



THE COMMENTATOR

Vol. XLI, No. 3

The Student Newspaper of the New York University School of Law

October 5, 2006

Legal Philosopher Joins NYU

JULIA FUMA '07

The first thing I noticed on meeting Jeremy Waldron was the accent. While not heavy, it is distinct. He was born and raised in a small city in the deep south of New Zealand. He lived and studied law (the common law) there until his mid-twenties when he moved to Oxford to do graduate work.

At Oxford, his academic adviser was Ronald Dworkin (NYU's very own Frank Henry Sommer professor of law). After completing his doctorate in legal philosophy at Oxford, he taught at both Oxford and the University of Edinburgh. What first brought him to the States was a position at Berkeley, where he was a professor of law in the Jurisprudence and Social Public Policy Program. He was attracted by the program because it was a genuine Ph.D. program within the law school. It was an interdisciplinary program, and he was one of the two philosophers. Then, in the mid '90s, he came to New York City to teach at Columbia and he remained there until he moved south to NYU this Fall.

He said that he was attracted to NYU by the quality of the law school. It is one of the 4 or 5 best law schools in the country. "NYU is a little bit more exciting in the areas that I work in. There are really people in legal philosophy here." Waldron says that while he has great respect for both Columbia and NYU, he can clearly see differences between them. "NYU is less stodgy, more open. NYU does not have the same weight of tradition as Columbia." He also pointed out that Columbia has a glorious campus as opposed to NYU's campus in the city. "John Sexton refers to Columbia as the gated community up there."

Within the law, Waldron is particularly interested in the overlaps between legal theory, moral philosophy, and political philosophy. All of these areas deal with similar issues, including rights and the concept of agency.

These interests are reflected in the courses Waldron is teaching. This semester, Waldron is running the *Colloquium on Legal, Political, and Social Philosophy* with Dworkin and Thomas Nagel. In the

Spring he will teach *The Rule of Law and Modern Legal Philosophy: The Books*, which is a seminar covering five works of legal philosophy of the 20th century. Turning the tables, Waldron asked your reporter to name the books. With a bit of diligent research on the NYU law website, the truth was exposed: they are Ronald Dworkin, *Law's Empire*; John Finnis, *Natural Law and Natural Rights*; H.L.A. Hart, *The Concept of Law*; Hans Kelsen, *Pure Theory of Law (1930)*; and Joseph Raz, *Practical Reason and Norms*.

As for current projects, Waldron is working on publishing a volume that will collect historical writing on the rule of law. It will start with Plato and Aristotle and go all the way through Dworkin. The idea is that it will be a chunky volume that will be a useful resource for a professor, student, or judge.

Waldron is also excited to be working with NYU students. "I love them. They are terrific, open and exciting. We have 16 or 17 first rate students in the colloquium. They are very relaxed and actually intellectually intimidating."

Sitkoff Wins Awards at NW, Comes to NYU

BOBBIE ANDELSON '07

"I am teaching *Trusts and Estates* [this semester], which is my favorite class, and no doubt would be yours too. You should take it. It's the best," Robert Sitkoff opines, displaying the enthusiasm that earned him the Dean's Teaching Award (2002) and the student-voted Outstanding Teacher of a First-Year Course (2001) at Northwestern University School of Law.

On his choice to join the New York University School of Law faculty this fall, Sitkoff said,

"Although I miss my Northwestern friends and colleagues, I am quite excited to be joining NYU.... In particular, NYU has a deep corporate law group, which is the closest cognate to the work I do [in *Trusts and Estates*]."

Sitkoff continued: "The move to New York also works for my family. My wife's professional interests are in school reform, and there is no shortage of that [in New York City]. My daughter's primary interests are in putting toys in her mouth, so New York works for her too." Sitkoff and his wife Tamara had their first child, Deborah Eve, last winter.

Sitkoff, 32, says his decision to enter the legal profession was made at a very young age. "Apparently, when I was very small, my parents gave me a broken phone as a toy, and I would pick up the headset and say, 'Hello, client?' Doubtless, this phenomenon came from watching my father, [a lawyer who worked in Manhattan]." Sitkoff grew up in a home in Roslyn Heights, which is on the north shore of Long Island, between Great Neck and Garden City.

