



the Commentator

The Student Newspaper of the New York University School of Law

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Commentator Comments on Law Revue



The cast of NYU's Law Revue poses at the top of the show during the musical number "It's the Law Revue," where the cast sang: "Our notes are nonexistent. / We're all so far behind. / But we'll learn all we need to. / From SBA outlines!" This year's production was entitled "How to Succeed in Law School Without Really Trying."

By JOSEPH JEROME '11
MANAGING EDITOR

Writing began in September, 12 hours weekly worth of rehearsals in January, and now, the 36th Annual NYU Law Revue has put its show, "How To Succeed in Law School Without Really Trying," to bed after four performances last week, April 7 through 10. In the long tradition of Law Revue functioning as a cathartic expression of the law school's angst, the production focused squarely on the economic downturn, with the twist that the lack of paying jobs was all part of a plot concocted by a cackling, deranged parody of Assistant Dean for Public Interest Law Deb Ellis. The scheme was uncovered by a team of intrepid, ambitious *Commentator* reporters looking to crack a substantial news story for once.

When writing for the show began in September, Steve Knoepfler '10, the production's plot director, quickly realized that jobs — or rather the lack of them — would dominate this year's Law Revue. "A lot of the ideas writers were coming up with were basically about the economy," he said.

While the show's topic was a reaction to the gloomy economic environment, Law Revue's newest incarnation also appeared in many ways to address some concerns from last year's show. The show moved briskly, wrapping up in just over two hours even including a 15-minute intermission. Though the show's runtime diminished, the number of professorial parodies seemed to explode.

"We realized people liked to see the professors made fun of," Knoepfler said. "We talk about

them all the time, the same way as high school students talk about their teachers." The result? In addition to Alexa Fields's '10 impression of Assistant Dean Deb Ellis, Law Revue spoofed a flamboyant Prof. Hills alongside Professors Adler, Epstein, Sharkey and Yoshino. "I hope we didn't come across as mean," Knoepfler said.

For her part, Assistant Dean Ellis took everything in stride. "I enjoyed watching all the power that 'Deb Ellis' had in Law Revue," she said, adding "if I *did* have that much power over the economy, I would ensure funding for all legal services to hire all the lawyers they need at starting salaries of \$75,000." She even participated on stage Saturday night and was seen taking pictures with her doppelganger.

But what of the show's more adult-rated content? Past performances have lampooned law school "romances," but watching a parody of Prof. Adler urinate on a student? Gasps filled Tishman Auditorium when a very large, very purple dildo was brandished on stage. "We didn't set out to do any of that," Knoepfler defended. "I remember reading it and thinking, 'This is really funny though.'" After witnessing a parody of Dean Richard Revesz, played by a woman, vigorously making out with his wife, Professor Vicki Been, played by a man, did the administration get a say in any of this? "They don't tell us what to do," Knoepfler said.

However, the administration did ask that the show dampen any overt endorsement of drinking and boozing. This is consistent with the decision to make Law Revue a

semi-dry event this year. Efforts to curb drinking at the event were considerable, and what was the ultimate verdict on a dry Law Revue?

"There was a marked difference between the crowds last year and this year, and the change was definitely for the better. The audiences — especially on Wednesday, Thursday, and Saturday — were so great! They could hear the show, so they followed the plot and laughed at our jokes!" said Katie Svoboda '11.

Even the Friday show, the only show to sell out, appears to have been less of a drunken riot than past years. "People were still hollering and catcalling through the first few scenes, but this year they seemed to settle down and realize there was a good show going on," said Chris Symeonides '11, a member of the band.

Attendance was down somewhat compared to past years, either as a result of fewer 1Ls in the cast to hype up their sections or, more likely, the drinking restrictions. However, the audiences were, in a word, much more "respectful" this year. "I can't tell you how gratifying it was to perform in front of a captive audience. We work so hard on the show, and the audience was able to really appreciate that this year," Svoboda added.

As the cast spent Sunday recovering from it all, catching up on schoolwork and resting were top priorities. Still, Knoepfler said he'd do it all again in an instant. "Law Revue was totally worth it. A blast to be a part of." Especially when the audience can hear you singing about throwing *Commentators* into a fire.

New SBA Officers Elected

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Erica Iverson '11



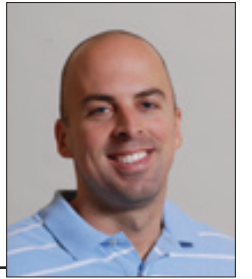
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Scot Goins '10



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Douglas Martin '11

2010-11 3L Representatives

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Wamiq Chowdhury
Meghan Dwyer
Carley Palmer

2010-11 2L Representatives

Joshua Apfel
Edward Han
Nicholas Rowe
Alexandra Schwarzman

* A special election among Elyse Feuer '11, Evan Goodman '12, and Mike Gordon '11 to determine the SBA's new Vice President was held on Tuesday, April 13, 2010, after this issue went to print.

Infra

Are you an anti-Textite? Our columnist thinks you might be. page 2

Eight journal heads and a Moot Court Chair give you the skinny on what makes them tick and why you should join up. pages 4-5

Two reviewers review Law Revue. page 8

Why Mess With Texas? NYU is Stateist (Yes I Made That Term Up)

By DOUG MARTIN '11
STAFF WRITER

Here at NYU we tend to pride ourselves on our generally open, tolerant and sophisticated community. In most cases, I think we do so rightly. Public discourse in most forums tends to be conscious of, and sympathetic to, racial, gender, sexual, national and disabled sensitivities. But there is one type of discrimination which I have found prevalent among NYU students and faculty alike. For lack of a better word, it can be called stateism (the 'e' is included to differentiate it from the political system).

While such stateism can sometimes be seen in references to people from New Jersey or California, the state that I notice the most scathing remarks about is my home state — Texas. We've all been seen it. Criminal professors making snide comments about how certain rules may not be applicable in Texas, because you're allowed to shoot whomever you want to there. Torts professors stating how a something might be actionable, except in crazy Texas. Constitutional law discussions about gun rights, with side jokes about everyone in Texas. At some point or another, I would bet that every single student at this law school has been present when a derisive or at least mocking comment has been made about Texas in a classroom setting, not to mention

outside the class.

A recent incident I witnessed that finally made me decide that I'd had enough occurred in my Property class. I won't use names, but not because I don't want someone singled out. Rather, such discussions and remarks are so commonplace that naming individuals would unfairly focus on a couple people when it's really a much larger problem.

My professor finished dis-

lived there for a while, so I can tell you, they really look at things differently there. It's really like a different country," said the student. "And, God-willing, will be again soon," a student near me said out loud, without a hint of discretion. The professor gave it some fleeting consideration, and moved on.

I was flabbergasted. No one pointed out the ridiculousness of claiming that a population of that size could all be "confronta-

BarBri reps or the company itself might have been offended (even though her comment wasn't derogatory).

No other state gets such treatment. In the very same course, in the very next class, we discussed a case that involved people standing on their lawn and toasting with champagne every time an AIDS patient from an adjacent care facility was taken to the hospital. There was no mention of how horrible those people from New Mexico are for doing such a thing. Oh no. Attributing something like that to the nature of a state's residents would be unfair ... unless that state is Texas.

What has Texas done to deserve such disrespect? Is it because our last president, who's not to popular at liberal NYU, liked to trump up his Texan heritage? Well, he and his father were both born in Connecticut. As famous Texan Willie Nelson once said, "He's not from Texas and, he ain't a cowboy." But do you know who is from Texas? LBJ, Dwight Eisenhower, Dixie Chicks, Dan Rather, Buddy Holly, Walter Cronkite, Lance Armstrong, Gene Roddenberry and many, many more great people.

Is it because we're so proud of our heritage? Who wouldn't be proud of the Alamo, Sam Houston, the Populist movement, cowboys, barbeque, country, rock, blues, and all sorts of

other music?

Texans are intelligent, hard-working, fun-loving, friendly, tolerant, and talented people, just like Americans all over this nation. But we're also stupid, argumentative, prejudiced, and lazy, just like Americans all over this nation. Texas is a diverse place, a meeting place of many cultures and ideas, and its people reflect that. In many ways, Texans are different, and we're proud to be to be different from other Americans as well as from each other.

I'm used to many people in my classes looking at me whenever a comment about Texas comes up. This could be considered offensive. Imagine if people stared at or nudged black students, or Jewish students, every time their heritage African-Americans or Jews were mentioned (well, maybe they do). I'm proud people know where I'm from. But I would also appreciate if students and professors alike started looking past their own prejudices and stopped acting like Texas was some crazy, lawless, throwback to 1876, or that we somehow aren't as American as the rest of the country. At least that way, I could start trying to convince my friends back home that the stereotype of all Yankees being assholes isn't true. From my experience, some of you actually aren't. I should know too — I've lived here for a while.

