



# THE COMMENTATOR

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The Student Newspaper of the New York University School of Law

April 8, 2009

## Law Revue Celebrates 35th Anniversary with Music, Dancing



The cast of NYU's Law Revue poses after the close of the musical number "Super Student," which included the lines: "We got into a top-five law school. / We are smart, but we're stressed, and so judgmental. / Did we mention a top-five law school?" This year's production was entitled "NYU Law, 10012" and parodied teen drams like Beverly Hills, 90210.

By Andrew Kloster '10

Every year, the PILC auction raises money for public interest, but it's difficult to consider the auction itself a public service. Not so the Law Revue, a cathartic bacchanal so necessary to the functioning of a well-ordered NYU Law. The production is an annual musical parody show, poking fun at the life of the law student at NYU. Each year the show provides a welcome relief for students, who comprise the majority of the jovial crowd. This year's Law Revue ran from March 25th to March 28th and dramatized the struggle of a 1L against a plot masterminded by a largely fictional Vice Dean Barry Friedman.

This year the Law Revue celebrated its 35th anniversary, and a number of alumni were in attendance, including several of the founding members, who were able to recount some history. In September 1973, Eliot Polebaum '76 spearheaded the first Law Revue show, modeled heavily on the Harvard Law production. The immense amount of work involved in institutionalizing the Law Revue that first year did not deter Pole-

baum from meriting onto the other Law Review.

While Polebaum did not attend this year's Law Revue, Jeffrey Aker '76, who directed that first show, and Jeffrey Schwartz '76, who wrote that first show, did attend. So what has changed over the years? "Popular music," said Schwartz, whose penchant for Gilbert and Sullivan colored that first, pirated Harvard production. And the humor has changed as well. "The Harvard show was a bit condescending. [Subsequent NYU productions involve more] Jewish insecurities," he said.

But *plus ça change*, as they say. The show is still an opportunity for theatrically inclined law students to exhibit their leopard-print boxer-briefs, rock out in the band, or build a working stage model of the law library staircase. The show has developed plenty of traditions, some of which were shared by Anne Di-Giovanni '09. The character names, for example, are the names of cast members from previous years, and many of the costumes and set pieces are recycled from year to year.

While the average law student will struggle to cope with classes

and little else, those involved with the Law Revue bear two workloads. Planning begins in September, when returning members meet to brainstorm themes, construct a plot, and circulate drafts. Come January, the entire casting process kicks into gear. Auditions are held, and a rehearsal schedule is set up. Depending on the individual's role, time commitment may reach 12 or 16 hours a week; following spring break, however, everything accelerates, with "wet runs," "dry runs," and a host of other opaque theater terms. By the week prior to the show itself, many members are putting in sixteen hours days.

Mike McMahan '09, director of this year's plot scenes, stresses that the situation sounds worse than it is. "I was under the false impression as a 1L that I didn't have enough time to get involved, which wasn't true," he said.

With all the hard work, this year's Law Revue debuted without a hitch: "I'm really proud of this cast," said McMahan. "They've done everything I could have asked of them and then some."

See REVUE page 7

## McConnell Delivers Hayek Lecture



Judge Michael McConnell, federal judge on the United States Court of Appeals for the Tenth Circuit, delivered the fourth annual Friedrich A. von Hayek lecture, presented by the New York University Journal of Law & Liberty. McConnell spoke about if and how the Ninth Amendment embraces natural rights.

## New SBA Officers Elected

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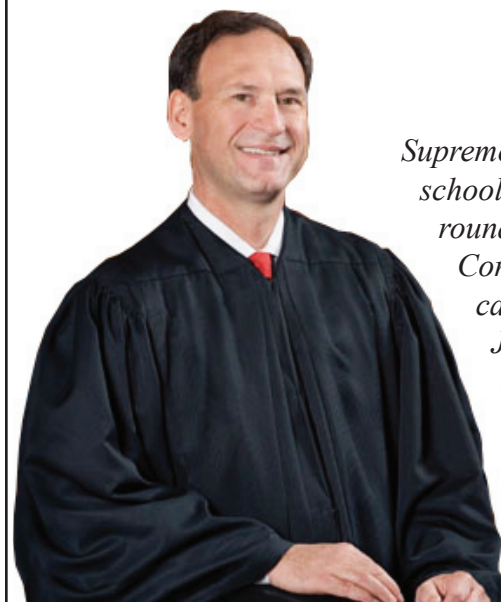
Meghan Dwyer '11

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## Legal Briefs

Supreme Court Justice Samuel Alito visited the law school on Tuesday, April 7, to preside over the final round of this year's Orison S. Marden Moot Court Competition. The competition tests the oral advocacy skills of NYU 2Ls and 3Ls. Also present were Judge Diana Motz of the Fourth Circuit and Judge Michael McConnell of the Tenth Circuit.

Legal layoffs continue without showing signs of slowing down. March saw over 3,600 legal personnel lose their jobs, some 1,300 of whom are lawyers.



Infra

Remember when you were an admitted student? We do.

page 3

"When was your first time?" We didn't ask the new journal heads that question, but we did ask them a host of other interesting things.

pages 4-5

Columbia may be beating us in the rankings, but we sure have a better jump shot.

page 8

Law Revue Audience Lacks Respect

TO THE EDITOR:

In the days when my young legal mind was being fed by the Law School, my coursework was washed down by the Law Revue as intoxicant. I suspect that if you took a blood test even now, twenty-five years later, you would still find traces of it within me.