Sitkoff credits one of his economics professors from his undergraduate years at the University of Virginia with giving him

the idea of entering the legal teaching profession. "He told me to go to the University of Chicago and predicted that I would be taken with the law-and-economics movement, would get a good clerkship, and then would get a teaching job. He was right," Sitkoff said.



Sitkoff graduated from the University of Chicago Law School in 1999 with high honors. He was the managing editor of the *Law Review*, was selected for Order of the Coif, and was chosen by the faculty to re-

ceive the Olin Prize for the Outstanding Graduate in Law and Economics. Upon graduating from law school, Sitkoff began a clerkship with Chief Judge Richard A. Posner of the U.S. Court of Appeals for the Seventh Circuit. While clerking, Sitkoff got a call from the Northwestern University School of Law's Appointments Committee, and when Northwestern offered him an entry-level appointment, the decision to take it "was easy," Sitkoff said.

Sitkoff published the leading American casebook on trusts and estates in 2005, with co-authors Jesse Dukeminier, Stanley M. Johanson and James Lindgren. He was appointed as the reporter (principal drafter) for the Uniform Law Commission's effort to create a uniform statutory business trust act in 2003. He is currently working on four papers and a book. To keep him even busier, Sitkoff will be a visiting professor at Harvard Law School in Spring 2007 and at Yale Law School in Fall 2007. Unfortunately for NYU students who are not in Sitkoff's *Trusts and Estates* class this semester, they will have to wait until Spring 2008 to take Sitkoff's class, which, as one student evaluation at Northwestern stated, "was my best class since gym."

PILC Leaders Series: Oona Chatterjee

ROBERTO REYES-GASKIN '09

Oona Chatterjee (J.D. '98) came to NYU after graduating from Yale College, telling her mother, "I'm going to law school but you can't decide who I marry." In law school, she dedicated herself to public service, working with low-income communities in Bushwick, Brooklyn. As a 3L, she formalized this work by co-founding the non-governmental organization Make the Road by Walking, also known by its Spanish name *Se Hace Camino al Andar* (www.maketheroad.org).

Make the Road is a grassroots movement to "build power among lower income New Yorkers to influence public policy." The mission of Make the Road, according to her talk at the Public Interest Series Speaker event on September 25, is to organize communities so that they



can propose their own solutions to "poor schools, housing [and] labor practices." For Oona and her co-founder/classmate Andrew Friedman (J.D. '98), this is a chance to "leverage [their] law degrees as a service." Make the Road utilizes participatory techniques that offer solutions tailored to the needs of the community members of Bushwick, and in their language, which is primarily Spanish.

In the late 1990s, the nascent organization entered its first fray by challenging the state of New York's lack of translation services for many eligible welfare beneficiaries who lack proficiency in English. Using Community Action Research, Make the Road assembled a team of community members and volunteers

who conducted semi-structured interviews with approximately 750 clients at welfare claims offices around the borough. For 70% of the respondents, language barriers were a formidable issue to getting their benefits. Litigation against the city ensued and was eventually settled. This victory led the city to adopt a "threshold rule," mandating translation services in some 17 languages if the percentage of non-English

speakers is sufficiently high.

Energized by this success, Make the Road grew and became a membership organization, counting 1809 members in the Bushwick area who have paid \$100 for life to access the NGO's services. Today it has a \$2 million budget and counts many projects within its remit, including:

organizing workers on the local retail strip to unionize, organizing parents for school reform, a student group dedicated to raising awareness of gay, lesbian, bisexual and transgender issues, a youth power project and an environmental justice group focusing on indoor pollutants. Its activities are supervised by a board of 14 directors, many of whom are local activists and community leaders.

As advice to law students interested in public interest, Chatterjee reminded the audience that law school is a time of privilege when a student can

afford to "ask questions, criticize models and think." Admitting she was once a 1L unsure of which path to take who stumbled into the law, Chatterjee counsels students to "pick something [an issue, an interest] and try and do it." Public interest work has a multitudinous spectrum of work opportunities to J.D. candidates, and fellowships and support from the Public Interest Law Center are readily on hand to assist.