Comment

Your Girl's Favorite Columnist

cussing a case about an easement. It seemed strange to her that the court decided that the easement was permissive, even though the alleged grantor had put up a gate. Since it was a case from Texas, the professor found it necessary to point out the state of origin. A student piped up (and I'm paraphrasing somewhat, but very little), "I think because there was no actual confrontation. Texas culture and people are every confrontational, so the fact that there wasn't one might indicate that it was permissive." "So just because there weren't any shotguns brought out, it was permissive?" the professor remarked, only half-jokingly. "I

tional." Nor how ludicrous it was that the law in Texas could be so substantially different because its people are so "different." Or even that living somewhere "for a while" could not possibly make you an expert on a region the size of Texas. The professor didn't even think it necessary to correct her suggestion that we settle things with guns, even though more NYU students come from Texas than any other state, with the exclusion of California and New York (of course). Later in the same course, however, when making a comment about BarBri's prep courses, she thought it necessary to apologize if any

When I was a 2L, It Was a Very Bad Year

By MICHAEL MIX '11
EDITOR-IN-CHIEF

To paraphrase Dwight Schrute: sniff, sniff, oh no, 2L year is almost done. It's almost done! I am going to miss it so much. I am going to cry myself to sleep every night over the summer.

FALSE! I am not going to miss 2L year.

ing in front of a packed Greenberg Lounge. As with most controversies, the students react with either intense anger or intense indifference. The one positive development is the law school's new "Google policy" for future professorial hires. I can't wait to see what Google tells us.

October, 2009 — virtually nothing happens the entire month. I seriously think I should get a Pulitzer

sibly the last person on the planet to see *Anatar*. Everyone compares the film to *Fern Gully*, which annoys me because I thought I was the only one to constantly make *Fern Gully* references in my writing. Therefore, I am currently taking suggestions for a new go-to random film to reference (though I admit that even if I abandon *Fern Gully*, I still frequently listen to its absolutely fantastic song "Toxic Love").

February, 2010 — NYU closes the entire university, including the law school, halfway through the day because of a snowstorm. Two weeks later, the university closes again because of snow, this time an entire day. Rest assured, I doubt that during neither snow day, no law student decided to watch the 2000 film *Snow Day*, starring Chris Elliott, Iggy Pop, Chevy Chase, Pam Grier and Emmanuelle Chriqui, also known as Sloan from *Entourage*. Is that the most random cast ever assembled?

March, 2010 — I work feverishly to finish a first draft of my A-paper before spring break. I think I may have blacked out at one point and accidentally wrote about property rights in the Alternaverse in *Lost*.

April, 2010 — I am psyched to learn that the protagonists of this year's Law Revue work for *The Commentator*! Unfortunately, *The Commentator* gets upstaged by Justice Ruth Bader Ginsberg and the Rich Uncle Pennybags guy from Monopoly.

Well, it has certainly been an interesting year, though I'm glad to see it go. 1Ls, enjoy next year! Who knows what Google will turn up on next year's professorial hires.

Comment

The Guy Behind the Guy Behind the Guy

Seriously, no one should ever envy 2Ls. I don't think I have ever worked this hard in my life, and I have friends who do more work than I do. Given that it is the last issue of the year, I think I should recap 2009-10, month-by-month, to revisit the craziness.

August, 2009 — I participate in EIW at a downtown hotel. While there, I struggle to remember any fun facts about the different firms, and I constantly worry that I'll forget which firm I'm interviewing with during the middle of the interview. In the meantime, I get angry that the hotel repeats Tuesday's lunch and Wednesday's lunch on Thursday and Friday respectively, striking a blow to supporters of sandwich diversity everywhere.

September, 2009 — we witness the enthralling conclusion to the Dr. Li-Ann Thio saga when Dean Richard Revesz leads a town-hall meet-

for somehow filing the front page in the Oct. 28 issue of *The Commentator*. Talk about a slow two weeks.

November, 2009 — outline, outline, Tiger Woods, outline, outline, outline, outline.

December, 2009 — we all take fall exams (snooze) and go on Winter Break (yawn). Much more importantly, we were all introduced to The Situation, Snookie, Pauly D and the rest of the cast of the *Jersey Shore*! True story — I recently bought a bottle of Gruner Veltliner wine that was labeled "Paul D," on the outside chance that your girl's favorite DJ had a secret life as a viticulturist. Alas, it was a different Paul D. On another note, last week I bought a different bottle of wine called "Schardonnay," named after the former Mets catcher Brian Schneider, who apparently owns a vineyard. I clearly have discriminating tastes in wine.

January, 2010 — I become pos-

the Commentator

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Journal of Legislation and Public Policy Holds Symposium About Voting Issues

By LAURA MILLER '10 AND RACHEL STIER '10
CONTRIBUTING WRITERS

On April 1, 2010, the NYU Journal of Legislation and Public Policy hosted a symposium, entitled, "Helping America Vote: The Past, Present, and Future of Election Administration." The symposium, held in partnership with The Brennan Center for Justice at NYU, focused on legislative reforms to improve the current system of elections — including voter registration, voting technology, ballot design, voter ID laws, and the selection of election officials.

The symposium was timely because during the 2010 election cycle, the above issues will again be at the forefront of public debate. The symposium was a day-long event that was open to the public. The day began with remarks from Michael Waldman, Executive Director of the Brennan Center, who spoke about the importance of voting

and democracy issues. Following Mr. Waldman, there were three engaging panels and a roundtable discussion which featured election law practitioners. The panelists included Wendy Weiser, Larry Norden and Justin Levitt of the Brennan Center; Trevor Potter of Caplin & Drysdale Attorneys; Edward Foley and Steven Huefner from the Mortiz College of Law at

the NAACP Legal Defense and Educational Fund; and Marc Elias of Perkins Coie LLP. The moderators included Jonathan Nagler and John Ferejohn, both of NYU, Tanya Clay House from the Lawyers' Committee for Civil Rights Under Law and Jerry Goldfeder of Stroock & Stroock & Lavan LLP.

The symposium drew a strong crowd of practitioners, interested community members and students. The topics covered included: Michael Pitts' discussion of implicit poll worker bias, Justin Levitt's presentation of materials that are used to mislead voters and keep them from voting and an animated discussion where Professor Elmendorf responded to paper topics presented by Professors Huefner and Foley. Their conversation centered around an alternative system of handling election law litigation — including the possibility of an independent election court. The journal plans to publish a symposium issue, containing works from the symposium panelists, this coming fall.



the Ohio State University; Christopher Elmendorf of the U.C. Davis Law School; New York State Assemblymember Brian Kavanagh; Michael Pitts of Indiana University School of Law; Charles Stewart of the Massachusetts Institute of Technology; Kristen Clarke of

Intelligent People Can Disagree, but Corner Bistro's Burger Was Just "Eh"

By STAVAN DESAI '11
STAFF EDITOR AND ELYSE FEUER '11
STAFF EDITOR

It may not be known to our readers, but your *Commentator* Food Critics have an obsession with good cheeseburgers. As



We opted, instead, to sit at the bar where we ordered a burger, side of fries (three between the five of us) and a beer each. The bar was fairly full, and noisy. It definitely had the feel of a pub, complete with McSorely's light and dark beer on tap (\$2.50).

Now, on to the Bistro burger (\$6.75) itself, which in my opinion was a disappointment (although there was some disagreement on this). The burger was nicely cooked, but that was about all we can say was actually good about it. Well, that and the size: there was a substantial amount of meat on that bun, and it was fairly

doesn't necessarily create a good burger. We thought the meat was lacking flavor. Honestly, even a little salt could have gone a long way to enhance the natural meaty flavor of the burger (but of course, we don't want it tasting salty either, so in moderation!) On top of the burger was a little cheese, which reminded of a Kraft single. The lettuce looked mediocre (white and iceberg-y).

The bun was also another major source of disappointment. We don't know where it came from, so we apologize for guessing, but we would venture that it was a Pepperidge Farm sandwich bun from the grocery store. Now when we make a burger at home, that's what we use. But when you make a half-pound burger in a restaurant, you have to use something better. The bun was too small, and too flimsy. It was just destroyed by the meat on top of it. The

such, whenever we hear about a must-have burger, we put it to the test. Corner Bistro was preceded by a reputation as a neighborhood gem, a good bar with an amazing burger — that sort of thing. In the end, the burger was just eh, although it was very reasonably priced and the pub ambiance/atmosphere gave it a different feel than any other burger we've had up to this point.

Our group of five arrived at 8 p.m. on a Monday to find a line of 20+ waiting to be seated.

airy (not dense), increasing the visual size (probably around half a pound). But cooking a large quantity of meat properly

fries were thin and crispy, and we thought they were decent.

