The Commentator

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Justice Breyer: Supremely Low Key & Judiciously Cosmopolitan

By Ben Kleinman, JD '08

In an informative and entertaining talk that lacked the fireworks of other Supreme Court Justice appearances at NYU, Justice Stephen Breyer gave several hundred members of the NYU community a tour through his typical day, a dissertation on the travails of having judicial theories, and a delicately candid assessment of his views and his critics.

Physically, Breyer evoked a kindly uncle or grandfather. Members of the audience were overhead later comparing the Justice to PBS's Fred Rogers. That impression was probably amplified by the introduction, which referred to his being an Eagle Scout, being a national authority on regulation and administrative law while at Harvard, and having been on the national sentencing commission (while helping to create Harvard's loan forgiveness program).

The Court's Impact

Putting the role of a Supreme Court justice in context, Breyer described the minimal role that federal courts and statutes play in everyday life. He remarked that "90% or so of the law in the United States is not federal law" and that outside of federal law is "almost all family law, almost all business law, almost all criminal law..." Family law is arguably the most important law to many people, and that has nothing to do with the Supreme Court, according to Breyer.

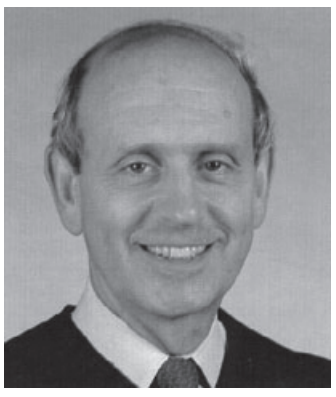
Breyer then moved on to what the Supreme Court does do. Of the estimated 8 million original cases in the US about 8,000 result in petitions to the Supreme Court each year. Eighty are heard. So a Supreme Court justice has two jobs: (1) getting from 8000 to 80 and (2) deciding the 80.

A Justice & His Clerks

Quoting Chief Justice Taft, Breyer indicated the "job of the Supreme Court is to create a uniform rule of federal law in cases that call for it." It's rare that a case calls for it when there is consensus. One exception Breyer cited is the Guantanamo cases that seem to merit a national decision despite circuit court consensus. But when there is a split in the circuits, the Supreme Court settles it. Why? "We are of course brilliant," quipped Breyer, but it's more important that *someone* have the last word than that the last word be infallible.

> **After 11 years, Breyer is still junior member. His job during conference is to answer the door.**

A typical case has 10-12 briefs, although a recent right to die case had 70 briefs and an affirmative action case had 120. Even in those cases Breyer found that the briefs weren't repetitive and he read every one. His clerks prepare a memo on each case which he then discusses with them.



Supreme Court Justice Stephen Breyer

For Breyer and his colleagues, the actual hearings are more of an opportunity to communicate with each other than to learn new items about the case.

After 11 years, Breyer is still the junior member and will be even if Roberts is confirmed. So his job during conference is to answer the door if someone knocks. At this stage decisions are tentative and everyone writes down what others say in case it's useful for an opinion. The professional attitude is maintained: Breyer has "never head a voice raised in anger. Never. Never heard one judge say anything slighting of another."

On the basis of tentative votes the Chief (or senior justice in the tentative majority) will assign an opinion writer. The minority side will do the same. When assigned an opinion, Breyer's law clerks prepare a first draft that Breyer usually rewrites at least twice. When it's done, he circulates it to attract joiners.

At the next meeting the Chief Justice makes sure everyone's joined an opinion or written one. A handful of times each year a justice may change sides during the consideration interval.

Judicial Transparency

With a judicial job, "what you see is what you get". But that's not true of the legislature, says Breyer. "A statute doesn't explain why it says what it says but a good judicial opinion will say why the judge reaches that decision. If you look at our drafts, you'd see what you see eventually, just [written] worse."

Science & Martial Law

In response to a question about social science in the courts Breyer said that the material comes to their attention through briefs and it's unlikely that legal outcomes turn on it. "Scalia, Kennedy, I, and others have perhaps inadvisably quoted poetry and novels." Further, there are no fixed rules about the legislative facts used in making statutes and the court has "taken such matters for what they're worth."

A question was asked about martial law in the context of natural disasters, and Breyer doubted that we'd lose all civil liberties in such a case. We'd still have protections. "They might not be the same, but they're there."

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SLAP Image of the Week by Gillian Burgess

NYU Welcomes Class of 2008

Also greets large transfer class and Tulane students.

By Jackson Eaton '07'

An emergency medical technician, a bagpiper, a championship chess player, a carpenter—what do they all have in common? They're all members of the class of 2008.

In an interview, Dean of Admissions Ken Kleinrock spoke to the highlights of this year's admissions process, from the unusually large numbers of transfer students to applications from victims of Hurricane Katrina.

Ken Kleinrock, Assistant Dean for Admissions

New 1Ls

7,872 would-be law students applied to NYU, according to Kleinrock. Though slightly fewer than last year, he attributes the lower number to a growing economy. In line with recent years, roughly twenty percent of applicants were given offers, and of those just under 30% accepted.

Like last year, a few dozen students were chosen from the wait list. One student was admitted the day before school began.

For the first time, Duke claimed the rank of the top "feeder school" to NYU Law. Bobcat alumni took second place this year, the highest ranking yet of NYU undergrads.

This year's 1L class has 46-54 female-male ratio. One-third come straight from senior year of college. Almost half have spent 1-4 years out of college, while nearly a fifth have been out 5 years or more. 14% of 1Ls hold an advanced degree.

Plenty of Transfers

68 students transferred from other schools into this year's 2L class, an unusually high number. Kleinrock indicated that NYU aims to get about 50-55 2L transfer students.

Kleinrock explained it was very difficult to predict which transfers would accept offers. Last year, a similar number of offers resulted in only 43 admitted transfers.

Some students have suspected that the school enjoys a lower-sized 1L class for its advantages in law school rankings, while reaping the tuition dollars of transfer students who are not counted toward class sizes. Kleinrock dispelled this suggestion.

"We admitted these numbers of transfer students well before rankings," he said. Moreover, he said, even if they did count they would play a small role in NYU's ultimate ranking compared to factors like student LSAT scores and GPA.

Transfer students, he explained, benefited from the wide breadth of courses available to second and third year law students, without significantly altering the nature of the student body.

"You couldn't put those students in a first year curriculum without having a five-section class," he said.

325 students applied for transfer admission. Although some applied because changing circumstances caused them to look to New York — for instance, a spouse with a new job in the city, most applied because of the tremendous educational and professional opportunities that NYU offers. For many, NYU had been a top choice when they originally applied to law school.

Help to Tulane

NYU Law offered admission to 10 3Ls from Tulane in the aftermath of Hurricane Katrina. However, because many peer law schools similarly relaxed application deadlines only two students accepted admission.