Infra

Opinions	p. 2
Arts	p. 3
SLAP Scores	p. 4

The Cruelty of Exam Prep Courses

IAN SAMUEL '08

Dear first-year students: hi! How are you? It's been a while since we talked. No doubt you're getting settled in, learning your classmates' names and perhaps checking your Vanderbilt mailboxes once in a while. Let me warn you in advance: you will never get a single useful piece of mail in that mailbox. Ever. But it will help you practice recycling, and it may provide useful exposure to one of the meanest parts of the first year of law school: advertisements for "exam prep systems."

Last year, above the oft-used recycling bin was an advertisement for an exam prep course called "LEEWS" – the "Legal Exam Essay Writing System," or something along those lines. Billed as the brainchild of Wentworth Miller (storied inventor of LEEWS and... that's it, as far as anyone can tell), LEEWS guarantees that only its advice can lift you up from the wild throngs of the 1L herd to the legal superstardom you so richly deserve. It *guarantees* B's—because you'll compete for A's! (Quite a guarantee when NYU's lowest practical grade is B-.)

During your first semester, these advertisements are pretty bad. They take advantage of your insecurity and your willingness to do virtually anything to obtain microscopic edges over your classmates (a willingness I applaud). But that is nothing compared to

the elevated cruelty with which they are advertised in the spring.

Last year, 1L fall grades were released in very late January. There was a day in which everyone sort of had them all and everyone was reeling, either with disappointment, excitement, or an overwhelming sense of averageness. It was a weird day. You'll have a day like that. Treasure it. It's one of the weirdest days of your life.

On that day, the LEEWS advertisements people hung in the place of the old flier a new one, identical except for the large print at the top, which read: "NOW YOU KNOW HOW HARD IT IS TO GET As." And then there were the tear-off phone numbers to get more information about their program. Is there any conceivable way to be less elegant, less graceful, less polite in the advertisement of a service? "Hey, idiot! Should have taken our exam-writing class! Now you'll never be Chief Justice!"

The truth about exam prep systems (and there are many, of which LEEWS is but one example) is that they are (at best) a waste of time and (at worst) counterproductive. LEEWS is available either as a live lecture or as a set of audiotapes; other variants of similar systems are available as books, as handouts, as puppet shows—you name it. The business of capitalizing on 1L anxiety is a very rich

one and there are plenty of people willing to take a great deal of your money if you want them to have it. But all of them share two problems.

The first is that none of them can teach you to write well. None of them can teach you to write in an organized way. None of them can teach you to be creative, to be clever, to be quick-witted. Everyone who is reading this article is capable of writing well, of writing in an organized way, of being quick-witted, and of being clever. But no one can get it from a book on cleverness. No set of audiotapes can communicate the principles of quick-wittitude. The only thing that can do that is practice. Are there principles involved in legal analysis? Of course. But you'll learn those all year, if you're paying attention. Communicating legal argument in writing is like communicating anything else in writing.

The second problem is that none of these systems can actually teach you anything about the law. Very prosaic, I know. Who cares about the *law*? These people have a *system*! But believe it or not, having some substantive understanding of the course materials is a better investment than knowing Wentworth Miller's Nine Tips For Exam Paragraph Breaks, or whatever.

But the most important thing is this. These advertisements, these systems, intrude on what should be a sepia-toned time of magical intellectual growth. It is only early October. I know none of you first-year students are officially thinking about exams; I also know that all of you are privately thinking about them. Trust me when I tell you that there is time enough to worry about that. There is time enough later for the making of outlines and the reading of hornbooks; time enough for the model answers and past exams. Right now, you are still in a special place, where law school is new, where this stuff is still fresh, and so do this for me. Instead of investing money and time into the "exam prep systems" that will inevitably be advertised to you, take that money, buy a bunch of ice cream cones, and enjoy the fall weather in the park. Read your assignments for class and just enjoy thinking about them.

Try to remember this is supposed to be fun.