All in all, we would say we came there with moderate

Comment

I'd Cross the Street for That

Kloster Says His Farewell; Gives One Final Opinion

By ANDREW KLOSTER '10
STAFF WRITER

I have had the pleasure of writing for *The Commentator* for the past three years and, at the risk of sounding overdramatic, this is my swan song. *The Commentator* has served its function well for me. Any institution has entrenched norms and when one gets frustrated within the system the only psychological release is to move "outside" the system. Thus when, for example, I saw the administration handle a busload of non-student protestors with kid gloves, my only option was to write. Similarly, critiquing the then-Coke ban as ridiculous helped lift it as reply after reply clarified that the weight of student opinion was against it. When it became apparent that Dr. Li-Ann Thio would be lynched, I supported her lynching so long as we all admitted that that's what we were doing. Prevailing doublethink indicates that I lost that one.

To be sure, students, alumni and members of the administration read *The Commentator* but I cannot be sure of its real impact. The only truth I am certain of is the expressive value of *The Commentator* for those who take part. So I encourage the 1Ls, the 2Ls and other members of our law school community who see things worth changing to speak up. Here are some starters: the cost of the Barrister's Ball, residential terraces being closed for no real reason, common computers shut off to "save energy" (read: to prevent printing) when each classroom has computers on 24/7, residence temperature regulation designed to give the façade of control, early library closures, etc. So often your complaints fall on deaf ears in and out of the classroom. No subject is taboo (except, of course, OCS) and writing will be cathartic — trust me!

In addition, by writing, you will be fulfilling the critical legitimating function of a free press. Token responsiveness to criticism—when the administration throws us the occasional bone—provides the necessary façade to permit the rest of the univer-

sity to run smoothly. For example, without panels like "Speaking Up and Speaking Out" to support the illusion of dialogue between faculty and students, there might be more pressure on the administration to engage the students in, I don't know, the selection process of convocation speakers.

I would be remiss in my institutional duties to fail to provide some token pushback on this last subject before I close. In critiquing Valerie Jarrett as the choice, then, I simply hope to provide a straw man, so that at cocktail parties with donors, Dean Revesz can remark: "Ah yes, some fringe elements of the student body also expressed concern about the choice, but they were decisively refuted."

Why does she qualify as our convocation speaker? There are two reasons as far as I can tell. One, she is close with the President. Two, she has a law degree. Hardly a stellar resume. By way of background, her only other claim to fame is as a Chicago Democratic apparatchik, the custodian of low-rent renovation projects responsible for (a) tearing apart poor neighborhoods and (b) profiting therefrom. But, I have indeed made mistakes in the past, so please look it up yourself to see if I am perhaps overstating her credentials. In any event, the sole responsibility of a convocation speaker is to be inspiring. The format typically has a speaker say something like "You can change the world and I should know: look at my accomplishments!" How can I be inspired by Ms. Jarrett? "You can change the world if only you happen to piggyback on a future president!"

In the interest of pragmatics, I understand that inviting Ms. Jarrett could be a way of currying favor with the Obama administration. If that is the case, way to go OCS, I hope we get some jobs for our graduates out of the deal. But if that *is* the case, I hope we are not paying Ms. Jarrett. She can get all the money she wants out of the Grove Parc Plaza development projects; no need to waste more donor money.

expectations. We weren't expecting anything amazing, but we were expecting a pretty decent burger. What we got was a normal, just-ok burger. If you find yourself going to Corner Bistro, we suggest you go for not only the burger (as we did), but also for a decent amount of beer, with some friends, for the pub atmosphere and maybe a night of going out. As it compares to the other burgers we have

sampled, we'd say it's the worst. Its price is closest to Shake Shack, but we think the Shake Shack burger had a much greater depth of flavor, and was overall more satisfying, despite being smaller in size. However, half the group felt differently, and while no one thought the Corner Bistro Burger was outstanding, some thought that it was better than Shake Shack. We'll let you go and decide for yourself!

Meet the Environmental Law Journal



Happy 40th Birthday Clean Air Act! Stay cool! From your friends at ELJ.

The *Environmental Law Journal* publishes scholarship in the fields of environmental, energy, and land use law, but also includes articles on a wide range of other substantive areas. We're one of the nation's leading environmental law journals, and the reputation is well deserved.

ELI NORTHRUP STUDENT DEVELOPMENT EDITOR

The *Review of Law and Social Change* is a journal. If you are a public interest minded student who is engaged with issues of social justice, you might enjoy being a member of this journal. If you are a 1L, you should think about applying to it. If you are selected you might receive a free tote bag.

What makes *Social Change* unique? Our journal focuses on publishing articles that propose innovative solutions to social problems. *Social Change* is committed to developing and promoting scholarship that has important implications for social justice work in a wide range of areas. In contrast to how it works at many other journals, you will become part of the article selection process immediately upon acceptance to *Social Change*. From the beginning of your time on the journal, you will be reading articles that have been submitted for publication,

In addition to the citation and substance checks that are the hallmark of any journal experience, 2Ls can join one of our substantive committees, either reviewing article submissions or student notes, organizing our annual symposium, or assisting our Managing Editor.

and giving feedback on them. Your perspective will be heard!

Another benefit to being a member of *Social Change* is that it provides a space in which members of the law school community can come together to socialize, network, and organize. We're talking about an actual physical place where these things take place—the *Social Change*

New York University

Review of Law & Social Change

office in the basement of D'Agostino Hall. It is one of the largest spaces used to house journals, and it even has a couch for napping on. A variety of progressive student groups use *Social Change* as everything from a home-base to a storage facility.

Wanna know what else? *Social Change* will also help you with your A-paper! The Student Article Development Editors (or SADEs) will organize a peer-review of your paper,

But perhaps most importantly, *ELJ* is a community of friendly and fun people. We're quickly becoming known throughout the D'Agostino sub-basement for our statute-themed parties. In fact, a few weeks ago we celebrated the 40th birthday of the Clean Air Act, one of the most influential environmental laws on the books. It was a rousing affair that included a power plant-themed birthday cake (see photo) and a cameo appearance by Dean Ricky Revesz.

In that same spirit, we plan to enhance next week's Journal Open House by combining it with our celebration of the five-year anniversary of House passage of the Energy Policy Act of 2005, the law that brought us such lovely things as a four-week extension of daylight savings time, and pollution control exemptions for gas drilling. We'd love to see you there.

and engage in extensive editing and review of the work with the goal of producing an article of publishable quality. *Social Change* maintains a strong "presumption of publishability" for student pieces that have gone through this process, and we do not distinguish between student and practitioner pieces (i.e. by calling them "Notes") in the publication.

Social Change publishes four issues per year. In addition to publishing the work of NYU students, we also publish articles by nationally-recognized scholars, legal practitioners, and activists. The *NYU Review of Law and Social Change* is nationally recognized as one of the preeminent publications of legal scholarship on social justice issues.

If what you just read appeals to you, and you are interested in joining our community, you should apply. *Social change*... change you can believe in (not really our slogan).

NEW YORK UNIVERSITY ANNUAL SURVEY OF AMERICAN LAW

As NYU's second-oldest journal, the *Annual Survey of American Law* has both an established reputation in the legal community and an extensive alumni network. The *Annual Survey* is a generalist journal, which means that the articles we publish will expose you to a vast array of topics, viewpoints, and sources. With a focus on practitioner work, the articles that we develop and publish present not only abstract concepts, but also tangible ideas that equip our readers with practical knowledge.

Additionally, the *Annual Survey* is a great place to write. The broad scope

of our journal means that we will publish a Note on any topic so long as it is related in part to American law. Whether you need help selecting a topic or have a topic but have heard horror stories of pre-empted Notes, the *Annual Survey* is a place to develop your ideas and get published.

Those with an interest in academia or writing in general may want to take advantage of our exceptional Note Writing Program. The Program provides unparalleled support to its participants, helping them along every step of the note-writing process. Members of the Note Writing Program are also exempt from certain

editorial tasks, such as some cite and substance checking assignments.

Finally, the *Annual Survey* hosts some of the most interesting events at the law school, such as this year's dedication of *Annual Survey* Volume 67 to Arthur Miller, and will be attended by legal luminaries such as Justice Ruth Bader Ginsberg, Jeffrey Toobin, and Second Circuit Judge Robert Sack. We also host symposia on cutting edge issues in American law.



DARRYL STEIN
EDITOR-IN-CHIEF

For example, last year's symposia on pre-emption was the first academic conference on the subject in the wake of the Supreme Court's landmark *Wyeth v. Levine* decision. As a staff editor, you would be integrally involved in planning and running these events, as well as in producing the written record for publication in our issues.

