



the Commentator

The Student Newspaper of the New York University School of Law

Volume XLV, Number 8

February 13, 2012

Journal of Intellectual Property and Entertainment Law Comes Home

BY GRANT TSE '14
STAFF EDITOR

It might be the iPod-white paint job, the 60-inch flat-panel monitor (replete with webcam for video conferences), or the casual discussion of web design meandering through the air, but something about the new office of the Journal of Intellectual Property and Entertainment Law (JIPEL) just fits.

JIPEL is the school's only journal aimed at art, entertainment, intellectual property, Internet, sports, and technology law. It is also NYU Law's first entirely online journal — there is no print edition. Instead the bi-annual journal will have all of its content online, free of any subscription fees, viewable in PDF and e-book format. The journal's slick new website (jipel.law.nyu.edu), allows readers and users to comment and respond, providing a channel for interaction between the industry's academics, practitioners, and students. JIPEL also solicits responses to its articles from some heavy hitters; for an article on free speech they prompted a response from a legal counselor from The New York Times.

Appropos to its subject matter, the articles skew toward the 140-character trend of the modern world. JIPEL accepts articles in the 20- to 50-page range, shorter than the average journal, which often accept articles pushing 100 pages, for purposes of accessibility. Although its office has only one computer, its editors now use a

virtual computer lab — they log into a system that gives them access to a suite of software such as Adobe Photoshop. They speak to their contributors via video chat, have dedicated

academic articles on relevant subject matter.

Nicole Nussbaum, JIPEL's editor-in-chief and a 3L, helped bring the Ledger its current laurels after joining its staff during

still needs to be figured out," Ms. Nussbaum said. "IP can be nerdy, but at the same time it's at the forefront of some of the biggest changes that are happening in the world. With everything from

JIPEL.

The first semester required a lot of improvisation from JIPEL. They didn't have an official office, and the D'Agostino basement doesn't exactly have a surplus of space. Luckily, a professor left the school, leaving a fixer-upper of an office space behind. Ms. Nussbaum leapt at the opportunity and after a frenzied renovation with the help of the law school's IT and facilities departments, JIPEL's headquarters, which looks like a cross between an Apple store and a spacious graphic-designer's office, was ready for its 40 plus members. The journal also just developed its new website with the help of NMS3, a web design firm, and is planning some major events in the near future.

The journal will be participating in the writing competition, and is looking to grow even more. It looks for students with a demonstrated interest in or a background related to IP and entertainment law. All 2Ls can apply either as Staff Editors or, if they have web design experience, as Web Content Editors, a position unique to JIPEL. The first crop of members already sings the journal's praises.

"Our members are quirky and hip, with backgrounds in film, art, music, literature, and the sciences," said Peter Couto, a 2L at the journal. "It's a new organization, which means we are very invested in the reputation we are creating for ourselves, we get to forge our own way of doing things, and ultimately I think we are actually redefining what a law school journal is."



The sleek new office of JIPEL. Photo Courtesy: Nicole Nussbaum '14

web content editors, and even embed video into the journal's scholarship.

It's been a long journey to JIPEL's pop art-adorned, gadget-filled headquarters at Furman C12. The journal got its start after NYU Law's Intellectual Property and Entertainment Law Society sought to fill a dearth of scholarship in its field by starting an entirely student-run publication known as "The Ledger." It was essentially a blog that featured

her 1L year. She's typical of those interested in the field — she has background in media and the arts, has taken just about every IP course on the school's roster, and seems to be an avid technology user (I noticed her inbox had a mere 30,316 unread emails, and that's nothing compared to the number of read emails). She was attracted to the bleeding-edge nature of intellectual property and entertainment law.

"It's exciting to be going into a field where there's so much that

music to Wikipedia, we're nerds about something actually cool."

When she was named editor-in-chief during her second year at the Ledger, the departing editor had a final request: get the Ledger accepted as an official journal. Ms. Nussbaum delivered. She and her fellow members of the journal's senior board spent months in meetings pitching the quality of the Ledger's scholarship to administrators and deans and garnering support from faculty and students, before ushering in

1L Class Divided As PILC Series Debates Criminal Justice

BY ADAM SAPER '14
CONTRIBUTING WRITER

I look forward to Monday evenings, crowding into Greenberg Lounge, shoulder to shoulder in unapologetically uncomfortable folding chairs crammed too close together. PILC's Leaders in Public Interest Series allows students, if only for an hour a week, to buttress their legal education with real world insight, and without the use of a textbook, computer, or highlighter.

