NYU Law Soccer Team Wins University-Wide League Championship for Second Year in a Row

By Joseph Jerome ’11
Managing Editor

While, in some respects, David Segal’s two-week-old article in the New York Times questioning the value of a legal education is yet another in a string of stories revealing the bleak legal job market, the article has generated much discussion about the validity — and transparency — of law school employment statistics. In the most recent set of U.S. News rankings, over 93 percent of law graduates were reported as employed nine months after graduation, a substantial jump from the 84 percent employment rate when the category was first reported over a decade ago. NYU Law boasts both numbers, publicly reporting that 97 percent of the class of 2009 secured their first- or second-choice jobs.

The Office of Career Services states that its numbers are accurate. Getting numbers, rather than manipulating them, is the real difficulty. “We do a lot of outreach,” said Moon Kim, Associate Director of Counseling and Career Development. By the time OCS is done tracking down employment information from graduates, whether voluntarily from students or extracted from Facebook and even the occasional parent, OCS says it reaches nearly every graduate. “Our goal is to do the best thing for the school,” said Assistant Dean Irene Dorzback, “and the best thing is the best data.”

Dorzback maintains that the rankings methodology, particularly the U.S. News rankings, strongly incentivizes NYU Law to get accurate information from as many graduates as possible. According to U.S. News, 25 percent of “unknown” graduates are considered as unemployed. While OCS suggests that this may benefit lower-ranked schools by allowing them to disguise the unemployed behind “unknowns,” amidst NYU graduates can adversely affect NYU Law’s employment statistics. OCS believes part of the problem is students’ reluctance to provide the school with their employment information.

“Once students have jobs, they seem to think they’re done with us,” Kim said. Ideally, OCS hopes to stay informed as students and graduates employ situation changes for better — or worse. Most problematic for Dorzback is the students who do not seek assistance. “If we don’t know about you, we cannot help you,” she said.

Part of the thrust of Segal’s criticism, however, has been proposing employment statistics by including all sorts of part-time or non-legal work, which OCS concedes. “How we gather statistics is determined by how NALP, the ABA, and U.S. News guides us,” Dorzback said.

Thus, internships can count. Part-time work in a legal field can count. Full-time work outside the law, even if it pays a salary, cannot count. In 28 years at NYU Law, however, Dorzback believes the number of students who actively sought employment but who did not have law-related jobs nine months after graduation could be counted on one hand.

With the NALP reporting deadline looming on Feb. 15, Segal reported that some top schools, citing Georgetown, hire their own graduates to boost their numbers.

“NYU has never hired grads to work for us,” Dorzback said. “With the exception of employ- ment with our centers, we have no policy of hiring a bunch of research assistants to work for us.”

Dorzback is concerned about transparency. She also thinks some of the impetus behind the numbers can be misleading.

“Having an at-graduation employment figure sells magazines,” she said, but “for schools with a strong emphasis on public service, like us, the reality is that these things can be misleading. OCS emphasized the post-graduate grants the school provides and its willingness to help graduates long after graduation. Dorzback believes part of the problem with the current methodology is that it is not fully explained to outsiders.”

“U.S. News relies on consumers to be incredibly sophisticated to understand what its numbers mean,” she said. “Admitted students want to know as much as they can.”

As for the state of the legal job market, OCS remains bullish. “The business climate is better,” Dorzback said. “The truth is that fall of 2009 was the toughest year for EIW, but, thankfully, people are still finding things, even in Big Law.”

In the meantime, OCS is moving to gather data on the last set of graduates, the class of 2010, before its Feb. 15 deadline. As for the current crop of 3Ls, OCS implores them to “let us know your status and needs” when it sends them employment questionnaires later this spring.
Tragedy Shouldn’t Become Talking Points

By: Erika Anderson ‘11

Staff Writer

Unless you have been living under a rock, you know that on Jan. 8 Jared Loughner killed six people and wounded 14 others (including Congresswoman Gabrielle Giffords) at a political event in a parking lot in Tucson, Ariz. You would have to be quite as far under that rock not to have noticed the tragedy, or that some seem to feel it has provided an excellent platform for them to air out their favorite talking points.

Certainly it is natural to ask ‘why?’ It is natural to question what would make someone commit a crime like this. It is only after it happened that I noticed people referring to the “tone” of politics before the shooting, but it is only after it happened that I have noticed people referring to the “tone of civility.”

