

THE COMMENTATOR

Vol. XLI, No. 12

The Student Newspaper of the New York University School of Law

March 22, 2007

Record-Breaking 13th Annual Public Service Auction a Rousing Success

By BRIAN ASCHER '09

This year's Annual Public Service Auction, held on Thursday, March 1st in Vanderbilt Hall, raised a total of \$170,000 for the Law School's Public Interest Summer Funding Program.

The event was attended by over 1,000 students, faculty,

and friends of the law school and featured both a silent and a live auction. Auction co-chairs John Infranca '08 and Dave Edwards '08 had no doubt that this year's event would set new marks for fundraising after the campaign for donations to the auction

brought in more items that ever before from local businesses, students, faculty, and alumni. Much of the auction's success can be



Even the auctioneer enjoyed herself at the PILC Auction.

attributed to the tireless efforts of the alumni committee led by Jay '74 and Arlene Neveloff, which brought in major auction items, cash donations, and lots of attendees. The great success realized this year would also not have been possible without the generosity of Platinum Sponsors, Bar/Bri and

Kramer Levin; and Gold Sponsors, Chadbourne & Park, Clifford Chance, LeBoeuf Lamb, Orrick, Paul Weiss, Skadden, and White & Case.

The night got off to a quick start during the silent auction with intense bidding on items like four rounds of golf at Trump National Golf Club, two nights at the Mandarin Oriental Hotel, dinner at the Four Seasons, and a week in Vail.

The excitement then picked up as anxious bidders crowded into Tishman Auditorium for the live auction

Continued on page 11

Silberman: She's No "Law and Banana" Professor

By BEN KLEINMAN '08

On the one hand, Professor Linda Silberman is a traditional, and excellent, professor of law. On the other hand, there was a time when that very normality was both exceptional and unexpected. From a different perspective, Professor Silberman is what she always has been: a trailblazer who focuses her energies and talents on subjects that interest her until she achieves mastery and finds more fertile soil for her contributions. She is the product of a law school system that rewarded close student-professor relationships, and she perpetuates that system, working closely with students and other professors to advance the law, to apply the law, and to develop the careers and lives of her colleagues.

First, some history. Professor Silberman has been at NYU since 1971 (only two full time professors have been here longer – Professors Dorsen and Lowenfeld). Of course, she's quick to remind me, "I started when I was twelve." I was dubious, but not so dubious that I won't continue by saying she packed quite a lot into the first twelve years of her life. She completed her B.A. and J.D. at the University of Michigan, where she was a research assistant for Professor Arthur Miller (our Arthur Miller, not Ms. Monroe's), who became a mentor. In 1968, after obtaining her J.D., she was off to London on a Fulbright.

Miller put her in touch with one of his associates, a pre-trial master: Sir Jack Jacob. Basically, a master is an expert on procedure who manages the pre-trial process. He was perhaps the preeminent scholar of English procedure, who became the senior master and was knighted for his service. Silberman sat next to him for a year, and he too became a great friend and mentor. She spoke at his memorial service "either right before or right after Lord Wolf," Wolf being the Lord Chief Justice. As for Silberman's time in England, it allowed her to take a really intensive look at the English system, and it was also her first real impression of the law in operation — she had just left law school, and had no idea how the American system worked in practice.

After returning to Chicago, she practiced for a couple of years as an associate. Silberman "was

happy in practice, but a number of law schools were actively looking for women" and opportunity came calling.

This was before the AALS market, and new professors were basically cherry picked by existing professors. In the early 1970s, a few universities were actively looking for female professors, and Arthur Miller recommended her to NYU.

The effort to bring her to NYU was similar in some ways to current efforts to make the faculty more racially diverse. In fact, after finally making the trip to New York City and meeting with the administration, Silberman met with a group of women law students, part of a group that is like today's CoLR. Silberman was not what they were looking for,

and the not-yet hired professor informed them that she thought it was inappropriate that they met only with the female candidates.

NYU's agitating students had envisioned that the first woman to join on the tenure track would bring a zest for feminist

legal theory, would be an activist on the faculty, and would represent the radical edge of the women's rights movements. Silberman was unabashed at the time in saying that she didn't want to teach "law and banana" courses.

That's not to say they don't have their place, but that it was not what she wanted to teach. In hindsight, the Professor realizes that she failed to understand the needs of the students she was meeting with, and maybe should have handled that meeting a bit differently. The students did get what they were clamoring for a year later, with Professor Sylvia Law. Professor Law, Silberman jokes, "rescued her."

Silberman had enjoyed the practice of law, had never wanted to be a legal academic, and in fact saw herself as doing Perry Mason work (she loves the show so much that after her husband bought her the first series for Christmas, she had to go out and buy the entire collection). Perry Mason, of from her original focus on civil procedure she's moved on to contribute to family law, conflicts of law, and international law, just to name a few. She's also passionate about

Continued on page 2

Utilizing NYU's Top Professors in the Field, Annual Survey Holds Election Law Symposium

By RAMYA KASTHURI '08

The NYU Annual Survey of American Law, the second-oldest journal at NYU School of Law, held a symposium, *The Uncertain Landscape of Election Law: Where Does the Ballot Box Go From Here?*, on Friday February 23, 2007. The journal, which is dedicated to exploring contemporary legal developments in the United States, has held symposiums yearly for over a decade.

Dean Richard Revesz opened the symposium with his welcoming remarks. He congratulated the Annual Survey on their choice of symposium topic, pointing out that NYU Law has virtually cornered the market on top election law professors, with Professors Samuel Issacharoff, Burt Neuborne, and Richard Pildes all being preeminent scholars in the field. Brad Bakker, the Symposium Editor for Annual Survey, also welcomed the crowd of practicing attorneys, politicians, and law students, as he stated that "the constitutional and statutory questions about the electoral process that we will explore today go are

essential to the future health and vitality of our democracy."

