



THE COMMENTATOR

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The Student Newspaper of the New York University School of Law

September 7, 2005

Courtyard Fountain Will Honor Memory Of Those Lost On 9/11

BY CHRIS MOON '06

While the events of September 11 impacted our entire country, the events of that day had an especially strong impact on New York University School of Law.

Over 200 alumni of the Law School worked in the World Trade Center at the time of the attack. The law school's website indicates that at least six men and women were lost in the tragic events of that day.

Throughout the summer the west side of the courtyard of Vanderbilt Hall was undergoing renovations. It was finally revealed this week that the main project of the renovations had been the addition of a small waterfall-like fountain to the side of the entrance.

In a memorandum to students, Dean Revesz announced

that the fountain was created as a memorial to honor the memory and legacy of those law school community members lost on September 11, 2001.

Dean Revesz invites all students to the dedication of the memorial, which will be held on Monday, September 12, 2005. The dedication will take place at 8:30 a.m. in the courtyard of Vanderbilt Hall.

President of New York University, and former Dean of the Law School, John Sexton, alumnus Paul Francis ('80), and the Dean will make remarks, which will be followed by a moment of silent reflection.

Those who wish to join the Dean in honoring those lost on September 11, 2001 should email Arden Ohls in the Alumni Relations Office at arden.ohls@nyu.edu.



Welcome To NYU Law: Orientation Through The Eyes Of A First Year

BY BEN KLEINMAN '08

Editor's Note: We asked an incoming 1L to give his first impressions of New York University School of Law. What follows is Ben's running diary of Orientation.

Saturday:

Basically, I'm nervous. Not terribly so, but a bit. Maybe jumpy is a better description. And that could be attributed to the Diet Coke I chugged while scanning in pictures for an upcoming fam-

ily party ... well, explaining the party will have to wait for some other time. But if you've ever scanned in dozens of pictures, you'll probably agree that Diet Coke helps.

The jumpiness could also be attributed to tomorrow being the commencement of the first university orientation I've attended in seven years. And it's been eleven years since an orientation that led to the attainment of a degree.

We won't dwell on the expe-

rience of graduate school in Scotland right now except to say that a goal of the Marshall Scholarship program is to build bridges across the Atlantic (figuratively, I assume) and I feel that developing an appreciation for whisky and purchasing a kilt qualify. I did my part and people just need to chill about the not getting the degree thing.

So law school ... I should be ready for it. Back in June I quit the job I'd had for seven years and began a summer of leisure with only one real task to accomplish: to fit into my kilt again.

When I purchased that kilt I was 21, in my first year of grad school, and apparently I sported a 32 inch waist. After seven years of, ahem, 'prosperity' I was a size 36. Couple that with the fact that no matter how hard you try to suck in your gut, 4 inches is a lot. But just now it only took five minutes to struggle in.

So I'm tan, more or less back to my grad school fighting trim (but again, I lost my last fight with academia). My schedule is printed and in my calendar. I know where I can stow my bike if I decide to pedal in. My tour of Greenwich Village is confirmed. I have my locker location and combination. I have my law books all on a brand new Ikea bookshelf. I even have a spare bookshelf still in the flat pack, just in case.

One more night of sleep. A shave in the morning so that I look presentable for the facebook pictures. And then orientation officially begins. Heh. Should be fun. It's only school, right?

Sunday:

I feel a little like Winnie the Pooh when I leave the gym. But only a little. Tut tut. It looks like

rain. And then... miraculously, it cleared up. So I walked to school.

I didn't bring any books or the laptop today. I can ferry them a few at a time during the next few days. I need to remember to find out if there are showers I can use after biking. And what the heck are hornbooks? And what's the deal with outlines? For the moment, that's all I'm looking for out of orientation.

The day was kind of underwhelming in hindsight. I suppose a careful reading and internalizing of the schedule would have made it a bit more obvious, but the day was fluff.