Kleinrock was particularly proud of the speed of the response of the Law School. Hurricane Katrina made landfall on August 29. By September 2, under the coordination of Vice Dean Clayton Gillette, NYU announced its willingness to accept law students

Infra

French Judge Details Experiences At Hauser Global Law Lecture

By Yas Gailani (LL.M)

The "Transatlantic Dialogues" occasional panel series has been a highlight of the Global Law School experience so far. Particularly effective has been the mode of presentation, in consisting of answers from some of the most eminent characters in the transatlantic legal community to the searching questions of eminent faculty members. On September 28th, 2005, it was the turn of Monsieur Olivier Dutheillet de Lamothe, of the French Constitutional Council, to be subjected to Professor Weiler's examinations-in-chief. Dutheillet de Lamothe was very interesting to listen to, because he was both wily in his responses, and engaging in his mannerisms and intonation.

I must declare immediately that my leanings are strongly Francophile. The French have a certain way of combining vanity with beauty which I find very engaging. This plays out in general terms, of course: the narrative of the greatness and glory of France that Paris purports to project in the beauty and scale of its architecture and planning presents a particularly powerful example. But it also plays out on the level of personalities.

Thus, I do not doubt that I was not the only one to have enjoyed the sight of the distinguished judge, dressed in a *very* well-tailored suit which fit him like a glove, speaking biographically in a thick and aristocratic French accent about his life, his career track, his experiences as a judge, and his views on some of the most pressing issues in transatlantic relations in recent years.

Olivier Dutheillet de Lamothe

Born in 1949 in the Paris suburb of Neuilly as the son of a former officer in the Free French Army and a resistance fighter, de Lamothe described how his upbringing had strongly affected his choice of career. His was a household where dinner-table debates about policy and politics were a commonplace. After discharge from the army, his father worked as an official implementing the Marshall Plan. After studies at Sciences-Po and "low" school, he attended the *Ecole Nationale d'Administration* (ENA), the training college and finishing school for the French political elite.

Of considerable comparative interest was the judge's description of the institutional structures in which he rose to prominence and in which he worked. ENA is the filter through which all the senior civil service, senior judiciary and political class has to pass. But though elitist, the institution was not exclusive: he claimed that more than a half of the intake at the time he gained admission was comprised of lower level civil-servants from ordinary backgrounds who had worked in fields such as industrial regulation.

Of particular significance was the structure and nature of the education he received. He described his training as a mixture of theoretical, class based studies and more practical internships at various public and private agencies, the aim being to teach those who would govern how government affects things on the ground. Maybe this serves to explain why French public services work so well.

Upon successful completion of his studies at ENA, he joined the *Conseil d'Etat*. The Council serves, alongside the *Cour de Cassation* and the *Conseil Constitutionnel*, as one of the highest courts in France. Its competence is restricted solely to administrative law; unlike the civil courts under Court of Cassation, it both sets precedent and acts as a legal adviser to the French Government. In de Lamothe's own elegant metaphor, the *Conseil d'Etat* is thus "the only religious order which is both secular and regular."

Because, in its decision-making, it has served to provide a measure of practical coherence to the development of the French regulatory state whilst guaranteeing its location within the rule of law, it commands great respect both within and without France's borders.

He served at the *Conseil d'Etat* until 2001, at which point he was appointed to the *Conseil Constitutionnel* by President Chirac. The *Conseil Constitutionnel* has jurisdiction to consider the validity of main legislation with the Constitution and Treaty law. To that extent, it serves a similar function to the U.S. Supreme Court, except that it is not open to ordinary litigants to challenge such laws.

Certain laws are referred to the Council (after they are adopted by the legislature but before they are signed into law by the President) for consideration of their constitutional validity as a matter of course; but others are only optionally referred, and references in such cases are

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Justice Breyer Speaks to NYU Law Community

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Theory and Practice

Breyer initially demurred when asked a question about the qualities of a just society and what role the Supreme Court has in creating one in America, saying that academics are closer to the philosophers than the justices. "As judges, what we're trying to do is enforce the Constitution so judges don't substitute their own views." He cited Learned Hand in stating that Judges are limited by the document.

Another questioner stated that empirical research has shown that different branches react to public opinion with different time lags and asked for Beyer's reaction. The justice says he deliberately insulates himself from press, friends, and family on certain cases. With more controversial cases the justices will reverse the names and the political parties and see if they still come out the same way.

While political views aren't relevant, there's a sense that the condition of the country can be relevant in determining the answer to a legal question. He used the recent establishment clause cases as an example. The way in which the founders thought the establishment clause would work is different from how the country views it today because the country has changed. There are now 50-60 significant religions and much more conflict over them. Breyer will try to get a view of the country from newspaper and, to a larger extent, law professors.

Breyer went on to say, in response to another question, that he has approaches to justice, not theories. A judge in the Supreme Court has Constitutional questions as a steady diet, and no other court has that. Over time, justices come to see the document as a whole. For example, when asked about original intent and the establishment clause, he agreed with the questioner's assessment that original intent seemed somewhat dishonest.

He acknowledged that "people are worried about the legitimate problem that a judge who is not elected and has the last word will inevitably substitute their views for what may be intended." He returned to the establishment clause to expand on his response to this.

It turns out, says Breyer, that over time, the court has viewed the reason for the establishment clause as the diminishment of the chance of social conflict based on religion. The framers didn't foresee any of the current controversies. Breyer indicated that the Kentucky judge placed the ten commandments up largely to show that he could put them up and was making a religious point. This, Breyer says, was contrary to the intent of the clause.

However, in Texas, the tablets had been there for 40 years, put up to advertise a movie, were with other monuments, and had never caused a ruckus. It causes less controversy and tension to simply leave them there.

International Justice

Breyer was asked about the cosmopolitan nature of the court. He quickly debunked the image of judges from around the world convening to decide each other's cases and emphasized that "we don't think that each other's constitutional decisions are binding." But there's often something to be learned.

When the moderator asked Breyer if the criticism of citing international law surprised him the justice acknowledged that it did. He recounted the tale of being on a panel that was discussing the relationship. He told a congressman, who said the worst thing you do is cite the laws of other countries, that the world has become smaller, with more and more democracies, and human rights are being defended by independent judiciaries. "Judges are human beings, they have similar jobs to mine all over the place, they have documents like the constitution, why don't I read what they say. Maybe I'll learn something."

> I may be right, I may be wrong. But I explain my reasoning.

Breyer thinks the root of the problem is not the citations themselves but the controversial opinions in which they've appeared. Gay rights. Death penalty cases. "My wife is a psychologist (and you need that if you're a lawyer). She explains displacement. You're angry at A so you blame B."

In the end, Breyer has his approach to Justice and he takes pride in his transparency. "I may be right, I may be wrong. But when I write the decision I try to explain my reasoning."

Dutheillet de Lamothe

Continued from page 2

open only to The President, the Prime Minister, the Presidents of the *Assemblée Nationale* or the Senate, or 60 deputies and senators.