The first panel of the symposium focused on campaign finance law and the future of spending constraints in the aftermath of *Randall v. Sorrell*, the U.S. Supreme Court decision to strike down state law contribution limits in Vermont this past summer. Speakers for this panel included: Deborah Goldberg, the Democracy Program Director at the Brennan Center, Professor Burt Neuborne of NYU Law, Laurence Laufer, a partner at Genova, Burns & Vernioia, and Professor Rebecca Morton of the Wilf Family Department of Politics at NYU. Excitingly, Professors Morton and Neuborne were preparing to file a brief in the upcoming *Wisconsin Right to Life* case before the Supreme Court and integrated the arguments from that case into their presentations. The panel also considered questions of whether public financing would be a preferable system to regulated private financing.

The symposium's second panel was titled "Partisan Redistricting: From Justiciable Claims to Manageable Standards?" Audience members listened to re-

marks by Professor Jonathan Nagler of the Wilf Family Department of Politics at NYU, Professor Nathaniel Persily of University of Pennsylvania Law School, Professor Richard Pildes of NYU Law, Eric Hecker, a partner at Emery Celli Brinckerhoff & Abady LLP, and Professor David Epstein of the Department of Politics at Columbia University.

Professor Persily shared an analysis of the recent 2006 midterm election outcomes, in which a bigger shift of seats between parties occurred than many had previously thought possible given the partisan gerrymanders of recent years. The panelists concurred that these campaign results likely mean that no change is imminent in the jurisprudence around partisan redistricting.

At lunch, all panelists joined a number of Annual Survey members for lunch, where they were treated to recollections of former New York City Mayor Ed Koch, who happened to be attending the Symposium for CLE credits. Mayor Koch

Continued on page 3



Silberman Would Prefer Reading 12(b)(6) to This Article

Continued from page 1

her collaborations, notably with Professor Andreas Lowenfeld, who, along with Professor Miller, she considers a friend and mentor. Early in her career at NYU, she started working with colleagues on a new procedure textbook, one that many of you are familiar with. She's justifiably proud of the book, the first to make a model law suit central to the course, but the stories she relates about it often involve the changing cast of characters who were involved at various times and illustrates the dynamic interests of the law school faculty.

Folks outside of NYU have taken notice of Silberman's record of success. After doing a lot of work with procedure and conflict of laws she did seminal work on the application of Alternative Dispute Resolution to child custody issues and as an alternative to divorce. One of the lasting results of her work is a ruling she obtained from the city bar that allowed mental health workers and lawyers to

work together as mediators.

In the early 1980s the New York State Law Review Commission called and asked if she would be a reporter for a revised custody law. As she says, the bill "had no political support, which is how I knew it was a terrific bill." New York's procedure has now become a model for other states. "A well known matrimonial lawyer, at the time, said, 'I thought you were a very sensible person. How could you be associated with something so crazy?' Fifteen years later she stood up and endorsed it."

Another early item she worked on was an exploration of lay judges. You may have read the articles in the *New York Times* about it, and noticed that New York state is starting to address some of the issues. These are issues that Silberman identified in 1977 in her manuscript on the topic. When the *Times* approached her about her research, she lent the reporter her only copy – it took the mainstream thirty years to pick up on her work.

One of her *bette noirs* is a need to have the academy in touch

with the outside world. As illustrated by her case book, she believes that faculty can teach law through the lens of cases more often than they usually do, and that law professors have to be exposed to real world issues. While intellectual exploration is vital, "we don't want to be just another academic graduate school, we want to be professional."

As for student-faculty relationships, Silberman says that faculty members feel that they're available. She has "tremendous relationships with students" and those who are interested in what she works on seek her out to be TAs, RAs, or mentored on their A-Papers. Continuing the tradition that got her involved in the academy, she's co-authored with students and helped many of them launch their careers on the bench or as professors. She wishes there were more opportunities for developing fellowships for graduate students to be what the Europeans call research fellows – her current Research Assistant has really made her realize how valuable and under-recognized those people are.

Her classroom experience is also varied. Silberman used to rarely teach seminars, but she now teaches one on international litigation with Lowenfeld. The class splits into mixed teams (half LLM, half JD) and argue cases for the last 5 weeks: briefs, orals, the works. She gets to know those students well. Her Conflicts class is usually about 50 or so, which is manageable, but she despises the one semester civil procedure structure, not least because it limits her ability to get to know her students. Although she relented in her refusal to teach the class once it shrank from two semesters to one, she still insists that her section meet four days a week.

Notably, Silberman also initiated the summer program at the Hague. Some years ago, one of her students planned a conference on international student abduction (an issue on which Silberman is one of the world's foremost legal experts and for which she has assisted the State Department as a negotiator at international conferences). A representative from the

Hague spoke at the conference and mentioned all the work that overwhelmed them. Two of her students volunteered to help that year – with NYU's PILC funding. For the last seven or so years Silberman has run what is now an institution and continues to send two students to the Hague each summer.

Silberman also continues to collaborate and expand her fields of interest. She's doing a lot work on trans-national law and arbitration, is working on a project on judgments for the ALI, and is collaborating on a book on comparative procedure with Professors Chase and Hershkoff.

Of course, there's life outside of the law, and Professor Silberman is a self avowed sports fanatic. Posters of Terry Bradshaw and Patrick Ewing used to adorn her office (current chaos has forced them to relocate). And if she could have been an actress, she would have – she spends any waking moment not in the office at the theater. Presumably not wearing one of her treasured class gifts – a Pittsburgh Steelers jersey numbered 12(b)(6).

THE COMMENTATOR

The Student Newspaper of
New York University School of Law

Editor-in-Chief
Julia Fuma

Managing Editors
Bobbie Andelson
Andrew Gehring
Robert Gerrity
Ben Kleinman

Staff Editors
Chris Bradley
Julian Dayal
Jeremy Fischbach
George Mustes
Colin Parent
Roberto Reyes-Gaskin
Tudor Rus
Ian Samuel
Daphne Shih
Derek Tokaz
Craig Winters
David Yaroslavsky

The *Commentator* serves as a forum for news, opinions and ideas of members of the Law School community. Only editorials and policies developed by the Editorial Board reflect the opinion of the Editorial Board. All other opinions expressed are those of the author and not necessarily those of *The Commentator*. *The Commentator* is issued on alternate Thursdays during the academic year except during vacations and examination periods. Advertising rates are available on request. Subscriptions are also available at a rate of \$15 per year. Letters to the Editor should be sent to the following address, either on paper or via e-mail.