What made the Law Revue so unique was that it was suffused with a camaraderie rare for such a talented group of achievers. Absent personal agendas, it was a magical marriage of music, intellect, irreverence, and wit that rose dramatically in song to satirize student body angst and aspirations. So, when I received the invitation to attend the thirty-fifth anniversary reception and show, I was drawn back. Beyond the prospects of rekindling those wonderful memories, I wanted to extend kinship to this latest Law Revue cast of characters.

Though talent and enthusiasm were in long supply during the March 27th performance, I'm afraid that the following are my strongest memories of the show:

- “What were they singing?” – My wife’s oft-repeated question barely heard above the clinking, clanking, and clattering of beer, wine, and liquor bottles.

- “What did he/she say?” – My oft repeated question barely heard above the din of blathering drinkers.
- “Stephanie, whoooo, Stephanie.” – The nearest hoots and hollers amid a chorus of steady screamers.
- Our compassion for the worthy cast that worked tirelessly to put on a show and not host a keg party.

Lest you think my protestations too stodgy, consider that the Revue’s producers began the show with a request for decorum, unnecessary and unthinkable in years past. In my view, much more respect is due to the performers, the crew, and the Law School. The way to mitigate this problem is not to make the disposal of beverage containers more convenient, the stated “improvement” over last year’s drinking fest. The way is to prohibit and preclude alcohol consumption in the hallowed halls of Vanderbilt.

I am disheartened. Cannot NYU Law students abide reasonable “time, place, and manner” restrictions and appreciate the show for its own sake?

DAVID NEWMAN ’84  
LAW REVUE 1982, 1983, AND 1984

THE COMMENTATOR

The Student Newspaper of  
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Breaks: I Likes ’em in the Middle

By MICHAEL MIX ’11

Everybody has different reasons for why they enjoy law school. It may be the intellectual discussions or the interesting professors. It could be the opportunity for great jobs. It might be the plentiful free food and alcohol at various law school events. For some, though, including me, the best part of law school is getting a break in the middle of class. There is nothing better than that wonderful 10-minute period after one tough hour of cold-calling.

Over the course of the year, I’ve found that professors have wildly different methods for utilizing the break, but it is clear to me that the optimal break occurs exactly halfway through class. I understand that this is a very recondite skill to learn, so—to illustrate my point—I will analyze each theory of breaking individually. Assume that the class at question is an hour and 50 minutes long.

**Break Exactly Halfway Through Class** – This is the tried and true method with no disadvantages, and it is my preferred time to have a break. Based on my highly unscientific study of watching people around me, I don’t think that I or my classmates can pay attention for more than 50 minutes at a time. As a result, it makes perfect sense to have a break exactly 50 minutes into class. That way, after the 10-minute break, there are 50 minutes left for the second half. Everybody recharges their batteries right as their attention is waning, and comes back for the second half refreshed and ready to go.

**Long First Half, Short Second Half** – some people prefer this method, where the professor teaches for an extended period in the first half – 70 minutes for example – so that after the break, there will only be 30 minutes left. The advantages to this are clear – after the break, students only have to pay attention for a short amount of time. This is like doing half of your reading for Wednesday on Monday night. You have a horrible Monday, but a great Tuesday. Similarly, this break strategy creates a horrible first half of class and a great second half. Personally, I hate this break strategy. As I mentioned before, people have trouble paying attention after 50 minutes, so by the 70-minute mark, pretty much everyone is antsy for a break. People need to eat, drink, go to the bathroom, and check the Internet (in classes where laptops have been banned), and they can’t stay focused when all they can think about are these vital life tasks. There is nothing worse than listening to a boring professor drone on past the 50-minute mark without knowing when the break is going to come.

**No Break, End Class Early** – This is a highly experimental and out-of-the-box method. The rare professors that subscribe to this theory will just power through the entire class without a break but will actually let out class 10 minutes early. The sole benefit of this method is that you get out of class early. However, this mild gain is easily outweighed by the costs of going an hour and 40 minutes in a row without a break. As I said before, it’s hard to maintain one’s attention for 50 minutes, let alone 100 minutes. The other big problem is that a lot of professors don’t strictly

adhere to the time they are supposed to end class. They either refrain from looking at the clock, ignore what time it is, or are so wrapped up in whatever point they are making that they feel the need to go past the end time. If a professor was planning to end class 10 minutes early but runs late, then class just ends at the normal time—without a break. This worst-case scenario is the stuff that nightmares are made of, but it’s real enough that it should prevent professors from using the “no break, end class early” method.

**Shortened Break** – This isn’t really a strategy for taking a break, but a professor might feel the need to take a break that lasts less than 10 minutes in order to maximize class time. This is completely unacceptable. The students have earned an entire 10 minutes after paying attention for at least 50 minutes, and to deny everyone the full break is downright draconian. Besides, with the lines in Golding, many people aren’t able to get food in less than 10 minutes. These students then come back into the room after class starts up again, which interrupts the professor and slows down the pace of the class.

Undoubtedly, breaks are one of the most critical aspects of the law school experience. I hope that I have enlightened the professors who might otherwise not have known that there is an optimal time for a break. If just one professor changes his style and begins to break halfway through class, I will have done my job.

Schudoku!

See answers page 7.

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From Admitted Student to Expert Student

By Joseph Jerome '11

With seven and a half or so months of law school under my belt, I consider myself an expert on the NYU experience. This time last year I was a poor preL, visiting the law school to bask in the warm embrace of Admitted Students Day, and I found my student tour guide to be a good source of unedited material in a day full of law school propaganda. In that spirit, I decided to volunteer to be student tour guide during Admitted Students Days this year. Such power to influence all those eager, wide-eyed, young idealists! Oh, how I would give it to 'em straight!