Plus, there are snacks. Each week brings a new speaker to campus. A new profession to explore. A new topic to engage with.

This past week's speakers drew a more sizeable crowd than usual. The panel promised to tackle the question, "Is Social Justice Best Promoted by Being a Prosecutor or Public Defender?" The large

turnout might have been due to interest in the topic, or, maybe just the result of students putting off their required attendance until the final few weeks before summer funding.

Deb Ellis ('82), Director of the Public Interest Law Center, moderated this week's panel, a subtle indication of its gravity.

Robin Steinberg ('82), Executive Director of the Bronx Defenders, opened with statistics on the racial disparities that pervade the criminal justice system. She offered a dictionary definition of social justice, highlighting the importance of respecting the dignity of all people.

Daniel Alonso ('90) of the Manhattan District Attorney's Office presented his own take on social justice, as the term, he claimed, is too vague to be useful. A better phrase, he suggested, would be public interest, as best served by prosecuting the guilty

and exonerating the innocent.

Professor Erin Murphy, of NYU School of Law, shared her path through a legal education and career. She described being driven towards criminal defense, fearing the potential consequences of exercising her zealous work ethic with the unrestrained power of a prosecutor's office.

Anne Milgram ('96), the former Attorney General of New Jersey, echoed the apparent challenge of defining social justice. After furnishing tales from her legal education, she encouraged students, no matter their professional path, to approach work with kindness, integrity, and a sense of justice.

Students asked questions of the speakers, alternating between the prosecutors and defenders. The panelists touched on community safety, government resources, disparate outcomes, police investigations, and making

career choices.

After an hour, the panelists were asked to make final remarks.

Ms. Steinberg began her closing statement by pointing out that both defenders and prosecutors acknowledge the racial disparities in criminal prosecutions. That, she said, should be enough.

Enough to explain why prosecuting within a system which produces such disparities cannot possibly be done in the name of social justice. Enough to suggest that something needs to be changed. And, enough to obviate that the public interest is not only best served, but can be best realized, by pushing back against the system that weighs so heavily on those with the least resources to stand against it.

I clapped. Some others did too.

And, yet others booed.

Students who, presumably voluntarily, attended a Leader in Public Interest lecture, booed.

At the idea that social justice, respecting the dignity in every human being, is fostered by fighting against an admittedly and unapologetically racially disparate system of "justice."

At that, they booed.

Mr. Alonso closed by stressing the fight for public safety, noting how prosecutors care about communities. Care so much in fact, that when someone is murdered and no one talks, they use drug laws to go in and clean up the streets by simply arresting everyone they can. Every young man and woman of color they can find.

Because, if they arrest enough people, then they'll probably catch the murderer. Or, maybe not.

But, no one booed.

How to Find Enjoyment in Law College, Before It's Too Late

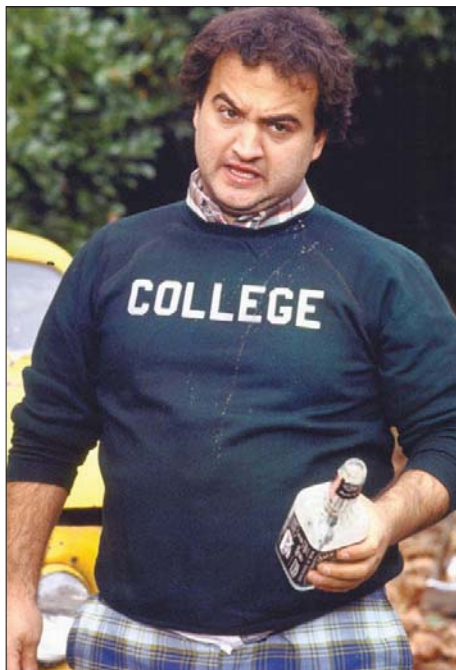
By LEIGHTON DELLINGER '12
EDITOR-IN-CHIEF

Lately I have suffered an early-onset bout of law school nostalgia. I had planned to save my advice and regrets column for the last issue of the year (also commonly known as my last year at NYU, my last year to have a life and happiness, and my last year of school ever ... depending on which frame of anxiety I am in at the time) but here I am, getting all nostalgic.