THE COMMENTATOR
135 MacDougal Street #4G
New York, NY 10012
212.998.6518 (phone) | 212.995.4032 (fax)
e-mail: fuma@nyu.edu
Copyright 2007 New York University

Removing the Veil in Faculty Hiring

BY JOHNATHAN SMITH '07

At his most recent Town Hall Meeting, on the Tuesday before Spring Break, Dean Richard Revesz announced that the faculty has made a number of offers both to young academics attempting to enter the teaching market as well as to professors currently employed by peer law schools. These offers represent the efforts the administration is taking to ensure that our faculty remains top-notch, and they should be applauded. Yet, it is troubling that students are often left in the dark about these decisions until the very end of the process, and this is an area that we at the SBA hope the administration will make improvements upon in the near future.

There are few that will deny that many students are attracted to NYU because of our outstanding faculty. We have the benefit

of learning from an amazing group of scholars who write and research in a plethora of areas, and many students hope that before their time at this institution is concluded, they will have had an opportunity to learn from some of the leaders of the legal academy. And because the type and quality of the faculty is so crucial to the student experience, the SBA believes that students should have an opportunity to play a greater role in the faculty hiring process.

There are many arguments against expanding the student role in faculty hiring. For one thing, students often do not have expertise in any area of the law, and thus are less able to speak about the qualifications of various candidates. Additionally, the faculty hiring process is long and at times very labor extensive, and it would be unfair and/or unreasonable to

think students could or should commit that much time and energy to this issue. However, despite these issues, there are many things students can offer. Students can address the quality of a candidate's teaching ability as well as comment on the usefulness of their current scholarship on students' own research and career plans. At the very least, having greater transparency in the process would allow students to know what candidates the school is considering.

To this end, the SBA has agreed to sponsor a survey that will be sent out to the student body in upcoming weeks about the importance of transparency in the faculty hiring process. We hope to use the information collected to better inform our efforts in this area, so I encourage you all to take the time to fill out the survey when it becomes available.

Have your writing read by dozens of readers

The *Commentator* is looking for photographers, news, arts, sports and opinions writers, as well as a comic artist or crossword designer to bolster the spring semester staff.

Contact fuma@nyu.edu.

Social Change Colloquium Examines Alternatives to Incarceration

By DANIEL M HENNEFELD '07

On February 27th, the NYU Review of Law and Social Change convened its annual Colloquium, entitled "Alternatives to Mass Incarceration: Promises and Challenges," in Lipton Hall. The Colloquium examined the potential of and limits to alternatives to mass incarceration, such as alternative sentencing and restorative justice. Recognizing the crisis in our prison system and the harsh impact of incarceration on poor and minority communities, panelists engaged in serious consideration of the viability of structural alternatives to incarceration from theoretical and practical perspectives. Numerous practitioners attended the Colloquium, including representatives from legal services offices, government offices, and law firms. They contributed their knowledge and insights by asking questions of the speakers both during and after the panel sessions.

After an introduction by Social Change Co-Editor-in-Chief Marcia Henry '07, NYU Law Clinical Professor Anthony Thompson delivered opening remarks inviting the speakers and attendees to engage in an open discussion about possibilities for change in how we punish crime. The first panel, "Failures of Mass Incarceration: Can Alternatives to Incarceration Fulfill the Goals of Punishment?," laid the groundwork for the day's debates. Pro-

fessor Todd Clear from John Jay College of Criminal Justice opened the panel by suggesting that tinkering with alternatives was not going to make a significant dent in the level of incarceration in the U.S. New York City Corrections Commissioner Martin Horn discussed the challenges of utilizing alternatives in a large urban correctional system, but criticized the overuse of incarceration and emphasized the need for community involvement in the criminal punishment system in order to reform it and make it more effective.

The second panel, "Exploring the Viability of Alternatives in Practice," brought together diverse practitioners to take the discussion from theory to practice, analyzing what methods work and do not work in their community-based alternative models. Sister Simone Ponnet, Executive Director of Abraham House, described how her small organization had grown to take in and rehabilitate hundreds of offenders and their families in an experimental setting. Anne-Marie Louison discussed the difficult bureaucratic challenges in trying to provide alternatives to incarceration for mentally ill offenders. Pat Clark talked about the potential for truth and reconciliation work in communities that have undergone divisive incidents of human rights abuses, through the lens of her experience on the Greensboro Truth and Reconciliation Commis-

sion in North Carolina.

On the third and final panel, "Domestic Violence and the Criminal Justice System: A Feminist Debate," the scholars engaged in a spirited exchange over how society can most effectively respond to incidents of domestic violence. NYU Professor Linda Mills advocated her restorative justice-based approach to intimate abuse, while New York Assistant District Attorney Audrey Moore defended her office's practice of vigorously prosecuting domestic violence offenders. The panelists had an interesting debate in which each recognized the need both to treat domestic violence very seriously as an offense while also doing more to address the wishes and needs of the partner and family of the offender.

Social Change Co-Editor-in-Chief Emily Malandra '07 made closing remarks, capping off a productive day of debate, and encouraging participants to continue the discussions in an effort to increase the effectiveness of alternatives to incarceration. Indeed, after the event concluded, the panelists continued to talk informally about potential demonstration projects that they might work on together in the future. The organizers of the Colloquium believe that the event helped to move forward the debate over criminal punishment, expanding participants' ideas about how to bolster the use of alternatives to incarceration.