My last such tour was a Friday morning after a Thursday night of post-Law Revue revelry. I was happy both that I had a voice and that I had a new story about how “fun” law school is. Assembled in the hallway outside Tishman Auditorium with my fellow tour guides, we were given our charges and told not to speak ill of any of our “peer” schools, which we all know is code for Columbia, since no preL asks how life at NYU compares to Yale or Berkeley.

I conducted my tour much like I conduct a day at law school: I forced them up the stairs in Vanderbilt Hall, into a classroom, through Golding Lounge, downstairs and into the library, and over to Furman just to ooh and ahh at classrooms with proper temperature control. The entire time I jabbered on and on about public interest work, outstanding faculty, and how the Village is a “better” part of New York.

The funny thing about the preLs, however, is their single-minded obsession about grades and the Socratic method. No matter how much I tried to assuage their fears (“You’ll all get Bs!”), to tell them they’d have time for television, food, and, yes, perhaps some boozing, the preLs would have none of it. Law school seemed like something to idolize and fear.

Law school is funny like that. It’s really not *that* hard, but it becomes this insular academic cult wherein only those law students on the inside “get” why we all get to be so miserable. And even then, most of us can still admit to the outside world that it’s not that bad. In fact, most of us probably enjoy it.

Granted, I have less than a year’s experience at this point, but I don’t think I had any real comprehension of what law school would be like when I was a mere admitted student. All I could think about were journals and clinics, summer internships and briefing. I figured I’d be in the library on Friday nights, head in a casebook, and, sure, I’ve spent my share of Friday evenings ICWAing. But I’ve also had Fridays out in the city that never sleeps or whipping up pieces for *The Commentator*, which I wouldn’t have thought even existed last year.

A year later, so much of the mystique of law school has been blown away. Where once I worried about whether I was briefing correctly or outlining sufficiently, now I just enjoy learning the *law*. I am an average law student, but I found a summer job and I have my moments of legal insight. And after living through all of this over the past year and finding NYU to be a pretty comfortable environment in which to figure out how law school works, now I am to be replaced by another generation of eager legal eagles.

So I tried and tried to sell NYU to them. “But exactly how much free time do you have a day? How much do you have to work?” they cautiously queried. “Look,” I told my group, “my section’s been so bold as to throw keggers in the school on Tuesday nights.” This received a round of relieved chuckles and one parent’s look of sheer horror. Quick to repair the damage done, I followed by declaring that law school would be hard work, academically demanding, but intellectually satisfying. The parent nodded along.

The truth is, after a year of stress, I could give an hour tour with nothing but the positive experiences I have had since being admitted to NYU Law. While wishing the preLs farewell, I told them, with no disrespect to our peer school, the NYU experience comes complete with our own Dosa Man and nobody else has that. After one year trudging between Furman and Vandy, I know that much.

DADT: Change Occurs from Within

To the Editor:

In support of Molly Wallace’s view (“DADT Will Only Change If ‘Tolerant’ People Are Willing to Join the Millitary,” *The Commentator*, Mar. 25, 2009)—isn’t this how most sociopolitical change has taken place throughout history (from) within our democracy? Moreover, Wallace’s view has special meaning as now as this is a very special time for change.

Barbara Bova, PhD

The Last Editorial: An Editor’s Farewell

By Andrew Gehring '09

This is my last editorial. Certainly it’s my last for *The Commentator*, and possibly the last I’ll ever write. I’ve been thinking about it for weeks, feeling the pressure of something (relatively) momentous.

My first thought was that I should write something grand, epic, sweeping—something that truly encapsulated the entire law school experience. After deciding that I probably wasn’t up to that task, the resulting period of low-grade depression convinced me that I shouldn’t write anything at all, but rather just fade away into obscurity. The irrepressible nature of my ego led to a quick recovery and more grandiose ideas. A sense of realism wended its way into my thinking, though, and I decided that if I really wanted anyone to read what I was going to write, it had to be pithy, humorous, and full of statistics. (I strongly believe that people love numbers.)

This idea carried me for a long time, and I developed a range of reminiscences about *The Commentator* (for example, my favorite headline we printed in my three years working for the newspaper: “NYU Moot Court Nationals Team Wins in Spirit, Loses in Reality”; my least favorite headline we printed: “Breaking the Logjam Breaks the Logs Out of the Jam”; my favorite headline we never printed: “Foxy Fox Outfoxes Non-foxes”) and personal statistics (I have, for instance, written some 17,000 words in 22 *Commentator* articles and just over 650,000 words in all of my law school writings—excluding the thousands of emails I’ve sent while in law school, of which approximately 2,100 have been *Commentator*-related).

But then, as I was editing the articles for this final issue of the year, I read Joseph Jerome’s opinion piece (which, if I’ve done my job correctly, should be neighboring this article). In many ways it’s a love letter to the school, written by a still-starry-eyed 1L. The article left me with an overwhelmingly positive feeling toward the law school, which struck me as odd. It’s not often that we print opinions that say nice things about NYU. In fact, of the 17 opinions I’ve written while running this newspaper, only one has been positive in tone, and another one or two are relatively neutral; the remainder seethe with criticism. But after reading Jerome’s opinion, I could only think how poetic the symmetry would be if I wrote a companion piece about my

time at the law school, a love letter written by a presumably jaded 3L.