Letter to the Editor

Dear Editor:

I am writing to express to the Law School community my concern about a situation that arose in a class last semester, but that was only brought to my attention during the summer. Apparently, material that had been posted on a classroom Blackboard website was re-posted on an external website without the consent of the author of the original posting. In a related incident, other material that the student posted on a student group listserv was also re-posted on an external website. The external website in each case was that of a highly politicized group, the sympathies of which were antithetical to those of the author. As a result, the website attracted substantial criticism of the student and his political position. Some of the criticism was stated in vitriolic and malicious terms. The student received what can only be described as "hate mail" subsequent to these postings.

It is not clear to me whether the re-posting of comments made on in-class Blackboard sites or related comments in a student listserv without the author's permission contravenes any disciplinary rule of the Law School. We do have a residual clause that prohibits behavior "that adversely reflects on fitness as a law student," and I think any good law-

yer could make a plausible argument that this conduct satisfies that criterion. I do not want to rest my complaint on any such violation, however. It is also not clear to me whether re-posting violates a property right of the original author. But I don't want to rest my complaint on any legal violation either. Rather, my concern about these occurrences is that they have the distinct effect, and perhaps the purpose, of chilling the expression of a particular perspective in what is supposed to be the robust and vigorous intellectual exchange of ideas in all aspects of the Law School experience. It is simply inconsistent with our core pedagogical and educational mission for anyone to engage in behavior that is intended to discourage expression or to hold up for ridicule or attack individuals who hold particular views. A student who engages in such conduct interferes with the very debate that we hold ourselves out as fostering.

I feel confident that these episodes are highly atypical. But I am sufficiently distressed by even this singular occurrence that I wanted to share my concerns with the community at large.

Sincerely,
Clayton P. Gillette

SBA: More Than a Party

JOHNATHAN SMITH
PRESIDENT, SBA
JOHNATHAN@NYU.EDU

I remember when I first started at NYU School of Law. I heard the Student Bar Association (SBA) President speak during Orientation, but after that, I wasn't sure why the SBA would be relevant to me during my time at law school. Sure, I knew the SBA threw a party once a week, but besides that, why would I ever need to interact with the SBA?

Well, if you feel that way (and we wouldn't blame you if you did), you should know that this year's SBA is here to change that. All the members of the current SBA are not only committed to assisting all of you in any way we can, but also to improving issues here at the school. Our mission on the SBA is to serve as your representatives as well as to advocate for the concerns that you have during your time here as students.

So if you have an issue, problem, question, or concern, let us know. Feel free to email any of us, stop by our weekly SBA meetings (held this fall semester on Mondays, starting at 6:15 PM in Vanderbilt Hall, Room 201), or come to the SBA Town Halls we'll be holding periodically throughout the year. We can't promise to solve all the problems, but we will do what we can to make it better and guarantee that your concerns are heard.

You are also all encouraged to participate in the SBA election that will be conducted this week. By ensuring that the people selected to serve on the SBA are truly representatives of you and your interests, you can take the first step in making sure that the SBA will not only be accountable to the student body, but will also actively work to improve life here for all of us at NYU.

As always, feel free to email me about anything.

THE COMMENTATOR

The Student Newspaper of

Editor-in-Chief
Julia Fuma

Managing Editors
Bobbie Andelson
Andrew Gehring
Ben Kleinman

Staff Editors
Chris Bradley
Robert Gerrity
Roberto Reyes-Gaskin
Tudor Rus
Ian Samuel
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 2006 New York University

Add your name to the masthead.

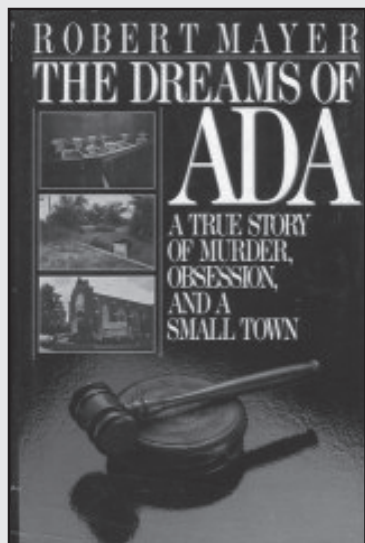
The Commentator is still looking for news, arts, sports, and opinions writers, as well as a comic artist or crossword designer (computer program available to assist).