NYU Hosts Experts on US Carbon Markets

By ILMU GRANOFF '07

The New York University Environmental Law Journal hosted a Colloquium on US carbon markets on February 13, entitled: "Hot Markets: The Future of the American Legal Practice in the Regulation and Business of Greenhouse Gas Markets." It brought together nine of the country's leading business and legal experts on the topic.

The event took place amid a flurry of interest in the private sector related to greenhouse regulation in the United States. The panelists agreed that significant federal climate change regulation was likely in the near future, and that it would probably involve some mechanism by which rights to emit carbon could be bought and sold in the marketplace. Europe and much of the rest of the world already participate in such a program under the Kyoto Protocol, and the United States was instrumental in making it part of the Protocol during its negotiation. According to Bill Thomas, who heads Clifford Chance's US environmental practice, the European market tripled in size to 30 billion euros in 2006.

Panelists discussed lessons from the Kyoto Protocol and other existing emissions markets, the timing of the regulatory scheme, and the types of legal practice and business opportunities it would generate. David Hayes, environmental practice chair of the law firm

Latham & Watkins and former Deputy-Administrator of the Department of Interior under the Clinton Administration, observed that such a regulatory scheme was likely to generate significant quantities of legal work in Washington as corporations sought to participate in creating legislation and rule-making on the issue. Other participants discussed the transaction and litigation opportunities likely to develop as the regime is actually implemented.

The panelists generally agreed that this regulatory scheme would be significant enough to generate a large amount of legal work for any major corporate law firm in the coming decades. Thomas recalled that few lawyers expected federal regulation of hazardous waste under the so-called "Superfund" legislation to be a significant part of the work of law firms, and yet it has dominated corporate environmental law practice since its promulgation over two decades ago. He observed that climate change regulation could well become a similarly significant part of corporate practice in the future.

However, panelists agreed that the precise structure of the future regulatory scheme remains undefined. Michael Intrator, Managing Director of Natsource LLC, a leading greenhouse gas asset manager, noted the presence of at least six widely differing legislative proposals currently being discussed in Washington.

CURRENT ISSUES IN EXECUTIVE COMPENSATION

Friday, March 23, 2007 8:30 AM – 3:00 PM
New York University School of Law
Vanderbilt Hall, Greenberg Lounge
40 Washington Square South, New York, NY 10012

The New York University Journal of Law & Business is proud to announce its Spring 2007 Symposium. This symposium will bring together leading academics, as well as the foremost public and private experts on corporate governance to examine today's most challenging issues in executive compensation. The symposium will give special attention to the efficacy of recent legal, regulatory, and market efforts to curtail excessive executive compensation, as well as the societal and economic implications of actual and perceived executive compensation abuses, particularly in regards to public trust and perceptions of corporate integrity.

Schedule of the day's events*:

8:30 - 9:00 am	Registration and Continental Breakfast	10:45 - 12:00 pm	Panel 2: The Role of the Courts in Executive Compensation Moderator: Jeremy Goldstein, Wachtell, Lipton, Rosen & Katz Justice Jack B. Jacobs, Supreme Court of Delaware Martin Lipton, Wachtell, Lipton, Rosen & Katz Melvyn I. Weiss, Milberg Weiss & Bershad LLP
9:00 - 9:15 am	Welcome and Opening Remarks Chancellor William Allen, NYU School of Law Ilana Golant, Editor-in-Chief, NYU Journal of Law & Business Robert Peters, Developments Editor, NYU Journal of Law & Business	12:00 - 1:30 pm	Lunch Break
9:15 - 10:30 am	Panel 1: The Role of Regulators in Executive Compensation Moderator: Chancellor William Allen, NYU School of Law Stephen Lindo, Willkie Farr & Gallagher LLP Michael Nissan, Weil, Gotshal & Manges LLP Darius Palia, Rutgers Business School A. Richard Susko, Cleary, Gottlieb, Steen & Hamilton LLP	1:30 - 2:45 pm	Panel 3: The Role of Market Participants in Executive Compensation Moderator: Professor Helen Scott, NYU School of Law G. Chris Andersen, G.C. Andersen Partners, LLC Adam Chinn, Wachtell, Lipton, Rosen & Katz Frederic W. Cook, Frederic W. Cook & Co., Inc.
10:30 - 10:45 am	Coffee Break	2:45 - 3:00 pm	Concluding Remarks

*Four Transitional NY CLE credits will be awarded to those attending the entire session.

The NYU School of Law Asian Pacific American Law Students Association (APALSA), Latino Law Students Association (LaLSA), Middle Eastern Law Students Association (MELSA), Multiracial Law Students Association (MuLSA), and South Asian Law Students Association (SALSA)

Present A Symposium...

Affirmed or Denied? The Future of Affirmative Action and Race Based Social Policy in America

Tuesday, April 3
9:00AM to 2:45PM

Greenberg Lounge, Vanderbilt Hall
NYU School of Law
40 Washington Square South

9:00AM: Breakfast and Registration
9:15AM: Opening Remarks
9:30AM: Panel 1: *Grutter* and Beyond: Legal and Legislative Challenges to Affirmative Action
11:00AM: Coffee Break
11:15AM: Panel 2: Social Science Implications of Race-Based Jurisprudence
12:45AM: Lunch Break
1:15PM: Panel 3: Implications of Affirmative Action on Public Employment and Contracting

Confirmed Panelists:

Shanta Driver (United for Equality and Affirmative Action Legal Defense Fund; By Any Means Necessary)

Dennis Parker (American Civil Liberties Union - Racial Justice Program)

Peter Schuck (Yale Law School)

Russell Nieli (Princeton University)

Robert Teranishi (NYU Steinhardt School of Education)

Sharon Browne (Pacific Legal Foundation)

Shirley Wilcher (American Association for Affirmative Action; Former Deputy Assistant Secretary in Department of Labor)

Cynthia Estlund (NYU School of Law)

This event is free and open to the public. No pre-registration required. CLE credit available. Continental breakfast provided.