The Council was created by the Constitution of 1958 *de novo*. As a body, it has no institutional precedent either in theory or in practice; but though experimental, it has served to guarantee the rights enshrined by the Constitution from legislative erosion. To that extent, it has proved quite successful. De Lamothe declared that as a member of the Council, he considered himself part of a "global constitutional society" which has as its task the consideration of similar constitutional questions arising in different contexts the world over.

All of this narrative was interesting. But perhaps most interesting of all were his reflections on Anti-Americanism. This side of the Atlantic, American believe that the Cheese-Eating Surrender Monkeys are at the forefront of those in Europe who view the United States with unfounded and unjustified jealously, envy, and contempt. But de Lamothe does not believe that to be an accurate representation.

He likened France and America to Walter Matthau and Jack Lemmon in the *Odd Couple*: ostensibly always at each others' throats, but in reality deeply respectful of one another, because both were born of a common revolutionary ideal. The French and the U.S. are, in that sense, closer to one another than will ever be the U.S. and the United Kingdom, because there is a shared sense of intellectual and philosophical purpose.

He stressed the ability of ordinary people to draw distinctions in their minds between the policies of a government – which might well be opposed in the strongest possible terms – and the affection and warmth that a people who were liberated by American idealism will always hold for the population of America as a whole.

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).

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Do it before the next issue.

Professor Stevenson Gives Powerful Plea At Public Interest Lecture

By Ben Kleinman, JD '08

The annual lecture given by Bryan Stevenson is widely regarded as one of the most eagerly anticipated of the school year. On Monday, September 26, the Professor spoke as part of the PILC Public Interest Leaders in Residence lecture series. He left the audience misty eyed and fired up, smiles and sadness mixing with the adrenaline rush born of a desire to join Professor Stevenson in fighting the good fight.

Deb Ellis introduced Stevenson as the Executive Director of the Equal Justice Initiative in Montgomery, Alabama. A 1995 recipient of the MacArthur Foundation's 'genius' awards, he has overturned dozens of capital convictions and won numerous other awards. She urged us to be open to receiving the "spiritual sustenance" we were about to be served.

Stevenson welcomed the audience by saying that he believes "that lawyers and people with a vision of justice are desperately needed" and saying he was going to ask those in attendance with a commitment to justice to stand up against injustice.

Stevenson began by reminding his audience that lawyering "needs time and intellect and skill – but also vision and heart." He urged all to be "prepared to be courageous and say things that need to be said." He warned that law school can acculturate students into believing they can't make a difference. The visions, dreams, and aspirations that motivate students to come to law school sometimes can be boiled down to something that seems insignificant, something that they can walk away from.

On the contrary, said Stevenson. He sees the power of witness, the power of words, manifest themselves in ways that are life saving every day.

Professor Bryan Stevenson

Stevenson's focus is the criminal justice system, with an emphasis on capital crimes. He cited numbers from that system to remind the audience of what needs to be done and of "being someone who cares, who's opposed to injustice, who has an identity, and then saying something, is important."

His talk focused on the intersection of poverty and criminal justice. In 1972, according to Stevenson, there were 200,000 people in jails and prisons. Today there are 2.1 million people. There are 37 million people in the United States that live in poverty. For a family of four, that's an income of under $18,000. In fact, there are many families where over the span of generations – over 70 or 80 years – the cumulative income wouldn't be 100,000 USD.

Stevenson characterized this combination of crushing poverty and mass incarceration as the fourth great challenge to African Americans. Before it came slavery, the reign of terror at the end of reconstruction, and Jim Crow laws with the attendant legalization of segregation and subordination of people of color.

Detailing the problems facing African Americans, Stevenson indicated that in Montgomery, Alabama, 1 out of 3 black males between 18 and 30 is incarcerated, on probation, or on parole. In Alabama 31% of the African American male population has permanently lost the right to vote. They can't get into public housing. They can't get food stamps. Their families can be evicted from public housing.

In other words, Stevenson summarized, we're "creating an underclass of marginalized people. These people are invisible to people who have the means of isolating themselves. They know it, they feel it." They actually use the term themselves and recount the pain of experiencing invisibility.

Stevenson used an example to demonstrate how many citizens end up incarcerated. In Birmingham, citizens that can't pay fines for a misdemeanor, such as driving without a license, can be incarcerated. Instead of paying a fine, they could end up serving as many as 3-4 years in jail.

The notion that it's "better to be rich and guilty than poor and innocent" is institutionalized on a regional and national basis. Alleging a presumption of guilt for the poor, Stevens contended that this is intensified by the absence of indigent defense systems. Although America spends hundreds of millions on police, prosecution, and jails, there is nothing comparable spent on public defense. For example, there's no public defender system in Alabama and a typical capital trial will take only two days with the court appointed attorney receiving a payment that's capped by law at $1,000 for out of court time.

On a national level, Stevenson used the Supreme Court's treatment of the death penalty as a lesson. In 1972 it struck down the death penalty as being discriminatorily applied on the basis of race. Every single person executed for rape was a black man convicted of raping a white woman. The Supreme Court considered this evidence probative of discrimination in *Furman v. Georgia* it struck down the death penalty as then applied in the landmark case of *Furman v. Georgia*.

Southern legislatures responded by passing new death penalty statutes and in 1976 the Court revisited the issue. Four years after *Furman*, the Court found the new statutes Constitutional and reinstituted the death penalty in *Gregg v. Georgia*.

> **One thing we did right, was the day we started to fight. Keep your eyes on the prize, Hold on.**
> *Civil Rights Spritual*

The NAACP Legal Defense Fund went to work and the Supreme Court heard their case in 1987 in *McCleskey v Kemp*. In what Stevenson characterized as some of the best statistical research into the criminal justice system ever conducted the LDF focused on eight years of capital crime in Georgia and discovered that a person was 11 times more likely to get the death penalty if the victim is white than black. The odds rose to 22 times more likely if defendant is black than white. Simply put, race was the greatest predictor of the death penalty.

Leaving no doubt in the audience as to his opinion on the matter, Stevenson called the Court's accepting overt racism in the criminal justice system the *Dred Scott* of our generation. In essence, the court said that it had to uphold the death penalty, because if it dealt with racial disparities in the death penalty then it would have to deal with it in all aspects of sentencing. Stevenson quoted Brennan's dissent, caustically accusing the court of having "a fear of too much justice".

Stevenson described himself as a product of *Brown v Board of Education*, a decision that allowed him the opportunity to attend his high school. He contrasted that decision with *McCleskey*. "In 1955 the court could have said segregation is too big a problem. But they didn't. They had a vision of justice that compelled them to say no, it's not inevitable. So the idea that we're going to give in is difficult."

Stevenson urged the audience to keep basic decency in mind. To remember that "each person is more than the worst thing he's done." That "if you lie you're not just a liar and if you kill you're not just a killer". In every person "there's a basic human right and dignity that must be upheld and defended."