Registration was a breeze, so kudos to all involved with that. An early highlight was getting a locker. I gazed at it with a pride that blossomed into love. I even opened it on the first try. I'm thinking of decorating it, but I never did that in high school so I don't really know how. Suggestions?

The tour was fantastic. Any guide who can take 2 hours to cover 9 blocks is pretty impressive. In the spirit of openness and brotherly love, I'll share my 'find' of the evening. Having about 2 hours to kill before the evening happy hours started, I hit V Bar on

Sullivan. Take a left out of Furman, cross the street, and it's the third or fourth bar on your left. Free wireless, coffee bar, wine bar, pastry bar, snacks, beer on tap, and Belgian beer in bottles. I assume they have cocktails. We really need to encourage them to offer a student discount.

The receptions/happy hours were pretty good. Really just meet and greets, and a chance to try some new pubs. I randomly sat at a booth across from a Ms. Rieger, the younger sister of one of my good friends - when I was 7. It just goes to show you that Law Students for Choice is a great organization.

Definite impression that this was a chance for returning students to reconnect - I learned a lot about a few groups and it pretty much whet my appetite for the organization fair next week.

Monday:

Biking in is going to work, but will require a bit of effort. Since the law school is sans shower, a few basic toiletries in the locker and a spare shirt in the backpack ought to do the trick. New sunglasses, a new backpack, and that should trick me out. Mentally

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Commentator Picture of the Week

The black suits once again took over the D'Agostino lobby for Early Interview Week 2005, August 22 to 26. Second and third year students interviewed with more than 350 private and government sector employers for summer internships and full-time positions.



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Incoming Law Students: Plan An Exit Strategy From Big Law Now

BY CRAIG WINTERS '07

To the newest members of the NYU Law community, allow me to provide some unsolicited advice: figure out, now, how *not* to be a lawyer.

"Woah! Craig," you may be thinking, "the ink is still fresh on the \$170,000 dollar mortgage on my future! [Read: student loan.] I mean, aren't you being a little crazy? Or depressing?"

Well, perhaps depressing. And I should amend the above statement. For a significant percentage of you, law firm life will leave you burnt-out, bitter hulks of your better selves. So, when I say lawyer, I mean "corporate lawyer."

For starters, isn't there something crazy about the whole law school meat factory game to begin with? We've all successfully mastered one of the most intense, cutthroat competitive processes to earn a spot at NYU, and for what?

Lawyers have one of the highest professional job dissatisfaction rates in the U.S. And New York lawyers are among the most unhappy of the lot. (Oddly, a recent study has dentists coming in ahead of lawyers for the coveted spot of most miserable. Weird. Thoughts on this appreciated.)

And what you can look forward to, 1L's, is to jump, jump, jump through the various hoops that will magically appear before you. "Learning to think," on-campus interview sign-ups, writing sample prep, the dreaded EIW, offer parties, targeted mailings, call-backs, more EIW, the MPRE, bar prep, a two-day nightmare exam, a short vacation and then – drumroll, please – work, work and work some more, and watch one out of ten make partner!

And don't forget your grades, because whatever lies you have been told or will be told in the future, the rough approximation of your GPA at our non-GPA'ed school is by far the most important factor in everything you'll ever want to do with your J.D.

Depressed yet? You shouldn't be. The above is the fun part. Sitting in your glass-and-steel coffin somewhere in midtown is when the fun really stops.

When you spend a summer at a law firm (which will be 95% of you), it won't take a translator to help you figure out the meaning behind all the inside-jokes about the hellish nature of law firm life. If you really don't catch on, ask yourself: how many suits does the average associate have hung

behind the door? Does the firm have a bathroom with a shower? Why is dinner catering free after 8:00 p.m.?

There is an out, though, and most lawyers figure it out in Year Five (of their associateship, that is). The reason that the average megafirm hires 75-100 new associates each year is that they have 30 or so left by Year Five and between five and ten by Year Eight.