In 2003, the Supreme Court issued the most significant opinions on affirmative action in education since Bakke. The pair of opinions, Grutter and Gratz, reaffirmed the compelling interest addressed by these programs, but mandated that they be narrowly tailored. This term, the Supreme Court is revisiting the issue of affirmative action for the first time since the 2003 cases. In a pair of cases from Washington and Kentucky, the court will have a chance to reevaluate whether affirmative action programs serve a compelling interest and where the boundaries of a narrowly tailored program are. This symposium seeks to examine a number of issues that have an immediate effect on primary and secondary education and could potentially affect affirmative action programs in larger society including in the workplace and in public contracting. The issue is also compelling from a policy perspective. What is the effect of affirmative action programs? How have the states that have banned affirmative action from public education, employment, and contracting changed? How have schools adapted and to what consequence? What is the effect on minority contracting?

For more information contact: robynmar@nyu.edu.

**NYU's BLACK ALLIED LAW STUDENTS ASSOCIATION
PRESENTS ITS SPRING SYMPOSIUM:**

RESTRICTING FREE SPEECH OR SHACKLING CIVIL LIBERTIES? THE LEGAL IMPLICATIONS OF THE N-WORD

CONFIRMED PANELISTS INCLUDE:

Joan Bertin, Executive Director, National Coalition Against Censorship

Amy Adler, Professor, NYU School of Law

Tina Perry, Counsel, Vh1 Business and Legal Affairs Dept.

Todd Anten, Attorney, Quinn Emanuel

Marc Lamont Hill, Professor of Urban Education and American Studies, Temple University

**NEW YORK UNIVERSITY LAW SCHOOL
VANDERBILT HALL, (40 WASHINGTON SQUARE SOUTH) GREENBERG LOUNGE
WEDNESDAY, MARCH 28TH, 1:30 PM – 4:00 PM
REFRESHMENTS PROVIDED**

Join us for a contemporary discussion of legal issues surrounding the use of the N-Word. The discussion will focus on censorship and hate speech regulation, as well as sociopolitical implications of the N-Word and other forms of hate speech.

This event is free and open to the public. 2.5 CLE Credits will be available for attendance.

A Conversation with the Hays Fellowship Recipients

The Hays Fellowship is awarded to six second year students every year for work in civil liberties, and this year's have been announced. Recipients receive half of their tuition paid for in their 3L year, and they must work with public interest organizations during both the fall and spring semesters. Interviews with this year's winners follow and are illuminating.

Ian Vandewalker



Hometown? Lakeland, Florida.

What is your previous civil rights work? I interned last summer at National Advocates for Pregnant Women, which works for the human and civil rights of pregnant and parenting women. During the spring semester, I am interning at New York Lawyers for the Public Interest, which works for disability rights, environmental justice, and equality in community access to health care. I also volunteered for the Battered Women's Project at NYU, helping victims of domestic abuse file for divorce.

Why did you apply for the fellowship? I applied for the fellowship because I knew it would be a unique opportunity for me to connect with and learn from other fellows, past and present, as well as the professors who run the program.

Where you hope/are going to do your term time internship? I would be happy interning at any of the organizations that regularly take Hays fellows. I hope to spend one term at the ACLU.

What do you hope to be doing in 5 years? In five years I hope to be working for social justice. There are many different activities, jobs, organizations, and places that could be a part of that goal, and the truth is, I don't know which I'll be in.

Favorite law school class? My favorite law school class so far has probably been Bryan Stevenson's capital punishment seminar, which is a chance to learn more than just a body of law: it's about litigation strategy, advocacy both for specific clients and

for a cause, and attempting a socio-cultural understanding of a hugely important issue for our country.

John Infranca



Hometown? Mineola, New York, but I lived in Portland, Oregon for most of the time since college.

What is your previous civil rights work? I worked in Portland, Oregon after college with homeless individuals through an organization that uses a "housing first" approach to assist individuals in transitioning off the streets and into housing. I then worked as a case manager, also in Portland, for refugees, primarily from Africa. I later directed a not-for-profit that conducts border immersion and service-learning programs in Baja California in locations both along the US-Mexico border and in rural areas further south. My work involving immigrant rights also includes both time in Houston, Texas living and working in a community that provides housing, employment opportunities and medical care to undocumented immigrants and a variety of advocacy work while in graduate school. Prior to law school I did a Masters Degree in Theological Ethics, during which I also did an internship in New Delhi, India working with a local human rights organization. My work there focused on labor rights among workers in the road construction sector. During my first summer of law school I worked in Berkeley, California in the housing litigation unit of the East Bay Community Law Center, where I helped to defend tenants in eviction proceedings and with a broad range of other legal matters. Currently, I am representing immigrants facing deportation and removal through NYU's Immigrant Defense Clinic.

This coming summer I will be in Portland, Oregon working with the Oregon Law Center on impact and appellate litigation, primarily involving housing and the rights of

migrant farmworkers.

Why did you apply for the fellowship? I believe the Hays Program provides an excellent opportunity to work with some of New York's finest public interest and civil rights organizations, to do meaningful work on behalf of individuals most in need of legal assistance, to be mentored by three incredible attorneys and teachers, and to be part of a dynamic community of students dedicated to civil rights and public interest law.

Where you hope/are going to do your term time internship? There are a few organizations that I would be interested in working with: including the Urban Justice Center's Community Development Project, the Community Development Project of the Legal Aid Society of New York's Harlem Community Law Offices, and the ACLU's Immigrants' Rights Project.

What do you hope to be doing in 5 years? Working with an organization that provides a broad range of legal assistance to low-income individuals and immigrants, including impact litigation and legislative advocacy, as well as direct legal assistance on behalf of individuals seeking to advocate for their rights as tenants and employees or to buy their own home or start their own small business.

Favorite law school class? Constitutional Law, Tax & Social Policy Seminar.

Kristin Connor



Hometown? Las Cruces, New Mexico.

What is your previous civil rights work? I worked on women's empowerment, financial literacy, and other human rights issues at various points over the past six years in West Africa and the U.S. This year I worked on citizenship and gender-based asylum claims through the Government Civil Litigation Clinic and a Law Students for Human Rights advocacy project, and I will be interning at the Florence Immigrant & Refugee Rights Project this summer.