He ended with another call to stand up and be heard. Reminding us that options include clinics, summer jobs, and careers in public service, he highlighted the many ways to can confront the huge challengeof fighting "deliberate indifference to injustice around discrimination of race and class in criminal justice."

"Lawyers who create justice believe things they've never seen. If you want to change things, go someplace where there's injustice and helplessness and say 'I'm here.'"

Is the $125,000 dollar starting salary a good thing? (Part One)

By Craig Winters, '07

I'd like to pose a question that may seem heretical – or treasonous – to many at NYU Law: Is the standard Big Law first-year associate paycheck of $125,000 dollars per year a good thing?

First to be answered: a good thing for whom?

For the newly minted first-year associate, $2,400 dollars a week is certainly a ton of dough. It pays for apartment security deposits, new wardrobes befitting a newly acquired status, and it's enough cash to easily meet the burden of astronomical monthly loan payments. For all but the most proliferate spenders, it's also enough money to start a savings account. Good-bye no-interest checking!

Clearly, the sky-high starting salaries benefit everyone who takes these jobs straight out of law school. Indeed, I've recently heard not-so-quiet grumbling that the $125,000 annual salary should be *raised*.

Some New York and L.A. firms have allegedly increased their starting pay to over $140,000 dollars in base salary; and, given that the $125,000 dollar salary has been pretty constant since the late-1990's Internet boom (which drew young lawyers to Silicon Valley companies and their related entities), one can accurately say that $125,000 today is worth 10 or 15 percent less than it was in 1999 or 2000. So, in one particularly pessimistic view, first-year associates may be robbed of $15,000 or more a year.

That said, let's put aside the argument that $125k is too low. I submit that there may be other parties in the first-year associate pay equation whose interest should be taken into account.

Perhaps we can rephrase my initial question as: Is the lure of a $125,000 dollar starting salary for first-year associates a bad thing *for society?*

Two possible answers come to mind:

One answer may be that Big Law salaries have created a symbiotic relationship between corporate and public interest law. The sky-high salaries of the biggest private sector firms act as a "safety net" for public interest lawyers. This works in two ways. Students can take low-paying public interest jobs initially out of law school, struggle with LRAP and their own poor-by-comparison salaries, then exit to the riches of a Big Law firm after serving their communities. Or students can take the Big Law job right out of law school, pay off some (or all) debt while working in corporate America, and then go into public interest law.

> Is the lure of a $125,000 dollar starting salary for first-year associates a bad thing *for society?*

Both of these career paths are well demonstrated by the various careers of prominent NYU Law alumni. Flipping in and out of the public sector is a common, time-honored tradition, especially so for federal prosecutors (almost all of whom come from prestigious stints in Big Law).

The other possible answer is significantly less cheerful, and requires a bit more analysis.

Let's start with the notion that the possibility of earning $125k siphons off quality lawyers who would otherwise go into public interest law. Is this happening? It's hard to know for sure. But a couple of generalizations about the NYU Law student body may help.

What we do know is that a vast majority of law students enter this fine law school with every intention of participating in the public interest. After all, it is our motto ("a private university in the public interest"). Many are attracted to NYU precisely for this reason: the strength of our public interest programs, clinics, LRAP and various opportunities in New York City.

A letter to the editor from the last *Commentator* edition supports this point. The writer said "one of the things [he] like[d] about NYU Law is that those that are contemplating public interest jobs can work side by side with those interested in corporate jobs." While no means scientific, it's likely safe to say that NYU Law is a particularly public interest-focused law school.

Yet, eighty percent or so NYU Law grads will go to work at law firms before, if ever, entering the public interest (this includes students who enter law firm life after clerkships; estimates based on data from the school's website). This percentage likely the exact inverse of the percentage of students interested in public interest law when they enter law school.

The question is: Why? What happens in three years to make this so? Is it the allure of the monster salary, or something else?

There are almost certainly other important non-pay-related factors that affect each individual. Location/partner preferences, students "biding time" until entering academics or government/non-profit jobs down the road, and possibly the relative paucity of prestigious public interest openings (note, here, the limited number of Skadden fellowships). This is, of course, by no means a comprehensive list.

However, pay rates – and the help that pay provides in making required loan repayments – must be counted as a huge factor, if not the most significant factor.

Which brings us to the crux of the matter: If the driving factor is money, is this a bad thing for society?

The pay discrepancy between public interest jobs and Big Law jobs has dramatically increased over the last fifteen years. I compared the starting salaries of two top graduates going to top firms in 1989 to today's salaries.

First, today's $125k is *not* $125k. It's more. Including bonus, Big Law pays somewhere between $140k and $150k.

Second, the 1989 salary was in the $60k range, without bonus. Add, say, $10,000, and you've got $70k, give or take $5,000. So, in fifteen years, we've seen the starting salary for Big Law double, which isn't bad compared to the inflation-indexed flat wages experienced by the middle class over the last ten years.

What's happened with public interest salaries? There are no uniform pay rates for this group, but it's safe to say that today's $35,000 or $40,000 dollar non-federal public interest wage hasn't grown anywhere near as fast over the last fifteen years. I've heard that $22,000 to $26,000 was a standard wage for public interest law in 1989, so let's use that.

In sum, the pay differential has gone from somewhere around three-to-one for private-vs-public interest in 1989 to 4.5- or 5-to-one today. That's a *huge* difference when you are working with multiples.

Finally, and the questions I'll explore in the next *Commentator* edition are: What exactly has driven this pay growth? Where is this money coming from? What does this say about being a lawyer in today's America? And what does it mean *for society* when a public interest-oriented school like NYU sends its top graduates to Big Law?

Stay tuned.

The write can be reached at craig.winters@nyu.edu.

Letters to the Editor

To the Editor:
I thought I attended the same event described in Craig Winter's op-ed "It's Official: The Federalist Society Runs the World" but after reading Craig's portrayal of it I am no longer sure. How can someone with an open mind have such a warped view of what went on? It was almost as if Craig had worked for Eliot Spitzer. Of course, Eliot Spitzer has fought hard for greater disclosure and if Craig did work for him or did have some relationship with him then he certainly would have disclosed such a fact. Of course, if the Commentator knew of any such relationship, they would have disclosed it too. Am I wrong?

Jacob Sasson

To the Editor:

Board up the windows, lock the cows in the barn, and hide the children! The Federalists are coming, and they're going to take everything you hold near and dear!

Or so Craig Winters would have you think. Unfortunately however, Mr. Winters' op-ed "It's Official: The Federalist Society Runs the World" paints an inaccurate and derogatory portrayal of the Federalist Society, its members, and its principles.

Despite Mr. Winters' insistence throughout his article, we are not all "sweaty" and "balding" (though I am willing to concede that, at times, some of our members may be one or the other). I personally have a full head of brown curly hair, and can attest that most of the other members of the society are similarly endowed. Nor do I find our group to be any more "sweaty" than the rest of the population.