While some of these opportunities are available at any of NYU's journals, the *Annual Survey* is uniquely suited to provide a broad range of opportunities relating to published scholarship, academic writing and public events.



NEW YORK UNIVERSITY JOURNAL OF LAW & LIBERTY



NIHAR SHAH
EDITOR-IN-CHIEF

The *Journal of Law & Liberty* is one of NYU's youngest journals, and since

the inception of the *Journal*, we have done our best to adhere to a philosophy unique to the law school. Founded on principles of classical liberalism, we strive to find the immutable principles that govern society in each issue that we face. We believe in the freedoms of life and liberty as well as the power of individual thought. Accordingly, the *Journal* strives to maintain a level of academic excellence that reflects the intricacies and variety of subject of which classical liberalism is prevalent.

The reality is that for staff editors at most journals the "mission statement" and the ideals that are important in screening article submission do not effect your job in cite and substance checking. However, one unique aspect of our journal is that at under 75 members, we not only ask our staff editors to be valuable contributors to the internal operations of the journal, but we also ask them to use their minds to expand the boundaries of the issues that we cover and the way that we cover them. This past year the Executive Board asked the staff editors to play a major role in preparing the symposium application for the following year, and behind one

2L's vision, the *Journal* was able to secure a unique symposium for 2011. These are the types of opportunities that we not only expect to be afforded to our staff editors, but we only desire to offer positions on our *Journal* to staff editors that desire the opportunities that are afforded to them.

Above all else, however, the *Journal of Law & Liberty* is unique in its dedication to diversity of ideologies among its members. The *Journal's* Executive Board is composed of members of NYU's ACLU chapter, the Federalist Society, ALSA groups and every political party imaginable. Each and every one of us feels that we have grown personally and academically through our interactions and discussions that happen everyday in the journal office. Our scholarship reflects this dedication to the diversity in our member selection process. We solicit articles from all corners of the world in all areas of academia in order to explore in full how each issue that is presented can be looked at from a variety of viewpoints.

We want you to join our *Journal*, but we want you to do so because you are interested in exploring issues in a way that you may have not considered before, and because you are looking for a community of those that are not necessarily like-minded, but open-minded. If these characteristics sound like a journal experience right for you, then the *Journal of Law & Liberty* will be an ideal fit.

From the Law Review Senior Board

There are many reasons to join the *Law Review*, and we have found our time on the journal both rewarding and enjoyable. To give you a sense of the value of joining the *Law Review*, we have explained some of these reasons below.

Articles

As a generalist journal, the *Law Review* publishes Articles spanning a wide array of legal fields. No matter what your legal passions are, as a member of the Articles Department, you will likely have the opportunity to review and edit pieces that match one of your areas of interest. Moreover, the breadth of topics represented by Articles submitted to our journal allows for an incredible opportunity to develop your legal knowledge and areas of interest.

Notes

The Note-writing and selection process is extraordinarily fun and collaborative. All journal members are encouraged to write a Note, and each has a Notes Editor to guide his or her work on a one-on-one basis. Before submitting a Note for

publication, members receive extensive feedback from their Notes Editor and a group of peers. We have found this process to be extremely constructive and valuable; the Notes process not only produces a polished piece of legal writing, but also aids in developing the research and writing skills that carry well beyond the time spent on the journal.

Diversity

The *Law Review* has a strong commitment to diversity, which begins with our selection process. We select 12 of our members based primarily on their personal statements and resumes, while also taking grades and performance on the writing competition into account. In making these selections, the Diversity Committee considers many factors—race, ethnicity, sexual orientation, socioeconomic background, personal achievement, and physical or mental disability, to name a few. We strongly believe that the *Law Review* is strengthened by the broad range of backgrounds and experiences that the members bring to the work that we do, whether it is editing Notes or selecting Articles to publish. Our commitment to diversity also extends to the atmo-

sphere of the *Law Review* as an organization, where we seek to foster respectful and intellectual debate.

Community

As a member of the *Law Review*, you will have the opportunity to meet and get to know the other members of your class, as well as the rising 3L class. Your fellow journal members will serve as an invaluable resource during your time at NYU and throughout your career. The *Law Review* hosts a number of social events throughout the year, from a party for the release of the October issue to a celebration of the transition of the *Law Review's* leadership from the 3L class to the 2L class. The *Law Review* community encompasses not only its current members, but also our alumni who generously offer their time and expertise, most recently holding a panel on the clerkship process for our 2L class.

If you have further questions or just want to chat, please stop by our office during the journal open house!

Moot Court's Tips for the Writing Competition



MIKE GORDON
CHAIR, MOOT COURT BOARD

One year ago, I was in your position. Just when I felt like I was starting to get the hang of law school ... BOOM! My extracurricular groups started holding elections, OCS began bombarding us with information about EIW, and we learned that the journal competition meant that we weren't done with work when we finished spring finals. It was overwhelming.

Hopefully I can help make the journal/Moot Court Board (MCB) application process a little less stressful for you. . . .

Tip #1: Unless you want to be an academic, you should rank Moot Court as your top choice.

Journals vary in topic and the specifics of how they operate (as well as how much of your time they demand), but at heart they're all the same. You will read scholarly articles and double-check their footnotes. You may get to edit the content of the articles and help decide which ones get published. You may also have the chance to write and publish your own scholarly article. If you want to be a scholar, this is all excellent training.

But what if you don't? What if you want to learn how to practice law, not philosophize about it? What if your legal idols are Lt. Daniel Kaffee (Tom Cruise in *A Few Good Men*), David Boies (the superstar who was hired to argue *Bush v. Gore*, among others), and Attorney General Eric Holder, not Richard Epstein and Arthur Miller?

My absolute favorite parts of law school have been the two appellate oral advocacy competitions I have competed in this year as part of the MCB's Competitions Division.

Not only were they immensely fun, but they also made me a much better (future) lawyer. My friends in MCB's Casebook Division feel the same way. Meanwhile, I have a lot of friends on journals, and I don't know any of them who would say that the

Moot Court Triumphs

Jessup International Law Moot Court Competition - Joe Russo, Matthew Lafargue, Brian Abrams, Julian Arato, Sandeep Challa, Andrew Michaels, Matthew Walker, Semi-finalists (Joe Russo - Best Oralist; Matthew Lafargue - Top 15 Oralist; Team - 4th Best Memorial)

National Appellate Advocacy Competition - Leigh Nathanson & Kevin Osowski, Finalists

Pace Environmental Law Moot Court Competition - Tom Kessler & Ran Mukherjee, Quarter-finalists (Team - Best Brief)

Asylum & Refugee Law Moot Court Competition - Carley Palmer & Mark Weiner, Champions. (Carley Palmer - Best Oralist; Mark Weiner - 3rd Best Oralist)

National Sexual Orientation Law Moot Court Competition - Brian Berggren & Daniel Novack, Semi-finalists

Evans Constitutional Law Moot Court Competition - Dana Burwell & Derek Scadden (Team - 2nd Best Brief)

Spong Invitational Constitutional Law Moot Court Competition - Edward Fu & Tony Mozzi, Semi-finalists

Prince Memorial Evidence Competition - Ella Capone & Will Frank, Quarter-finalists

work they've done for their journal has been the most impactful part of their legal education, let alone their favorite part of law school.

As for the job hunt, at NYU being on Moot Court is just as prestigious as being on a journal. And OCS makes sure that firms know that.

Tip #2: Make sure your Bluebooking, formatting, and grammar are impeccable.

Regardless of whether you want to be on MCB or a journal, Tip #2

is incredibly important for both your ICWA brief and your note. A large part of your score in the competition will be determined objectively for the same reason law schools require the LSAT: we need an apples-to-apples way to compare people, and attention to detail counts. Thus, you can rack up a lot of points by making sure that your Bluebooking, formatting, and grammar are flawless. Don't leave this stuff for last.

Tip #3: Clarity, organization, and citations to authority go further than creativity.

We have to understand your argument before we can be impressed by your thinking.

Short, declarative sentences are effective. Topic headings are your friends. Supporting authorities make arguments powerful. These principles are vital for all legal writing, but especially for the journal competition in which we will be reading hundreds of ICWA briefs/notes on the same basic topic. Many an interesting argument has actually detracted from an author's score by being unclear, written in legalese, meandering, or poorly supported. Wow us with the crispness of your prose and the methodical march of your logic.

Tip #4: Know what you're getting into.

Talk to your Lawyering TAs and upperclassmen in your extracurricular groups. Ask them about their experiences. Some journals are more work than others, and they all have different social dynamics.

Tip #5: Rank honestly.

You can't game the JMS system. Don't try. There are too many variables. Think critically about what you hope to gain from this experience. If you base your ranking on *that*, you won't be disappointed by the results.

