



the Commentator

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Ellis and Yoshino Argue Two Sides of Academic Freedom



By MICHAEL MIX '11
EDITOR-IN-CHIEF

Assistant Dean Deb Ellis has a history of supporting free speech, having defended the Ku Klux Klan in her previous career as a litigator. Professor Kenji Yoshino has spent his career fighting for gay rights, writing an amicus brief in the famous *Lawrence v. Texas* case and acting as one of the plaintiffs in a case which challenged the Solomon Amendment. However, both Ellis and Yoshino found themselves on sur-

prising sides during a debate on Sept. 30 in Greenberg Lounge about NYU Law's controversial appoint of Dr. Li-Ann Thio as a visiting professor this past summer. Ellis argued that NYU should have rescinded Thio's invitation, while Yoshino took the side that Thio should still have been able to teach at the school

The debate, moderated by Professor Amy Adler, came on the heels of Dean Richard Revesz's town hall meeting on Thio two weeks before. Thio's controversial appointment dominated the blogosphere over the summer and therefore, there was a large crowd, with many forced to stand in the back when Greenberg ran out of chairs.

Ellis's central argument, detailed in a very short PowerPoint Presentation, was that NYU should balance equality and academic freedom by not hiring professors who "advocate for violence against or criminalization of members of our community, based on their identity." She named several areas in which NYU is the best or one of the best law schools, and then she said that we should "try harder" to become the best law school on equality. Regarding the ad-

ministration's handling of Thio's appointment, Ellis was upset that NYU "privileged academic freedom over our students' right to learn in an anti-discriminatory environment." She also said that the First Amendment does not apply to NYU law school; she would defend the right of Thio to march down Sullivan Street, but not to teach at NYU. Furthermore, she said she would welcome Thio to debate gay rights issues with Yoshino, but would draw the line at teaching in the classroom.

Yoshino made a distinction between racism and homophobia, saying that in an ideal world, racism and homophobia would be treated the same. However, he admitted that in actuality, we are "in generation 1" or "1.5" for homophobia, but "generation 2" for racism, and that we should have the same debates about gay rights now that we had about race a generation ago.

"It is a better world where Thio comes [to NYU] with her anti-gay views and I go [to Singapore] with my pro-gay views than when both universities close their gates," Yoshino said.

Regarding the First Amendment, Yoshino agreed with Ellis that it did not technically apply to NYU, but the spirit of the

amendment did indeed apply to the university. He also said that the classroom is a "safe space" but not a "comfortable space," and we should welcome views and debates that make us uncomfortable.

After making their initial speeches and having some rebuttal time, Adler opened up the debate to the floor, where any member of the NYU Law community could ask a question. The question and answer portion included questions from two different students who had come to NYU from Singapore. One asked Ellis how her proposal would fare if the professor was advocating criminalizing a student who identified as a jihadist. The other said that most people at NYU did not understand the political context and backdrop under which Thio made her statements, and that by not letting her teach here, NYU set the LGBT movement backwards in Singapore. He said that it would have been better for her to have come here and been taken apart. Another of the questioners was Malik Graves-Pryor, who famously sent a letter



to Revesz asking him to reconsider the appointment, causing Thio to respond with an 18-point letter to the faculty. Graves-Pryor asked Yoshino about the differences between science and opinion, given that many of Thio's views are proven to be scientifically inaccurate.

The debate was the third installment of "The Forum," a weekly program at the law school dealing with a wide array of topics including current events, law school advice, and more.

Panel Discusses State of Music Industry



A panel of music experts debate whether the music industry will collapse.

By MARIJA PECAR LL.M. '10
CONTRIBUTING WRITER

Music is the wine that fills the cup of silence. Without music life would be a mistake. But what of the music industry? Are we witnessing its decline into obsolescence, or will it rise to the occasion by evolving and adapting itself in the face of new challenges, spawned by the advent of the digital era?

These were just some of the issues addressed at the first in a series of events organized by the Intellectual Property & Entertainment Law Society (IPELS).

The event, entitled "The Music Industry Now: In Revolution or Collapse?," saw a panel of music industry experts discuss digital music distribution, the changing business model of record companies, and how developments such as the iTunes Store and Pandora have affected their organizations and their clients. The panel consisted of Ross Weston (Senior Vice President of Business & Legal Affairs at MTV Networks); Gil Aronow (SVP of Business & Legal Affairs, Sony Music Entertainment); Peter Shukat (Partner, Shukat, Arrow,

Hafer, Weber & Herbsman); Brian Camelio (Founder & CEO, AristShare); and Bob Lehrburger (Partner, Patterson Belknap Web & Tyler).

Introducing the event, Lehrburger, who, as an intellectual property trial lawyer is intimate with the intricacies of the industry, cautioned that music as we know it, is dead. The business and law of music are being forced to change rapidly, in response to technological advances which have changed the way that music is both made and consumed. Suffice it to say that, if it wishes to avoid an untimely death, the music industry has to stay one step ahead of the game and adapt to changing consumer needs, expectations and behavior.