Six people have to die before we all realize we are grown-ups and we should treat each other with basic respect? Not, of course, that everyone agrees that we should all play nice now. Sarah Palin, loath to let her conflict machinery fall silent for a few days, waded in. She claimed she had been accused as an accessory, displaying either a rich sense of the ironic or an astonishing ignorance by misusing “blood libel” in the process. But really the fact that people felt the need to say anything at all is, to repeat myself, vaguely ridiculous. Sure many people, myself included, have a problem with the thinly veiled violence of her rhetoric, but no one credibly thinks she actually encouraged murder, whatever they may have tweeted. She could have turned the other cheek; she could have turned the page last week, I felt informed. After the second, I noticed Maddow repeating herself. After the third, I began to get rather irritated. Yes, Loughner used an extended magazine; if he had not had one, things might have been different. But the plea for stricter gun regulation stands (or fails to stand, depending on your personal thoughts on the subject) on its own. It does not need this most recent massacre to reinforce the point or to make it relevant, and Maddow ought, out of sensitivity, to find another, more appropriate time to stand on this particular soap box.

I do question, however, whether some of the commentary coming down my news feed is composed less of these kind of things could’ve happened. I find this vaguely ridiculous on a number of levels. I seem to recall that some deployed the “tone” in politics before Loughner; and whom I generally find both funny and intelligent, turned her show into a nightly plea for gun regulation for an entire week after the massacre. Does she have a point? Probably. Do I agree? Partly. But neither of those things means that now is really the time for this onslaught.

One after show last week, I felt informed. After the second, I noticed Maddow repeating her self. After the third, I began to get rather irritated. Yes, Loughner used an extended magazine; if he had not had one, things might have been different. But the plea for stricter gun regulation stands (or fails to stand, depending on your personal thoughts on the subject) on its own. It does not need this most recent massacre to reinforce the point or to make it relevant, and Maddow ought, out of sensitivity, to find another, more appropriate time to stand on this particular soap box.

I do question, however, whether some of the commentary coming down my news feed is composed less of these types of questions, and more of finger-pointing, jeering, and leaping onto tangentially related soap boxes.

Many blame heated rhetoric, at least in part, for creating an environment in which this kind of thing could’ve happen. I find this vaguely ridiculous on a number of levels. I seem to recall that some deployed the “tone” in politics before Loughner; and whom I generally find both funny and intelligent, turned her show into a nightly plea for gun regulation for an entire week after the massacre. Does she have a point? Probably. Do I agree? Partly. But neither of those things means that now is really the time for this onslaught. After one show last week, I felt informed. After the second, I noticed Maddow repeating her self. After the third, I began to get rather irritated. Yes, Loughner used an extended magazine; if he had not had one, things might have been different. But the plea for stricter gun regulation stands (or fails to stand, depending on your personal thoughts on the subject) on its own. It does not need this most recent massacre to reinforce the point or to make it relevant, and Maddow ought, out of sensitivity, to find another, more appropriate time to stand on this particular soap box.

See TRAGEDY page 4

Country Corporate?

By: Jennifer Rodriguez ‘11

Staff Writer

Take a ride with me into my so-called head, OK? Yesterday, I was sitting at my desk in Mercer. My laptop was in front of me, and I was waiting for Facebook to load. My eyes wandered over the things on my shelves: my soft-glowing iSslamp, my stack of DVDs, my Christmas plant, novels, novels, GQ Magazine, novels, framed postcards and finally my law textbooks. My eyes landed on the glossy black spine of Corporate Finance, focused in on the red publisher’s logo, and that’s when I noticed something unexpected: it was published by McGraw-Hill, themselves.

Well, well, this gift just won’t stop giving, will it? Is my Corporate Finance book truly().

Take a ride with me into my so-called head, OK? Yesterday, I was sitting at my desk in Mercer. My laptop was in front of me, and I was waiting for Facebook to load. My eyes wandered over the things on my shelves: my soft-glowing iSlamp, my stack of DVDs, my Christmas plant, novels, novels, GQ Magazine, novels, framed postcards and finally my law textbooks. My eyes landed on the glossy black spine of Corporate Finance, focused in on the red publisher’s logo, and that’s when I noticed something unexpected: it was published by McGraw-Hill, themselves.

Well, well, this gift just won’t stop giving, will it? Is my Corporate Finance book truly published by Tim McGraw and Faith Hill?? That is so COOL!! Those, absolutely, were my thoughts — quickly followed by the tune to Taylor Swift’s “Tim McGraw.” I don’t have to be familiar with the stars’ top singles to know that country music’s most famous couple having published my Corporate Finance textbook would be amazing. I had to investigate.