Good luck!



It has been brought to my attention that I may have overused the word **awesome** in my presentations. I think I could have used it a few more times. The *Journal of Law & Business* is more than a journal — it's an exciting community, and it offers opportunities above and beyond what you'll find anywhere else. Even as a Staff Editor, I actually *liked* it. We're **awesome** because we love the work we do and because the work we do is **awesome**.

Yeah, we have a foosball table. Yeah, it's **awesome**. But what's even cooler is joining a journal that does work that you really care about. Our articles are interesting and cutting-edge, our Symposium is a hit, and our events are an amazing opportunity to learn more about the work that corporate lawyers do and about what issues will matter to you as you start your career.

Every journal likes to talk about itself as a community, but when you join the *JLB*, you're not only becoming a part of the staff, you're also joining the larger community of alumni, advisors, and fans we have throughout the city. Our Professional Advisory Board is made up of leaders in the field and is a unique resource that makes our *Journal* stand out in an **awesome** way. Having such strong connections to practitioners helps us draw a serious crowd for our Symposium, bring in big-name panelists, and provide high-quality events for you.

As a 2L, you'll have an opportunity to influence what we publish. This keeps you up to date on developments in the field, and it feels pretty cool. Even as you're check-

ing footnotes, you'll be reading articles that matter — many of which will actually be written by practitioners. This jumpstarts your knowledge about the intersection of law and business, gives you something to talk about in interviews, and may spark a new personal interest. You will also have an opportunity to work with the Developments or Symposium Editors to plan our events.

We have already started planning for next year, and it's going to be **awesome**. The Developments Editors are working on events for *JLB* members that are really exciting. We're hoping to place an emphasis on practical skills, networking and giving our members information that's relevant to career development. We're even hoping to host a pre-EIW event for our rising 2Ls to welcome you to the Journal and make sure you start your year off on the right foot. The Symposium Editors have already started working on next year's main event, and guess what? Yeah, it's going to be **awesome**.

So there you have it 1Ls. The *JLB* is seriously **awesome**, and the Board is really looking forward to next year. We're hoping it will be the *Journal's* biggest year yet. I hope you choose to join the community of people who openly love corporate law, but either way, feel free to stop by and challenge me to a game of foosball.



SARAH CHAPMAN
EDITOR-IN-CHIEF

Journal of Legislation and Public Policy



SARA SILVERSTEIN
EDITOR-IN-CHIEF

I joined a journal because I was told, "that's what you do in law school if you want to get a good job and be successful in life." I stayed on the journal because it provided me with an opportunity to improve my writing, meet new friends, and be part of an exciting effort to cultivate interesting legal scholarship. The *Journal of Legislation and Public Policy* is more than just a line on your resume — it is an opportunity for personal publication, it is the ability to engage in legal academia, and it is a community.

Legislation serves as a forum for debate on major public policy issues and legislative initiatives, and it creates the opportunity for students to read cutting-edge scholarship on interesting, innovative topics. It also provides students with a place to meet others with common interests.

We share a common intrigue in legislation and public policy, yet the *Journal's* staff couldn't be more diverse. Whether you want to go into public interest, corporate law, academia, or have no idea, there is a place for you on *Legislation*, and you will be in good company. The *Journal* provides its members with an opportunity to meet students they might not otherwise interact with and to seek advice from those with more

experience. As a 2L, it's great to build relationships with 3Ls whom you can then utilize as a resource in picking classes, applying to clinics and clerkships, or making job-related decisions. Happy hours provide a great opportunity to facilitate this exchange, and everyone bonds over the luxurious accommodations of our office.

The *Journal of Legislation and Public Policy* is going places. Currently in its 13th year, *Legislation* is both rooted and growing. This duality is one of the best aspects of working on the *Journal*. It allows all members of the staff to play a decisive role in the future of the publication and the ability to shape the direction of the *Journal*. At the same time, the *Journal's* institutional knowledge and alumni base provide support for current students and enable us to progress in a unique way. This foundation is critical, however, it is also wonderful to not be completely constrained by where the *Journal* has been, and to be able to make decisions about where we want the *Journal* to go.

We have big plans for the next year of *Legislation*. From special themed issues and a robust notes program to exciting office decorating plans, *Legislation* garb, and an ever-expanding social calendar, now is the time to join us. If I haven't convinced you yet that *Legislation* is the place to be, come visit us at the Open House or shoot me an email at ic.legis@gmail.com, and I will wow you with the intricate inner-workings of the *Journal of Legislation and Public Policy*!

The Journal of International Law and Politics



BEN HEATH
EDITOR-IN-CHIEF

You've heard it before: while working at the *Journal of International Law and Politics* (*JILP*), you will make lasting friendships, build your editing skills, and develop your own scholarship. Instead of telling you this again, I'll tell my favorite *JILP* story, which is about war.

One of the most important rules of modern warfare holds that civilians may not be targeted, "unless and for such time as they take direct part in hostilities," (article 51 of Additional Protocol I to the Geneva Conventions). The rule seems simple enough: insurgents are legitimate targets; the butcher, the baker and the candlestick maker are not.

But this rule is open to a range of interpretations, making it difficult to apply in practice. Troops clearly may target an insurgent who is firing on them,

but what about when that insurgent goes back to his day job as an auto mechanic? What about someone who recruits suicide bombers, but never actually fights? Military forces and human rights organizations face these questions daily.

This is where *JILP* comes in. Last year, the International Committee of the Red Cross, seeking to clarify the concept, published its interpretive guidance on article 51. It has since received intense criticism from some military lawyers and academics, who argue that the Red Cross interpretation allows individuals to be fully protected civilians by day, and guerilla fighters by night.

JILP has dedicated one of its upcoming issues to this debate. The issue features articles from some of the field's most prominent practitioners, as well as a response from the Red Cross. The articles in this issue will no doubt contribute greatly to the theory and practice of the laws of armed conflict.

JILP staff was involved in every aspect of these articles, and the work of second-year students was not confined to Bluebooking. Everyone was invited to comment on the articles and help sharpen each

author's argument. For 2Ls, it was to see how legal scholarship actually develops.

JILP is committed to involving all of its staff in the serious intellectual work of a journal. This presents a valuable opportunity, because the line between theory and practice in international law is a particularly blurry one. As an international lawyer, articles in journals such as *JILP* will inform your arguments before tribunals and governments.

If war doesn't interest you, remember that we are a generalist journal. You could become involved in our upcoming symposium on Arctic Governance, which raises serious questions regarding the environment, trade, and international dispute resolution. Or you can enter our Notes Program, in which our notes editors will work with you to publish an article on any topic with international-law dimensions.

If you are interested in the field, *JILP* offers an unparalleled opportunity to dive deeply into a range of subjects in international law. Please track any of us down for questions.

Spring Break 2010: A Tale of Unexpected Debauchery

Destination: LIBRARY! Discover the hidden treasures of a place you thought you knew so well...

By MARIJA PECAR, LL.M. '10
STAFF WRITER

Relax, unwind and take a deep breath.

Actually, better make that two.

Why? Because, dear reader, you are about to embark on the trip of a lifetime: a voyage that will propel you, with your imagination in tow, to places you never even fathomed could exist. And for that you will need all the composure and clarity of mind you can muster.

...Plus, lapsing into a fit of spastic hyperventilation will not do you any favors in attempting to look even semi-alluring in the eyes of whoever is sitting nearby and can see you reading this.

So, to continue the tale of this idyllic getaway.

There are few words in our lexicon that, when married, are capable of evoking such acute feelings of exhilaration, excitement and liberation in a haggard law student's fatigued mind as are the following two short 'n' simple ones: "SPRING" + "BREAK".

I don't know about your-jaded-selves, but I for one am truly flabbergasted and astonished by the ability of two such humble and unremarkable parents to give birth to a phrase commanding such colossal prestige among the "under-[choice of age at reader's discretion]" and such tender nostalgia among the oldies.

This linguistic gem is like a sprinkle of gold-dust; like a breeze on a scorching summer's day; like the light at the end of our long dark academic tunnel.

In fact, such is the momentousness of this epic phrase that one marvels at the immensity of oversight, extent of imbecility and depth of cretin on the part of thesauri compilers that precipitated its exclusion from the list of synonyms to words such as "freedom", "ecstasy", "elation" and, more importantly: "salaciousness". (Or, in the alternative: "inebriation", "wantonness", "denial" and "ignominy").

