low-regulation states. People living in, for example, California or Texas, would not be able to rely on their states to protect them from predatory practices by the few insurance companies they can choose from, who all happen to be located in Delaware. This is why requiring companies to be based in each state removes this prisoner's dilemma.

Still, many are not convinced that government can do a better job. Surely allowing the government to participate would run private insurers out of business. And why would we want the government to run health insurance? In every area that the government and private businesses compete, the private sector is much better and more efficient. These two allegations, often used in tandem, defeat each other.

A recent example brought to my attention

compared UPS and FedEx to the U.S. Postal Service (USPS). The person stated to me that I would obviously get better service at either of the private companies than at USPS. Maybe that's so. But not everyone can afford FedEx and UPS every time they want to send a letter. That's why it makes sense to have USPS, and not just turn everything over to the private companies. FedEx and UPS *must* be better, if they are to survive in the face of less-expensive USPS. Otherwise, they might become as inefficient as USPS is alleged to be (for the record, I have no problem with USPS). Furthermore, USPS was around long before FedEx and UPS rose as giant corporate entities, proving that government involvement in an industry does not preclude private involvement. Mail is not the only industry where this is true. The advent of public schools and state universities did not kill private institutions; it just made them get better. That's why we have schools like UCLA, Texas A&M and Ohio

State, but we also have great, if much more expensive schools, like USC, Yale and NYU. Even closer to the point, we have state hospitals and private hospitals. Both are needed, and both reflect the diversity inherent in the American economy and society.

People have opposed advances at every turn in this country's history, and will continue to do so. Social Security was viewed as a step toward socialism and communism. When Medicare and Medicaid were originally proposed, Ronald Reagan himself campaigned against it, believing it to be a slide toward socialized healthcare and socialism in general. Now angry voters naively yell at town-hall meetings to keep government hands off of Medicare. Health care change is needed, and the only way to do it is with a strong public option (not mandate); protections for clients; and mandatory coverage for all. Then, maybe, the United States of America can once again call itself a nation on a hill — at least when it comes to health care.

NYU LAW 7:00 PM

The Intellectual Property & Entertainment Law Society Presents

A Culture of Gaming

from your living room to your social network

November 18, 2009
7:00 PM
Vanderbilt Hall 210

Speakers Include:

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John Knapp (Patterson Belknap)
Joseph Rosenbaum (Reed Smith)

Torch icon, IPELS icon, Phone icon, Camera icon

Maass and Panel Discuss Oil, Human Rights and More in Furman Hall

By JOSEPH JEROME '11
MANAGING EDITOR

How can a journalist present a complex issue like "oil," with its daunting legal problems, in a way that engages the public mindset? This question, along with strategies to combat corporate human rights abuses, was addressed at a panel discussion focused on journalist Peter Maass's new book, *Crude World: The Violent Twilight of Oil*, presented by the Institute for International Law and Justice and the Center for Human Rights and Global Justice Friday afternoon in the Lester Pollack Colloquium on the ninth floor of Furman Hall.

Maass, whose previous book focused on conflicts in Bosnia, decided he was interested in delving into the causes of global conflict rather than war itself. He wanted a topic that was at the root of global problems. Sifting through the various causes of global instability, poverty, and income imbalances, Maass fell upon oil and, more importantly, its pervasive affect on the world. He first approached the issue by trying to get his feet wet in the vast petroleum industry. "I'd be a roughneck," he said, "looking for jobs mopping a super tanker. But I'd get laughed out of office; they'd think I was a spy for unions!"

Maass quickly learned that writing about oil required a crash course in everything from engineering and environmental policy to international contracts and business accounting. This approach led the author to "fall in love with regression analyses, and these things just kill narrative." His wife refocused him. Speaking to a law school, Maass was keen to emphasize the legal components of his task, and there is no lack of legal disputes when it comes to global oil production. "But I needed to find the characters and drama," Maass said. "I can't just go at Lawyer A doing Y."