Why did you apply for the fellowship? I applied for the fellowship in order to take advantage of the opportunity to intern at civil liberties organizations in New York with the support and guidance of the Hays Committee professors and other fellows.

Where you hope/are going to do your term time internship? I am not sure yet where I will be doing my term time internships. Some possibilities include the ACLU (Immigrants Rights, Human Rights, or Racial Justice programs), the Center for Constitutional Rights, the Legal Aid Society, and The Door.

What do you hope to be doing in 5 years? I hope to be working for a non-profit in the southwest that provides direct legal services and is also engaged in policy advocacy.

Favorite law school class? Constitutional Law.

Julie B. Ehrlich

Hometown? New York, NY.

What is your previous civil rights work? My work has focused on women's rights, particularly reproductive justice and the rights of women involved in the criminal justice system. Before law school, I was the Deputy Director of a pro-choice Political Action Committee, and I also organized women for the Kerry campaign in 2004. Since starting law school, I have worked at National Advocates for Pregnant Women, the Correctional Association, and volunteer at Planned Parenthood of New York City.

Why did you apply for the fellowship? There are so many people at NYU dedicated to public interest careers, but sometimes the community of people seeking jobs in public service seems nebulous. I applied for the Hays program because I believe the program can help me find, and feel a part of, that community, and to be supported as I begin my career.

Where you hope/are going to do your term time internship?

I would love to do some work around issues unique to immigrant women, or to intern at a birthing rights organization. I am also interested in working on prisoners' rights, particularly related to the conditions of confinement for pregnant women and mothers.

What do you hope to be doing in 5 years? This is a hard question! I hope to be working at a policy/impact litigation organization pursuing reproductive justice

for women across racial and socio-economic barriers.

Favorite law school class? Feminist Jurisprudence (no surprise there).

Mandy Huay-Yi Hu



Hometown? Palo Alto, California.

What is your previous civil rights work? LGBT civil rights and liberties, prisoners' rights, immigrant rights.

Why did you apply for the fellowship? To work with an LGBT impact litigation organization, hopefully at the intersection of LGBT and immigrant rights.

What do you hope to be doing in 5 years? Community lawyering and litigation.

Favorite law school class? Immigrant Rights Clinic, by far!

Alex Moulter



Mr. Moulter declined to respond to our requests for an interview, but we're willing to assume that's because he's too busy being a Hays Fellow and going to Acapulco on Spring Break. We considered filling this spot with patter that we made up, but *The Commentator's* standards are too high for those sorts of shenanigans. Instead, we've just decided to write about nothing to fill the space that should have been filled with words of wisdom from someone that has managed to do something with his life. Ah, tragedy!

We hope that if you some day win an award, you'll be good enough to make time to talk with us.

UNITED POULTRY CONCERNS' 7TH ANNUAL CONFERENCE ON INADMISSIBLE COMPARISONS

March 24-25, 2007

All Day

D'Agostino Hall-Lipton Hall

Can the Holocaust be compared with African American slavery or the Native American genocide? Can any of these experiences be related to those of animals on today's factory farms? Recently, a number of writers and thinkers have sought to draw parallels between the suffering of one group of individuals and another, and incurred the wrath of those who consider their experience unique. This conference explores why such comparisons are offered and asks whether they should or should not be made. It examines the rhetoric and images of those comparisons and the agendas that might lie behind them, while interrogating the need for comparative thinking in the first place. Free to NYU Students!

Symposium Brings Professors, Attorneys, Former Mayor Kock to NYU

Continued from page 1

described his own electoral experiences at the local level, the political status of Staten Island, and the 2006 Congressional elections with wit and wisdom.

After lunch, the audience returned for the final panel of the day on voting access, integrity, and the

trustworthiness of the democratic process. The final speakers of the day were Professor Samuel Issacharoff of NYU Law; Jerry H. Goldfeder, a private election law practitioner and adjunct professor at Fordham Law School; Professor Stephen Ansolabehere of the Department of Political Science at MIT; Dan Tokaji, an assistant pro-

fessor at The Ohio State University, Moritz College of Law, and Jenigh Garrett, an Assistant Counsel for the NAACP Legal Defense Fund. The panelists all commented on how sharp their learning curve had been on voting access and integrity issues since the 2000 Presidential election and the infamous Florida recount. Anecdotes

and statistics on the experiences of voters in 2004 and 2006 helped the audience understand the pressing questions of what voting machines are most secure, what identification provisions are being implemented in various states, and how court challenges to election practices are being handled, six years after the tumult-

uous decision in *Bush v. Gore*.

Eric Feder, the Editor-in-Chief of the Annual Survey, closed the symposium with thanks to all involved. The audience lingered in discussions of the final panel, suggesting that the symposium sparked conversations on new topics, which they will continue to engage in long after the event.



Does your bar review course connect with your digital lifestyle?

adaptibar

The revolutionary new way to prepare for the Multistate Bar Exam.

www.AdaptiBar.com

Enroll online and receive a \$50 discount or call us toll-free at: 1.877.466.1250

We were kidding about the “dozens of readers.” We’re really just counting on five.

The Commentator is looking for photographers, news, arts, sports and opinions writers, as well as an editor-in-chief to bolster the spring semester staff.

Contact fuma@nyu.edu.

