An ever exciting and welcoming place for superior legal minds, NYU has hired five new faculty members in the past ten months. These five include two new entry level professors who began in January 2005, Lily Batchelder and Oren Bar-Gill, and three professors, who while you may have seen or heard them last year, officially began as NYU professors this fall, Samuel Issacharoff, Daniel Rodriguez, and Stephen Choi. The task of securing these new professors is not an easy one as many of top schools are fighting for the same pool of talented scholars. NYU has won and lost in the past few years.

For entry level faculty, the process of hiring begins in the summer. Candidates submit their applications in the fall. The law school will allow the academic committee to evaluate the candidates in a conference call, which will allow the whole faculty votes on the recommendation. In addition to Bar-Gill and Batchelder, the professors who have been hired this way in the past couple of years include Katrina Wyman, Cristina Rodriguez, and Rachel Barkow.

For lateral professors, the hiring process begins with a stint as a visiting professor. As Dean Revesz indicated, “We invite people to visit the school who we potentially want to hire. We do extensive reading of their work before we hire and we choose people who we believe will be one of the best in their field.”

Moreover, when hiring laterally, according to Dean Revesz, they consider student evaluations: “student reaction to the professor is among the factors we consider.”

According to Issacharoff, the process of lateral hiring can be wonderful if it works and cumbersome if it does not. When hiring laterals, a school’s faculty can get a sense of what they are like as academics from their writing, but the visits that faculty so far can get a sense of what is the professors’ teaching style.”

However, according to Issacharoff, lateral hiring is increasingly hard to do, because most professors are in marriages where both people work and it is much harder to move around.

In addition to Issacharoff, Choi, and Hulsebosch, other professors that have been hired in the past few years include Deborah Malamud from University of Michigan, Jennifer Arlen from USC, and Kevin Davis from University of Toronto.

In addition to hires, NYU Law lost several professors this past year. “Whenever someone leaves I am a bit sad, because the professors tend to be friends of mine, however, I am also happy for them, because in many cases it is exciting opportunities such as deanships at other schools,” Revesz said.

Revesz also pointed out that NYU Law’s retention rate is among the highest in the country. He will actually spend next year teaching at Tel Aviv University.

In addition to his commitment to his contracts class, Bar-Gill also teaches behavioral law and economics and the colloquium on economic analysis of the law. In the future he may want to teach a joint seminar with Liam Murphy on contract theory, with him exploring the economics side and Murphy exploring the philosophy side. Unfortunately, the class cannot be taught until the current 1Ls are 3Ls because Murphy is on leave this year, and Bar-Gill will be in Tel Aviv next year.

The symposium was divided into two panel discussions—one on prosecutorial discretion and one on judicial discretion—and a keynoter address. The first panel dealt with prosecutorial discretion and consisted of Avis Buchan, Director of the D.C. Public Defender Service; Paul Butler, Professor at the George Washington University Law School; Robert Johnson, Bronx County District Attorney; and Sari Lyman Johnson, Professor at Cornell Law School. The panel members discussed the power of prosecutorial discretion and the role of race in these determinations.

Keynote speaker Deborah Peterson Small suggested that prosecutors were the principal gatekeepers in the criminal justice system. She stated that since most criminal cases are settled in plea bargains and never actually go to trial, the prosecutor’s charging decision will determine what ultimately happens to the defendant. Mandatory sentencing is an in- credible tool for prosecutors to use to obtain prosecutions and defendants may be forced to plea bargaining because of the intimidation of sentencing at trial.

The second panel focused on judicial discretion and how it was affected by the institution of U.S. v. Booker. Eugene N. Hamilton, Judge, Superior Court, District of Columbia; and the Honorable Myron Thompson, Chief Judge, United States District Court, Middle District of Alabama.

Prompted by the request of Professor Stevenson, Judge Castillo began the discussion by giving a brief history of how the Federal Sentencing Guidelines and mandatory minimum sentences came about. He suggested that mandatory minimum sentences “fly in the face of the Sentencing Guidelines, judges had almost unfettered discretion. The Guidelines limited this discretion by supplying a sentencing range for particular offenses, and Mandatory Minimum Sentences further limited the discretion by imposing minimum sentences for these offenses. In U.S. v. Booker, the Supreme Court held that judges could again exercise reasonable discretion.”

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NYU Law Welcomes New Professors For 2005-06 School Year

EVA MICHELLE WHEELER ’08

Is there any certainty remaining in the American criminal justice system? Who are the principal gatekeepers? Is there some discretion in the process? If so, who is responsible for exercising this discretion? Whom do we trust with this power?

On Friday, October 14, 2005, the AALS Criminal Justice Section sponsored the symposium, with Professor Bryan Stevenson serving as moderator. The symposium was divided into two panel discussions—one on prosecutorial discretion and one on judicial discretion—and a keynoter address. The first panel dealt with prosecutorial discretion and consisted of Avis Buchan, Director of the D.C. Public Defender Service; Paul Butler, Professor at The George Washington University Law School; Robert Johnson, Bronx County District Attorney; and Sari Lyman Johnson, Professor at Cornell Law School. The panel members discussed the power of prosecutorial discretion and the role of race in these determinations.