Steve Donziger's epic battle against Chevron in Ecuador presented a perfect humanizing example. Before vacating Ecuador in 1993, Chevron's predecessor, Texaco, had left a legacy of environmental havoc in the jungles of Ecuador, spilling millions of gallons of crude oil and producing billions of gallons of polluted pools of water. In 2005, Maass went on a toxic tour of the Oriente region of Ecuador, where, he said, "you could just smell the oil" permeating out of the trees and the ground.

Donziger, whose crusade against Chevron began in the United States, was busy litigating the case in Ecuador. As any first year should know, the case was quickly dismissed from the American courts for lack of jurisdiction. While in the past such a dismissal would be cause for Chevron to celebrate, the evolving political situation in South America presented an opening for Donziger. "[He] realized it was half politics, half public relations," Maass explained, and in Latin America, American companies were no longer the Goliaths they had been just a decade ago. "Donziger realized that

the public interest law was on their side," Maass said.

Maass explained that he witnessed Donziger and his local allies use a variety of extrajudicial tactics to carry the fight to Chevron. He told the story of how Donziger was able to pack a judge's 120 degree chambers with media and villagers to protest Chevron counsel's apparent delay tactics. "Could you imagine this in an American court room?" Maass smirked. "Maybe in your dreams?"

When fighting a transnational oil company with nigh limitless resources, Maass argued that extrajudicial methods were the only way to get at "your enemy's weak points."

"As law students, you're the ones who will write not just the briefs but also devise the counter-insurgency methods to confront these challenges," he urged. "Broaden your mind!"

The five panelists roundly applauded Maass's work and expanded on his example of oil to address bigger challenges to finding justice and combating right human rights abuses against transnational corporations. Despite an energetic dialog, there was a noticeable pessimism about the current dollar-and-cents situation facing attorneys in the fight against corporate might.

"Maass has really used oil as a prism to share various dimensions of corporate accountability," Nikki Fleish, a first year IILC scholar, commented. Fleish cautioned against too much reliance on international legal regimes as a solution to rein in corporate abuse. "To take on global issues," she posited, "we need transnational advocacy alliances ... [government] transparency is necessary, but not sufficient." She wondered whether honest dealing between corporations and developing governments could adequately address fundamental concerns about the justice of extracting resources in impoverished areas of the world.

Picking up this theme, Smita Narula, Associate Professor and Faculty Director for the CHR&GJ, warned that "even if we fix the 'oil problem,' we won't fix the system." While noting that Maass's use of the oil industry presented a sharp picture of the difficulty in having a human rights discussion in the shadow of an extractives industry, she thought a bigger discussion was necessary to explore the "broader disease in how businesses have seeped into our lives in negative ways."

Oil presents the situation as a traditional North-South divide, but Narula thought this ignored the reality of internal "North-South" divides. The growth of transnational businesses have created elites everywhere which stand to benefit at the expense of lower classes. Oil simply demonstrates this conundrum in dramatic fashion.

Dan Firger, a 3L at NYU also doing an MPA at the Woodrow Wilson School, discussed his 1L summer spent working with Donziger in Ecuador. He cautioned that while the case against Chevron was solid in Ecuador,

any recovery would likely occur in the United States. "Texaco left in 1992," Firger said, "but they didn't leave billions in a bank in Quito." He suggested that, at least in terms of oil, incentivizing alternatives to drilling could be the lesson to present to developing countries. He pointed to Germany's pledge just this year of \$50 million as part of a compensation package to Ecuador to avoid drilling in parts of the Amazon.

Beth Stephens, Professor of Law at Rutgers, bemoaned the "incredible corporate legal structure" which removes shareholders from the picture, permits disconnected shell companies and subsidiaries, and ultimately lacks accountability. "I can't quite believe corporations have gotten away with this structure," Stephens complained. "Corporate law tends not be a specialty of human rights lawyers," she mused as she explained the numerous false starts her team at the Center for Constitutional Rights had trying to "pierce the veil of the corporate structure."