We are also not at all as "smug" or "righteous" as Mr. Winters would have his readers believe. If Mr. Winters had bothered to do some research, he would have known that the main purpose of the Federalist Society is to stir fair, serious, and open debate within the legal community.

There is nothing "righteous" about exposing members of the legal community to different points of view. Almost all of our events provide listeners with an opportunity to hear both sides of an issue (the event which Mr. Winters himself attended featured speakers from the progressive and the libertarian points of view).

The Federalist Society is a national organization of conservative and libertarian law students, legal scholars, and lawyers dedicated to fostering discussion of topics such as individual rights, the separation of powers, and judicial independence.

If Mr. Winters has a problem with the existence of such debate within the legal community he should say so; there is no need for him to spend his time spewing a steady stream of baseless and derogatory accusations.

Tudor Rus '07
Publicity & Membership Chair
NYU Law Federalist Society

Student Animal Legal Defense Fund Is Advertising Two Events!

Gorillas in the Mist: The Story of Dian Fossey
Monday, October 10, 7:30 PM
Room 218, Vanderbilt Hall
40 Washington Square South

Law Students for Human Rights and the Student Animal Legal Defense Fund will host a screening of Gorillas in the Mist. Afterward, Marie Scheffers and Ari Bassin will lead a discussion about the present state of the gorillas living in Rwanda and the human rights issues raised by the film. This event will be held in part to recognize National Primate Liberation Week, which begins on October 10th.

Endangered Moon Bears & the Bear Bile Trade
Thursday, October 27, 6:30 PM
Room 216, Vanderbilt Hall
40 Washington Square South

Thousands of Asiatic Black Bears (commonly known as Moon Bears) lie imprisoned for decades in cages no larger than their own bodies so that their bile can be harvested for traditional medicine, despite the fact there are over 50 herbal and synthetic alternatives to bear bile.

In July 2000, Animals Asia Foundation became the only outside animal organization in the world to sign an agreement of partnership with the Chinese government, beginning the historic rescue of hundreds of endangered moon bears from bile farms in China.

Andrea Mowrer, Animals Asia Foundation's United States representative, will speak and show documentary footage about the rescue and rehabilitation of the first nearly 200 bears, and discuss how New York state's laws could further endanger Moon Bears.

No More DeLay: S.C. Should Alter Campaign Finance Views

By Meredith Johnston JD '06

When the Supreme Court announced their upcoming docket this week, one case in particular grabbed headlines. If upheld, the ruling could radically alter the nature of the American political campaign and how politicians do their job.

In *Landell v. Sorrell*, the Second Circuit upheld a Vermont state law which set a cap on how much state candidates could spend on their campaigns. Thirty years ago, the Supreme Court declared such spending limits unconstitutional in *Buckley v. Valeo*. Is the Supreme Court preparing to overrule, or at least modify, *Buckley*?

Probably not. Given the number of times Chief Justice Roberts invoked "stare decisis" in his confirmation hearings, he is unlikely to reverse on *Buckley*. More importantly, there are not enough votes on the Court in favor of campaign spending limits.

Some press reports have speculated that Justice O'Connor might vote to uphold the Vermont law. O'Connor has supported campaign finance reform in the past, most notably serving as the fifth vote to uphold large portions of the Bipartisan Campaign Reform Act (better known as McCain-Feingold) in 2003. But that law focused on limiting contributions to campaigns, not on how much campaigns could spend.

One of *Buckley*'s most important and most troubling holdings was that contributions could be regulated but expenditures could not. O'Connor could take a relatively liberal view of how far Congress may go in limiting contributions, and still stick to *Buckley*'s hard line protecting campaign spending. Last year, the Supreme Court denied certiorari on a case remarkably similar to *Landell*, in which the lower court upheld Albuquerque's spending limits. Although not dispositive, the denial of certiorari indicates there was not significant support on the Court for change.

Even if O'Connor might support campaign spending limits, she will probably not be on the Court be the time *Landell* is heard. Her replacement is even less likely to be open to campaign finance reform.

A better question is: should the Supreme Court reinterpret Buckley to allow for campaign spending limits? The answer is a resounding yes. Another major headline from last week shows exactly why this issue is so important.

Tom DeLay faces indictment for violating his state's campaign finance laws. Apparently, he tried to funnel large, illegal contributions through the state party to individual candidates. Fortunately, state officials caught DeLay, but monitoring the flow of contributions is difficult and time-consuming.

As long as candidates need money, donors will find ways to get it to them. And as long as candidates can spend unlimited amounts on their campaigns, they will need money. The result is the situation we have now: multi-million dollar campaigns that force candidates to spend the bulk of their time fund-raising and encourage influence-minded donors to find new loopholes in the contribution regulations. Not surprisingly, many Americans are frustrated by this system, and some state legislatures, like Vermont, are trying to do something about it. The Court cannot ignore the situation by relying on the doctrine of stare decisis.

> As long as candidates need money, donors will find ways to get it to them

Finally, if the Supreme Court were to find campaign spending limits constitutional, how would the Court do it? In *Buckley*, the Court weighed the government's interest in regulating campaign spending against the candidate's First Amendment right to free speech. Although it recognized a compelling government interest in preventing corruption or the appearance of corruption, the Court determined that the candidate's interest was more important.

In order for the Supreme Court to find campaign spending limits constitutional, it must either decide that now the threat of corruption is sufficiently compelling or that there is some other compelling interest that justifies regulating campaign spending. Alternatively, but less likely, it could decide that spending money is not equivalent to core First Amendment speech, thus reducing the weight on the candidate's side of the balancing test.

In *Lorell*, the Second Circuit suggested that campaign spending limits would reduce influence-peddling, thereby reducing corruption. However, reducing how much candidates spend won't change who is giving. Spending limits could actually increase influence, as candidates could rely on a few major donors rather than expend effort collecting many small, individual donations. As a practical matter, spending limits must be accompanied by strict contribution limits.

Instead of focusing on corruption, the Court should consider new compelling interests, including how politicians spend their time and encouraging new candidates to enter races. If the costs of campaigns are capped, candidates will spend less time fundraising and more time attending to voters' needs. Additionally, spending limits will lower barriers to entry for new candidates and may result in more vigorous primaries. Spending limits may advantage incumbents, in that new candidates would be prevented from engaging in expensive advertising, whereas incumbents can rely on name recognition. But the merits of a particular plan are best left to legislatures to determine.

The Court must merely recognize that there is a crisis in American politics, and that states have compelling interests in improving the situation. Narrow, unprincipled, and outdated jurisprudence should not block the effective functioning of the democratic process.

What Is The Deal With New Yorkers?

by Nicholas Kant JD '06

No matter where you're from, you've got to admit that New York is full of people. But with so many people, I wonder why no one ever says hi, smiles or even looks at me.

For example:

· I must pass hundreds of people in a day, just walking down the street. No one ever says hello.

· There are people in every square foot of Washington Square Park, but none of them smile at me.