I am one of those terribly saccharine people who get worked up over last firsts. My last first day of school ended in tears; my last first Winter break was exploited like a high school Senior Day; my last first day of the semester — more commonly known as The War Heads Incident — left me moody and weird and with a quickly empty bag of candy before a time of day when anyone, anywhere should eat a candy as sugary as War Heads. So here I am, in my last law school semester — and in the best part! The time of year when everyone pretends like finals aren't ever coming and life is full of lunch dates and afternoon shopping outings and sitting in coffee shops with my Kindle on a Saturday because I can do whatever I want for an entire, precious weekend. So because I like getting myself worked up over decidedly non-emotional events, I

have created a list for our expansive readership. The much-anticipated compilation of my wisdom earned here at NYU for you, my legion of fans:

1. Be a Lexis representative. Not taking this advice is my greatest regret (in law school, not in life. C'mon, I'm not that lame.) My reasons here are two-fold: First, holy toledo — those Lexis points can buy so much! Rumor has it, a particularly search-happy Lexis fanatic accumulated so many points that she bought herself a pair of beautiful Frye boots. Shoes! From law school! I am the impressed kind of amazed and only a little bit jealous. Second (in order and importance), half-trying on Lawyering practice assignments did not prepare me for a summer litigation internship. Everything I used last summer I



learned in extracurricular sessions with Lauren Rooney. The woman is a god-send. Get to know her — she will make your life much easier. Lexis reps have a jillion opportunities for points, they get paid for those hours helping students in the library, and they're far more prepared for work than those of us who blow off research trainings.

2. Take classes with practitioner professors. Want to know if you are interested in a field? Why not meet someone who practices in that field? It's not that academic professors don't give insight into their subject of study, but we can get so many clues about the personality of a practice area

with job advice and (duh) knowledgeable about their fields.

3. Take a clinic. Not having taken a clinic, I've vacillated on this one. My friends in clinics love them — the work is always interesting

and they get wonderful experience with great supervision. But they also have so much work throughout the semester; I am unsure whether I can give clinics an unqualified endorsement. I can give this: my second greatest regret in law school is that I didn't take a clinic. Do with that what you will — and know when you pass on a clinic that you are passing on a massive work load, but also on an exceptional opportunity for a sense of community and a shared learning experience.

We have exactly three years to "do" law school. My biggest piece of advice: do it right! Do not stress about school before you have to. Finals will come eventually. Worrying about them in October doesn't make them come any faster and it certainly doesn't make them any easier. Try to find work you love, but give it time — everything can be exciting for the right person. Try out stuff you might like and, more importantly, stuff you might not. It feels really good to cross things off your list of potential careers. And stop stressing out. I can't say that enough. If that means you do all your work early, then do it. If it means you don't do it at all, that's great too (but please know that the ratio of time spent talking about not doing work to time spent actually not doing work should always be less than 1).

And enjoy your student schedule! Do all your errands (particularly those on Broadway) during the day when everyone else is at work, take advantage of happy hours that run at terribly awkward times (what is everyone doing tonight-ish between 3:30 and 5:30 pm?!!), make as many new friends as you can and do not — DO NOT — wish away these years of freedom. This is our chance to learn and grow and be guiltlessly unemployed. Enjoy it!

the commentator

The Student Newspaper of the New York University School of Law

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and
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240 Mercer Street
New York, NY 10012
212.998.6080 (phone)
law.commentator@nyu.edu

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The Eager Reader



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Truth: Rapid-Fire Answers to All Your Questions About Sex

By TRUTH BADER GINSBERG

I don't really have much to say this week. I'm not feeling particularly qualified to ramble on at length about other people's love and sex lives, given that I can't seem to figure out the first thing about my own. So! I present to you: Rapid-Fire Answers To All Your Questions About Sex!

Q: What's the best place to have sex in law school?

A: Don't go to law school. Alternatively: one of those weird subterranean nooks in the library. Or up in the 3rd/4th floors of Vanderbilt during Fall Ball.

Q: I want to dress to impress and catch the attention of someone in class. How?

A: For ladies: Wear real pants, not leggings. For men: see Sanders Witkow.

Q: I have a crush on a 1L but 1L anxiety irritates the hell

out of me. What do I do?

A: Don't date a 1L. Head to Stern. All they do is make PowerPoint presentations and attend networking receptions.

Q: How do I meet new people in law school?

A: Go to SBA; sit next to random people in your classes, not your friends; join an activity.

Q: How do I hit on someone in class?