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Professor Bell Discusses Race Relations At Latest Brown Bag Event

NICHOLAS KANT ’06

Are there people, who would advocate getting rid of all the black people in America? That’s the proposition that prompted Visiting Professor of Law Derrick Bell to write what he called his “most read” piece of writing, “The Space Traders.”

Professor Bell spoke about “The Space Traders,” and read passages from his new book “The Space Traders.”

“Without the blacks, some of the white people complain about being treated like niggers.”

Sponsored by the Law School.

The flier that was passed out at the event says that Professor Bell is a “pioneer of the use of allegorical stories as tools of analysis,” and that is what “The Space Traders” is. It does appear to be his most famous work, and in fact HBO produced a movie, starring Robert Guillaume, based on the work.

In the story, visitors come from outer space, and offer gold, special chemicals capable of magically cleaning up environmental pollution, and a totally safe nuclear engine and fuel. All that they want in return is to take all the black people in America back to their home star. That proposition was put to the American people in a referendum, which passed. Then on Martin Luther King Day, the visitors asked to return to America. But it turns out that the Space Traders just wanted to make the blacks equals and full partners back on their home star. If you’d like to know how the story ends, “The Derrick Bell Reader” is widely available in bookstores, including Amazon.com and the NYU Professional Bookstore.

The event was attended by about 45 people, and started with an introduction by Vice Dean Clayton Gillette. Professor Bell was somewhat self-protective and wore a black shirt and brown glasses. He spent more than 40 minutes reading passages from his book.

There was a short question and answer session at the end. One person asked about Professor Bell’s use of the allegorical story. “I find that, particularly since my views are very unconventional, that the story format is as effective if not more effective than the typical legal analysis,” Bell said.

Later that day I went down to the law library to check out “Faces at the Bottom of the Well,” Professor Bell’s 1992 book in which “The Space Traders” originally appeared. When the man at the circulation desk realized what I was asking for, he said, “Oh, ‘Faces at the Bottom of the Well’?”

“Yeah?” I asked.

“Yes, I read that book,” he said.

“What did you think?” I asked.

“‘What did you think?’ I asked.

“‘Yes, I read that book,’” he said.

“‘What did you think?’” He’s a quiet man but he has deep thoughts,” the man behind the circulation desk said.
SBA Corner: Students Deserve To Read Good, Bad, and Ugly on Course Evaluations

by J. Gonzalez ’06

Across

1. Thin, like Jim S
2. “See you later.” E
3. Like some tales N
4. “I see!” A
5. Add in stages (2 wds.) U

6. “Affirmative answer” A
7. Short news article N
8. 31. Local school of business H
9. “Iris” H
10. “Iris” H

4. The NYU Bobcat, e.g. B
5. Show your art article N
6. Affirmative answer A
7. Basque separatist group N
8. 2004 addition to NYU Law H
9. Spin like _ _ (2 wds) T
10. Sea or Kosher, for example N
11. She and he N
12. Pencil tippers E
13. The _ _ _ _ A
14. 25. Plenty of fish are in it _
15. 26. XY-ers N
16. “Yes!” P
17. “I see!” A
18. 27. “I see!” A

Down

1. Flower support N
2. Forward mezzanine N
3. Young Franklinstein’s assistant R
4. Tidy S
5. Norway’s capital B
6. Monsieur and Dead Zone network D
7. Fire result F
8. 28. Disfigure V
9. 29. Shade tree R
10. 30. Common father’s day gift A
11. 31. Commonly used name B
12. 32. Esperanto on MacDougal, for example N
13. 33. Best dipped in milk D
14. Little fat, as in ground meat S
15. 40. Bad NYU gym B
16. Some hippees’ abodes L
17. Need pay (a debt) F
18. Arrive at the nearest town D
19. Affix for “in advance” N
20. 27. “I see!” A

There was a difference of opinion evident among the panelists on the issue of the objectivity of the Federal Sentencing Guidelines. U.S. Attorneys Battle and Buchanan said that the guidelines were instituted to eliminate the consideration of race and set out a structure where the focus would be on the conduct and not the person. Judge Hamilton, however, stated that while judges tried to fashion sentencing on the elements of the offense, the issue of race would unfortunately dictate the disposition. Judge Castello said that most people would agree that race was a factor but that it was not the only or most intentional discrimination. He also stated that prosecutors have much more discretion than judges.

U.S. Attorney Buchanan insisted that individuals were charged with the most serious readily-provable offense based solely on their conduct. She further stated that this consistency was necessary to achieve “a system of justice that is truly just” and that individuals were being charged according to their conduct not their race. Judge Thompson responded that if there was a pattern indicating the consistent charging of more minorities, that this was an indication that the proposed system of justice had not been achieved.