· I stand inside a subway train so cramped that I can't even take a step, and yet, no one even looks at me.

Why is New York like this? It would seem intuitive to think that if there are a lot of people around, you wouldn't be able to avoid people looking, smiling, saying hello…

I submit that people don't look, smile or say hello precisely because there are so

many people around. People don't want to acknowledge others because of a fear of what might then happen.

For example, the Washington Square News, "NYU's Daily Student Newspaper," published "Etiquette rules to survive city life," by Sarah Portlock, in its August 29th edition. Portlock quotes College of Arts and Sciences senior George Tan, "a self-described 'real New Yoiker.'" Tan "warned that, whatever you do, don't look at anyone." Tan is quoted as saying that on the subway, "eye contact is a dis that might lead to painful stabbings."

Whether Mr. Tan is right or not, I have some examples of my own.

Like the time I was walking through Washington Square Park, and this middle-aged guy was running around squirting some people with his water gun. They also had water guns, and were squirting him. As I was walking by, he was only about three feet away from me, and I glanced at him. The next thing I knew, he was squirting me with his water gun, which was totally unnecessary.

> I think that I could at least glance at most people on the subway without getting shanked.

· And also there is the time that I acknowledged this guy who was hocking his rap CD across the street from Union Square. I thought it was cool that he wanted people to hear his "underground" CD. Little did I realize that he wanted money for it. And he wanted money from me for taking up his precious two minutes talking to him about it.

So yeah, if you look at someone, something might happen. But does that mean

that when we ride the subway we should be ever vigilant, and constantly concerned with not looking at a single person? Out of some paranoid fear of getting shanked? Is that any way to live?

Well, I'm sorry Mr. Tan, you might be a "real New Yoiker," but I have to disagree with you. If someone looks like a hardened killer, I might not want to stare at him. But I think that I could at least glance at most people on the subway without getting shanked.

Should we really be so isolated that in a city of eight million people we never even look at each other? I don't think things should be like that, and I refuse to be like that.

The Staff of the Commentator would like to wish the entire NYU community a Happy Jewish New Year.

Safran Foer Novel Comes To Big Screen, Doesn't Disappoint.

By Brigham Barnes '06

While it seems to be in fashion to put young author Jonathan Safran Foer down, I can't hate: I enjoyed both of his novels, "Everything is Illuminated" and "Extremely Loud and Incredibly Close." I read them both in huge, hungry bites and I believe that the guy knows what he's doing. So it was with mild trepidation that I went to see the new film adaptation of "Everything is Illuminated."

I'm willing to accept that movies based on books will invariably make certain changes in their interpretation of the source material and the directors of these films will see fit to add certain creative flourishes here and there, but the posters I had seen promoting the film, featuring the film's star, Elijah Wood, before a psychedelic assortment of sun flowers unnerved me . . . and the trailers I saw for the film seemed excessively quirky for a book that I considered eccentric but real.

Good news though: fans of the novel have nothing to worry about, we may view this movie in peace, for it is good.

"Everything is Illuminated's" first-time director, Live Schreiber, presents Safran Foer's tale of a young man (named Jonathan Safran Foer, played by Elijah Wood) seeking to unravel mystery of his family history in Eastern Europe in the company of an America-obsessed tour guide (Alex, played by Eugene Hutz), Alex's grandfather (played by Boris Leskin), and the grandfather's "seeing eye bitch" Sammy Davis Jr.

fans of the novel have nothing to worry about, we may view this movie in peace, for it is good.

While a good deal of Safran Foer's novel consisted of a narrative describing the very details that the character of Jonathan Safran Foer was seeking to uncover, Schrieber has left this portion of the novel out of the film, but at the same time has embellished certain details from the novel's decidedly obscure ending, producing a much more cohesive tale for the movie's audience to enjoy.

Much as the portions narrated by Alex stand out as the most enjoyable parts of the book, Eugene Hutz's character of Alex is one of the best things about the movie—Hutz effectively conveys Alex's innocent confidence and swagger, slowly revealing his true concerns and insecurities. While I didn't imagine the character of Jonathan Safran Foer as such a fastidious individual as Elijah Wood has created for this film (I sort of imagined that the Jonathan Safran Foer character was, uhm, normal?), it is not difficult to accept Wood's interpretation of the character and enjoy the film.

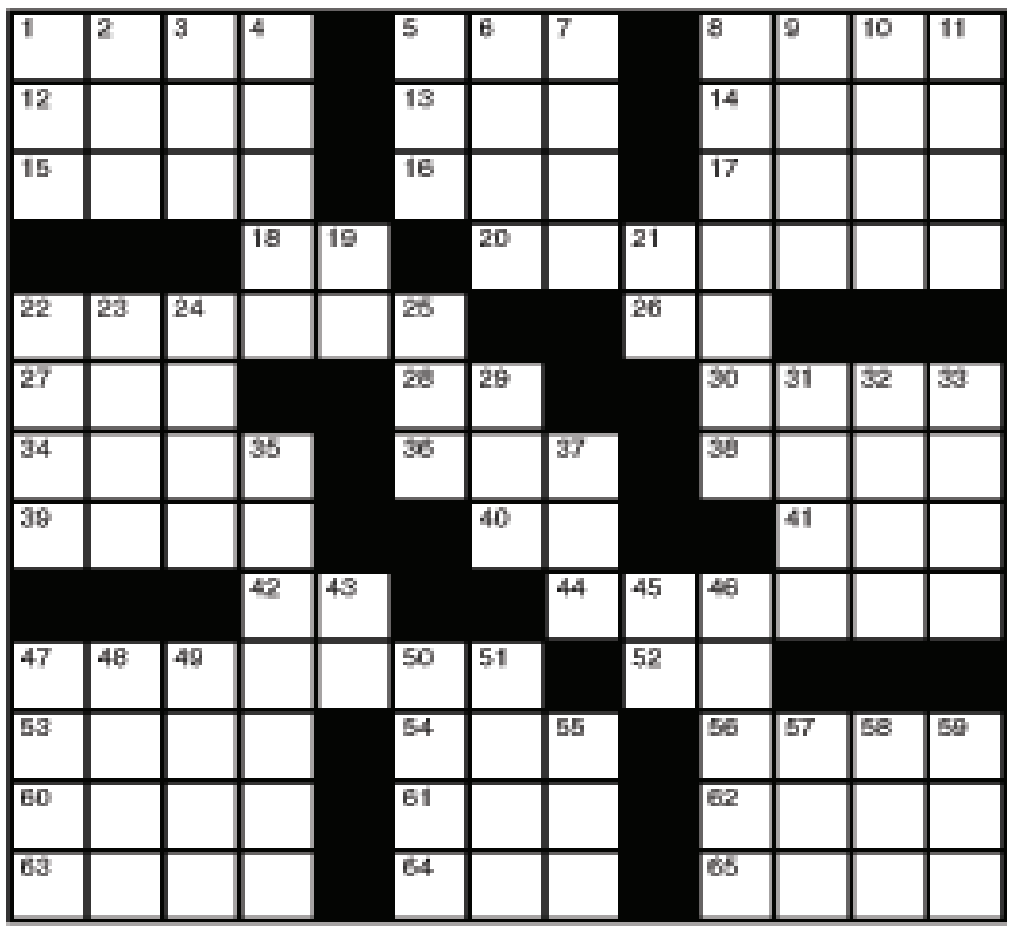
All in all, as it's a fact that fans of a book will inevitably have to accept certain changes when the story they enjoy is turned into the movie, "Everything is Illuminated" is a capable and enjoyable telling of Safran Foer's story. The embellishments and exceptions do not offend the ideas and spirit behind the original novel.