NYU School of Law's *International Law Society*
is proud to announce its Spring 2007 Symposium

The United Nations & Three Challenges of the 21st Century: Peace and Security, the Promotion of Human Rights, and the Reduction of Poverty

Thursday, March 29, 2007, 8:45am-5:00pm
New York University School of Law
Lipton Hall, 108 West Third Street

8:45 – 9:15 REGISTRATION AND CONTINENTAL BREAKFAST

9:15 – 9:30 WELCOMING REMARKS – Clayton Gillette, *Vice Dean, NYU School of Law*

9:30 – 10:20 KEYNOTE ADDRESS – Shashi Tharoor, *United Nations Under-Secretary-General*

10:30 – 11:45 PANEL ONE: *Transnational Terrorism, WMD Proliferation, and Failed States: The Relevance of the United Nations and Prospects for Reform*

Panel includes: Karen Greenberg (moderator), *Executive Director, Center on Law & Security, NYU School of Law*; Richard Falk, *Albert G. Milbank Professor Emeritus of International Law, Princeton University, and Visiting Distinguished Professor in Global and International Studies, University of California-Santa Barbara*; Edward Luck, *Professor, School of International and Public Affairs, Columbia University*

12:00 – 2:00 LUNCH BREAK

2:15 – 3:30 PANEL TWO: *What Reforms Would Enable the United Nations to Better Prevent and Respond to Violations of Human Rights?*

Panel includes: Philip Alston, *UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions and John Norton Pomeroy Professor of Law, NYU School of Law*; Yvonne Terlingen, *UN Representative for Amnesty International*; Ambassador Liu Zhenmin, *Deputy Permanent Representative for China, PRC Permanent Mission to the UN*

3:30 – 3:45 COFFEE BREAK

3:45 – 5:00 PANEL THREE: *Poverty, Disease, and the Environment: Reforming the United Nation's Development Agenda*

Panel includes: Kevin Davis (moderator), *Professor of Law, NYU School of Law*; Jacques Baudot, *former UN Director of Program-Planning and of the Budget*; Charles McNeill, *Environment Program Manager, UN Development Program*; Ambassador Richard Miller, *U.S. Representative to the UN Economic and Social Council, U.S. Mission to the UN*.

This event is **free** and **open to the public**. No pre-registration is required.
Five CLE Credits will be available for full-day attendance.
For more information, please visit: <http://www.law.nyu.edu/studentorgs/ils/symposium/>

**New York University School of Law
Asian Pacific American Law Students Association**

8th Annual Korematsu Lecture:

featuring keynote speaker

**The Honorable A. Wallace Tashima
United States Circuit Court Judge
for the 9th Circuit**

Monday, April 2, 2007, 5:30 p.m.
at New York University School of Law
Greenberg Room
40 Washington Square South
New York, New York 10012

*Join us for a reception with Judge A. Wallace Tashima at 5:30 p.m.
Lecture to begin at 6:30 p.m.*

Law Revue Kills Major NYU Figure For The Sake of Music and Comedy

By GEOFF SANT '08

The end of the school year is fast approaching. And we all know what will happen. All those months of classes, and studying, and chairs breaking in class – everything comes down to a single, intense week of effort. Students look forward to that week with excitement – and, in some cases, fear. Professors know that they only have to survive a week of students' comical efforts, and then they are permanently done with teaching Church and State to NYU students and can move on to a cushier job at Harvard.

You know what week I'm talking about, right?

No, not final exams, you nerd! It's NYU Law Revue's annual musical comedy show! Performing from March 28th until March 31st, this year's comedy musical explores such universal human themes as the pursuit of knowledge and the SBA large locker scandal.

So what aspects of law school life will be mocked by this year's show? A Law Revue producer gave me a surprising answer: "There is no comedy in this year's show. After all, this year we had the SBA large locker scandal and the rats at KFC – Taco Bell... These are serious and depressing scandals. How could we make light of them? How could anyone be so heartless as to laugh about the SBA's abuse of power or the local Taco Bell serving rat enchiladas? Especially when you consider that I used to get lunch there every day."

Another producer added, "I haven't been able to laugh since Scooter [Libby] was convicted. It makes me so mad I could shoot some old man in the face on a quail-hunting trip."

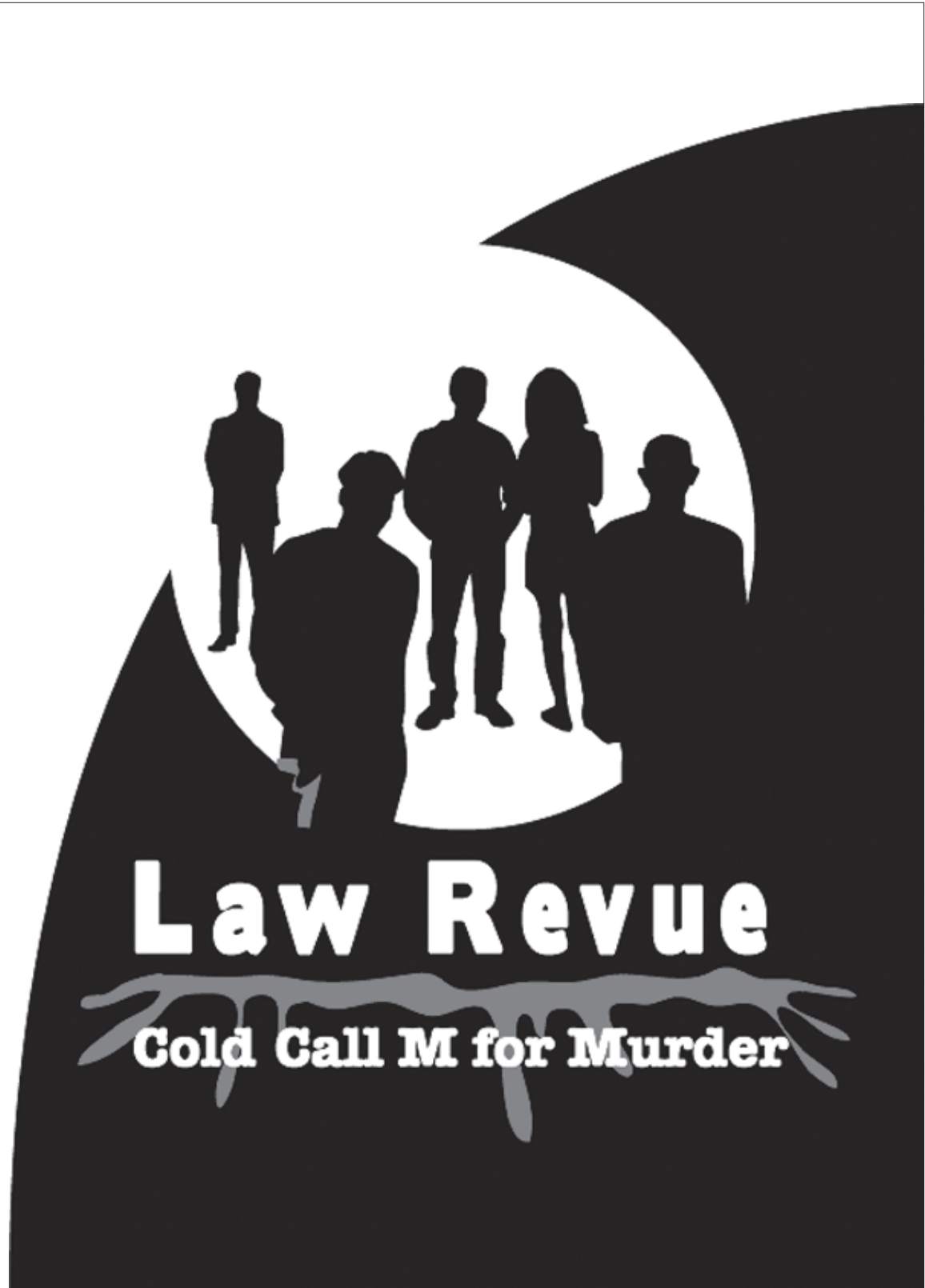
Luckily, I discovered that these so-called producers were actually people I had made up and assigned random quotes to in order to fill out this column. In actual fact, this year's musical – *Cold Call M for Murder* – is a murder mystery. The plot of this musical