In terms you might find more familiar, dear reader: it's like the feeling when you (that's right, YOU- not your high-cheek boned and asymmetrical-featured friend, or the enigmatic fellow you always see ruffling his undulating locks non-

chalantly in class next to you, or the cutesy girl whose silky blonde hair, twinkling smile and endearing giggle no guy or girl is immune to- but *you*) ... manage to *not only* swoop the gal/guy you've been lusting after in silence for months off her/his feet but, to top it all off, to do it in a way guaranteed to make the recounting of the incident to your friends (or Facebook community) the next day well and truly worth it. (Or, perhaps more realistically, it's like you imagine that feeling to be. Because, let's face it, we all have our limits, and the sooner we make peace with that, the better. That's why Mother Nature giveth us imagination; why Hugh giveth us Playboy Inc. and why Mattel giveth us Barbie & Ken.)

So, (to regress from this digression) that, dear reader, is what the legendary institution that is Spring Break feels like. Or rather, what it has the *potential* to feel like, provided you are masterful enough to choose the right travel destination; have friends (who aren't tedious, vapid or overly fastidious) to go away with, and are willing to leave your preconceptions and certain character traits (including shame and dignity) at home.

Since by the time you're planning the trip it is probably too late for you to attempt to try to make new friends, even if you decide your present ones to be mediocre at best, and since cleansing yourself of ingrained inhibitions is a long-term process, the one crucial aspect of the Spring Break experience that demands immediate attention is always the destination, since that has the potential to make or break your escapade.

True to form, the Spring Break 2010 excitement landed in multifarious destinations.

Some chose to escape the hectic concrete jungle in search of inner tranquility on top of a faraway peak; some went in search of cultural immersion and culinary exploration; some decided to test their strength of character, resilience and endurance by subjecting themselves to natural perils; whereas others opted for rest, relaxation and Vitamin D absorption on the glistening beaches of various remote utopian islands. More pertinently, many answered the unrelenting calls of their inner urges by heading to those few un-

mentionable destinations swarming with similar people in pursuit of similar pursuits, where a textbook Spring Break time is always guaranteed to be had.

And yet, despite the variety of options on offer, there were some who shunned all of them, went against the grain and rebelled. Yes, there exist in every law school class a few bright sparks who opt to walk a truly revolutionary path, spitting on the likes of Panama City Beach or Cancún. Those daring nonconformists and audacious mavericks chose to defy the Spring Break tradition by turning their backs on tropical beaches and daiquiris, and instead of digging their feet deep into the warm sand, they put on their shoes and headed straight for the epicenter of joviality: the LIBRARY.

If words were on a spectrum of fun, LIBRARY and SPRING+BREAK would not only sit on opposite ends but would barely be able to see each other without the help of a mighty pair of binoculars. To call them antonyms would be understating it.

But, in the "whatever rocks your boat" spirit, no judgment shall be passed here (though reader is, as

always, free to condemn to his/her heart's content). In fact, and probably much to your surprise, skeptical reader, recent reports indicate that even this unorthodox Spring Break destination had a few things up its sleeve to ensure that those who travelled there were not left wanting. Sure, the place still *looked* the same and yes, it would have been nice if the shelves had experienced a metamorphosis and were adorned by a collection of Bacardi's finest rather than lined with the usual endless volumes of law reports, but you can never have it all (or rather, you may just have to be more resourceful and invest in beverage paraphernalia)! Regardless, there was still plenty on offer, provided you were cunning enough to spot the hidden opportunities and plucky enough to seize them (at the right time, with the right companion and behind the right stack). Behind the façade of intellectuality, Library Spring Break is, essentially, a free-for-all scavenger hunt where survival of the slyest is the ruling word and the bounty is boundless.

Alas, although the devil is always in the detail, your thirst for 'knowledge' (to be diplomatic about it), dear reader, will, for the sake of sparing everyone's modesty, have to remain unquenched (at least by this story, though feel free to ask around — the law school grapevine is a creature perpetually in full bloom).

Suffice it to say that *'what happens in the grotto (cave? Furman basement?), stays in the grotto'*.

For all you know it, that Spring Break you've been dreaming about since you were [insert age of choice] could be closer than you think! And there's no reason spending it in the library need render it any less worthy of video documenting, if appearing in niche cinematographic productions is one of your Spring Break aspirations. In fact, with a little effort and the right equipment, you could even start your own GGW-esque series, which could, with a little luck, turn into a successful franchise, so that before you know it, you'll be rich enough to ditch the whole 'law school' shindig and won't have to worry about trivialities like Spring Break planning ever again. Tempting, no?

(Sure, in walking this route you also run the risk of getting caught and having to sweet-talk/bribe/beg/weep your now-sorry behind out of indecency charges and/or expulsion threats, but success always comes at a price and sometimes you just gotta take a gamble and make that plunge! On the other hand, a fable of heroic public lewdness is sure to be a winner with the grandchildren and a saga guaranteed to make the coolness levels of your future aged-self soar to unprecedented heights, so there's always a silver lining! In short: sometimes, the fruits of one's labor simply take longer to ripen, but that doesn't render them any less sweet and succulent.)

However, if, come Spring 2011, you do find yourself taking this 'road-less-travelled-by' (be that purposely, as a result of your intentional decision-making, or fortuitously, as the unfortunate consequence of a bout of disorganization and/or lack of friends/funds), in order to make the most of the cards you've drawn or been dealt be sure to talk to the library locals. And no, that doesn't mean the librarians; helpful though they are, their particular expertise is not what we're after here. The locals are the boys and gals you see wandering the library sporting a seasoned look about them that only an added year of law school can instill and exuding a pungent "I know what I'm doing since I've been here before at this time of the year" scent". However, they're totally worth stomaching their somewhat supercilious aroma for: they speak your language, are guaranteed to know all the best places and hot-spots in the resort (regardless of what you're after), and are rumored to be friendly enough to take newcomers under their wing, so they will surely lend you a 'helping hand', show you their ropes and teach you the tricks of the trade. But, be sure to tip, in cash or kind (although some also accept personalized negotiable instruments). If you thought a Lonely Planet guide is good to have in your back-pocket when exploring uncharted territory, wait til you see what these natives have in store for you.

So, when thoughts of Spring Break begin to creep into your mind next year and as you embark on your organizational campaign, look back at this, take a deep breath (or two) and consider your options- all of them.

Although exotic destinations have their appeal, there's a lot to be said for 'going local'.

And that concludes this little parable. But, those desiring more information, please peruse the following "2010 Library Spring Break Experience" survey:

Air Miles collected: NONE
Hours spent at airport lounges & \$ invested in duty-free purchases: ZERO
Quantum of face lost in eyes of real Spring Breakers: QUANTIFICATION IN PROGRESS

Time wasted looking at online travel brochures & checking weather forecast in hope that South America and other warm-weather destinations are experiencing uncharacteristic bouts of torrential rain, or (depending on levels of envy), facing a hurricane and/or arrival of a school of especially hungry sharks: INDETERMINATE

Number of bathroom breaks: Enough to worry a urologist

Number of visits to the basement (including miscellaneous secluded library locations): Undisclosed for fear of embarrassing one's grandmother.

Frequency of basement visits: Directly proportionate to levels of boredom.

Quality of basement visits: Contingent on the presence and/or quality of third party company.

Lessons Learned & Conclusions Drawn (based on personal reasons for spending SB in lib and individual experiences):

One
(a) Be more organized with work during the semester; OR

(b) Hire somebody to write your A-paper; OR

(c) Acquaint yourself with Internet pilfering strategies.

Two
(a) Learn to book holidays on time; OR

(b) Hire a holiday planner (or unemployed wedding planner); AND

(c) Begin accumulating suitably qualified friends at least 4 months prior to critical Spring Break period.

Three
(a) Be less nerdy;
OR (In the absence of character strength to overcome urge to succumb to nerdiness)

(b) Become more adept at concealing evidence of said nerdiness by finding alternative study locations during period in question OR investing in wig and/or hat + shades.

Four
(a) Learn to give greater thought to potential consequences of own boredom-induced actions; AND

(b) Gain increased self-restraint (particularly when interacting with members of local population); AND

(c) Invest in wig and/or hat + shades to sport throughout your post-Spring Break library time (since sightings of locals are reportedly frequent yet unpredictable).


ALLOCATING PROSECUTORIAL POWER

CENTER ON THE ADMINISTRATION OF CRIMINAL LAW'S SECOND ANNUAL CONFERENCE

FRIDAY, APRIL 23, 2010
9:30 a.m.-3:30 p.m.
Greenberg Lounge, Vanderbilt Hall
Reception to follow

Keynote Address
PATRICK J. FITZGERALD
United States Attorney,
Northern District of Illinois

RSVP via www.prosecutioncenter.org



24's Dénouement Is Bittersweet to One Longtime Fan

By MICHAEL MIX '11
EDITOR-IN-CHIEF

A few weeks ago, the television world received some troubling news — FOX decided to cancel *24* at the end of this season. At first, my reaction was indifference bordering on relief. After all, the show has been pretty awful this season and I have often asked myself why I still tuned in every week. But as I began to think about it, I realized that a part of me is saddened by the end of *24*. The public might ultimately remember the show for its right-wing perspective on torture, but many forget that its unique formula and crackling action helped usher in the era of the serial drama on network television.