This poster scared Commentator writer Brigham Barnes. He was afraid that the movie would suck and be nothing like the book. His fears were unfounded. The movie receives a good review, despite having a weird flower poster.

The Spectacular Commie Crossword!

Clip Out And Play In Class Instead of Solitaire.

By Jessica Gonzalez '06



Across

1 Chair
5 Listening part
8 ___ mater
12 Bread with a pocket
13 Fib
14 Where's the ___?
15 Best cards
16 Pill approver
17 __ Lee
18 Et __, Brute?
20 Rain protection
22 NYU dean
26 Negative response
27 Mimic
28 Movie alien
30 Harps on
34 Small noise of distress
36 __ Perignon
38 Like some citizenships
39 Scorch
40 Criminal's method, for short
41 Brazillian beach town
42 Class distraction
44 See 7 down
47 Ball of pus
53 Soup flavor
54 Type of cabin
56 Previously owned
60 Greenish-blue
61 Actor Wallach
62 Lucy's man
63 Sole
64 Theives' meeting place
65 Law school of 22 Across

Down

1 Facial location
2 L. Rev. job of 22 Across
3 Consumed food
4 Flavor
5 Employee of Santa
6 Helps
7 Class topic of 48 down, with 44 across
8 Escape
9 Tell, as in a secret
10 Slight
11 From a distance
19 You and me
21 Sit-__
22 Gamma and X
23 Dueling weapon
24 Candle, in Madrid
25 Alphabet end, in the U.K.
29 Hanks or Cruise
31 Atmosphere
32 Trot, canter, e.g.
33 ___ gin fizz
35 Like a cactus
37 Homer's bartender
43 Mechanical engineer, for short
45 Therefore
46 Sting's wife
47 Type of sax
48 Spouse of 22 Across
49 Crazy singer
50 Winter toy
51 Shoe bottom
55 Martini need
57 Indian and Red, e.g.
58 Class for foreigners
59 Stop working, as in a car

Five Discs:

Indie Rock Albums To Check Out

By Ilya Kushnirsky '06

With so many albums released each year, some are bound to slip through the cracks. We listen to everything so you don't have to, and each issue we report back with five recent albums worthy of your attention.

Each suggestion also includes a separate "start with" section, where a dollar and a dream (or at least a connection to the iTunes Music Store) lets noncommittal types try before they buy.

1. The Exploding Hearts

Guitar Romantic *(Dirtnap, 2003)*

A surefire formula for chart success in the ClearChannel age: repackage 70's power riffs with a knowing wink and a nod, flirt openly with Bowie-fied sexual ambiguities, then sit back and watch as pre-teens in Ramones shirts lines the pockets of your vintage leopard-skin pants.

Although the garishly retro album cover art and frontman Adam Cox's affected British accent—these likely lads are from Portland—point to another cheap cash-in, the opening riff of Exploding Hearts' debut removes any suspicion of shameless 70's punk revivalism.

This is the genuine article, one of the best pop-punk albums since the first wave and a timeless punk artifact on par with *New York Dolls* and *London Calling*. Like the band itself, which lost three members in a tragic tour van accident months after the album's release, it starts off like gangbusters and ends too soon. There'll never be another, so it's a good thing this one is damn near flawless.

Start with: In a but-for world, wasted-youth anthem "Modern Kicks"—the best since Supergrass' "Caught by the Fuzz"—would be the band's MTV2 calling card. With smashing guitars and bratty, dangerous lyrics that perfectly capture the kick-in-the-head sound of a pre-Strokes CBGB's, it's one of the best Track Ones of the decade.

2. Say Hi to Your Mom

Ferocious Mopes (Euphobia, 2005)

What to make of Say Hi to Your Mom, the d/b/a of Brooklyn's Eric Elbogen? On one hand, there's the cheeky, Neighborhoodies-friendly band name and unapologetic geek-chic of lyrics like "Let's talk about spaceships / Or anything except you and me, okay?" On the other, there's the undeniable quality of Elbogen's synth-and-layered-guitar brand of DIY indie pop.

Recorded on a PC in his Williamsburg apartment—hey, at least he's getting his rent's worth—Elbogen's heartfelt emo-lite songs explore the emotions of self-conscious vampires, sentient toys, and lovelorn robots, like Pedro the Lion on a Playstation-and-Jolt binge. The band's website, sayhitoyourmom.com, makes nine tracks available as MP3 downloads, although Elbogen warns that if fans don't pay for his albums, he might "stop making music and go to law school instead."

Start with: While "Yeah, I'm in Love with an Android" provides a lyrical counterpoint to Grandaddy's superior "Jed the Humanoid," the stargazing, impossibly hooky opener "The Twenty-Second Century" finds Elbogen daydreaming of a future in which geeky kids like him rule the world. Maybe he should consider law school after all.

3. Chin Up Chin Up

We Should Have Never Lived Like We Were Skyscrapers *(Flameshovel, 2004)*

Although built around the complex time signatures, tight arrangements, and hushed vocals characteristic of the Chicago art-rock scene—fans of Tortoise and 90 Day Men will feel right at home—Chin Up Chin Up's debut full-length is distinguished by a sense of humility seemingly at odds with its sonic grandiosity.

Shortly before the album was recorded, bassist Chris Saathoff was killed in a hit-and-run SUV accident (the driver recently pled guilty and was sentenced to seven years); the melancholy and optimism with which the band attempts to recover resonate throughout the resulting songs, reaching frequent crescendos in lines like "You can go home / But I can't go home."

Start with: Singer Jeremy Bolen abandons his typically slurred vocal delivery for album highlight "Virginia, Don't Drown," an incredibly melodic collision of Pixies dynamism and Cure-like pathos that hints at the band's future greatness. The song's startlingly poppy final minute, dominated by the chorus "Virginia, don't drown / A dry spell is coming," seems particularly poignant in the wake of Hurricane Katrina. The track is available as a free download on the band's website, chinupchinup.com.

4. Dogs Die in Hot Cars

Please Describe Yourself *(V2, 2004)*

The worst band name ever? Possibly, but its god-awfulness is mitigated by two factors: (1) Unlike, say, the Goo Goo Dolls, Dogs Die in Hot Cars are actually a great indie pop band, and (2) they were totally inhaling helium balloons when they came up with that name (yes, really).