Judge Thompson questioned whether there could be a positive role for race in the criminal justice system, but concluded that using race as a mitigating factor in sentencing decisions would open up “Pandora’s Box”.

During the question and answer period, various suggestions were made for how to provide a check on exercised discretion—including third party review of prosecutors’ records to supplement the already available appellate review of judicial discretion.

The panelists maintained their differences of opinion, but it was clear that all had their minds on justice.

The NYU Bobcat, e.g. S
Show your article N
Affirmative answer A
Basque separatist group N
2004 addition to NYU Law H
Spin like _ _ (2 wds) T
Sea or Kosher, for example N
She and he N
Pencil tippers E
The _ _ _ _ A
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OMG! I'm totally nominated!

By Meredithe Johnston '96

Which of the following is NOT an actual quote from Harriet Miers:

(1) “I have stood by George W. Bush through thick and thin, that's the true test of a Conserva-

(2) “Someday, if I ever cook again, I will try some of the reci-

(3) “This is always a great weekend because we will all get an extra hour of sleep Saturday night. And
given all that is going on, I have to say, we here at the White House are looking forward to that extra hour!”

(4) “You are the best gover-

The answer is 1, which comes from a Harriet Miers parody blog. The rest are real quotes from the Supreme Court nominee, taken from her personal correspondence and a Q&A session with Ms. Miers on the White House website on October 4, 2004.

For anyone who has read Harriet Miers' work, her public statements often sound unusually formal and stilted. This is not surprising; Miers has little formal experience in public speaking and court procedure.

In the very debates we expect Su-

ments of Ms. Miers' qualifications.

We must demand more than agreement with the party in power

on the court as well as the value of a good fight. Conservatives have been demanded proof of Miers' views, not because they question her conservative credentials but because they want to the President do what is right for the country and the law.

As a recent New York Times article argued, they are tired of the legal textbooks and want to see real-world decisions. Miers, in her own words, has been described as a " moderate\". Her denunciation of Plessy v. Ferguson in the 2004 debate sounded like a simplistic attempt to avoid controversy, but it was actually a message to many pro-

Life is the $125,000 dollar starting salary? Gary a good thing? (Part Two)

By Craig Winters, '07

In the last Commentator edit-

tion, I argued that the Supreme Court

is not a $125,000 dollar starting salary for first-year asso-
ciates. I'd like to continue this topic.

My last column made sev-

eral observations. The first ob-

servation was that the Supreme Court sits on a hill of its own.

The pay differential between pri-

vate sector and public sector legal jobs. I noted that the differential has expanded such that the favor of the private sector during the late 1980s to nearly five-to-one in favor of the private sector today.

My second observation was that the NYU Law is a particularly pub-

lic interest-oriented school, and that given such an orientation, I found it slightly perplexing that eighty percent or so of the student body joined a law firm soon after graduation.

In "Helping" students decide whether work to work at a law firm, I dutifully noted the massive, hun-

gry elephant spending on the living room furniture. Student loan debt, of course, "must be counted as a huge factor, not the most significant", I said.

So where does the $125,000 come from, and what are the con-

sequences? Simply put, there are now more wealthy corporations and more super-rich individuals who pay the higher-than-ever-

lmal fees anywhere in the past.

I'd wager that country law-

yers in Concord, N.H. or Greenville, S.C., haven't seen anywhere near

the salary boost their big-city, big-

firm counterparts have. That's be-

cause they are not getting the same boost. Hank Greenberg haven't hired lo-

cal, family law firms to conduct extensive investigations of their foreign and domestic legal liabil-

ity. Smaller firms can't rush fifty associates to a warehouse in New Jersey to review email correspond-

ence and whip up overnight memos on the attorney-client privilege. That's New York.

Enormous new wealth has flowed into the coffers of corpo-

rate America and the brokerage accounts of the topmost U.S. households — an increase that far outpaces the rest of the country, and, indeed, outpaces rich folks anywhere else in the world. Con-

sequently, law firms catering to the new hyper-rich have become amar-

g wealth centers in their own right. Billable hours are up. The price of six minutes of legal ad-

vice is up. And the trickle-

down effect is alive and well; even first-year Big Law associates are now paid princely sums, maintain 401(k)s and have fully-covered health care.

Note here, of course, that the average United States household in 2004 made $44,000 dollars, and that 27 million people who worked full-time during all of 2004 lacked health insurance for the entire year.

As law firm compensation spirals higher, public interest le-

gal salaries have stagnated, and opportunities in some in-

terest sectors have contracted. If you'd like to ruin an afternoon, peruse the public interest just as you should scare the lesser and relatively well-

compensated. The offers from both parties who tore chunks from the LSC budget are hard to compare with a corporate earnings boom. (Though, to be fair, the Blue Dog Democrats who joined with the Bush Administration to cut the poverty line. In 1980, Congress granted the LSC $300 million dol-

ars, which in turn was sent to hun-

dreds of local groups who sup-

ported thousands of dedicated lawyers. The LSC, however, became a political punching bag for the Republican Party. In 1982, and again in 1996, the Congress slashed a third of the LSC budget, forcing thousands of layoffs.