Someone in the audience spoke up, noting that despite the panels' pessimism, battles against corporate human rights abuses are fought each and every day. Maass perked up at this and recounted a story where attorneys were able to go after \$50,000 worth of a third world dictator's luxury goods. Though a drop in the bucket in terms of the money at stake, Maass thought "going after little nuggets can become powerful symbols. They can change public opinion."

"There are new strategies you can try," he said. "Whether they work? We'll see." Nobody left the top of Furman with any notion that the "oil problem" had been in any sense defeated, but Maass had certainly succeeded in engaging the minds of the 50 people who gave up a Friday afternoon to hear the panel speak.

ABA Conducts Septennial Reaccreditation of NYU

By DENNIS CHANAY '11
STAFF WRITER

Students of NYU Law may have recognized a few new visitors around campus last week as the American Bar Association (ABA) conducted a site evaluation and an inspection of the law school for reaccreditation. These types of routine sabbatical visits take place every seven years for accredited law schools and the ABA is scheduled to conduct similar evaluations at around thirty-eight institutions this year alone.

By all accounts the visits went smoothly. From Sunday, Nov. 1 to Wednesday, Nov. 4, the ABA representatives had the chance to meet with Dean Richard Revesz as well as the University's Provost and President. ABA representatives also took the opportunity to attend numerous classes, events and receptions taking place at the law school. On Monday, Nov. 2, law students were given the opportu-

nity to mingle with and ask questions of the visitors over cookies and refreshments at an informal reception in Vanderbilt Hall.

Last winter, in concordance with ABA standards, Dean Revesz commissioned a special committee made up of faculty, administration, students and alumni to oversee the creation of a Self Study Report that was completed in June. The report helped the ABA team become familiar with NYU Law School and prepared them for the visit.

The ABA team was chaired by Provost Tom Sullivan of the University of Minnesota and was made up of professors, general counsel, deans and librarians from numerous American law schools. No information on the team's findings is available at this time, as the report outlining NYU's compliance with ABA standards is not expected to be released for another month. The law school's reaccreditation will ultimately hinge on the findings within the report.

MACDOUGAL: NYU to House Institutes, Centers

Continued from Page 1

with Manhattan Community Board No. 2 in designing a plan acceptable to both the university and the community. This collaboration led to a June 6, 2008, resolution which supported the NYU plan and also noted, "NYU should be commended for its outreach to the community and for treating the proposal not as an 'as of right' project which they could have."

As the third-largest landowner in New York City, after the City itself and the Archdio-

cese of New York, NYU is perennially image-conscious and aware of its community context. Hence, when it was discovered this August that a portion of the Playhouse wall that was to be preserved had been removed by the construction company for safety reasons, the university was quick to apologize. At the time, Manhattan Borough President Scott Stringer demanded that construction cease to permit the community to assess the damage. As the political wrangling is now over, construction has resumed and the multi-million dollar project is proceeding apace.

SLAP Football Finishes Regular Season



Stavan Desai

As of Week 7, eight teams sat atop the SLAP football standings at 5-1 each. Sack Lunch, PDREF and Unstoppable were in first, second and third respectively in terms of margin of victory. Unstoppable can be seen here playing defense and trying to sack the Charge's quarterback. Week 8 standings were not available, but the playoffs start this Friday and conclude one week later.

Counter Runs Counter to Typical Vegetarian Stereotypes

BY STAVAN DESAI '11
STAFF EDITOR AND
ERICA IVERSON '11
STAFF WRITER

Counter is an all-vegetarian restaurant that caters to vegetarians and vegans, but does so without compromising quality and taste. Specifically, Counter doesn't resort to the typical system of replacing every dish with soy and tofu. Instead, Counter really focuses on the vegetables, and has a varied and flavorful seasonal menu. Along with the vegetarian menu, Counter is also an organic wine and martini bar, featuring all organic wine, cocktails, and beer. The cocktails are somewhat expensive, but each one is fairly unique and definitely part of the experience. The "Married in a Fever" (\$12) was sweet, but not overly so. The fresh muddled fruit made for a refreshing cocktail, and while it could have used a little less mint, it was overall a very tasty beverage. The "Death's Door White Whisky Manhattan" (\$11) was typical, but very well made and one of the better Manhattans I've had.