Contact fuma@nyu.edu.
Do it before the next issue.

Re-Release of Mayer's *Dreams* Delivers More Suspense Than Matlock

BY DEREK TOPAZ '08

Robert Mayer's *Dreams of Ada* hits the ground running and doesn't let up until well beyond the last page. There's Ada herself, an ultra-religious small town in Oklahoma. There are police indiscretions. There's a missing pretty young white girl. She's possibly been raped. She's probably dead. And now, Tommy Ward and Karl Fontenot are on trial for their lives, and their attorneys are paid so little they would be better off with PILC funding. It's a classic tale, but with a twist: "This story is true. Nothing has been invented." You get all the grit—leads that lead nowhere, mistakes on both sides, unedited transcripts, and evidence never admitted in court. Details which would normally be clinical and dull become exciting—any could lead



to proving the guilt or innocence of either defendant.

From "Matlock" to *Midnight in the Garden of Good and Evil*, the verdicts in crime dramas are usually easier to predict than the winner of a Harlem Globetrotters' game. But with two defendants offering different defenses and a

jury drawn from Ada's polarized citizenry, the possible outcomes of this story will leave you in suspense until the end. But *Dreams* isn't just about suspense; it's emotionally charged and at times can be a bit scary. The faint of heart may want to have a pint of rocky road or a fifth of scotch on hand.

If you're not a fan of non-fiction, have no fear. Mayer has a strong background in fiction, and despite the comprehensive factual nature of the book, the prose is easy and the pages refuse to stop turning.

Originally published in 1987, *Dreams of Ada* will be re-released this October with a new afterward from the author. *The Innocent Man* by John Grisham deals with an eerily similar true story, out of the same Oklahoma town, sixteen months before the events of *Dreams of Ada*.

Florencia Marotta-Wurgler: Contracts and Commerce with an Electronic Twist

BY BEN KLEINMAN '08

Maybe you think you do a lot of online shopping. Maybe you're an educated consumer. Maybe you've even read an online licensing agreement. Doubtful, but maybe you have. Read 499 more and you'll be approaching Florencia Marotta-Wurgler's voracious consumption of online contracts.

Originally from Buenos Aires, Marotta-Wurgler came to the United States in 1992 "to pursue a liberal arts education and ended up staying (a lot) longer." Her degree from the University of Pennsylvania is in Economics, and she immediately followed that up with a job as a research analyst at the National Bureau of Economic Research, an economics think tank, to deepen her understanding and "acquire some econometric skills." It only took two years of working on the economic issues around health and aging to pique her curiosity about the legal issues. Two

years after finishing her undergraduate degree she applied to NYU Law School. "I always knew it was a great school," she wrote, "but I decided that this was the place I wanted to go to after spending a couple of days here as an admitted student. The environment at the law school is intense and dynamic, yet unstructured, and I really liked that. Plus, it's right across Washington Square Park and in the middle of the West Village, so it doesn't get better than that. Dean Sexton was the first to



point that out to us." She left NYU with her JD in 2001 for another two years in the 'real world' at Davis Polk & Wardwell. Wurgler was then named the Corporate Fellow at the Fordham Center for Corporate, Securities and Financial Law at Fordham Law School, where she helped run the center and also

See ARGENTINA page 4

The *Journal* and the Republican Right: Just Plain Disgusting

BY CRAIG WINTERS '07

I'm a loyal subscriber to the *Wall Street Journal*. I recommend the paper to my friends; I've even bought a couple gift subscriptions. It's a great newspaper, and the way the *Journal* and the *New York Times* duke it out to break political and business news really benefits us (i.e., news consumers).

But there is something seriously deranged about the folks in charge of the *Journal* editorial page.

The *Journal's* editorialists would have us believe that "liberals"—that is, anyone to the political left of Attila the Hun—are actively destroying the country, aiding and abetting mass murder, and attempting to implement an economic program that would herald a new Great Depression. Last week the *Journal* hosted an op-ed by a regular contributor that explicitly equated progressive rights-activists with al Qaeda sympathizers.