So that’s what I set out to do. Three hours later, I was still staring at a blank canvass/Word document. It’s not that I don’t have positive feelings toward the law school; I absolutely do (I, in fact, intend to donate to the class gift, but that’s an editorial I’ve already written; see “Our Alumni Giving Rate Is Pitiful, and You Should Be Ashamed,” *The Commentator*, Feb. 28, 2008). It’s perhaps that whatever I appreciate about NYU is too ethereal to accurately pinpoint. That’s not, though, to say that whatever it is that makes the law school an enjoyable environment (I’m doing my absolute best not to use the phrase “je ne sais quoi”) isn’t valuable; just because I can’t articulate it (which could easily be a failing on my part) doesn’t mean that there isn’t something real that the administration, professors, or students do that’s worth acknowledging. I recognize, though, that that statement loses some of its force by virtue of my not actually being able to express what exactly it is that we should tip our hats to.

But, in some ways, it could be a good thing that I’m not pointing to a specific facet of our lives and instructing everyone to applaud. Because, if I did that, surely some people would legitimately take issue with whatever I settled on; others might agree that it’s a beneficial aspect of our educational milieu but nevertheless feel that something else deserves the praise more. So I take this opportunity only to encourage anyone that’s reading this to stop for a second and simply acknowledge something positive about their NYU experience.

It is, as a general rule, much easier to criticize than to compliment. And people tend to talk about what’s going on in their lives, which—for law students—happens to be law school. Those two foibles of human nature result in law students complaining about law school *all the time*. I’m certainly no exception (since I started counting last week for the prior draft of this article, I have uttered no fewer than 23 distinct gripes about law school), but I think it’s worthwhile to point out every once in a while that things really aren’t so bad, that we’re learning and enjoying ourselves and interacting with fantastic people all the time. Otherwise, we might just start to buy into the talk and forget that there really are aspects of our time here to be grateful for—whatever they may be.

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## Next Year's Journal and Moot Court Heads Talk to *The Commentator*

### Casey Donnelly Moot Court Why did you agree to be chair?



I liked the idea of having my name at the tip-top of the Masthead? No, just kidding. Honestly, I thought that being Chair would be a lot of fun—Moot Court is such a great group of people and we work on so many interesting things that I couldn't imagine not enjoying the position.

### What was your pre-law school background like?

Pretty typical. I was an English major at the College of the Holy Cross. I was on the Mock Trial team at Holy Cross, which is where I caught the bug for oral advocacy. I spent a year teaching English and Social Studies to 8th graders in the Bronx but left when I realized my sanity was slowly slipping away...

### What are your plans and goals for moot court in the next year?

First and foremost, I'd like the greater NYU community to know more about Moot Court. Sometimes, I think there is this perception that Moot Court is about writing "speeches" and sitting at the Marden sign-up table in Furman lounge. But we do amazing stuff! If you want to write—you can! And once you write a problem for our Casebook, it gets published and sent to over 100 law schools. If you want to compete, you not only get to travel around the country to do so, but you also get to work with the most controversial and exciting legal questions out there. For example, this year our members argued everything from the constitutionality of "Don't Ask, Don't Tell," to the liability that attaches to online dating sites, to the repercussions of downloading songs off internet file-sharing sites. Plus, all these prestigious federal judges, most of whom are from the federal Courts of Appeals, come to our competitions to hear our students argue—talk about an exciting opportunity for a second-year law student.

### What will you do to ensure high morale among next year's 2Ls?

I think Moot Court already avoids a lot of the things that bog down other journals: We don't have office hours, or assigned line reads, or tedious submission rules. But even we can improve! I'd like to get 2Ls more involved in decision-making right from the beginning. With all the easy "polling" sites on the internet, it's so easy to make a democratic decision these days. And if 2Ls really feel as though the Board respects what they think and how they want to spend their time, I think they'll be a lot more invested in Moot Court as a whole.

### Why should 1Ls apply to moot court?

Because it's the best option. It's true. If you came to law school to learn, write, and argue, you should be on Moot Court. I can't imagine any journal that is as good practice for the real world—or that makes learning the ropes as fun—as Moot Court. Also, and I know this sounds trite, but we've truly got a great group of people who are very approachable, smart, and dedicated. There's a lot more laughing than complaining going on in our office.

### Have you chosen an A-paper topic, and—if so—what is it?

What a stressful question! No, I haven't. I have this pipe dream about writing on banned books and the First Amendment issues associated with them. But, I mean, I've never even so much as typed in a keyword to Westlaw on that issue, so it's not exactly a developed idea...

### Who is your personal legal hero?

Atticus Finch.

### What has been your favorite law school class and why?

Tough question! But I think I'd say Con Law with Cristina Rodríguez. I spent the entire semester in awe of her. And the material was hard, but I really worked at it because it felt like to do anything less would just be disrespectful....

### Did you even know *The Commentator* existed before this interview?

Yes! Sometimes I read it when I'm waiting for people in the lobby.

### Do you have any advice for 1Ls regarding the applying to and choosing a journal?

Don't stay up all night on this application stuff. It's summer—do what you can and then go out with your friends and put it out of your mind!

### Danielle Kantor Annual Survey Why did you agree to be editor-in-chief?



I wanted to be the editor-in-chief of Annual Survey because I thought being involved in developing scholarly ideas and supervising the publication process would be challenging and fun. Most people involved with their journal boards, I think, do it because it really is exciting to be able to engage in an intellectual dialogue with academics and practitioners and to help them refine and improve their scholarship in order to have the best product possible in print.

Annual Survey is a very active journal—we publish four volumes a year—so there is a lot to be done. Since we deal with contemporary legal developments, the scholarship we publish tends to be cutting-edge and practitioner-oriented. For example, our symposium this year dealt with issues before the Supreme Court just a month later. Likewise, meeting the lawyers, jurists, and politicians honored in our dedication ceremony is simply thrilling. All law students love to hobnob with legal celebrities.