There was also a "New York State Wine Flight" (\$12), which was just ok. The Pinot Noir was actually awful, but the manager was very accommodating and replaced it with a full glass of something else.

The drinks overall were good, but of course the focus of the restaurant is on the food. The menu is organized into small plates (think tapas), flatbreads and large plates. The emphasis is on the small plates, so we decided to order several small plates, and one flatbread. The Sweet Potato Gnocchi (\$10) was the best dish of the evening, with a superb contrast between the sweetness of the gnocchi and the brown butter. The Mushroom Martini (\$9) did a

mushroom, apple and caramelized onion, and was very good. It was accompanied by a red cabbage slaw, which was good, but a little too prominent on the plate. The Roasted Butternut Squash Ravioli (\$8) was one of the weakest dishes, with



the pasta being too chewy and the spiced cream sauce not really adding anything to the flavors of the dish, other than to mute them. The Grilled Eggplant (\$7) caught us off guard, because it was served room temperature. Our first taste of it, therefore, was skewed. However, after getting over our surprise, we really appreciated the balance of flavors and

the textural contrast between the eggplant, the cilantro, and the whole pomegranate seeds. The Spaghetti Squash Spaghet-

tini (\$9) received mixed reviews. While there was nothing bad about the dish, there was nothing special about it, and it could have used a more distinct

flavor. The final savory dish, and sadly the worst, was the Roasted Yukon Gold, Bartlett Pear and Spy Apple Flatbread (\$12). The concept was great, but the execution was a disaster. The bread itself was good, but the dish as a whole was bland, with olive oil being the only discernable flavor.

The meal, of course, wouldn't be complete without dessert. Counter's dessert menu is vegan friendly, and uses ice cream that is nut-based. The Sundae (\$9) features black cocoa cake, chocolate and vanilla ice cream, fudge and caramel. While the dessert was good, the vanilla ice cream was weak. No one at the table was entirely

sold on the nut-based ice cream, but we found that the chocolate ice cream was better than the vanilla. The Pear-Chocolate Semolina Cake (\$9) had nice pear and caramel flavors, but again the vanilla ice cream weakened the entire dessert. The Warm Macoun Apple Crumble (\$9) was the best dessert, and the great apple flavor and crumble texture were enough to overcome the slightly weak cinnamon ice cream.

We enjoyed the overall atmosphere of the restaurant, which contrasted a semi-trendy bar with a diner-like main room. The service was helpful and attentive, but without giving us the feeling we were being watched. Overall a very enjoyable, but expensive, meal. Counter is located at 105 First Avenue (bet. Sixth and Seventh Streets) and is open for dinner daily and weekend brunch. (212) 982-5870. Credit cards accepted. Reservations recommended.

Want more inspired ideas about where to dine in New York City? Check out our food blog at idcross-thetrestreetforthat.wordpress.com

In Performance Art Exhibition, You Can Have Your Cake and Eat It Too

BY MARIJA PECAR LL.M '10
STAFF WRITER

One could be forgiven for looking startled upon stepping out of an elevator of a building overlooking Fifth Avenue only to discover a room brimming with young women scantily clad, in nothing but socks and shorts, nonchalantly walking around carrying platters of mouth-watering miniature cakes.

Indeed, neither a conservative dress code nor conventional dining etiquette is welcome here. Instead, the ladies use their bare hands to feed those who are brave — or hungry — enough to deign to ask for some cake.

Don't think this is a scene from Martha Stewart's remake of *Eyes Wide Shut*. Far from it. This is just one part of November's performance-art exhibition at Christie's Hunch of Venison gallery, staged by KreemArt, an organization that believes in "art as nourishment:" simultaneously satisfying the physical and aesthetic appetite.