The greatest threat posed to the health of the music industry comes in the form of piracy: illegal downloading, copying and distributing of music. Further, the panelists were all in agreement on one thing: music theft is inevitable. Mr. Aronow, who has worked at both Sony and MTV, emphasized the need to develop new models of music distribution, which will be flexible and innovative enough to survive in this challenging era.

One potential solution might be the introduction of "all you can eat" subscriptions: arrangements whereby a single payment would cover broadband,

See MUSIC page 4

NYU Prepares for H1N1

By JOSEPH JEROME '11
MANAGING EDITOR

"Cover Your Cough," say flyers prolifically placed around campus. The flyers are part of Student Health's campaign to educate students as flu season approaches and as there continue to be concerns about H1N1, commonly known as swine flu. Outbreaks of H1N1 have occurred at several universities, notably resulting in the death of a student at Cornell University last month, and the arrival of swine flu threatens to make this year's flu season more eventful than previous years.

"It is very difficult to predict what will happen during the flu season," said Dr. Carlo Ciotoli, the Medical Director at Student Health Center. "The concern is that with a more susceptible population, a larger number of individuals will get the flu compared with past flu seasons." While the severity of H1N1 has been no more severe than recent seasonal flu viruses, the novelty of the virus means few, if any individuals have any immunity against it. As a result, H1N1 can be easily spread once a student community is exposed to the virus. Moreover, the Center for Disease Control has found that H1N1 has the potential to have a greater health impact on people under the age of 25.

Unfortunately for the NYU

community, it remains difficult to know if any students have been actually afflicted by H1N1. Current tests produce inconsistent results and individuals outside at-risk groups are not usually tested. Instead, Student Health is tracking a clinical syndrome termed "influenza like illness" which presents with fever, sore throat, and cough. While some students who report flu symptoms likely have H1N1, Student Health has no way of estimating how prevalent H1N1 is at NYU. However, Student Health can report that only a handful of flu-like cases are being seen each day, and, according to Dr. Ciotoli, even that number has decreased over the past two weeks.

Vaccinations can help ensure that number stays low. New York City received an initial allocation of 68,000 doses of H1N1 vaccine last Monday. Unfortunately, these doses in the form of a nasal spray are not recommended for some high-risk groups such as students with asthma. Despite limited supplies, Student Health expects to be able to offer the H1N1 vaccine by the end of the month. New York City anticipates receiving the injectable version of the vaccine soon. Student Health has promised to update its website continually regarding the vaccination and the city has urged individuals to stay in touch with health care providers in order to assess their individual need to be vaccinated for H1N1.

While H1N1 grabs headlines,

See FLU page 4

Infra If your productivity was at an all-time low before, wait until you try our brand new, completely original crossword puzzle. page 2

Regretting that intra-section hookup? Our writer can certainly sympathize. page 3

Scoring the Yoshino-Ellis Debate About Thio in a Highly Unusual Manner

By MICHAEL MIX '11
EDITOR-IN-CHIEF

In one corner was Deb Ellis, Assistant Dean for Public Interest Law and a former litigator. In the other corner was Kenji Yoshino, a Professor of Constitutional Law and an advocate for gay rights. The topic was the controversial appointment of Dr. Li-ann Thio. The crowd was standing room only, prepared for a royal rumble. The debate was certainly constructive and fascinating, but I think a lot of people were upset that there was no official judge to determine the debate's winner and loser. After all, no one advocates ties, unless you are Bud Selig. With no one judging in an official capacity, I took up the task and judged the debate, not based on substance, but instead based on completely superficial criteria. Let's see how the debate played out.

Better Dressed – Ellis was wearing a bright turquoise blazer while Yoshino was decked out, looking very stylish in a classy gray suit. His hair was also impeccably coiffed. Needless to say, both participants were better dressed than Vice Dean Barry Friedman, who decided that even though he is the mastermind of these weekly forums, he was going to wear a beige shirt and eschew a tie. **Winner: Yoshino**

Better Usage of Visual Materials – Ellis decided to go with a PowerPoint presentation, which initially gave her the edge. After all, conveying information visually is usually a very effective manner of

presentation. However, the crux of her PowerPoint was her proposal that NYU should not hire professors who "advocate for violence against or criminalization of members of our community, based on their identity." This was an important point, and Ellis decided to emphasize it by putting it in black font on a white background. This was a major mistake, and violated every rule of constructing PowerPoints that I have ever learned. I don't

always staying within her allotted time. Yoshino, on the other hand, clearly enjoys talking. His answers to the audience's questions were endless, and he was admonished several times by both Professor Amy Adler, who was the moderator, and Friedman. Friedman's reprimand was notable because he broke his promise to leave the moderating to Adler; he obviously values brevity as much as I do. **Winner: Ellis**