### Pre-law school background?

I went to Brown University, where I received a BA in comparative literature and an MA in history. After school I lived in Buenos Aires, Argentina, where I worked in the legal department of a company.

### Plans and goals for next year?

One of the big plans for Annual Survey is to take the journal more fully online. Though all the journals have websites, they are skeletons of what they could be. We would love to create an interactive blog feature to encourage students to participate in intellectual dialogue, which is ultimately what the journals are really all about.

### Why should 1Ls apply to your journal?

Annual Survey is a very active, enjoyable journal. We publish four books a year and have a few truly unique elements. For example, our Dedication issue is distinctive and quite exciting. We choose an influential person in the law, and they come to the school to be honored in a ceremony and reception. That our past three dedicatees have been Judge Wald, Professor Amsterdam, and Justice Breyer testifies to the caliber of the individuals we honor and have the privilege of meeting.

We also have a unique Writing Program. Though everyone is encouraged to publish a note in the Annual Survey, a few individuals are chosen to work exclusively on their note, with tremendous assistance from 3Ls and a cohort of 2Ls. They are even excused from virtually all C&S requirements and office hours. This program is just one of the ways in which Annual Survey emphasizes student development.

### A-paper topic?

My A-paper/note is on the extraterritorial application of the antifraud provisions of US securities laws to class actions featuring foreign plaintiffs, defendants, and exchanges.

### Who is your personal legal hero?

She-Hulk. It is hard enough to be a women lawyer—she is a superhero to boot.

### Advice for 1Ls?

Think about your personality and your own goals. I joined the Annual Survey because I am interested in varied legal subjects and committed to rigorous scholarship. On Annual Survey, our goal is to produce varied, rigorous scholarship in an enjoyable, fun environment. If that appeals to you, I would encourage you to rank Annual Survey, and to rank it high!

### Katherine Greenberg and Gabriel Jaime Review of Law and Social Change Why did you agree to be editor-in-chief?



We had a great experience on the journal our 2L year! We wanted to get more involved, especially on the organizational side of things. Editor-in-chief blends nicely the leadership and the editing components of being on a journal. We both felt very connected to the community that was brought together by RLSC.

### Pre-law school background?

Gabe was a manager at a hair salon for 4 years before starting law school. He studied math and computer science in undergrad. He also did a lot of volunteer work with queer rights organizations and political candidates that supported the LGBT movement.

Katherine studied history as an undergraduate and completed an M.A. in Early Modern History. Disillusioned with academia, she began working with a human rights organization. Before coming to NYU, she spent a year traveling in South America and Australasia.

### Plans and goals for next year?

We want to continue RLSC's commitment to providing a strong community for its members and the public interest community generally. We are excited to expand on the journal's page-to-practice focus through our spring symposium on reframing reproductive justice and by continuing to publish high-quality and accessible legal scholarship.

### Ensure high morale among 2Ls?

RLSC has a long tradition of community involvement and support. We plan to really focus on our 2L-3L mentorship program. We also plan to add flexibility to our office hours, by providing more opportunities for Staff Editors to choose their tasks and work schedules.

### Why should 1Ls apply to your journal?

Our journal members are all highly engaged in the NYU community. Many of our members are chairs of student organizations, SBA representatives, and actively involved in clinics and internships. This creates an environment where student leaders can come together to strengthen their own work and support others. If this appeals to you, you should definitely apply!

### A-paper topic?

Katherine's paper was about Title VII suits brought by Muslim women who were discriminated against at work for wearing hijab.

Gabe is exploring the intersection of Contract Law and poverty.

### Favorite law school class?

Katherine really enjoys her Employment and Housing Discrimination Clinic. She feels it has enhanced her litigation skills and she has found it enormously fulfilling to represent real clients.

Gabe really enjoyed Sex Discrimination. He appreciated the combination of theoretical discussion and practical implications. He felt the student participation was particularly strong.

### Know *The Commentator* existed?

Of course! Katherine loves your movie reviews.

### Advice for 1Ls?

Yes. Don't stress. Try to apply to journals that truly reflect your interests. If your goals and passion are apparent in your application, that will really stand out to the people reading it.

### Gene Otto Journal of Law & Liberty Why did you agree to be editor-in-chief?



It's a great opportunity to be deeply involved in a journal that is still new and exciting, and to work closely with such a talented and intellectually engaged group of people.

### Pre-law school background?

I got my degree in philosophy sort of hoping someone would pay me to sit around and think a lot. That didn't pan out, so I got a job selling used tractors from my hometown in central Illinois to farmers in Ukraine. I also spent a year as an Americorps VISTA in a legal aid office, and another year doing little construction jobs on an island in Greece.

### Plans and goals for next year?

Our journal's main goal is to always be interesting. I hope to maintain our steep upward trajectory. That means more stimulating scholarship and engaging lectures and discussions. It also means getting the Supreme Court to continue citing work by our journal members.

### Ensure high morale among 2Ls?

We'll choose 2Ls with high morale already. We won't ask them to do unnecessary busywork or sit down in our office for a specified number of hours, so they know the time and effort they contribute really matter. I will also teach them our super-secret proprietary office drinking game involving Scrabble tiles.

### Why should 1Ls apply to your journal?

First, we are totally unique. Not just among publications here at NYU, but within the universe of student-edited law journals, nobody else does what we do. Second, we like to disagree with each other (and sometimes with ourselves). Our focus on classical liberalism and modern liberal critiques of those ideas enables us to bring together folks with a broad range of views from across the political philosophical spectrum. Last, we are a very new journal. 1Ls who apply will have the opportunity to shape the direction we take and to leave their mark.