The crowd, a medley of New York's corporate types, artists and the inevitable handful of lawyers, had gathered to witness four of the most dynamic performance artists of our time, Rob Wynn, Leandro Erlich (whose dumbfounding Swimming Pool installation is currently residing in MoMA's P.S.1), Marina Abramovic and Mickalene Thomas, express themselves through cake rather than on canvas.

No one could accuse the event of lacking originality. The artists, known for their incessant attempts to push boundaries and explore alternate avenues of artistic expression, had come together, endeavoring to collectively test the audience's response to creativity in sugary, edible form.

In stark contrast to Thomas' playfully salacious feeding-ceremony performance, Erlich's installation consisted of a seemingly mundane scene featuring an elderly man reading a book while sitting in a room with nothing much save for a minimalist brown-leather couch. However, the apparent normalcy of the scene was

shattered when a woman in sultry French-maid attire approached the couch and, without batting an eyelid, proceeded to cut into it with a knife, removing what transpired to be a large slice of moist, creamy triple-layer chocolate cake. The baffling slicing ceremony continued throughout the evening, with guests leaping enthusiastically at the opportunity to make their own dent in the piece of edible furniture, until all

that remained was a partially mutilated cushion and a room filled with people who secretly felt that they had done their childhood birthday party memories adequate justice.

The icing on the cake, so to speak, was Abramovic, the self-proclaimed "grandmother of performance art" who is known for her unconventional, imagina-



tive and often extreme methods of exploring the physical and mental limits of her being; the relationship between body and mind; and the interaction between audience, art and performers. Marina's past performances saw her publicly cutting her own toenails; taking a pill to induce violent seizures; and, in an act of self-purification, nearly dying as a result of propelling herself into the center of a burning communist

star. As someone with such a colorful track record, she could hardly disappoint.

The evening reached a crescendo when Abramovic, after compelling her perplexed audience to wear white lab coats, cover their mouths with 24-karat gold leaf and form a symbolic gateau with their bodies, fed them the raspberry, caviar-filled cake, simultaneously reciting meticulous instructions as to how to chew, swallow and experience its taste — all in a stern military tone that would do any army general proud. Her intention was to ritualize the act of eating, transforming the sensual pleasure of cake consumption into something more spiritual.

As far as Tuesday evenings go, this one was atypical. What this quartet proved is that artistic creativity is not constrained by the medium it is embodied in, be that canvas, clay, movement or, as it turns out, even dough.

There are undoubtedly those who would deem this event absurd, devoid of any artistic merit or just a total waste of time and resources. Granted, it is arguable that the eggs, milk and flour that went into making the cake extravagancies

consumed by the far-from-starved or impoverished crowd at the Kreemart exhibition might have made more a valuable contribution to society had they been destined somewhere other than the 20th floor of a New York skyscraper. Undoubtedly, the same could be said for the 150,000 British pounds spent by London's Saatchi Gallery in obtaining Tracy Emin's disheveled Bed: a pricey memorial to her temporary frustration with life, induced by a failed love affair.

However, and thankfully for all involved, ours is hardly a society that can pride itself on living off bare necessities and channeling its disposable income into useful, considered or wise purchases. For those who subscribe to the view that art, regardless of form, is indispensable to social progress and makes a priceless contribution to culture, an unmade bed or a chocolate couch have as much value as an impressionist depiction of water lilies, despite the obvious inability to be hung on a dining-room wall. In John F. Kennedy's words, "If art is to nourish the roots of our culture, society must set the artist free to follow his vision wherever it takes him."

If we accept that art is not limited to what is aesthetically pleasing, but encompasses anything that stirs up emotion; provokes a reaction; triggers thought or unveils a novel way of seeing the world around us, we can quite easily see the relevancy

New Show on NBC Makes a Stir in the Community

By FARRELL BRODY '12
STAFF WRITER

Recently, our Contracts professor looked around the classroom and stated, "one of you here will be a judge someday, guaranteed." As I have looked around and listened closely, it has become clear to me that there is also a probability that one of us will be disbarred or censured. For those who would seek to avoid this or celebrate it, the new television series *Community* brings this situation to sitcom life every Thursday evening on NBC.