Where does the remainder of the hundred or so fresh faces go when their partner dreams die? Somewhere else, and the sooner you figure out where your safe haven is, the better for you.

I admit it's a bit weird to begin law school looking for a backdoor, but that's the reality. Maybe if you had taken your parents' advice and become a doctor or a nurse or an engineer (or even a garbage man, as some of my associate friends mumble) you wouldn't be in this spot.

But what else to do with a degree in English or political science? I made my mistakes long, long ago, and now the anvil of the Law demands its pound of flesh.

And there's a reason the Office of Career Services (which you will get to know oh-so-well in the coming months and years) has precious little advice for you as you plan your jailbreak. Because, compared to the supermarket-like options corporate law careers offer, everything else is individualized, out of the ordinary, and *pays dirt*.

When you spend a summer at a law firm, it won't take a translator to help you figure out the meaning behind all the inside-jokes about the hellish nature of law firm life.

Yes, fair law student, it's hard to pay back a gazillion in loans when you get \$35,000 from the Equal Justice Foundation. NYU helps with the LRAP program (paying your loans if you make less than \$40,000 or so) but there's no way to save when you make such little scratch. Which may be fine with you! And if it is, jailbreak away!

But there's a problem. It's called: everyone you know will be rich and you'll be poor. While most of your friends lunch at the Four Seasons and dine at the Union Square Café and after-party at some fancy place I can't afford to go to, you'll hit MickyD's and juggle MBNA and your Citicards and pay 50% of your income in rent to some slumlord in Brooklyn.

Forget ever owning a home or a condo in this city or even in

New Jersey: average sale price is over \$1 million! And at 10% down, that hundred grand is about as obtainable on a public interest salary as your election to the vacant throne of the Holy Roman Empire (which was, as my 10th grade history teacher taught us, neither Holy, nor Roman, nor an Empire. But I digress.).

So it's time to roll-up the shirt-sleeves and get creative. You're bright, or you wouldn't be here; you can figure something out. Politics, journalism, business (certainly, if you want to be rich, go be an I-banker and don't waste your time as a transactional lawyer at \$500 an hour), who knows?

The world is your oyster, *if you do something about it now*. Don't wait for your first balloon stent and bypass operation.

Or you can lap up the first year of law school and ignore the night train hooting and hollering and surging towards you. "Hey, Winters – that train's three years away! Why do I have to worry? I'm gonna party and cavort and own this town – or at least the SBA keg party. And did you hear, Cravath is having a reception at Nobu! Free food!"

You're right, kid. Free food. Contrary to the collective wisdom of the entire economics profession, in the legal world, there is a free lunch.

But my-oh-my, watch that cliff-edge. Because it's a doozy.

THE COMMENTATOR

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Diary Of A 1L: Discovering Law School's Devious Tricks

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added those items to my weekend shopping list.

We sat down for a two hour speak-a-thon this morning. I'm under the assumption that the goal was to put faces and names together, not to actually convince us that we're welcome at NYU Law. Trust me, we're convinced.

By the way, has anyone ever commented on the startling similarity between our Dean and Teller of Penn & Teller fame? I'm not saying Ricky isn't good at what he does, but if he wants a free trip to Vegas, he may want to proffer his services as a stunt double.

Over lunch we had casual meetings with 2L's and 3L's, and that was fine, but the highlight of my first day was getting the wireless to work. On the first try, at that.

With wireless enabled I was able confirm for my own eyes the quickly spreading gossip that our class had been sandbagged. Nothing on blackboard for us, but yes – there's an assignment on some nonsense called the 'early assignment' web page. Devious, these law school people. They're earning my grudging respect.

Mostly, this has been a chance to meet new people and catch up with folks from preview days and the summer reception. Obvious but worth repeating: our class is filled with fascinating people and, overall, it rocks.

And while I have no idea what a hornbook is, I do know what

a course outline is: Summarized and reviewed notes. But what the heck, let's call it an outline. Again, very devious.