First, I Googled “Faith Hill Finance.” This yielded a link to Faith Hill Farm, an enterprise located in East Greenwich, R.I. It is the proud home of the University of Rhode Island’s Equestrian Team. Not helpful.

So I tried “Tim McGraw Finance” and got a link to superflystuff.com. Because I would also call my Corporate Finance textbook “super cool,” I thought I was on the right track. It turns out that although the heading of the page said “Finance,” what the site actually provided was a video and lyrics to Tim McGraw’s, “Don’t Take the Girl.” It’s a melancholy song about an overly little boy who doesn’t want a girl to come along on a fishing trip. With time, he falls in love with that girl, marries her, and has a baby with her before it all goes tragically.

Second year students with demonstrated commitment to work in civil liberties and civil rights and strong skills are invited to apply for 2011-2012 Fellowships in the Arthur Garfield Hays Program. The Program provides 2L students with fellowship support as they complete two substantial internships engaged in impact litigation, policy work, or direct services related to civil rights and civil liberties. Specific areas of focus range from First Amendment freedoms to immigrants’ rights, indigenous and racial justice issues and include everything in describing the Program and the selection process further are available in VI room 308. APPLICATIONS ARE DUE BY NOON ON WEDNESDAY, FEBRUARY 9, 2011 IN VI ROOM 308.

The current Hays Fellows will discuss their experiences in the Program and answer your questions in the West Wing of Golding Lounge from 4:00 p.m. to 5:00 p.m. on Monday, Jan. 31 and again on Tuesday, Feb. 1. If you can’t make it, we’ll show a video of the Hays program. Please feel free to contact any of us if you have questions about the program or the application process.

Norman Dorsen
Sylvia A. Law
Helen Hershkoff
Fiction Versus Fact: Is Our Democracy Actually Working?

BY LEIGHTON DELLINGER '12

STAFF WRITER

The Confession

When I was a kid I was forbidden to read my mother’s John Grisham books. The Chef’s graphic suicide and beachfront flogging, A Time to Kill’s violent Southern racism — these were too mature, too adult for a young lady of only 11. I secretly read them anyway, on our rooftop in the summertime, huddled in our pantry in the winter. They achieved their dreaded purpose; they affected me, albeit in an unexpected way.

I ordered grits and black coffee for breakfast throughout junior high. I exaggerated my (already dreadful) Texas accent, and I became, in my own mind, a lawyer-to-be. Looking back, I can’t imagine that was Grisham’s purpose.

His courtroom thrillers of the 1990s were stories of corruption and gumption within the legal system. They were entertaining and exciting, but they were only stories, the excited musings of a creative former lawyer who immersed himself in the practice of the law. Numbers of Novels to Kill his class. It is, however, a more subtle point Rodrick Hills makes while curiously suspended above the Texas appellate system unfolds. Can Flak get Drummond’s execution delayed by a panel of judges? Will the governor grant a stay? How could the state justify executing an innocent man who was only a boy in 1998?

The Confession is different than the Grisham I grew up loving. The language and style are the same, plain and clear in a way that implies careful craftsmanship, but The Confession’s agenda transcends simple storytelling. The plot is once again of a radical young lawyer in the south fighting injustice. This permutation is based in fictional Sline, Texas, home of Nicole Yarber, a white teenager and Robbie Flak, a young-cuss incarcerated 10 years for the crime that was Grisham’s purpose.

Making Our Democracy Work

Justice Stephen Breyer’s new book, Making Our Democracy Work: A Judge’s View, is not a book intended for law students. For lawyers, perhaps, as a quick and dirty review of constitutional and administrative law, but not for students immersed in their complex study, and certainly not for students who relish the most subtle points Rodrick Hills makes while curiously suspended above their class. It is, however, an interesting, clear, and relatively short (only about 220 pages) presentation of the Supreme Court’s role in implementation of democracy.

Breyer has two objectives: first, to explain why the public accepts and honors the decisions of the Supreme Court and, second, to explain how the Court carries out its constitutional responsibility and its pragmatic approaches to interpreting the law. The first question lays the foundation for his argument in the second: the public will legitimize decisions of a practical, progressive Court.

In Part I: The People’s Trust, Breyer takes his reader through an abbreviated history of the Supreme Court. He recaps Marbury v. Madison, Dred Scott, Brown v. Board, and Bush v. Gore. Not in a Jeffrey Toobin kind of way; this section reads more like a case synopsis than a historical perspective. Here, Breyer succeeds in making technical constitutional law accessible to non-lawyers.