Beyond the frustratingly oppressive and myopic worldview embraced by the *Journal*, however, lies a more invidious problem. One can laugh at the *Journal's* editorial page, but one can not dismiss its importance. The editorial page has long been known as the semi-official news organ of the Republican Right. The editorial writers and contributors are a virtual who's who of the current ruling party, and on a typical day a right-wing think tank guru opines and spills his (or, rarely, her) bile all over the second most widely read rag in the United States. (The most read is *USA Today*, with the *Times*

in third place.)

So we can learn something about the bad groupthink going on inside the Republican Party by reading the *Journal's* biting and vicious prose.

First, Eliot Spitzer is the Great Satan. He is Public Enemy #1. Back when Spitzer single-handedly broke up the largest backroom bid-rigging operation ever to plague the insurance industry—a \$1 trillion dollar industry, mind you—the *Journal* cried foul, and they did so again, and again, and again. Marsh & McLennan Cos., the original object of Spitzer's ire and the lead organizer of a hideous kickback scheme, was able to run their bare-knuckles plot because they abused a less dubious but poorly disclosed compensation practice. That compensation practice was "longstanding," as the *Journal* noted when defending it, but was nevertheless the root cause of the eventual abuse.

When Spitzer shut down the former practice to prevent the latter illegalities, the *Journal* went ballistic. He was labeled the "Lord High Executioner" and was called a variety of spiteful names. He's been the subject of countless columns, and despite the Republican Congress's numerous crimes related to their unlawful siphoning of Abramoff-lobbyist cash, the *Journal* continues to give high-profile attention to spurious ethical charges levied against Spitzer. It's really quite unbelievable the amount of abuse they've dished out the Attorney General's way: not that it has helped them, since Spitzer is leading in the Governor's race by 51 points, includ-

ing a commanding lead among Republican voters.

Which is, perhaps, exactly the point. Elected Republicans can't touch Spitzer or criticize, in any meaningful way, his pursuit of executive corruption. The Republicans cannot afford to cede the issue of corporate crime to the Democrats, and thus the *Journal*, as far as Eliot Spitzer goes, is the Republican's lone bugler. Here we witness the *Journal* as hatchet man, the modern day equivalent of Nixon's dirty tricks squad.

If Spitzer is America's most dangerous man, a close second is the *New York Times*. The *Journal's* criticism of the *Times* is a direct appendage to the prerogatives of President Bush. Back in 2004, I clearly recall watching, stunned, as Bush devoted a solid paragraph of his R.N.C. acceptance speech to attacking the *Times*. I mean, this was the President of the United States, arguably the most powerful person in the world, and he had a prime time audience eager to hear his solutions to our nation's numerous challenges. And he spent some of this precious time attacking a newspaper? Beyond my disagreement with his policies, I felt incredibly embarrassed for the President; it was an incredible denigration of his office and sacred trust.

The *Journal* editorialists, never ones to be shamed, picked up the odiferous gauntlet right where the President dropped it. In an extraordinary double-length editorial published June 30 of this year, the *Journal* intimated that

the *Times's* editors should do jail time for publicizing Bush's not-so-secret international wire transfer monitoring program. The fun didn't stop there, though—they continued to traitor-bait the *Times*. The *Journal* wrote:

"On issue after issue, it has become clear that the *Times* believes the U.S. is not really at war, and in any case the Bush Administration lacks the legitimacy to wage it."

Well, wait a second—it's *this* President who has told America that we need not sacrifice one iota for the war in Iraq. (In fact, it's tax cuts all around!) It's *this* President who refuses to institute a draft in order to supply the manpower sufficient to keep the peace in a country he invaded under false pretenses. And it's the majority of *this* country that thinks *this* Administration has an illegitimate foreign policy. Has the *Journal* read a poll lately?

Further along in the aforementioned article, the *Journal* quoted some innocuous statements that *Times* Publisher Arthur Sulzberger, Jr. made at a college graduation. This is what the *Journal* had to say about Sulzberger:

"Forgive us if we conclude that a newspaper led by someone who speaks this way to college seniors has as a major goal not winning the war on terror but obstructing it."