The serial has been around for ages, most notably in the serial films of the 1930s and 1940s in which each “chapter” would be shown at a theater for a week. These serials were also known for their weekly cliffhangers (which sometimes weren't entirely satisfying, as evidenced by Kathy Bates's character's famous diatribe in the movie *Misery*). Despite this history, prime-time network television had mostly avoided the serial drama (I'm not counting soap operas). The reason for this is obvious; the networks did not expect viewers to tune in every

single week. In the days before Hulu and DVRs, if you missed an episode of your favorite show, you would have to wait for a repeat.

Most shows, such as *Law and Order* or *CSI* or *E.R.* only aired self-contained episodes; there was little to no continuity week to week. Even shows which had some serial elements, such as the *X-Files*, preferred to have a week-to-week mystery. Other shows that were mostly serial, such as *The West Wing*, did pre-date *24*, but if you missed an episode, you could usually figure out what was going on. Perhaps the only pre-*24* drama/thriller to use the serial format to its fullest extent was *Twin Peaks*, but that only lasted two seasons and the critics abandoned it after the first.

Enter *24*. While it clearly was not the first serial drama on television, its success definitely helped usher in this new era of *Lost*, *Flashforward*, *Heroes*, etc. *24* had a lot of things going for it. First of all, it premiered in 2001, so it was in the first generation of shows to benefit from the popularity of DVDs and the advent of DVRs and Internet television. Unlike a show like *Twin Peaks*, consumers had ways to easily catch up on previous episodes. Furthermore, while it was borderline impossible to start watching halfway through a season of *24*, it was very

easy to begin watching at the start of a new season, as each season had its own disparate plot, retaining a handful of characters year to year.

Also, *24* unintentionally came of age in the world right after September 11. The show premiered about two months after the attack and captured the mood of the country. The specter of terrorism



Jack and the family say farewell after eight long days.

loomed large during that time, and the audience could empathize with a protagonist, Jack Bauer (Kiefer Sutherland), who was committed to stopping any further attacks on our country. The passage of the Patriot Act also hit home when the show often delved into the theme of where to draw the line between personal liberty and the need for information.

While this race against time to prevent an attack was one of the show's greatest strengths, its perspective on torture was probably the show's greatest weakness. The

show is unabashedly pro-torture in certain situations that demand instantaneous answers. If a bomb is about to go off and Jack Bauer needs to get information from a suspect, he had no problem shooting that subject in the knee or threatening to kill the suspect's family. I completely disagree with this idea of torture but the show is unfairly criticized as being completely right-wing, mostly by people who have never seen a single episode. While its torture ideology is obviously conservative, it also featured many sympathetic characters with clear liberal ethos, most notably David Palmer (Dennis Haysbert), quite possibly the best President ever, real or fictional. Palmer advocated reason rather than brute force and many of his actions on foreign policy seemed to be a direct repudiation of the Bush Doctrine. Similarly, some of the more conservative politicians on *24*, such as Charles Logan (Gregory Itzin), have been buffoons and criminals. I will vehemently argue to anyone who will listen that the show has a moderate ideology and it upsets me when people discount the show because of its apparent conservative bent.

Lastly, and probably most importantly, the show was actually once really good! Believe it or not, the dialogue was once crisp and the characters were not always recycled stereotypes. Sure, the

early seasons had their share of silly plot devices (the amnesia plot was particularly galling and the mountain lion plot is still mercilessly lampooned on message boards), but the action always kept the viewer on the edge of his or her seat, and the acting was top-notch, especially by Sutherland and Haysbert. I will never forget the Season 1 finale in which Jack's wife is murdered in cold blood by CTU traitor Nina Myers (Sarah Clarke) in the most shocking twist in television history. Furthermore, the Season 2 episode where formerly-heartless bureaucrat George Mason (Xander Berkeley) sacrifices himself for the good of the nation is absolutely gut-wrenching television.

Unfortunately, the show's legacy will be tainted because the least several seasons have been weak. Too many great characters have been killed off and Jack Bauer is no longer the “everyman” of the first couple seasons. There is even a movie in the works, which might hurt the show's reputation even more. However, I don't regret spending the last nine years watching *24*; it gave audiences a thrill ride every week and spawned the popular serial dramas of today.

J.D.s and LL.M.s at NYU Law School: A Love Story in Three Acts

By MARIJA PECAR, LL.M. '10
STAFF WRITER

April 10,
in the afternoon,
while sipping tea,

To our beloved, most cherished and most memorable Mayflower descendants;

Our Dearest J.D.s:

As you read this, envisage us lounging in the solitude of our quarters; contemplative and brimming with a medley of fluctuating emotions; swimming in a thick soup of crimson sorrow, velvet tenderness and dotting adoration, laced with longing and sprinkled with a lavish pinch of lustful yearning.

Our heart is overflowing with things it craves to say to you; yet there are moments when speech amounts to nothing at all and others when being in your resplendent Pilgrim presence leaves us dumbfounded, tongue-tied and tripping over our own sensations. Oh, if only a glimpse could capture the rainbow of emotion you stir in us and the waterfall of joy that showers us whenever you're near!

So, how do we love thee? We can barely count the ways! We love thee to the depth and breath and height our soul can reach. We love thee from Golding to the basement, around many a stack, through the courtyard and all the way back. We love thee thoroughly and devotedly, yet with caution: our love never cuts corners and always takes the stairs, yet it never wears flares.

From the first day we saw you, flooding the courtyard with your

splendor, you made us weak at our foreign knees and we longed to make you ours. Though you wear many faces, each is just as dear. With every intoxicating moment we spent sharing the library air with you our affection grew stronger. We yearned for you to be our map and compass in this alien land of pumpkin-pie overconsumption. We desperately wanted you to take us under your knowing wing and show us the ropes. Alas, you were having none of it!

In love, things are rarely blissfully rosy. The lover who is certain of an equal return of affection is surely the happiest of men; but he who is a prey to the horrors of anxiety and dreaded disappointment is a being whose situation is by no means enviable, and this the LL.M. knows only too intimately, for you, beloved J.D.s, did not always fill us with such infinite felicity. No, things were thorny at first: you were coy and unrelenting. There were times when your mournful resignation felt like an iron gavel thundering through the silence. We watched as you laughed with your Section friends; listened as you recounted tales of Lawyering, cheered as you shook your stuff at Fall Ball and even felt a tingle of pride when you answered in class. We were always there, hoping you would notice, and yet, as though oblivious to our adoration, you shunned us. We hankered for your company on the courtyard bench, yet you strode past indignantly. We pined for your attention at the library table, yet you diverted your gaze and judged us for our loud demeanor. We

ached for your hands to graze ours in Golding as you reached for the sweetener and we for the sugar, yet you always retreated.

Why the resistance, we thought, why the icy demeanor and brutal rejection? Was it something we said or inadvertently did?

However, by treating us mean, you kept us keen. We began to think of you as a beast that needed to be tamed; a rabid dog that needed to be leashed; an unruly hair that needed to be plucked. And thus was borne in us a new breath of fighting spirit and so we persevered, convinced that the agony of the pursuit would be trivialized by the magnificence of the prize.

Alas, there were days when we felt like we were wading through mud; carrying the weight of the IRC in our heart; sitting at the edge of our strength.

And yet, with every day that passed, we felt you giving in a little; loosening the noose of contempt you had wound so tightly around us. It was as if the ice around you was thawing under the heat of our persistence and the idea of a “you + us” no longer seemed as nauseating. Although we floated in the doldrums, every now and again we would stumble upon a bout of turbulence and it was then that we knew that our efforts would not go to waste; that your monotone façade could be washed away and that our friendship was as inevitable as the

passage of time. You were as certain to fall in love with us and you were to go grey (though we hoped we would witness the former sooner than the latter).

And then, as if overnight, your veil of ignorance was brushed aside. It seemed that your thunder of rejection was growing quieter and that your shower of disdain had made the soil fertile enough for our vegetable garden of love to grow. Young shoots of camaraderie began to appear, reluctantly and sporadically at first but eventually growing longer and extending into stems and flowers and leaves — pulsating with life! Finally, the roots of amity had taken and we blossomed!

That said, it's probably in everybody's best interests if we end this tale here and now, for an account of the moments of elation that followed would only make these pages blush!