Today's LSC budget will come in around $300 million, again; after the effect of inflation, however, it is likely that in real terms it was in 1980. ($300 mil-

lion in 1980 is $683 million today.)

Instead of providing one lawyer for every 5,000 indigent cli-

ents, the LSC now provides only one lawyer for every 12,060. By whatever measure, this is a massive de-

cline.

From a birds-eye-view, the下滑. Yet the new President and the inter-

est ever-rising spirals higher, public interest law will make a ton more money to lawyers who perform less and less in the public interest, and who now run our government.

We've learned that laissez-

faires come across with a price. Unfortunately, the poor and work-

ers can't afford to be patrons any more for the rich, and for those en-

tering Big Law, you are the win-

ners.

Not just any Big Law lawyer will make a ton of dough (which you will), but, in addition, the clients who butter

your bread are better off and richer than they ever have been. Big ho-

nuses are possible. Expense ac-

counts may grow. Flying first-

class, or business-class, at least on long flights. More frequent business travel.

Meanwhile, it's tough to get a public interest job. As I've stated above, the supply of these jobs is static or shrinking, and those that are available pay about one-fifth as much as the going private sec-

tor rate for an NYU law degree.

Is the present situation prob-

lematic for society? If I leave it up to you, but anyone who says that the status quo is fine, or, perhaps, is merely slightly flawed, is some-

one very comfortable with the massive and increasing inequality in our country.

To witness these disparities, no further than your own choices upon graduating from law school. Shall you take $125,000 or $35,000? Fly first-class or labor in a dilapidated government dump? Work for the wealthiest clients in the world or for the uninsured working class? Enjoy job security a year prior to graduating or wait until the summer after graduation to find a job? Or do you think that the financing of federal or charitable fund-

ings?

How can long society toler-

ate these disparities? What's the long-term effect of the legal marginalization of over fifty million Americans? Does this seem fine to you?

The writer can be reached at CraigWinters@nyu.edu
Commentator Opinions

JAG Recruitment at NYU: At Least Two Sides To The Coin?

TENOR RES '07
The American Constitution was enacted to secure the fruits of liberty, prosperity, and representative government for those living within the United States. What the founders probably never imagined is how vital the “experiment” they set into motion would become to ensuring the freedom of people from which these fruits blossom take root across the globe.

Quite the opposite, George Washington warned about the dangers which “permanent alliances with any portion of the foreign world are likely in the course of human affairs to deviate from the course of policy which the nation had a right to采取 off the yoke of tyranny, and provided them with the tools necessary to build robust market economies and healthy republican governments. Most states in Eastern Europe (with a few unfortunate exceptions such as Belarus) would have never been able to escape from under the heavy steel-tipped boot of dictatorship without direct American aid.

Diplomatic pressure placed upon the Soviet Union caused Gorbachev to give the people of Bulgaria, Poland, and Romania some breathing room. It prevented the U.S.S.R. from providing military support to the communist dictator who had led a bloody revolution in October 19, 2005
USA Has Moral Obligation to Intervene in International Conflicts

DAVID PETERSON, '07
The military’s “Don’t Ask, Don’t Tell Policy,” is a policy whereby queers are ferreted out, harassement is allowed, and they are then discharged. It is a violation of NYU Law School’s antidiscrimination rules, which explicitly refuses to discriminate based on a person’s sexual orientation or gender identity. NYU Law seeks to provide a safe, supportive, and respectful community for all, and we should not let this policy prevent us from that goal. This is a fight for the rights of queers, and we shouldn’t let the military’s discriminatory practices mean excluding military recruiters from campus, such a protest competes with the desire to have military lawyers with the kind of respect for civil liberties that we learn at NYU.

At some level, the deadlock between these competing values arises out of a single frustration—namely, a sense of political disability with regard to military policy. Asking whether that disability is better addressed by protesting a discriminatory policy or by infusing the military with better lawyers poses a false dichotomy—alternative forms of protest or recruitment would let us have both ways. But as long as we’re talking about excluding military recruiters, it’s important to remember that the military is not the armed wing of the Republican party. I know it sounds funny to say it, but Uncle Sam might actually need you.

How I Learned to Stop Worrying and Love Recruiters

PAUL KILBERGH '07
Allowing the military to recruit at the law school with all of the non-discriminating law firms and public interest organizations strikes me as one more complicated idea than it first appears. On the one hand, there’s every reason in the world to tell an employer who openly discriminates to take a hike, and the Solomon Amendment is a radical act of extortion to which the Third Circuit’s injunction is a welcome response. On the other hand—and this is the hand I’ll be dealing for the balance of this essay—and this is the hand I’ll be dealing with—-the military needs lawyers from NYU Law School.