On that first point, consider exhibit A: the band's debut album, a collection of goofy, hook-filled Britpop that falls somewhere between late XTC and early Blur. Fans of the Futureheads' infectious pop melodies and multi-part vocal harmonies—and anyone who waited in line Monday night for the new album by fellow Glaswegians Franz Ferdinand—should investigate immediately.

Start with: Though there isn't a weak track on the album, standout "Apples & Oranges" remains one of the catchiest non-singles of 2004, the kind of jangly, carefree summer pop song over-analysis of which misses the point entirely.

5. Wolf Parade

Apologies to the Queen Mary *(Sub Pop, 2005)*

Score another one for Canada. Despite a lack of rock pedigree—no, Our Lady Peace doesn't count—Toronto and Montreal have produced some of the most exciting indie rock bands of the last five years, the former spawning Broken Social Scene and Stars, the latter keeping pace with the Arcade Fire, the Unicorns, and now Wolf Parade, whose raw, accomplished debut is an early contender for best album of the year.

Produced by number-one-fan Isaac Brock, the album bristles with the ferocity of Modest Mouse's pre-*O.C.* years. This is rock music at its most earnest—everything from the fragile, piercing vocals to the artful arrangements and eyes-on-the-road rhythms pulses with the intensity of a band demanding to be heard.

Start with: If you buy one rock album this year, let it be this one. If you don't, check out the delicate melody, harmonic camaraderie, and haunting la-la-la's of the incredibly heartfelt "Dear Sons and Daughters of Hungry Ghosts," one of the year's best songs. Then buy the damn album anyway.

Wolf Parade, indie rock group on the rise. Their lateast album is "Apologies to the Queen Mary."

SLAP Football League Scores and Schedule

SCORES

Full Contact League
Week 2
Gans and Co. 18
Tim Meyers 0

Malicious Prostitution 26
Pro Boner 0

Full Contact League
Week 3
Gans and Co. 20
Pro Boner 12

People's Army 8
The Wobblies 6

Minimum Contacts 36
Dirty Briefs 12

Light Contact League
Barristers
Week 2
Bukola's Team 20
Auditors 12

Gans & Co 21
Rodeo Clowns 0

Agency? 28
Reasonable 0

LLUA 12
Battery Chargers 6

Light Contact League
Barristers
Week 3
Agency? 36
Rodeo Clowns 12

Bukola's Team 18
LLUA 16

Gans and Co. 24
Reasonable. 12

Light Contact League
Solicitors
Week 2
Title IX 7
Barely Legal 6

NC17 12
Flag Burners 6

Just The Tip 24
Learned Hand Job 7

Light Contact League
Solicitors
Week 3
Deep Impact 14
NC17 6

Title IX 20
Just the Tip 12

Pass/Fail 26
Mike's Team 6

LHJ 34
Barely Legal 20

SCHEDULES

Week 4: Friday, October 7
Full Contact League
1:30pm
The Wobblies v. Gans & Co.
Tim Meyer v. Pro Boner

2:30
Malicious Prostitution v.
Dirty Briefs

People's Army v.
Minimum Contacts

Light Contact League
1st Interdivision Week
1:30pm
Battery Chargers v. Flag Burners
Bukola's v. Deep Impact

2:30pm
Barely Legal v. Gans & Co.
LLUA v. NC17

3:30pm
Title IX v. Reasonable
Auditors v. Pass/Fail

4:30pm
Learned Hand Job v. Agency?
Just the Tip v. Rodeo Clowns

Week 5: Friday, October 14
Full Contact League
1:30pm
People's Army v. Pro Boner
The Wobblies v. Dirty Briefs

2:30pm
Malicious Prostitution v.
Gans & Co.

Tim Meyer v. Minimum Contacts

Light Contact League
1:30pm
Bukola's v. Gans & Co.
Flag Burners v. Just the Tip

2:30pm
Reasonable v. Battery Charger
Barely Legal v. Deep Impact

3:30pm
Agency? v. LLUA
Title IX v. Pass/Fail

4:30pm
Auditors v. Rodeo Clowns
NC17 v. Learned Hand Job

While Make Up Classes Were In Session: SLAP Heats Up

By Conor French '06

Three scintillating weeks in and the flag football season is already off to a rollicking start. The games are already fiery. Referees are already suffering verbal abuse from all directions. One player already ripped his shirt off in preparation for fisticuffs (unfortunately, this person was presumably too junior to realize that a former commissioner/player pulled that same confrontational gesture two years ago – get your own move).

All over East River Park, tensions abound but are defused by post-game euphoria. Playing under the bright September sunshine, our slightly sun-burnt faces may remind us of how much law school and New York City often interfere with our attempts to spend autumn days frolicking outside.

In the Full Contact league, the frontrunner, Malicious Prostitution, blazed out to perfect 2-0 start. What is more, they have yet to yield a single point despite the temporary absence of gamebreaker, Charles Vandenberg ('06). Playing through the pain of a malignant blister, Dakota Loomis ('07), offered post-game that "ain't nobody, I say nobody, gonna touch the M-Peezy." Talk about laying down the gauntlet.

Although it remains too early to tell for sure, the People's Army (now "with" as opposed to "versus" Brandon Chock ('06)) and Minimum Contacts look set to contend. The People's Army earned a hard fought win in a defensive struggle (and I am sure Minimum Contacts did something good as well although this commentator remains in the dark as to what it might have been).

The Less Contact league, by virtue of the great plenitude of teams, remains wide open. Defending champs, Bukola's team raced out to 3-0 start in the Barrister Division behind solid defense and a knack for clutch plays. The only concern for Bukola may be the growing quarterback controversy between Paul Wong and David Tisch (both '06).

On why he proclaimed himself the most underrated New York University School of Law, Student Lawyers Athletic Program: Less Contact League, Barrister Division player, Tisch claimed to be "very light on my feet. You know like the way the Madden players tiptoe along that sideline. I am like that

all the time. All the ——ing time."

In the Solicitor Division, Title IX looks the team-to-beat. In Week Three, they collided with Just the Tip in an entertaining contest, marked by bad blood between the two teams. Title IX prevailed by remaining efficient on offense while capitalizing on several mistakes by its opponent. The game also featured the first-ever sexual harassment penalty called on the field. Although the exact composition of this Title IX beast remains a bit of a mystery, this rivalry is one to look forward to come November.

A couple of final notes: As Gans & Co. continues to post win after win in both the Full Contact and Less Contact Leagues, when should we maybe start to care who they are…did the change from detachable flags to detachable belts doom the running-oriented offense of Barely Legal…will the oncoming brittle cold dampen our enthusiasm and dwindle our numbers…should young baseballers really be permitted to hit line drives at our games…and, lastly and most importantly…Who is Mike Jones? Friday is only a couple days away. Let's crush it.