### Know *The Commentator* existed?

A skeptic would argue I can never really *know* that it exists at all. But I knew.

### Advice for 1Ls?

The reason advice is cheap is that it's usually so obvious. Write clearly, Bluebook carefully, and put some thought into your personal statement.

## About Their Backgrounds, Legal Heroes, Paper Topics, and More

### Helam Gebremariam *Law Review*

#### Why did you agree to be editor-in-chief?

I truly enjoyed my time on the journal this year. I met an exceptional group of students and learned a great deal about the evolution of legal scholarship and the role of student journals in the academy. I applied for this position because I thought it would be an extraordinary opportunity to continue to shape this legacy of the Law Review, and I look forward to working closely with the new 2L and 3L classes next year.



#### Pre-law school background?

I graduated from Columbia University in 2007 with a double major in Political Science and Economics. I hopped on the 1 train, headed downtown, and have been repping NYU since.

#### Why should 1Ls apply to your journal?

First and foremost, we are a generalist journal, so whether you are interested in copyright law or critical feminist theory, there is definitely a place for you here. Second, being on Law Review has been an incredibly valuable experience. You are exposed to a wide body of scholarship that you debate and discuss with some of the most brilliant minds in the law school. Finally, you become part of a phenomenally diverse community within the school and part of a strong network of Law Review alumni.

#### Who is your personal legal hero?

Professor Derrick Bell.

#### Know *The Commentator* existed?

Of course!

#### Advice for 1Ls?

Apply! Many students self-select out of the journal competition or don't rank Law Review highly because they are intimidated by the process. Let's be honest, the last thing you want to think about after finishing your last exam is the writing competition, but I'm telling you—as someone who wavered on the decision of whether or not to apply—being on a journal is one of the most rewarding experiences you will have in law school. One more thing, you can absolutely do a clinic and/or take a leadership role in a student group and be on Law Review at the same time. If that type of leadership is a priority of yours, you can definitely still make that happen and be on our journal!

### Jon Kalmuss-Katz *Environmental Law Journal*

#### Why did you agree to be editor-in-chief?

I really enjoyed working on ELJ this year; the editorial staff is incredible, and the articles were some of the most interesting and original legal writing I've seen. Also, opportunities to create things while in law school are pretty rare.



#### Pre-law school background?

Right before school, I spent three years working for an environmental organization that no longer really exists, so I guess that's a wash. I also went to college in Minnesota and captained a number of losing softball teams.

#### Plans and goals for next year?

I'd like to produce three high-quality issues of ELJ, spell the journal's name

right on at least two of them, and continue to move towards a paperless C&S process. (This last goal should save both trees and staff editors' time.)

#### Ensure high morale among 2Ls?

We're a fairly small journal, which is great for building community and involving 2Ls in everything the journal does, whether it's selecting articles, shaping student notes, or organizing the symposium. Also, our managing editor is a morale machine.

#### Why should 1Ls apply to your journal?

You get to schedule your own office hours each week, edit articles that are all about a topic you're interested in, and work alongside a really fun staff.

#### A-paper topic?

I haven't written it yet, but my current plan is to look into whether the Environmental Protection Agency could use existing authority under the 1990 Clean Air Act amendments to set stronger security standards at our nation's chemical plants.

#### Who is your personal legal hero?

Dave Kienzler '10 once sued Nestea in small claims court because they wouldn't pay him for dressing up like a snowman. He's going to change the way we all think about law one day.

#### Favorite law school class?

The Environmental Law Clinic offers a perspective on the development and strategy of environmental litigation and campaigns that would be hard to find anywhere else.

#### Know *The Commentator* existed?

It's one of my top sources of flag football scores and standings.

#### Advice for 1Ls?

Take a break between finals and the start of the writing competition, be creative with your comment, and apply to ELJ.

### Nikhil Dutta

#### JILP

#### Why did you agree to be editor-in-chief?

I just wanted to get really into something, to really identify myself with this complex organization and immerse myself in its work. Also, the Board that preceded ours had a great sense of chemistry and I wanted to be a part of that.



#### Pre-law school background?

I was a Peace Corps Volunteer in Kazakhstan for two years, and then I got a Master's Degree in International Relations at the Woodrow Wilson School, at Princeton.

#### Plans and goals for next year?

We are trying to redesign our production process so that 2Ls and 3Ls feel like they are an important part of the production process, they know how their work is contributing to the work of the journal, and they get to know each other a little more and feel that they are working as a team. We are also trying to make JILP more of a social and intellectual community—trying to provide more opportunities for 2Ls and 3Ls to build relationships with each other, so that JILP becomes a sort of home for them.

#### Ensure high morale among 2Ls?

We are hoping to give the 2Ls much more ownership of the work they do by allowing them to work in small teams on C&Sing a single article and by giving them more responsibility for the quality of the C&Sing they do. We are also planning to make sure that everyone on the journal understands what the journal is working on at a given time and why that work matters, through weekly newsletters and Board member direction of the small teams 2Ls will be working in. We would like to implement a 2L-3L mentoring program and use our website and Facebook as tools to connect us socially to each other. And we would like to have lots of social events—both parties and more low-key opportunities for people to get together in our office, have beers, and talk.

#### Why should 1Ls apply to your journal?

We take the work we do very seriously—we are passionate about international issues. The international law program at NYU is one of its crown jewels, and we try to honor and take advantage of our association with the law school in the work we do. So if someone is interested in international subjects, we are really the right place for them. But there is a lot of diversity within the journal in our approaches to these topics—we care about development, arbitration, trade, human rights, and all the rest, and people here have had an amazing array of experiences. This makes us a vibrant group, and fostering a sense of community within this group is one of our highest priorities.