And yet, in the midst of this euphoria, we know in the depths of our non-resident heart that you are, nor could ever be, wholly ours, nor we wholly thine. The love we share is but a delicate candle fluttering in the wind; its flame nearing exhaustion, prey to even the slightest of breezes. Despite all your fabulousness, you are like the milk we pour over our morning cheerios: you nourish and satiate us; we've grown accustomed to your flavor and would struggle to get through our days without you, and yet, we know that any moment

and without forewarning, you could turn sour. You wear many a face and each brings its own trappings. Your coquettishness always looms on the horizon; you're endlessly playing hard to get; and, though you give a little, you're quick to snatch it away — one smile in the hallway costs three snubs at SBA.

If we were young and there were truth in every J.D.'s tongue, these pretty pleasures might make us sit tight. If we were coming in the fall, your quirks would all seem petty and small. If we could see you in a year, we'd wind the months in balls and store them until their time befalls. Had we but world enough and time, your coyness, our dear J.D.s, would be no crime. But, as things stand, at our back we always hear time's winged chariot hurrying near and yonder all before us lie deserts of vast eternity.

So, as you take this kiss upon thy Pilgrim brow and in parting from you now, this much let us avow — though we may resist, your sweet memory will duly fade, our dear, so you better make the most of this: your little day, your little month, your little half a year.

But no, there's no use in weeping! Though we are condemned to part, there's such a thing as keeping you in our LL.M. heart. And so long as men can breathe or eyes can see, so long lives this, and this gives life to thee.

Until we meet again,
Your ardent lover, your devoted and humble servant,
Your LL.M. class '10

“Had we but world enough and time, your coyness, our dear J.D.s, would be no crime.”

Law Revue was Superb, Clever, Hilarious and Unintelligible

By **DOUG MARTIN '11**
STAFF WRITER

This year's installment of Law Revue, entitled "How to Succeed in Law School without Really Trying," was another tribute to the creativity of NYU Law students. There were some gaffes and some jokes misfired, but on the whole it was a great production.

For starters, the music was great. Each of the rewritten adaptations was clever and well played by the band. The band's transition music was great as well, and provided many laughs with their versions of Zelda and Mario Brothers theme music. In some ways though, the strength of the band was the detriment to the song as a whole, since once the instruments kicked up in earnest, it was usually near-impossible to understand the lyrics. While I especially liked the "All That Jazz" adaptation entitled "All That Swag" starring Sarah Koper '12, the volume of the band combined with the poor sound quality of the microphones made it difficult to understand her. This is a problem that Law Revue perennially faces, and it makes one wonder why it hasn't been fixed. With all the rehearsing Law Revue does, couldn't someone sit in the audience and tell them the

microphones should be louder? If this is the law school's fault, then they should cough up a little more cash for some better mics.

Fortunately for the hard of hearing, Law Revue put the lyrics to all the songs inside the Playbill. This was immensely helpful, and allowed the audience to appreciate

plot was a little harsh on Assistant Dean Deb Ellis, but it was probably her turn. Given the trashing that outgoing Vice Dean Barry Friedman tends to receive, both last year as the main villain and this year as the butt of numerous jokes, Deb got off kind of easy.

There were several memorable

performances the night I was there was enjoyable as well. Professor Samuel Rascoff, who participated on Friday night, seemed to have fun, which always makes up for the fact that professors are really just reading the script. The students' portrayals of the professors were a little less on point, but who cares?

back to NYU and perform our version for her admiring fans.

Finally, there was a bit of a taint on this year's Law Revue with the "banning" of alcohol. One of the best parts of Law Revue is the audience participation, which helps cover up some of the slip-ups of the cast and crew. The audience this year started out significantly more subdued. However, it was a bit more raucous towards the end. The loudest person I heard came from a clearly drunk man in a tie whom I met at the intermission. He said he wasn't even a student; he had a "real job now." While his behavior might have fit in a bit better last year, it was at time a bit embarrassing given that he sat directly across the aisle from Dean Richard Revesz, and was sometimes shouting hooting loudly when no one else in the audience was making noise. Given that students still managed to get drunk, perhaps they'll consider lifting the ban next year, especially since no one was sloppy or stupid enough to throw up in Tishman on Friday Night (ahem, Class of 2009).

All in all, "How to Succeed in Law School Without Really Trying" was a worthy addition to the Law Revue's history of success.



Stavan Desai

the writing, even if it was difficult to appreciate the singing.

The plot this year was a bit easier to follow than last year's, and it was very apropos. Watching the economy collapse on stage was bittersweet, reminding me of my own employment difficulties, but letting me laugh at them too. The overall

performances, but from the main characters and the smaller parts. Sabrina Ursaner's '10 portrayal of Ruth Bader Ginsburg had the entire audience in an uproar, myself included. Carley Palmer '11 was fun as the Southern Belle, even if the accent was a bit cheesy.

The performance of the pro-

They were for the most part funny, even if they didn't really remind us of the professors themselves.

The music video "Just Cram", a play on Lady Gaga's "Just Dance" was superbly shot and edited, and the sticky-note costume was ridiculous enough to probably satisfy the real Ms. Gaga. Maybe she'll come

In Case you Thought One Review Wasn't Enough ... Revue Review 2

By **BRIAN BYRNE LL.M. '10**
STAFF WRITER

"Don't give up your day job" has established itself as a derogatory term of art to criticize sub-par, part-time showmanship. One can only assume that this throwaway phrase carries an underappreciated potency, which threatens to scorch an extrovert and crumble fantastical hopes of a life less mundane. As a converse sentiment however, I wonder what the effect is of informing an amateur performer that they should indeed give up their day job. In this instance, one assumes that the effect is profoundly flattering and complimentary; a validation founded upon the viability of turning one's pastime into a profession. However, it seems rational to suggest that it could also arouse more stressful considerations for the recipient, such as the wisdom of pursuing a career in law, rather than a career in theater. So impressed was I by Law Revue, that in the aftermath of the show, it was this issue that evoked my intrigue most.

Immediately, I will admit that I had zero expectations of Law Revue. As an LL.M., attending NYU for my first

and only year, I felt immune to any hype stimulated by the standards of prior years. Moreover, before the show, I made the error

production.

Although the entire ensemble held up an impeccably high standard, there were some standout performances. Alexa Fields '10 owned the stage. Her portrayal of Deb Ellis was not just hilarious; it also had class and a captivating energy that filled the auditorium. To witness that level of raw talent really is an invigorating experience. As for Sabrina

Ursaner '10, I am still undecided

Lafargue '10 and Tony Mozzi '11 were also great as Professor Richard Epstein and Phinneas Francis Bacon III respectively.

Underlying the performances was a quality of writing that cannot go unmentioned. In terms of cleverness, Epstein's advice for surviving the recession in Your Fungible Things verged on comedic genius (why not sell "scrapes of bone marrow and eggs from your hoo-hah") and ranks as my personal favorite of the evening. That said, 99 Problems was not far behind ("I got two choices y'all, Interview hall or, Sign up with PILC, Ditch the chicks and Cristal"). Naturally, an as LL.M. student I cannot avoid a reference to the J.D.-LL.M. love ballad Without Law and how the insulting nature of the line, "Back in

that note of humor, I think the two videos produced were immensely impressive. Both Speaking Legalese and Just Cram videos were sidesplitting highlights of the show. I await the YouTube release of each video with an anxious impatience. I particularly feel obliged to point out the editing skill evidenced in the Just Cram video. Undoubtedly the process was painstaking but the result really is unbelievable.

Because Law Revue has already finished, the posture of this article is somewhat odd insofar as it cannot serve the purpose of urging people to see it. Thus, in some respects, it is merely an exercise in back-patting. However, within the intensity of a law school, where free time is at a premium, I think it is crucial to acknowledge the commitment and dedication necessary to produce entertainment of this caliber. And in relation to the pastime/profession dichotomy alluded to earlier, I think many of those instrumental to the success of Law Revue this year should scrutinize their future career paths closely and consider entertainment as a plausible alternative to law. However, as talent rarely resides exclusively in one pursuit, I'm confident they'll do just fine in the day job too.



Stavan Desai

of reading the explanatory leaflet designed to help non-lawyers with legal abbreviations and terminology. This raised my expectations of boredom to near fatal levels. Thankfully however, I kept an open mind, and within five minutes of the show's beginning, I was utterly enthralled.

All That Swag was the perfect way to open and set the standard for the rest of the show. That standard being intelligent, funny songs, coupled with talented performances, and great choreography. The band was also excellent and provided lively accompaniment, as well as offering fun transitions between the scenes. As the play progressed, I found it difficult to comprehend the notion that I was watching a law student production, simply due to the uncompromising quality of the



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as to whether she was funnier as Lady Gaga or Justice Ginsburg. Both were simply fantastic. Matt

my home country, I have useless law degree!" is so unconditionally mitigated by how funny it is. On