Community explores life at a community college through the eyes of a hotshot attorney, Jeff Winger, who has been recently exposed as a fraud. It has come to light that Jeff's undergraduate diploma was issued not by our Northern-Neighbor-Who-Must-Not-Be-Named, but our southern neighbor, the country of Colombia. Jeff, played by *The Soup's* Joel McHale, is forced to return to community college to obtain the necessary credits that will allow him to return to his natural habitat as a mercenary attorney who has perfected the "Our Entire World Changed on Sept. 11, 2001" DUI defense.

Jeff has enrolled at Greendale Community College, an

average school with an above-average array of stock sitcom characters filling its classrooms. There is the occasionally wise black divorcée, the former super-jock, the older, perverted guy, the over-caffeinated, anxious girl and the hot hippie love interest. Plus the more original character of Abad, an aspiring filmmaker who likens every situation to instances from television or cinema.

The cast of *Community* is superb throughout. Judd Apatow-veteran Ken Jeong heads the faculty as the Spanish professor, Senor Chang, who has a persecution complex concerning his non-Latino background. The *Daily Show's* John Oliver appears as an inept professor who is a former client of Jeff's. As Jeff, Joel McHale makes a seamless transition to the sitcom arena. Also making a surprisingly fluid transition is Chevy Chase, as an older and not-so-wiser student, who pulls off his supporting role with a great deal of self-deprecating aplomb. Recent NYU alumnus, Donald Glover, acquaints himself well as Troy, the ex-high school jock. Britta, the object of Jeff's flirtation, is played by Gillian Jacobs, with a warm and apt comic timing. The true revelation among the cast is Danny Pudi, as Abed, who steals

scenes in nearly every show; in the recent Halloween episode he offered a spot-on impression of Christian Bale's Batman.

Notwithstanding the stock

the sitcom clichés employed, or adding droll cultural references. *Community* creator Dan Harmon has made an appealing alternative to traditional sitcoms by offer-

ing of student life. Against his intentions, he has developed a collection of friends by founding a Spanish study group he hoped would be a personal tutorial concerning *amor* with Britta, the attractive hippie student. However, the study group has expanded to include the hodgepodge group expounded upon earlier, and each episode sees the characters collectively tackling their fears and insecurities in new ways.

The result is a heartfelt sitcom full of witty writing that demonstrates a sweet humanity

that never falls into sentimentality. The laughs come quick but, most importantly, often come smart. It is not a perfect show by any means; it still has to find the right balance between the sharp satire it aspires to be and the bland archetype it could easily become. NBC recently ordered a full season of *Community* which should allow ample time for the show to find itself, and perhaps some of us to find a laugh during a much-needed study-break.



characters and flimsy premise, *Community* still finds much room to excel and merit a slot in the same evening line-up as the comedy standard-bearers *The Office* and *30 Rock*. *Community*, like its NBC brethren, is a single-camera comedy devoid of a laugh track, but rife with meta-comedic accents. The meta elements of *Community* are not the outrageous flourishes employed by *30 Rock*, but are more mundane self-reflexive jokes offering commentary on

ing the comforts of predictable characters and plot sprinkled with flattering winks that suggest the viewer is in on the joke.

Moreover, *Community* truly stands out for the likeability and realism it imparts upon each of its markedly flawed characters. Within each episode, titled by a college course name, Jeff finds himself having to choose between the selfish ethos he has honed so long in his career as an attorney and the group bond-

This Is It Skips the Tabloid Drama, Puts a Smile on Your Face

By BRIAN BYRNE LL.M '10
STAFF WRITER

The complexities of Michael Jackson's public persona and private orientations will most probably be debated and scrutinized for many generations to come. This apparent inevitability stems from the fact that, for much of his life, the media portrayed Jackson as something akin to a cartoon character. Highlights include his marriage to Elvis' daughter, the episode in which he dangled a baby from a balcony and the time he showed up in court wearing pajamas. Tabloids scoffed at his impending bankruptcy, while broadsheets discussed allegations of child molestation. The artistic prowess of Michael Jackson has long been overshadowed by the intricate unfolding of his personal dramas. It gives me great pleasure to announce that *This is It* does not attempt in any way to broach those issues. The Pandora's box of eccentricity

remains firmly sealed. Instead, the sole focus is on the preparation for Jackson's epic finale concerts that were due to be staged in London under the same name; *This is It*.