Tuesday:

I couldn't help but smile during the class discussion of the Speluncean Explorers. Law school classes are going to be a blast. You get to read and then be asked about what you read – it's like book reports all over again. Only with smaller print, more Latin, and no naptime.

The talks about financial aid, jobs and public service were fine – much shorter than yesterday's escort to the land of nod. But I'm pretty sure the upshot is that anything we need to know will be emailed to us, and anything we need to do will be, umm, emailed to us.

Have I mentioned the deviousness which pervades NYU Law? They nailed us again – the Lawyering session wasn't entertaining introductions and ice breakers. Bam, right into discussions about evil celebrities breaking the law and driving into parks.

And the first reading for our criminal law course (see sandbagging above) was all about sodomy. Not quite an instruction manual, but Scalia was rather salacious. In any case, it warmed the cockles of my heart. My undergrad institution was in a state where sodomites were fodder for fires, not for homework.

That undergraduate institu-

tion was on my mind more and more often as orientation wrapped up. I'm not the only one here with connections to Tulane University, to New Orleans, or to other places affected by Hurricane Katrina and its aftermath.

It's not sad, it's frigging unbelievable to think that our administration and fellow students were taking action even while the federal government was letting citizens die of thirst and exposure.

My anger and frustration at the government's inaction and sadness at the devastation have been tempered by the great response of the University and the Law School. In the middle of the week I emailed Dean Revesz and spoke at some length with Vice Dean Gillette. It turns out, of course, that the SBA was all over this from the get go: Oliver and his team are doing a wonderful job fundraising for Katrina recovery efforts.

Perhaps it's some cosmic balance being maintained when the orientation we received was accompanied by the disorientation and chaos bestowed upon the gulf region. The work with Katrina will go on for months, continuing in parallel with the law school year.

But I tell you this now, and you can hold me to it in June. When we finish this year, I'm buying the first round at the Tropical Isle on the corner of Toulouse and Bourbon in the French Quarter.

Newsflash: Man Attends Broadway's 'Steel Magnolias' And Enjoys It

BY BRIGHAM BARNES '06

Summer in New York is a time of opportunity. You get home from work, change your clothes, and then it seems you could do almost anything you want that night. But one Friday night this past July, I found myself sitting at home without a single idea for what to do but feeling really desperate to get out and do something.

Then I get a call from my friend Steve, who gets near-free tickets to plays and musicals all the time. Once before I got to go see a new Woody Allen play with him and some folks thanks to these magic tickets. Steve tells me he's got three tickets he's trying to get rid of to a new show on Broadway, and he was wondering if I was interested. And I think: "Cheap ticket to something? Sure I'm interested."

But then I ask, "What's the show?" And Steve says, "Well, that's the problem. You see, it's ... it's ... Steel Magnolias."

I was being invited to go see the Broadway production of Steel Magnolias? Quickly I asked myself: "Self, what do we know about Steel Magnolias?" All I could come up with was: Movie. I've never seen it. Julia Roberts. Women. The South. A pizza parlor? (Turns out I was thinking of Mystic Pizza, another early Julia Roberts film).

Does it have anything to do

with Fried Green Tomatoes? Women. For a moment I was a little weirded-out about the idea and pretty sure I was about to renege on my acceptance, but I decided to stick with it and agreed to meet Steve at the theater.

On my way to the theater, I reasoned that, if anything, maybe Steel Magnolias would be dumb enough to inspire some scathing criticism at a later point in my life where I, say, was desperate to come up with an article for the first issue of "The Commentator," and in the time that passed between accepting Steve's invite and heading for the theater I was told by a traveler about to depart for Scotland that "Only a robot wouldn't cry at Steel Magnolias."

Maybe I'd wind up writing a facetious review about how I cried through the whole play or whatever. So, by the time the curtain went up, I was pretty psyched up to watch the play with a very critical eye, enjoy it in a very negative way, and then have at it later with (hopefully) humorous results.