In Part II: Decisions That Work, Breyer ventures into curriculum familiar to Admin students: originalism, purposivism, canons of construction, federalism and Chevron deference. Again, the text neatly summarizes these complex doctrines without oversimplification. Breyer goes on to advocate a practical system of judgment that would allow the Justices pragmatic discretion; citing Miranda and Call-Cour United, he argues that a flexible judiciary is the most effective. I think it is safe to say that as a 1L I was subjected to more academic ministrance than Breyer considers strictly relevant.

Or perhaps transcription of classroom discussions at NYU despite their appeal to an admittedly nerdy student body, yes, e.g., The Commentator’s summary of SLAP (flag football stats) are simply not going to get Breyer on the best-seller list.

In Part III: Protecting Individuals, Breyer examines the complex issues of Part II in the context of political circumstances. After advancing a flexible, progressive, pragmatic Court in Part II, he spends Part III exploring an example. The Second Amendment, says Breyer, is best interpreted with his framework. This section highlights more than the others the political fragmentation of the current Court, though Breyer’s arguments are strictly of the well-reasoned, high politics sort.

In all, Making Our Democracy Work is the perfect book to give a curious aunt who asks what you’re learning in law school and who is thoroughly dissatisfied with your joking answer about the practice of overbilling.

YOU ARE CORDially INVITED TO:

THE ANNUAL PUBLIC SERVICE AUCTION

AT NYU SCHOOL OF LAW

VANDERBILT HALL
48 WASHINGTON SQUARE SOUTH
NEW YORK, NY 10012

THURSDAY, FEBRUARY 24TH, 2011
SILENT AUCTION, 6:00 - 9:00 P.M.
LIVE AUCTION, 7:30 - 9:30 P.M.

FOR MORE INFORMATION, PLEASE VISIT:
HTTP://WWW.LAW.NYU.EDU/STUDENTORGANIZATIONS/PUBLICSERVICEAUCTION/INDEX.HTM
Black Eyed Peas Set to Disappoint at 2011 Super Bowl Halftime Show

By Michael Mix '11
Editor-in-Chief

The past two years, I have written a column in The Commen-
tator in which I use law school related arguments to predict the
winner of the Super Bowl. Two years ago, I argued both sides of why the Cardinals and Steel-
cers could win, then I correctly picked the Steelers to win by
four, which is possibly my greatest predic-
tion ever (three issues later I wrote about how Jay Leno would be a huge hit at 10:00,
which is possibly my worst prediction ever). Last year I wrote a mock law school class,
complete with a Socratic Method dialogue about how the Colts or Saints could win. Unfortunately I picked the wrong victorious
team and wrong margin of vic-
tory (serves me right for picking Peyton Manning in a big spot).
This year, I was going to write my third straight Super Bowl preview, but regrettably, this issue of The Commen-
tator went to print before the
two conference championship
games and the next issue comes out after the Super Bowl. What is a boy to do? How are you going to cope if you can't read my surely
terrible column?

I initially thought about
writing a preview with all four
conference championship teams but since this issue doesn’t hit the
shelves until after the confer-
ence championships, my analyses
couldn’t be more out of
date. I then considered analyzing the game without any
specific team names or players, utilizing my time as a college newspaper sports journalist to
write ambitious, generic, clichéd
analysis. Ultimately, I scrapped that
top idea and decided to instead
examine one of the most impor-
tant parts of the game that has
already been decided — the hal-
time act, which this year features the Black Eyed Peas.

In order to fully appreciate my
frustration with this year’s selec-
tion, it is helpful to look back at the history of Super Bowl halftimes, where there have been
many different acts. For many
years, college marching bands
from around the country played
at halftime, sometimes with bland
themes such as “America Thanks,”
“Happiness Is” and “A Musical America.” While I am a fervent
proponent of pro teams utilizing
popular music and their own
performers (I dare you to watch Barry Levinson’s fantastic documentary The Band That Wouldn’t Do and disagree with me), having random college kids play “Hey Baby” and “The Final Count-
down” doesn’t bring in the ratings, and I under-
stand why the NFL changed its
name.

In the 1980s, halftime shows were a smorgasbord of march-
ing bands, dance teams, random
celebrities (Mickey Rooney!?) and a nonprofit group of young
singers called Up With People, which
amazingly performed four
times between 1976 and 1986. Some of the halftime shows sound especially abysmal. The
1989 performance sounded like
it was masteredmind by Gob Bluth — the theme was Hop to it Bamboozled in 3D (and was broadcast in 3D
using glasses one purchased at convenience stores) and it featured an Elvis impersonator/magician named
Elvis Presto who performed a
“card trick” with the entire audi-
ence. I only wish I was making
all these up.