The United States military is a massive employer of marginalized groups, especially poor people and people of color, and one that has its own internal systemic unfairness, and it is almost certain that the military will continue to do this. The fact alone deeply complicates the exclusion of the military from our campus. If military lawyers only come from schools on the other side of this question, it is likely that we will lose federal contracts and lose the balance of the war. I hope the queer community will continue to organize a social victory.

Not so in New Haven. Faculty members at Yale filed a separate suit in federal court in Connecticut. Yale won, and as of February 1st, they no longer allow military recruiters on campus based on the district court’s injunction.

Different legal strategies lead to different practical results, but I contend that NYU shouldn’t wait for the injunction. This isn’t even a Thurgood Marshall case, where NYU is doing what is right and letting the law catch up. The school helped the law catch up, and still isn’t doing what is right. Has anyone ever had their first amendment rights vindicated by a court and then waited around for an injunction to exercise those rights? “Never,” says Professor David Richards, “but this is a law school.”

Many argue that we should wait, wait, and then wait some more. I fear that by waiting for the Supreme Court to let as do many other universities, might catch up with us—and with a vengeance. NYU’s counsel is unwittingly in the country fighting for its LGBT students, but also doing what’s right on its own campus and around the country. This is the only way to keep the military from recruiting.

I fear that by waiting for the Supreme Court to let the military in, the military will be able to recruit even graduates who don’t think they want to serve in the military. The military needs lawyers from NYU.

Interactions with American citizens and society, through letters, through underground organizations, and through religious institutions motivated many dissidents in these countries to continue fighting for their ideals. So did secret aid provided by American intelligence agencies like the CIA.

Eastern Europe, though a clear beneficiary of an interventionist Albert Einstein foreign policy, is not alone in the world. Taiwan and South Korea also developed into free, economically successful republics after decades of communist commitment to their respective regions. The same can be said about Central America, which as recently as the 1980’s was raging with civil war. Today, the people of these countries have exchanged their swords for ploughshares, and their people will soon reap the economic benefits of free trade through the Central American Free Trade Agreement.

What should the future hold? Should we retreat, as George Washington would have likely suggested, from the world and save ourselves from the burden of spending blood and treasure (and the accusations of imperialism)? Or should we continue as we have for the last 50 years, actively supporting democratic, free-market principles around the world? In many ways, a retreat would be immoral. We could not withdraw our troops from Iraq on the mere hope that the recently voted-upon constitution would prevent massive bloodshed in the form of civil war. Even accounting for the Sunni insurgency, our active presence there prevents bloodshed and nurtures democratic institutions.

Nor could we withdraw with clean hands from South Korea and Japan, leaving these nations at the mercy of a nuke-wielding and sometimes delusional Kim Jong-II. Any lives lost in the power conflict that would follow our retreat weigh heavily on the American conscience.

As the only world power capable of bearing the burdens of international leadership, we must continue to do so into the near future. Not doing so would destablize gains made in the realm of international relations, freedom, and representation government, and deny persons living under dictatorial regimes the hope they need to challenge their oppressors.

It is certainly a heavy burden to bear, and it is almost certainly not one our founders intended us to undertake. It is however the choice we should make if we truly believe in the principles of representative government, liberty, and the pursuit of happiness for all.

The military needs lawyers like Col. Gunn, and NYU makes a lot of them. But what does this have to do with whether NYU should allow the military to recruit on campus? As long as protesting the military’s discriminatory employment practices means excluding military recruiters from campus, such a protest competes with the desire to have military lawyers with the kind of respect for civil liberties that we learn at NYU.

At some level, the deadlock between these competing values arises out of a single frustration—namely, a sense of political disability with regard to military policy. Asking whether that disability is better addressed by protesting a discriminatory policy or by infusing the military with better lawyers poses a false dichotomy—alternative forms of protest or recruitment would let us have both ways. But as long as we’re talking about excluding military recruiters, it’s important to remember that the military is not the armed wing of the Republican party. I know it sounds funny to say it, but Uncle Sam might actually need you.

The New Yorker
In an amazing coincidence, two Commentator staff members wrote articles this week decrying cheap food and cheaper service. The lesson? Do NOT mess with the Commentator’s food critics. Lesson #2? Sometimes it’s better to be treated nice than to get cheap food.

Bleecker Burger Joint Falls to Live Up to Spectacular Restaurant of Same Name.

BRIGHAM BARNES ’06

About a year ago I “discovered” and “reviewed” the Burger Joint at Le Parker Meridian for the Commentator. At the end of the summer I noticed that a new hamburger establishment was opening on Bleecker between MacDougal and Sullivan, and naturally also called “The Burger Joint.”