is straightforward: a famous NYU individual has been murdered, causing students and professors to band together to sing songs about it. As one cast member told me, "There will be more bloodshed during this musical than there was at Fall Ball."

So what inspired the idea of having a murder mystery as the basis of this year's show? Again, I searched out made-up quotes to fill this space. "A lot of television programs and even comic book series will kill off a major character in order to renew interest. I mean, just consider how they killed off Captain America earlier this year. No, I'm serious, think about it – what is up with that? Killing Captain America? Why couldn't they just kill off a minor character like Corporal Fiji or something? You know what television show should really kill off a few characters over sweeps week – 'The Simple Life.' They should kill off that Paris Hilton girl. She's really annoying."

Another producer explained: "It was a painful decision to kill off this individual. But we were hoping that killing off a major NYU figure would spark interest. I was personally inspired by a rerun of a 'Happy Days' show I saw in which the Fonz manages to jump his water-skis over a shark. Talk about exciting! That's the feeling we're aiming for! Although we haven't decided exactly how this person will die, we want it to happen in a way that represents the essence of NYU. For example, Torts lectures slowly strangling his soul."

After watching a rehearsal for the show, I walked away deeply impressed. How did I not see the humor in Income Tax readings until now? Even so, I give everyone in the cast a "B" as their grade. Sorry, but that's just how the curve worked.



2007 New York University Law Revue

Wednesday – Saturday

March 28 – 31

Tishman Auditorium, 8 P.M.

Tickets are on sale in Golding and Wachtell Lounges starting March 26, 10 A.M. – 2 P.M.

\$9 in advance, \$10 at the door.

Buy early and save!

**We have a website.
Or do we?
You be the judge.**

www.law.nyu.edu/studentorgs/commentator

\$170,000 Auction Breaks Donation and Earnings Records

Continued from page 1

where some of the most coveted items were put on the auction block. Christie's Auction House donated the time of one of its trained auctioneers to preside over a portion of the live auction, though bidders did not need much encouragement to offer generous amounts of money for this worthy cause. NASCAR fans drove the price of four VIP tickets to the Neighborhood Excellence 400 in Dover, Delaware up to \$1,250. Other big ticket sales in the live auction included a week in Montego Bay, Jamaica for \$2,000, five days in Maui for \$1,900, and two tickets to the NCAA Tournament Elite Eight with dinner and car service for \$950. The biggest sale of the evening was a pearl necklace with diamond clasp for \$6,500.

While alumni seemed to have the deeper pockets, several students got into the mix with Lars Johnson '09 and friends winning a weekend getaway at Dean Revesz and Professor Been's Northwest Connecticut home, and Justin Erlich '08 snatching up a weekend at Professor Law's house in Woodstock.

The highlight of the auction was Dean Revesz's artistic exhibition as he painted a stunning masterpiece in less than ten minutes. Adorned in a smock and beret, Dean Revesz took color instructions from bidders as he quickly turned a blank canvas into a vibrant work of art. The Dean displayed unexpected mastery of the paintbrush and even channeled the great American artist Jackson Pollack, as he splattered yellow paint onto the canvas. The work



of art was won by first year law student Emily Kindler.

Overall, the auction was an unprecedented success and will provide funding for hundreds of students to pursue vital public interest work this summer. With new records set in both donations and money raised, the 13th Annual Public Service Auction has set the bar quite high for next year's event.



Photos by Brian Ascher and Daphne Shih.

— SPRING FLING 2007 —



THE MARCH 8 SPRING FLING BROUGHT NYU LAW STUDENTS TOGETHER TO CELEBRATE SPRING. AND FLINGING. THE EVENT MARKED THE BEGINNING OF THE LAW SCHOOL'S CRUSADE AGAINST DEBAUCHERY WITH DRINK TICKETS AND SANDWICHES REPLACING THE TRADITIONAL OPEN BAR. DESPITE THESE MEASURES, SOMEHOW MANY STUDENTS STILL MANAGED TO GET DRUNK. THE A CAPELLA GROUP SUBSTANTIAL PERFORMED, BUT SANG WELL BEFORE THE BULK OF ATTENDEES ARRIVED, LEAVING MORE STUDENTS SINGING THAN LISTENING.

PHOTOS BY JULIA FUMA AND JAIMEE LEDERMAN.