A: Make eyes and pass notes. Literally, go back to what you learned in 5th grade about flirting.

Q: Who should I nominate for Mr. WOCC?

A: Wonjun Lee.

Q: If you were Katniss in the Hunger Games, would you date Gale or Peeta?

A: Sleep with Gale and then when he inevitably ditches out because he can't commit, marry Peeta.

Q: Would sex on the 9th

floor of Furman be awesome or double awesome?

A: Triple awesome.

Q: What's the number one thing I can do to be more attractive to people?

A: Say hello. Smile.

Q: So I'm seeing this girl, and I like her, but I don't want to limit my options and ...

A: Don't be stupid. If you like her, lock it down. If you don't, don't waste her time. Cut it off and save everyone the trouble. Don't lead her on. Also: Use a condom.

the room and never use technology ever again. Acknowledge it, make a joke of it, and try to forget it ever happened.

Q: If someone doesn't have their relationship status listed on Facebook, do you assume they're single?

“Q: If you were Katniss in the Hunger Games, would you date Gale or Peeta?”

A: Sleep with Gale and then when he inevitably ditches out because he can't commit, marry Peeta.”

But be warned that there are a limited number of new people to actually meet.

Q: How do I avoid running into my ex at law school?

A: Don't go to class. Otherwise, you're out of luck.

Comment

Habeas Coitus with Truth Bader Ginsberg

Q: How can I convince my significant other that I really don't have time to do housework during finals?

A: Bring home wine and dessert when you're leaving the library at 1 a.m.

Q: How can I convince my significant other that I really don't have time for sex during finals?

A: Never underestimate the lasting power of a weekly blow job. A few minutes once a week and you're set.

Q: Will growing a beard/shaving my beard get me laid more?

A: Beard or no beard doesn't really matter. But that Movember moustache must go.

Q: Is it wrong that I want to kiss Amy Adler?

A: No. And if you get her number, send it my way.

Q: Is it wrong that I want to kiss Triona?

A: No. I already have.

Q: Should I date someone in my Lawyering group?

A: Convenient? Maybe. Thorny and potentially very awkward? Inevitably. Beware.

Q: How can I meet undergrads?

A: Shush them in Bobst library. They'll be into the neg.

Q: What bar is best around the law school to meet people?

A: None. Go to Brooklyn.

Q: How do I avoid awkwardness with that guy I hooked up with at SBA last week?

A: Avoid common lounge areas. And when you do run into him, inevitably in the Golding salad line or Furman elevator, smile and laugh at how silly this little two-building school is.

Q: I'm on an online dating site and I spotted someone else who goes to NYU Law. Eek. What do I do?

A: This is awkward and cringe-worthy. Resist the urge to throw your computer across

A: No. Proceed with caution and investigate photo status and wall postings.

Q: Is it okay to date a professor?

A: This question assumes that they want to have anything to do with you. So, um, no. But Amy Adler, please call me.

Q: I'm a public interest kid, and am dating someone who's going to a firm after graduation. Can I let them pay for more stuff?

A: Sure. For every one time you pay, he/she should maybe pay twice. Seems like a reasonable ratio.

Q: I did well at EIW/my summer job search, but my significant other didn't. How do I deal?

A: With openness, a bit of tact, and a lot of acknowledgment about how awkward and bewildering this whole process is. Work through it together; it could actually bring you closer.

Q: Why does my roommate hate my girlfriend?

A: Because he pays rent, but she doesn't — yet she takes twice as long in the bathroom.

Q: I'm dating this guy, but he won't commit. What's the deal?

A: Don't waste your time trying to figure it out. Move on to the next one.

Q: How do I hit on my Lawyering TA?

A: Do really well on your brief this spring. Also: suggest a happy hour.

Q: How do I hit on my Lawyering student?

A: Communicate through your Bluebooking comments. Also: plan a happy hour.

Q: What should I do for Valentine's Day?

A: Some friends and I will be at Stillwater in the East Village, drinking cheap beer and eating hot wings. You should join us.



Akin Gump Strauss Hauer & Feld LLP is accepting applications for its fifth annual Summer Pro Bono Scholars Program.

What is the program?

This two-year program allows students to gain valuable work experience with both pro bono and commercial clients. During the first summer, scholars receive a \$20,000 stipend while spending at least seven weeks at a public interest organization of their choice, as well as three weeks at an Akin Gump office (Washington, New York, Houston, Los Angeles or Dallas) assisting with pro bono cases and being paid a summer associate salary. During the second summer, the Pro Bono Scholars are part of the firm's regular summer associate program, which will include pro bono opportunities as well as a commercial workload.