When I first saw it I assumed it could not have anything to do with Le Parker Meridian Burger Joint (why would a magnificent lowbrow burger spot hidden inside the lobby of a luxury hotel choose to open an outpost on Bleecker?). However, it was called “The Burger Joint.” So, out of pressing curiosity, I finally visited this new local establishment last week.

I learned so much.

First off, it turns out that our new Burger Joint is an offshoot, not of the Parker Meridian Burger Joint, but of another “The Burger Joint” located at 3rd Avenue and 20th Street. The first thing that you’ll notice about the Burger Joint’s menu is that it’s small: it offers hamburgers, cheeseburgers, doubles of either sandwich, onion rings, and French fries—oh, and a bottle), and chocolate soda. According to the Internet, the Burger Joint offers free refills, but I didn’t notice anything indicating that the restaurant itself has a soda fountain, and the guy behind the counter certainly didn’t tell me there were refills. I have any key complaint to make about the Burger Joint is that its “guy behind the counter” was closest to the most unpleasant “guy behind the counter” I’ve ever encountered, and I’ve been eating cheap food all over New York for over two years straight now.

I’m no stranger to unpleasant people behind counters. This guy though, treated my lunch companion and I as if we were an absolute burden to be dealing with. Maybe it’s not the best attitude to have when your establishment is next to empty at the height of the lunch hour.

After taking my order and giving me my change he called me back to the counter and seemed to inform me that I owed him another dollar because he had given me too much change. I gave him the dollar he asked for and then counted my change a few more times before I was certain that he was mistaken and owed me that extra dollar. When I informed him of the mistake he argued with me for a moment before giving me my dollar back.

I don’t mean to use the Commentator as my forum to be griped about a small misunderstanding involving a single dollar, but I offer this bit of advice to restaurateurs: when you demand an extra dollar, be willing to take it.

There are two reasons that Mamoun’s Falafel Restaurant is a must. First is that their falafels are extremely low in price and they give me a stomachache every time. The second reason is that they don’t ap ap ap ap appreciate my business, and they don’t make me feel welcome, judging by the way that they are completely and totally lacking in courtesy.

Whether you are a brand-new 1L, or a veteran 3L, you probably know about Mamoun’s Falafel. And if you don’t, you should, except that it is a horrible place. So don’t go there.

Mamoun’s is of course the tiny falafel restaurant at 119 MacDougal. It is just behind the law school. The place gets very busy around lunchtime, and it gets plenty of press coverage. I’ve been there twice.

Well, I don’t know who Nedal Chater is, but Mr. Chater, let’s be honest, your falafels are low in price because they are crappy. And I don’t know if the meathead behind the counter is Nedal Chater or not, but whoever he is, he is rude. Here is what it is like getting food there:

“Next!” says the meathead behind the counter.

“One falafel and a water please,” I say.

“That’s three,” he says.

Or maybe just “three.”

He takes the money, puts a falafel on the counter next to him, and yells, “next!”

I say “thanks,” but he’s not listening.

Would it be so hard for him to say “thanks,” or “here you go,” or just to smile?

My favorite food place in the world is back in Boulder, Colorado. It’s a little Chinese/Vietnamese takeout place called “Kim’s Food To Go.” What makes it so great is not just the low prices, the healthy food made with quality ingredients, but also the fact that I felt welcomed and appreciated. And they wouldn’t do much more than say “hello,” “here you go,” or just smile when they HANDED me my food.

So, to quote Levar Burton on Reading Rainbow, “You don’t have to take my word for it.”

Go to Mamoun’s and see for yourself. It will only cost you two dollars for a sandwich and a drink. It will only cost you two dollars for falafel.

Mamoun’s Falafel Restaurant: Overrated Food, Awful Service.

The legal trips and optional excursions were amazing.

Professor Bazyler’s program is a more than just academic. Professor Halleh Lashin, an international human rights scholar specializing in women’s rights, has extensive contacts in Israel and was able to place students in internships at public interest organizations, law firms, and in various governmental bodies.

In short, the Program is an incredibly important opportunity for personal, professional, and academic growth. Professor Bazyler is an incredibly talented professional.

Below are other details about the program:

Whittier Law School’s summer abroad program was the only one for law students to Israel for the last two years. Not only that, but the program had the largest group of law students every to come study law in Israel: 60 law students from 28 different law schools throughout the United States and one each from Canada and Australia.

For this year’s summer program, Whittier is offering internships to law students from law schools affected by Hurricane Katrina.

Students are also placed in volunteer legal internships before the program, which will take place in July 2006.

Website: www.law.whittier.edu/interns

Please feel free to contact me if you have any questions.

Warmest Wishes

Jocelyn

bleee0100@gmail.com

Bleeeer Burger Joint
After some spectacular prognostications, the predictions have been revised with the prediction of a Minnesota vs. Indiana final, I’m back with more predictions. I guess I’m a gluton for punishment.