After Michael Jackson’s 1993
performance received huge TV
ratings, the powers that be de-
cluded even more on popular
music and less on Elvis impersonators. Subsequently, the mid to late 1990s featured huge
musical acts linked together by a
theme (such as “Rockin’ Country
Sunday in 1994”), but by the
2000s, the acts seemed to consist of random popular performers
cobbled together. In 2000, for
example, someone decided that
the performers should include the odd foursome of Phil Col-
linis, Christine Aguilera, Enrique Iglesias and Toni Braxton.

After the infamous Janet
Jackson breast-landing incident in 2004, the NFL and the networks predictably overreacted. For six
years, the halftime act consisted
of only one artist or band of all
male (I’m not counting Boni
Scialfa here) of the classic rock
variety. I like the idea of only one
performer instead of four or five, but I guess the embarrassingly bad show by the way-over-the-hill The
Who last year forced the NFL’s hand, and now enough time has passed since Janet Jackson that it
can include younger, more risk-prone performers.

I am all for that, but of all the
artists on earth, why the over-rated and overexposed The
Black Eyed Peas? I am not really
sure who they appeal to. Anyone
over the age of 35 probably has
never heard of them, and many
younger people are not fans.
Black Eyed Peas? I am not really
sure who they appeal to. Anyone
over the age of 35 probably has
never heard of them, and many
younger people are not fans.
Maybe the NFL is trying to draw in teenagers who normally don’t watch football, but that does not
excuse hiring such a polarizing
band which many people dislike. Furthermore, their songs don’t
have lasting power; when was the
last time you wanted to hear “My
Humps?”

I, and I can think of a num-
ter of talented bands that would
be welcomed (or at least tolerated) by the vast majority of audiences, make or female, young or old, such as
the Red Hot Chili Peppers, Radiohead, R.E.M., Jay-Z, Green
Day and Bon Jovi. These bands and artists all have their detrac-
tors, but they are not nearly as polarizing as many of the actual acts of the past 20 years.

More importantly, it boggles
my mind that the NFL has not
invited U2 back to perform since
their awe-inspiring performance at
the 2002 Super Bowl — the
first time the Super Bowl was
ever a sell-out, which is by far the
best halftime show ever. U2’s
outrageous three decades, but
the performers should include
the odd foursome of Phil Col-
linis, Christine Aguilera, Enrique Iglesias and Toni Braxton.

Furthermore, their songs don’t
draw in younger audiences
enough, and the NFL has not
even been close to the best
halftime show ever. U2’s
outrageous three decades, but
the performers should include
the odd foursome of Phil Col-
linis, Christine Aguilera, Enrique Iglesias and Toni Braxton.

One of my greatest predic-
tions this year was that the
NFL would invite U2 back to
perform. It was right.

The 40-Year Old Virgin
Knocked Up
Knocked Up

MCGRAW: Celebrity Casebook
Publishers or Country Stars?
Continued from page 2

Faith Hill and Tim McGraw had
begun a finance textbook
publishing house, whether out of a
side interest in arbitrage pricing
theory, or for a tax break. That’s
why they had begun a finance
textbook company was founded by James
McGraw and Jonath Hill. They
weren’t nearly as interesting as Tim or Faith, but I guess you could say they each had their own thing
going. McGraw was a teacher in upstate New York. He began
working in publishing in 1884, when he purchased the
American Journal of Railway Appliances. Jonath
Hill is a former editor at Losannah Engineer who ages backwards and
can be seen in today in such movies as The 40-Year-Old Virgin, Knocked Up and Superbad.

And so it seems the
trauma is simply true. In the case of McGraw-Hill, truth is stranger
than fiction.

TRAGEDY: Media Misbehaves
Continued from page 2

Palm and Madow are not
alone in this frenzy. The head-
lines are full of post-shots at
both the right and the left; the
political blogs can’t stop talking
about how thoroughly it is the
other side’s fault, what with all
of the lying and name calling
those jerks over there across
the aisle do. At times I find my-
self to be disgusted (are they
really so un-self-aware?) that I have been scrolling through my
news feed without reading most of it. Why read such finger-pointing,
such rubbish? I could write the script for them. Hopefully this
new cycle will turn over soon,
and we can leave the victims and
their families to heal in peace.