Are you eligible?

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How do you apply?

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The subject line should read "Pro Bono Scholars Program." Applications are accepted between **January 23 – February 15, 2012**.

What else should I know?

Please visit www.akingump.com/probono/probonoscholarsprogram for further program information, including a schedule of live informational sessions offered at your school.

Pro Bono Scholars information sessions featuring Akin Gump's Pro Bono Partner will be hosted at select law schools in January and February 2012. Be on the lookout for details.

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Starring Sadomasochism: Cronenberg Delves Deep Into Psyches

By THOMAS PRIETO '13
STAFF EDITOR

"A Dangerous Method" (2011) is not your usual stately period piece about entrapment. This is not "Downton Abbey." Rather, like many of David Cronenberg's films it is all about somewhat common (albeit not usually to the heightened level portrayed in his films) and highly alluring sexual "dysfunctions." I use dysfunctions in quotation marks because I'm not sure Cronenberg entirely sees them as dysfunctions at all. However, I'm getting ahead of myself. First, let's discuss the catalyst to all the events that take place in "A Dangerous Method," Sabina Spielrein (Keira Knightley). Spielrein first comes into contact with Carl Jung (Michael Fassbender) as a patient. She suffers from mental hysteria and spontaneous orgasms provoked by humiliation.

Eventually, the allure of Spielrein's dark sexuality and intellect is too great and Carl Jung begins to sleep with her despite her being his patient. Spielrein manages to get her hysteria under control and becomes a student of psychology and eventually a major psychoana-

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The Man With a Name



lyst. This, however, does not mean that Spielrein leaves behind her masochistic tendencies. Things are never that simple with Cronenberg. Sabina continues to partake in bondage and submission within the confines of the bedroom. For

Cronenberg, Sabina's "dysfunction" really isn't a dysfunctional at all if dealt with sensibly. Cronenberg seems to suggest that most, if not all, of us have our own weird sexual preferences. For instance, Jung seems to derive quite a bit of

pleasure from being the dominant in his relationship with Sabina. Cronenberg's films argue that one should strive to come to terms with and manage one's sexual "dysfunction" rather than letting it be completely uninhibited or attempting to repress it.

Sadomasochism plays a large role in one of Cronenberg's masterpieces, "Videodrome" (1983). "Videodrome" follows Max Renn (James Woods), the sleazy CEO of a small cable station that specializes in softcore pornography and violence. Max is made aware of a bizarre television broadcast that features only one show, "Videodrome." The show has no plot and depicts the torture and murder of anonymous victims. Thinking that the show must cost almost nothing to produce since the set is very bare and the actors are anonymous, Max sets out to try and find the person running the broadcast so he can buy the show. Max believes it to be the future of television. Max also begins to see a sadomasochist psychiatrist and radio host named Nicki Brand (Blondie's Deborah Harry). After introducing her to

the show, an aroused Nicki calls Max into having some rather dangerous sadomasochistic sex involving a knife.

"Videodrome" adds an additional layer to Cronenberg's ideas on sadomasochism. Specifically, the film delves into his thoughts about how pornography and violence affect the viewer. After viewing "Videodrome" multiple times, the show begins to infiltrate Max's consciousness. He begins to have bizarre hallucinations — one of which includes a television with Nicki Brand on it attempting to suck him in. Cronenberg believes that television can and will exert a substantial influence on us. Max Renn is eventually transformed into a deadly, strange, and disfigured cyborg because of watching "Videodrome." However, Renn is ultimately able to wrest control of himself and use his bizarre abilities for some good. Perhaps one can transform the sadomasochistic influences of television into something positive.

"A Dangerous Method" comes out on DVD and Blu-Ray on March 27. "Videodrome" is available for streaming on Netflix.

Trendy Downton Offers Only a Rosy Portrayal of Edwardian Times

By THOMAS PRIETO '13
STAFF EDITOR

"Downton Abbey" is basically the English version of "The Help," except it is actually pretty good. Rather than focusing on that most important of American issues, race, it focuses on a more commonly European issue, class. The show takes place at the titular estate and follows the lives of the aristocratic family that owns the estate and the servants that work in it. The show was created and principally written by Julian Fellowes, an actor, writer, and Conservative member of the House of Lords — a British institution second in absurdity only to the royal family.