Of course, to be fair, nobody could have predicted that Ron Artest would wind up in a bar kettleball arena and be suspended for most of the season, taking down LeBron James and Stephen Marbury for season-long suspensions due to his temper. I mean, we all knew he was crazy, just not “riot-starting” crazy.

So, who is this year’s top choice to come out of the East? Let’s count down the conference legal style, looking at each team on a major “issue” and then my “holding” on how the season will turn out.

**1. Toronto Raptors**

**Issue:** Is anyone on this team any good?

**Holding:** Chris Bosh is a good prospect, but there are probably at least five young power forwards who are better than Chris in this conference. I’d rather have me on the team in the long run (Dwight Howard, Al Jefferson, Andrew Bogut, Tyson Chandler, and Emeka Okafor off the top of my head). So, to simplify things, no, nobody on this team is any good.

**14. Charlotte Bobcats**

**Issue:** Were Raymond Felton and Sean May really the best picks available in the draft?

**Holding:** Not for that amount of money in the long run. But they might take a step back with their young talent, while still being competitive.

**1. Cleveland Cavaliers**

**Issue:** Can LeBron James play like the best point guard in the NBA?

**Holding:** You mean, in the real NBA? He looks a bit controversial playing a position he’s not blessed with all of the tools of a shooting guard, while Webber, the two on the court, although they are kindred spirits. I’m not saying that either one is a bad player, but there were a lot more talented players on the board. The Bobcats should be looking for franchise players, and neither one of these guys fits the bill.

**13. Atlanta Hawks**

**Issue:** Can Joe Johnson play point guard?

**Holding:** You mean, in the NBA? Um, no. At least not without a small player to guard the point guard in the league. But hey, 30 wins would be a success with this team.

**12. Philadelphia 76ers**

**Issue:** Will Iverson and Webber get along?

**Holding:** Not on the same court, although they are kindred spirits. Iverson has the body of a point guard and still plays like a shooting guard, while Webber, blessed with all of the tools of a power forward, acts like he’s a point guard. This can’t end well.

**11. Orlando Magic**

**Issue:** Speaking of shoot-first guards, how’s Steve Francis look?

**Holding:** He looks a bit confused with four other point guards on the roster. Turns out Nobody in the Magic organization thinks he can play the point anymore, except for him.

**10. New York Knicks**

**Issue:** Will Stephon Marbury last in New York?

**Holding:** Notice a pattern here? Three teams in a row with guards who refuse to make their team better. If we’re looking for patterns, we might also notice that Stephon Marbury has been traded three times now, and the team he was traded away from has gotten better every time. The Knicks history is any guide, the Knicks should look to trade Marbury for anything. Three teams are right to finish with 30 wins. And Marbury will probably proclaim himself the best point guard in the NBA.

**9. Boston Celtics**

**Issue:** Speaking of trades, is Paul Pierce going?

**Holding:** Maybe. With Boston rebuilding, he could go midseason. If he does get traded, this pick is a big hit. Actually, it’s probably too high anyway, but all Red Sox fans need the hope of an injury to a point guard.

**8. Washington Wizards**

**Issue:** Was letting Larry Hughes go a mistake?

**Holding:** Not for that amount of money in the long run. But they might take a step back with their young talent, while still being competitive.

**7. Milwaukee Bucks**

**Issue:** Bogut for rookie of the year?

**Holding:** Not while Chris Paul is healthy. Luckily for Bogut, he walks into a great situation with a great shooting guard, good forwards, and (hopefully) a healthy Ford. He’ll get 12 assists a game and 9 rebounds, but other guys who need to lead their teams in scoring, Paul especially, should put up better numbers.

**6. Chicago Bulls**

**Issue:** Was letting Eddy Curry go a mistake?

**Holding:** Not a huge one. Michael Sweetney is an adequate replacement, and Chandler, at 7’1”, now has the size to play center against anyone not named Shaq. Combine that with the growth of the other Bulls, and this is a playoff team again.

**5. New Jersey Nets**

**Issue:** Is this team for real?

**Holding:** They are real fun to watch, but without a legitimate low post threat they lack the all-around game to compete for the championship. Interestingly enough, you’ll notice that three Central Division teams are ranked ahead of the Nets. With the horrible shooting selection in the NBA, where the conference champions get the first three seeds, it is likely that this team, despite having the fifth best record, will end up with the third seed and draw an much easier first round match-up than the 4-5 series, likely to be one of the three Central Division powerhouse teams beating each other up literally and figuratively.

**4. Cleveland Cavaliers**

**Issue:** Can LeBron James make his teammates better?

**Holding:** Lost in last season’s collapse of the Cavaliers was just how bad LeBron played down the stretch. Sure, he’s 20 points, but at the expense of his team’s overall success. New GM Danny Ferry has significantly up

**13. Charlotte Bobcats**

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**Holding:** He looks a bit confused with four other point guards on the roster. Turns out Nobody in the Magic organization thinks he can play the point anymore, except for him.