#### A-paper topic?

I am writing about the determinants of levels of accountability in the generation of governance indicators. Some people seem to think indicators will provide a panacea for lots of difficult decision-making problems in the international arena, but others are worried about accountability (and accuracy) deficits in the way these indicators are created. I'm trying to figure out to what extent these worries are justified.

#### Who is your personal legal hero?

Justice Stevens. He has a way of taking what I know is right and explaining why it's right in such a sound and fresh way that I'm left astonished at my good judgment!

#### Favorite law school class?

Contracts. Professor Gillette is the kind of professor who not only teaches you the law, and not only entertains you, but takes you very seriously as a legal professional. That's rare.

#### Know *The Commentator*?

Yes!

#### Advice for 1Ls?

Do take the time to think carefully about what you want out of this experience. But once you have committed to a journal, throw yourself into it as much as possible. Journals are a prime example of an activity that rewards you more the more you give. Get to know people and take responsibility—it'll end up being a really special experience.

### Sabrina Ursaner

#### *Law & Business*

#### Why did you agree to be editor-in-chief?

This is something I've wanted since the writing competition last



year! Basically, I am truly excited about the JLB and hope to raise awareness of our journal outside of NYU. We've been publishing some big names recently and putting on outstanding events (our symposium this year had record attendance and received rave reviews), and plans are already underway for the next one. I think we can reach new heights in the coming year.

#### Pre-law school background like?

I was an undergrad dance major and wanted to be a Disney Princess (specifically, Ariel) after graduation, however I decided to accept a position as a paralegal at Wachell, Lipton, Rosen, & Katz instead, where I spent the best 3 years of my life. Literally.

#### Plans and goals for next year?

Probably too much to write in this short Q&A (and I can't give it all away just yet!). But suffice it to say, many plans are already in the works, and more are down the pipeline. Also, we have an amazing group of board members in place for next year, and I can't wait to work with them.

#### Ensure high morale among 2Ls?

Well we already have the foosball table and a lax office-hours policy... maybe I'll provide candy or something. Am also open to suggestions.

In all seriousness, keeping morale high on the JLB is very important to me. I am available to anyone who has questions or concerns, and I will take suggestions seriously and really try to accommodate peoples' preferences.

#### Why should 1Ls apply to your journal?

1Ls should apply to the JLB if they are interested in Law & Business! Some of the best things about being on the JLB include working with people who have similar interests as you, reading articles that are on topics you care about, and having the chance to interact with practitioners, network, attend exciting events, etc.

#### A-paper topic?

I have—it's on the use of fiduciary outs in shareholder-adopted bylaws.

#### Who is your personal legal hero?

A three-way tie: Marty Lipton, Herb Wachtell, and Ted Mirvis.

#### Favorite law school class?

Corporations, obviously ☺.

#### Know *The Commentator* existed?

I read every issue.

#### Advice for 1Ls?

Journal-choosing process: Trust your instincts, and rank journals you want to be on in the true order you would want to be on them. Take advantage of the journal open house to see where you feel comfortable.

Journal-applying process: You'll find out from the info sessions what each journal cares about most when they look at your applications. For example, some journals rely heavily on the strength of your writing sample; others care much more about your personal statement (or resume, grades, some other factor, etc.). These preferences are important—for example, the Journal of Law & Business cares most about your personal statement because we are really looking for people who are interested in and excited about this journal. I'm looking forward to a great year!

*Enjoy the first of three lampoon articles in this special April Fool's edition of The Commie. (Good luck finding the other two on your own!)*

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# Food Fight Finally Opens, Immediately Disappoints



By Chip Boisvert '09

It's difficult not to notice the gradual decay of the fast food scene in the neighborhood surrounding the law school. Since arriving at NYU in August of 2006, I have seen the departure of: Roll & Dough (the bing place); Jamaican Flavors; Señor Swanky's (it was actually open at one point); Havana, New York (which was only around for a few months); Press Toast; Pio Maya; Figaro Café; the Pizzeria (technically it moved into Esperanto Café, but the quality has definitely tanked); Abbondanza's; numerous food-trucks; and several other eateries. Now we have chains like Subway, Qdoba, Five Guys Burgers and Fries, and Dunkin' Donuts—fine establishments in their own rights but certainly more boring than the local eateries they replaced.

So when a sign proudly displaying "FOODfight Mini Burgers" appeared on MacDougal Street last fall, it was cause for excitement. After all, I like burgers, and everyone knows things taste better when reduced to miniature size. However, as time wore on, the sign remained, but so did the papered-up front of the store. I gradually became convinced that "the economy" (the gremlin of the times) had done in this potentially great new institution, even going so far as to make a \$1 bet with Editor-in-Chief of this venerable publication that it would not be open by the time we graduated. Just before Spring Break, I was forced to make good on that bet.

This past week, I patronized Food Fight for the first time. The restaurant is fairly small, with counter seating for only

four or five people, suggesting that it views itself principally as a take-out establishment. While trying to ignore the strange, perversely erotic giant mural of young women hurling beef at each other, I ordered the "Food Fight Mini Burgers" (with cheese) and an order of "Food Fight French Fries" (basically shoestring fries with Old Bay Seasoning). An order of the "Food Fight Mini Burgers" consists of two small burgers (about 4 oz. of beef) with tomato, lettuce, pickle, and onion on a buttered brioche-style roll. When ordering the "Food Fight French Fries" the customer is allowed to choose 2 of the 9 available dipping sauces (among them chili mayo, garlic mayo, curry mayo as well as more standard fare such as ketchup and mustard). This order, all together (with no drink), cost \$10.49. Other menu items include "Chicken Fight Burgers," "Portobello Mushroom 'Wimp' Burgers," and various types of mini cupcakes. Excluding beverages (which are also available in "mini" size, in 8 oz. cans), that is the entirety of the menu.