And, well, wouldn't you know that I pretty much really liked the play and would even probably see it again.

A coward would ditch his mean-review-gone-wrong right now, but I'll stick around a little longer and try to say what I liked about the play without going too overboard.



Because it's not like I loved it. It's not like I bawled my eyes out. But the Steel Magnolias, it was a little dagger, it stabbed at me a bit, and while I didn't succumb to any twisting of the blade, I felt the most direct cuts a little. A little, I said.

Actually, I don't know what more to say about the show. It had six women, they were funny. They weren't dumb. That pretty much took care of it.

And while the big disaster

of the play could be seen from a mile away, it was still kind of sad when it happened, and all the Magnolias had to pull through and hug each other.

I suppose it helped that the actresses were all a little famous: Delta Burke, Rebecca Gayheart, Cliff's Mom from Cheers, and two other women who all got sufficient applause when they first came on stage, so they must have been famous to someone.

If I have any solid gripe with

the play, it's that never is the expression "steel magnolias" used in the dialogue. The flower "magnolia" is mentioned very briefly in the first act, but barely even allegorically.

I suppose I had hoped that in the final group hug of the final act one of the ladies would have said "Yes, we'll make it, because you know what we are girls? A bunch of steel magnolias, that's what we are, y'all." But maybe such a line would have only satisfied the side of me that wanted to be making fun of Steel Magnolias, not, well, you know, having fun at Steel Magnolias.

Oh, wait. Here's something that was bad about the play: there were two or three topical jokes that were slid into the play, and while I'm not saying I read the script and know that these were made up later, but the jokes were so awkwardly direct the actresses might as well have been winking at the audience as they told them. So take that, Steel Magnolias.

Student Group Kick-Off Meetings

The following is a list of the first meetings of the year for various student groups at New York University School of Law. This list is by no means exhaustive. Several groups have already had meetings, and other groups are finalizing plans. Students are urged to pay attention to listservs and posted announcements around campus to find which groups appeal to their interests.

Wednesday 9.7.05

5-6pm Law Students for Human Rights

5pm Law Democrats, with drinks to follow

5-7pm Law Women Happy Hour

6pm Black Allied Law Students Association (BALSA)

7pm Asian-Pacific American Law Students Association (APALSA)

Thursday 9.8.05

12-1:30pm Coalition for Legal Recruiting (CoLR)

12pm John Roberts talk sponsored by Law Students for Choice/ACLU

4pm Asia Law Society and International Law Society

4:30pm The Commentator

4:30pm National Lawyer's Guild (NLG)

6-7pm Research, Education & Advocacy to Combat Homelessness (REACH)

Friday 9.9.05

8pm OUTLaw Party

Sunday 9.11.05
Unemployment Action Center (UAC)

Monday 9.12.05
4:30pm John Roberts talk sponsored by the American Constitution Society (ACS)

4:30-6pm CoLR

Tuesday 9.13.05
West Coast Connection Health Law Society

**Wednesday
9.14.05**

11:30-12:30pm Real Estate and Urban Policy Forum (REUPF)

Lunch with the Battered Women's Project (BWP)

5pm Law Students for Choice

5:30-8:30pm Prisoner's Rights & Education Project (PREP)

Thursday 9.15.05

6pm Intellectual Property and Entertainment Law Society (IPELS)

Sunday 9.25.05

Unemployment Action Center (UAC)

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Building A Championship Fantasy Football Team: Patience Is Key

BY CHRIS MOON '06

The secret to fantasy success is drafting players lower than they should go and not taking players higher than they would be drafted otherwise.

Maybe you really think that Stephen Jackson of the St. Louis Rams will lead the entire fantasy world in points this year. You really want to take him with the first pick in the draft. Don't! Sure, you get Stephen Jackson, but instead of Jackson and Peyton Manning you are stuck with Jackson and Rudi Johnson.