Hey *Journal*, if we're at war, then act like it. The *Journal* should publish editorial after editorial castigating this Administration for hopelessly blundering in Iraq. They should expose the corrup-

tion and cronyism that led the Administration to install hand-picked hacks instead of professionals in seats of authority in Baghdad after Hussein's ouster. They should support a draft, because that's the only way we'll get the 200,000 extra troops that we need to rebuild that shattered country. (A truth, notably, that Gen. Shinseki was fired for saying aloud when testifying before Congress prior to the invasion of Iraq.)

But we see none of this, because the *Journal's* hatred for the *Times* isn't about any particular policy—it's about silencing the truth-tellers. It's about continuing Bush's 2004 vendetta.

There's a tie for third place on the *Journal's* hit list, and simply put, it's this: the *Journal* opposes any serious attempt by the government to right what has gone wrong in the market. Public schools; environmental regulation; holding corporations accountable for crimes committed on behalf of the corporation by its senior officers; any attempt by workers to unionize; Democrats, in general; progressive taxation; cash assistance to the poor; and on and on.

In this election season, it's always helpful to remember that regardless of the ideological stripe of any particular Republican candidate, the Republican Party and its leadership follows the drumbeat hammered out along the back page of the A Section of the *WSJ*. These guys live in a scary world, and it's amazing how toxic their ideology really is.

SLAP: Building Bonds, Breaking Bones



• League Leaders •

• West Village Division •

- Crow T Robot Likes Pizza on a Bagel
- The Real Balendras
- Jones-Peacekeepers

• East Village Division •

- Carla's Team

• Soho Division •

- Little Lebowski Urban Achievers
- Flag Burners

• Full-Contact Division •

- Pro Boner
- TMT
- Minimum Contacts

These rankings represent preliminary results from the first three weeks of play. Photos are from September 22 and were taken by Jim Medek.



NEW YORK STATE BAR ASSOCIATION

6 Great Reasons to Become a NYSBA Law Student Member

- 1| Make valuable contacts.
- 2| Better prepare for the bar exam.
- 3| Sharpen your skills.
- 4| Stay informed.
- 5| Save money, save time.
- 6| Find the area of law that's right for you.

A NYSBA law student membership offers you the same valuable resources as practicing attorneys. **PLUS** special services for law students only.

Become a NYSBA Law Student Member for only \$10 a year.



To join today, call **518.487.5577 / 800.582.2452**
Or join online at **www.nysba.org/join**



ARGENTINA: The NYU Law Connection Continues to Grow

Continued from page 3

taught Corporations Law. The fellowships kept coming: the next year she was named a fellow at the Center for Law and Business, sponsored by the Stern School of Business and NYU Law. This led to her current position as assistant professor at the NYU School of Law.

Although interested in research since college, it was her first year contracts course that hooked Marotta-Wurgler and made her realize her fascination with the problems that contract law addresses. "How do we best help parties enter mutually beneficial agreements, and how do we help [save] them from themselves, in the sense that ex post they might be inclined to behave strategically, or they might not have been able to specify their contractual obligations as clearly or unambiguously as they would have wanted?"

Marotta-Wurgler is particularly interested in these issues as applied to the internet. "The rise of e-commerce has created great business (and contracting) opportunities, as well as new challenges for contract law. For instance, most online contracts are presented in the form of browsewraps, which consumers must actively (and knowingly) look for in order to read. Similarly, many contracts of goods purchased online are not

made available to buyers until after they have purchased the product, when they receive the product at home. Do sellers take advantage of this delayed or hidden contract disclosure to impose more onerous terms on inadvertent buyers?"

As part of her research she looked at over 500 software license agreements for software products sold online. Her finding? Perhaps surprisingly, sellers "who delayed disclosure of the contract terms until after the buyer completed the purchase of the product offered slightly more buyer-friendly terms than those sellers that either required buyers to agree to the terms of the license (by clicking 'I agree') or that made their contracts available for review prior to purchase."

Marotta-Wurgler points out that while New York City has been her home for eight years, she shares a native's love of Argentina with an impressive collection of compatriots: "I am almost certain that NYU has a higher fraction of Argentineans on the faculty than any other US faculty. The Dean is from Argentina, as is Professor Sam Issacharoff." Which makes one wonder if the three will get together and offer a guided tour of their native land for this year's public service auction.