The burgers themselves are fairly tasty, and the meat's flavor is strong enough to stand out from the burger accoutrements. It is by no means the best burger around, though; indeed, I would say that the Crow Burger at the Stoned Crow (on Washington Place, east of 6th Avenue) is vastly superior, and that proffered by Five Guys (multiple nearby locations) is fairly comparable. The fries themselves were nothing spectacular, although the sauces (I sampled the sweet chili, chile mayo, and food fight sauce) were interesting and definitely made the meal better.

The food was decent, but I probably won't go back, for two reasons. First, the menu offerings are few and not particularly interesting. There are better alternatives for each menu item in the area, so Food Fight has no real draw. Second, the cost of the food is pretty disproportionate to what one actually receives. While it is true that I am a hearty young lad capable of putting away copious amounts of food should the need or desire arise, I have a hard time imagining that most people would be sated after eating what I ordered. It felt like nothing more than a glorified snack. The price/quantity ratio becomes even more of a drawback when compared to, say, Five Guys, where one gets almost twice as much food of similar quality for a similar price.

Food Fight is a good idea in principle, but the execution leaves much to be desired. If they lower their prices, they'll have an excellent chance of surviving in the neighborhood because they fill an otherwise-empty niche. Unless things change soon, however, they will likely be another addition to the legion of failed establishments in this neighborhood, which really is too bad. Especially since it cost me that dollar.

*Food Fight is located at 112 MacDougal Street, between W. 3rd Street and Bleeker Street.*

# REVUE: Administration Considers Banning Alcohol



Continued from page 1

One side note, to those of us invested in the future of this venerable institution: the administration is considering banning alcohol at future performances. The raucous nature of the crowd, the cleanup, the reinforcement of a culture of alcohol—all have likely been factors in the teetotaling discussion. (Certainly the deadly accuracy and incisive wit of the professorial imitations are also partly to blame. Last year, for example, the only significant difference between Dean Revesz and his doppelganger was a discrepancy in the color of the actual Dean Revesz's diving cap and trident.)

To assuage these tensions and to keep the Law Revue

alcohol-free-free, greater faculty involvement in the production—which characterized shows of years past, according to DiGiovanni—may be an option. The great benefit of the show is that it fosters a sense of community, and inviting professors to partake once more would not only lead to better Law Revue-administration relations, it would also promote greater decorum. There was a minimum of bottle-clinking during this year's performances when professors were on stage, suggesting that students demonstrate more respect when professors are involved, or that in fact Professor Deborah Malamud and Assistant Dean Irene Dorzback (a former Law Revue-er!) are the real problems here.



## Schudoku!

Solution  
See puzzle page 2.

H	M	N	S	A	L	Y	C	U
C	Y	L	U	W	N	H	A	S
S	A	U	Y	C	H	N	L	W
W	N	Y	A	S	U	C	H	L
A	C	S	H	L	W	U	N	Y
L	U	H	C	N	Y	W	S	A
U	H	A	N	Y	S	L	W	C
Y	S	W	L	H	C	A	U	N
N	L	C	W	U	A	S	Y	H

# NYU Tops Columbia, 56-53, in Dean's Cup



A group of basketball players in black and white uniforms are on a court. One player in the foreground has the number 4 on his back. Another player has the number 2. A referee in a black and white striped shirt is visible. Spectators are in the background.



Competition	Location	Team Members (2L)	Coach (3L)	Results
Spong Invitational Constitutional Law Moot Court Competition (MCC)	William and Mary Law School Williamsburg, VA	Leigh Nathanson Sara Zier	John McHugh	Second Place Overall Team Winner of Best Petitioner's Brief
National Sexual Orientation Law MCC	University of California, Los Angeles, CA	Vincent Barredo Kevin Osowski	Kim Renk	Second Place Overall Team Winner of Best Brief
National Security Law Competition	George Washington University Washington, D.C.	Ran Mukherjee Stephen Ilg	George Mustes	Team did not advance to the "Final Four"
Moore Civil Rights Law MCC	Howard University Washington, DC	Luke Flynn-Fitzsimmons Tom Kessler	Andy Artz	Quarterfinalists
BMI Entertainment and Communications Law MCC	Cardozo University New York, NY	Tim Farrell Andrew Michaels	Erin Hanna	Octofinalists
Wagner Labor & Employment Law MCC	New York Law School New York, NY	Katherine King Dustin Nofziger	Annie Maurer	Team did not advance to the "Sweet Sixteen"
Evans Constitutional Law MCC	University of Wisconsin Madison, WI	Michelle Sages Jane Kang	Andy Coombs	Octofinalists (Eliminated by eventual overall winners)
Gibbons Criminal Procedure MCC	Seton Hall Law School Newark, NJ	Annie Mehlman Janaki Dighe	Emily Voshell	Team did not advance to the "Sweet Sixteen"
Prince Memorial Evidence Competition	Brooklyn Law School Brooklyn, NY	Matthew Walker David Schwartz	Lisa Debin and Sydney Nash	Team did not advance to the "Sweet Sixteen"
National Family Law MCC	Albany Law School Albany, NY	Rich Powell Gregg Stankewicz	Dave Fillingame	Quarterfinalists Third Best Oral Advocate (Powell) Undefeated Champion Coin Tosser (Stankewicz)

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