I feel as though my fantasy cohort and I had a spectacular draft, and so I thought I would give you a rundown of our team. And don't worry, if, in December, my team is winless I'll be sure to let the entire law school know my team sucks.

In the draft, each team must take two quarterbacks, five running backs, five receivers, two tight ends, two kickers, and two defenses. Each team starts two backs and two receivers each week with one flex player.

Before the draft I told my cohort that I hoped we landed a pick at the end of the first round, thus guaranteeing us two top running backs. When it comes down to it, there isn't a huge difference between Shaun Alexander and Willis McGahee, so why not get two superstars for the price of one?

We ended up with the ninth pick, guaranteeing us two great running backs. When the top three quarterbacks all went before our first pick, we decided to wait until much later to draft a quarterback. The difference between the 4th and 11th quarterbacks in our league last year was only 38 points, a difference of less than 3 points a game.

Running Backs: Corey Dillon, Julius Jones, Ronnie

Brown, Michael Bennett and Larry Johnson.

Quick question: who was the number one fantasy running back of the last six weeks of the season? Most fantasy fanatics will be shocked to hear that it is Johnson, Priest Holmes' back-up. Everyone who gets Priest should draft Johnson as insurance, although we stole him late in our draft as our fifth running back.

We were fortunate to get Dillon and Jones, two backs who should get plenty of carries in their respective offenses. We looked at drafting Jamal Lewis ninth, but usually spending three months in prison isn't the best way to prepare for the season.

Drafting Jones with the twelfth pick was a no-brainer, as I think he could end up being one of the top five producers in all of fantasy football. We drafted Brown, a rookie with tremendous upside, in the sixth round. Finally, we were amazed to get a fourth starting back, Bennett, in the tenth round.

Wide Receivers: Javon Walker, Andre Johnson, Anquan Boldin, Jimmy Smith and Mark Clayton.

Walker and Johnson are consistent producers, viewed by everyone as belonging in the second tier of receivers, just below the top three of Randy Moss, Terrell Owens, and Marvin Harrison. Although we would have loved one of those three, they were all drafted between 12 and 29, our third round spot. Of course, Walker had more fantasy points than all three last season, so we were excited he dropped to us.

Boldin and Smith are both ranked around 20th in receivers, and are great back-ups. I wouldn't have minded starting either one, although it is unlikely that either will ever play for us except in bye

weeks. Clayton was a late round stretch, hoping for an unlikely breakout season by the rookie. Given Kyle Boller's play, this pick probably won't pan out.

Quarterbacks: Drew Brees and Jake Plummer.