The movie opens with a series of brief, affecting messages from the show's dancers, and immediately an emotional, understated tone firmly takes root. It's time to slouch back, open your heart and dispose of your cynicism, at least for the next two hours. At first, the low

ished extravaganza! This is quaint camerawork of stage rehearsals, coupled with traditional snippet interviewing of those integral to the show. However, the substance is instantly warm and charming. It feels like this footage may never have been seen but for the untimely death of Jackson, and this further creates a sense of intimacy. We watch Jackson and his team of exceptionally talented players perform all the classics as they prepare meticulously for the London shows. During the songs, I found it impossible to repress a smile, and each time they finished, my initial instinct was to applaud. Seeing Jackson sing on the big screen, in such a tender environment, almost convinced me he was in the same room. Movies

usually fail to impress because they never erode your awareness of

being in a movie theater. *This is It* not only eradicates that awareness, it makes you oblivious to anything else. Much like a Disney film as a child, it consumes you and never ceases to enchant. The most striking and noteworthy aspect of the film is Jackson's commitment to rewarding his fans. He is dedicated to staging a concert that is unprecedented in terms of caliber and awe. This is abundantly evident from his command of rehearsals. He demands nothing less than perfection from everyone involved, most of all his musicians. Changing tempo one bar too early, or one bar too late, is simply unacceptable. Jackson is in touch with every note of every song and, even in this ultra-talented pool of musicians, vocalists and dancers, he is still top dog. It is refreshing to view Jackson as a professional showman once again, and cast away the hauntingly frail imagery of the recent past. That is not to say that Jackson does not appear somewhat fragile on screen. However, when it comes to his music, and his fans, he is assertive, confident and in control. Moreover, his dancing and singing remains inspirational and incredibly impressive.

I must admit that while watching *This is It*, a tinge of sadness crept into my psyche. Not only because of Jackson's passing, but also because it seems unlikely that in the near future any artist will replicate the sheer class of entertainment he provided. Contemporary pop stars have typically diversified their revenue streams to the extent that

their music is only one more bullet point in their portfolio. An understandable financial strategy this may be, particularly in the modern era of rampant piracy, but it does not lend itself to the painstaking preparation and lavish expenditure witnessed in this documentary. On that note, I should mention the new footage shot exclusively for the live show. There are new introductory videos for "The Way You Make Me Feel," "Earth Song," "Thriller" and "Smooth Criminal." The transition between the "Smooth Criminal" video and the stage performance is simply wonderful, and evokes lamentation that the show will never be staged.

I simply cannot recommend this movie enough. For all those who have ever enjoyed Michael Jackson's music, or appreciated his innovative music videos, this is a worthy testament to his career. If you fall into this category, my advice is to see it on the big screen, as I suspect a DVD will struggle to recreate a concert atmosphere. For those who do not carry a fondness for Jackson or his music, the movie still offers a fascinating insight into stage production, especially the world of musicians and dancers for hire. Even if you dislike Jackson, have no interest in live music and have a heart of ice that circulates cold blood throughout your body, you should still go see this movie. It will test your resilience to all things charming and if you don't enjoy it, at least you can rest assured that you are a dispassionate fortress, immune to infectious entertainment.



Michael Jackson, the undisputed King of Pop, strikes a pose in this new tribute film.

production value of the footage is a little surprising. Do not expect pol-

usually fail to impress because they never erode your awareness of



PHOTOS COURTESY: ERIKA ANDERSON, STAVAN DESAI, CARLEY PALMER, CHRISTOPHER TAN, MOLLY WALLACE