**10. New York Knicks**

**Issue:** Will Stephon Marbury last in New York?

**Holding:** Notice a pattern here? Three teams in a row with graded the Cavs roster, bringing in players that should complement LeBret’s game spectacularly. With Damon Jones and Donell Marshall raining in three pointers, Larry Hughes on the wing, and liguans in the pivot, this team is almost guaranteed to make the playoffs. How far they go will depend on how quick LeBret notices how each individual player on his team better. As mentioned above, playoff seedling could kill the Cavaliers chances, taking home court advantage away from them while the Nets jump to the 3 seed.

**3. Indiana Pacers**

**Issue:** How crazy is Ron Artest?

**Holding:** Crazy enough for me to place a team that I really think should go to the finals in third place. The off-season acquisition of Sarunas Jasikevicius makes their guard rotation one of the best in the league, and Danny Granger should be a rookie that can contribute immediately. Unfortunately, Artest and Jackson form the craziestest frontcourt in the league. Who would you rather have taking shots at the end of a game, someone who needs it more than their very own Ron Artest? Yea, just can’t pick them again.

**1. Miami Heat**

**Issue:** Will their off-season moves push them over the top or over a ledge?

**Holding:** So they let Eddie and Damon Jones go, replacing them with Jason Williams, Gary Payton, Antoine Walker, and James Posey. The last player on the list should fit in as a great defensive stopper, taking pressure off of Wade. The first three all love to have the ball in their hands. I hate Antoine Walker’s game. He’s maddening to watch. Basically, he does enough good stuff to counteract all the bad things he does, making him an average player. He’s almost like the baseball version of a schizophrenic.

However, this is a team lead by two stars, but now they have 7 players around them instead of 4. Coming next issue, find out who will come out of the West to take on the Heat in the finals. I’ll give you one hint: sometimes everybody already knows the correct answer.

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SLAP Continues In Downpour

Conor French '06

It rained. It poured. For eight straight days, drizzle and downpour dampened the fields, but not the intensity of the two consecutive Fridays of flag football. With a thin layer of water covering the turf, the fields resembled great big slipp-and-slides, albeit ones that left the legs and arms of those daring enough to hydroplane with nasty gashes and burns. In many cases, the weather took its toll on offenses as teams recorded a handful of shutouts. In other cases, the weather sent players rushing to hospitals and other medical practitioners with a host of physical ailments and discomforts.

While weather prevented some games from taking place, the lightened schedule was more than offset by a bevy of make-up games to account for the dreaded approaching date when all 3Ls must submit to the MPRE (this ethics exam is said to include such topics as “can you date your client?”). In the Full Contact League, the past two weeks have transformed the largely open field into a two-horse race. Unfortunately for all those who cheer for the underdogs, those two teams were the same two teams tabbed as co-favorites at the season’s onset. Malicious Prostitution continued its improbable run toward a shutout season. Having surrendered nary a point in five contests, Malicious Prostitution also took it upon themselves to bounce upset, Gans & Co., from the ranks of the undefeated.

Their primary competition, Minimum Contacts, brought 3L overachievers, People’s Army, back to reality in a double-digit victory. Perhaps the fiercest rivalry in all of flag football flared up off the field between the two main contender’s notoriously venomous quarterbacks, Charley Vandenburg (‘06) and Ryan Eney (‘07). Following news of Minimum Contact’s convincing triumph, Vandenburg awoke from his post-game meditation and proclaimed Eney as “not very nice. Not very nice at all.” Eney then turned it up a notch.

In deep contrast to the clarity of its counterparts league, the Less Contact League decided to mine itself in some form of rankings system. The usual byproducts of such a system were in full effect on these two Fridays as teams suddenly realized how crucial running up the score would become to their coveted ranking. Persisted by iconic team captains, Bukola Aina (‘06), to “score, score, score a lot more,” the aptly-named Bukola’s Team solidified its #1 ranking by rolling up 55 points in its two games.

Still topping the Solicitor’s Division, Title IX kept pace in victories if not in points, accruing more momentum as the playoffs approach. Among the fallen stars in the Less Contact League, marque defensive back, Robert Silvers (‘06), backpedaled to his season’s demise. After leaping to garner a heroic interception, he slipped on the sodden turf, fracturing his collarbone (that the interception occurred on fourth down and would have been better simply batted down does nothing to disturb this author’s opinion of the heroism involved).

Some final notes: does Malicious Prostitution honestly believe that constantly attributing a horrifying disease, “rabies” (a member this is what doomed Old Yeller), to its team captain constitutes a sign of respect…how much fun would it be to make fumbles live balls and watch as hoards of young J.D. candidates clawed and kicked at one another in a great big pile…does it seem a bit strange that one team, Pass/Fail, not only decided to keep track of all its interceptions, but also but also continually keeps the entire league updated…and, lastly, what we all must learn by November 4th—can you or can you not date your client…. The road to the playoffs begins here. Let’s get aggressive.