It is perhaps Fellowes' Conservative politics that inform the most disturbing aspects of the show. The heads of the estate, Robert and Cora Crawley, are portrayed as tender and caring toward their servants. They never fire or castigate servants, even if the servants have stolen from them. This rather rosy portrayal of Edwardian aristocrats

not only fails to be realistic, but it is also rather cowardly. Unlike the show it is often compared to, "Mad Men," "Downton Abbey" does not put forth historically accurate, but flawed and sometimes dreadful lead characters. Don Draper may be more progressive than many of his peers on "Mad Men," but the show refuses to idealize him. Although he was progressive enough to hire a woman as a copywriter, Draper is still a womanizer that treated his former wife, Betty Draper, no better than any other early-'60s male and forwent a strong and intelligent woman for the cute and younger girl that made eyes at him. Such is not the case for the always just and thoughtful Robert Crawley.

In the first season, Robert Crawley explains to his reluctant and non-aristocratic (he has a job) heir, Matthew Crawley, that he is not the owner, but merely the custodian of Downton. He talks about the honor of owning an estate and providing jobs to the servants. Rather than playing this scene as one in which

an audience-sympathetic character is saying something that is clearly wrong, "Downton Abbey" plays it as the moral of the episode.

The same issues arise with the show's portrayal of the servants. The only two that even question the morality of the Edwardian class system are also the only two immoral servants. They are constantly plotting dastardly schemes to foil the hopes and ambitions of the show's protagonists. Once again, this is a rather dubious and nostalgic portrayal of life in England in the early 20th century. One would assume that although some servants might have cared about their masters, they must also have had some negative feelings about them.

This is not to say that "Downton Abbey" is all bad. If one treats it as a soap opera more along the lines of "The Days of Our Lives" than a period piece like "Mad Men" or "Boardwalk Empire," then the show can be rather enjoyable. The show does employ a series of clichés: the ugly, Jan Brady middle

sister that resents the oldest; the relationship between Matthew Crawley and Josephine Crawley that mirrors that of Benedick and Beatrice from "Much Ado About Nothing," etc. Although these are clichés, the show deploys them in such a light-hearted and knowing manner that they become quite fun and addictive. "Downton Abbey" also features one of the best and funniest characters on television,

the Dowager Countess, matriarch of the family and mother of Robert Crawley. Played by the incredible Maggie Smith, she is more openly classist than any of the show's other characters, and her classist and nationalist behavior is wisely played more for laughs than drama. One-liners like "What is a weekend?" and "No Englishman would dream of dying in someone else's house!" are what make the series so much fun.

Reviews in Brief

"Vengeance" (Johnnie To, 2009): Johnny Hallyday plays a man whose daughter and family have been killed or seriously injured by a Hong Kong gang. Hallyday, a chef, used to be an assassin and is prepared to take down the entire gang himself. However, Hallyday is slowly losing his memory and is forced to hire a trio of hitmen. The hitmen are incredibly endearing (David Phelps says "[they take] on the system as a good excuse to hang out with each other") and their relationship with Johnny Hallyday is surprisingly touching. The movie includes some clever setups for action sequences and Johnnie To's compositions, especially in slow motion, are beautiful. "Vengeance" is available for streaming on Netflix.

"Essential Killing" (Jerzy Skolimowski, 2010): Vincent Gallo plays a possible terrorist that is captured by the United States and taken to a Guantanamo-esque prison in Poland. He escapes after an accident during transport and is forced to survive in the frozen wilderness. Gallo delivers an excellent wordless performance as a man that descends into animalistic behavior. Whether this descent is necessary in order to survive or at times completely unnecessary and simply savage is left to the viewer. Legendary Polish director Jerzy Skolimowski does an incredible job of depicting the beauty and brutality of Poland's frozen wilderness. "Essential Killing" is available for streaming on Netflix.

"Gamer" (Mark Neveldine & Brian Taylor, 2009): "Gamer" has no right to be any good. It looks like the sort of horrible action movie that is marketed at 13-year-old boys. However, "Gamer" manages to transcend the action clichés it often employs. The best illustration of this is the scene in which Gerard Butler finally comes face to face with the man that ruined his life, Michael C. Hall. All of a sudden the film turns into a musical and the action genre's roots in old Hollywood musicals are made clearer than ever before. "Gamer" is available for streaming on Netflix.

- Thomas Prieto '13