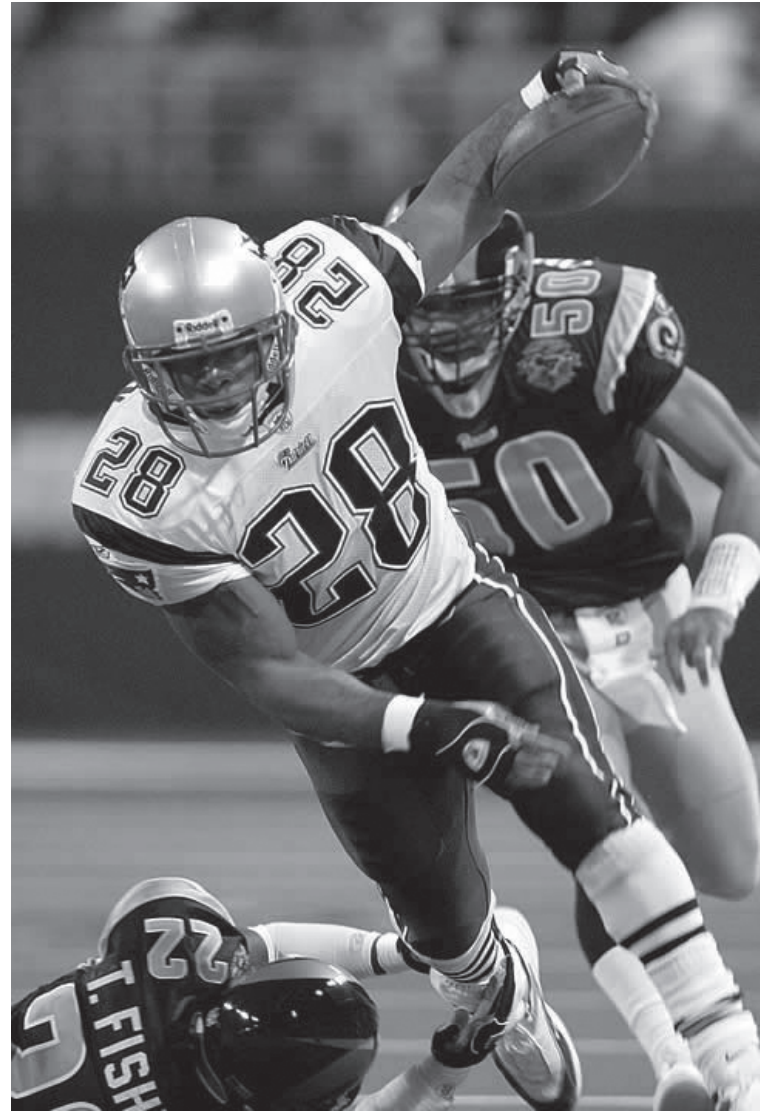
Whichever quarterback plays for us each week will be determined by the defensive matchup. Even though both were top ten quarterbacks last year, we drafted both after the sixth round. Somehow Plummer, a quarterback with three points less than the fourth ranked quarterback last year (Brett Favre), dropped to the twelfth round. Favre? He was drafted in the fourth. If you can't get one of the top three quarterbacks early then wait and get two good quarterbacks later. We waited and got exactly what we wanted.

Tight Ends: Antonio Gates and Eric Johnson.

At the time, Gates was still holding out. Nevertheless, we were shocked that he dropped all of the way to the end of the 5th round. Although Gates is missing one game, he is a steal this late in the draft. Because Gates was holding out, we drafted our back-up, Eric Johnson, a couple of rounds earlier than we wanted. With Tim Rattay beating out future Hall of Famer Alex Smith for the starting position, Johnson should be a starter in most ten team leagues.

Defenses and Kickers: Jets, Chargers, Jason Elam and Lawrence Tynes.

Inevitably, somewhere around the 7th or 8th round there will be a rush of teams taking defenses. Don't do this, wait until four rounds later and take a good defense. Generally the point differential between the top fantasy defenses is minimal and can vary greatly from one year to the next. We drafted the Jets defense because the Jets and the Giants both



Running back Corey Dillon should top your fantasy draft list.

are awful, so I needed a reason to watch football on Sunday.

Kickers are kickers. The difference between the second and tenth ranked kicker last year was just over a point a game. I would suggest waiting until the last three or four rounds to pick up your kickers.

Free Agents.

Paying attention to the free agents that weren't drafted is also important. At the time of our draft everyone thought that Tatum Bell would start at running back for

Denver. Somehow, Mike Anderson went undrafted in our league. Now that he has won the starting job, he is worth starting in fantasy leagues. We picked him up as a free agent right after Mike Shanahan announced Anderson was the starter.

Follow the advice given in this column and you should be on your way to fantasy success. Or, even if you end up flaming out, you can still claim you have the best team on paper.

Looking to spice up your resume?

Wishing you could write more than lawyering assignments or B papers?

Wanting to have a larger audience than your blog?

Join The Commentator!

Leadership positions are available:

Managing Editor

News Editor

Crossword Creator

Comic Artist

News, Arts, Sports, and Opinions Writers.

Introductory meeting

this Thursday, September 8, 4:30-5:30pm in Golding East.

Free food and drinks!

contact Chris Moon with any questions, chrismoon@nyu.edu