Less Usage of, um, Fillers – anybody who has taken Lawyering knows that you should limit the amount of fillers you insert into a sentence while speaking in public. Apparently nobody told that to Yoshino. He peppered his speech with myriad fillers, including "um," "so," and "uh." Ellis, on the other hand, greatly limited her usage of fillers, clearly showing her pedigree as a litigator and a public speaker. **Winner: Ellis**

Better One-Upping of One's Opponent – Ellis talked about how she worked for Judge Frank Johnson, who at the end of his career overturned Georgia's sodomy laws. Even though Johnson's decision was overturned, the Supreme Court eventually affirmed Johnson's views in *Lawrence v. Texas*. To most people, this must seem like a great accomplishment to be associated with such a progressive figure. But she was going against Yoshino, who was quick to point out that he actually wrote an amicus brief in *Lawrence* and was one of the plaintiffs in the case that challenged the Solomon

Amendment. Ellis's connections to Johnson paled in comparison. **Winner: Yoshino**

Better Response to Audience Challenges – the first questioner seemed to poke a hole in Ellis's proposal, catching her off-guard and causing her to timidly suggest that the proposal was open to modification. Later, Yoshino responded to deliver a smack down to someone in the audience, saying "you've spoken, so if I could speak back, that would be helpful." He subsequently jumped up onto the table and screamed "you got served!" while Adler and Friedman looked on, horrified. Well maybe that didn't happen, but he still wins this one. **Winner: Yoshino**

As you can see, Yoshino squeaked out a victory, 5-3. I hope that everyone learned something significant from this important debate about the Thio appointment. The key points to the debate were definitely that you should keep your answers short and always use creative fonts in your PowerPoint presentations.

Comment

The Guy Behind the Guy Behind the Guy

require cool animations or sounds, but I do require a creative font. I was so angry that I didn't even care that Yoshino didn't even have any visuals. **Winner: Yoshino**

Better Pronunciation of "Thio" – I think that since this controversy commenced, I have heard about 10 different variations of the name "Thio." Ellis pronounced it like "tow" every time. Yoshino usually pronounced it that way, but sometimes emphasized the "th." These pronunciations were also different from Dean Richard Revesz's pronunciation during his town hall meeting last month, in which he pronounced it "tio," which is Spanish for "uncle." I have no idea which one is right, but I'll give points for consistency. **Winner: Ellis**

Shorter Answers – Ellis usually kept her answers concise,

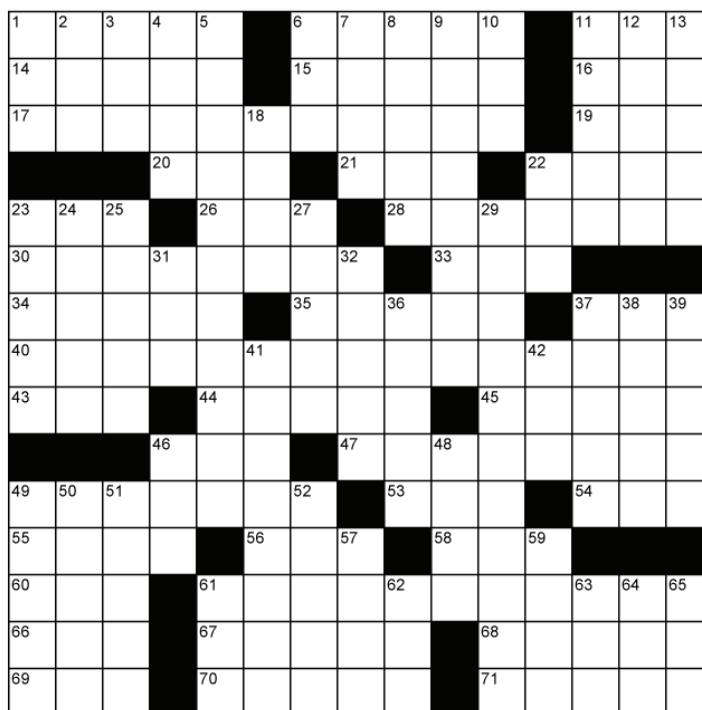
Better Allusion – Yoshino introduced his opening statement by quoting *To the Lighthouse* by Virginia Woolf and later quoted John Stuart Mill, demonstrating his intellect and education. Ellis seemed positively philistine in comparison by quoting the slogan for Avis Rent A Car. **Winner: Yoshino**

Commentator

CROSSWORD

By CHRIS ROBERTSON '11
CROSSWORD EDITOR

Solution on Page 4



www.CrosswordWeaver.com

ACROSS

- 1 Rascal
- 6 Existential dread
- 11 Curly-tailed farm animal
- 14 Player _____
- 15 Wang and others
- 16 Female sheep
- 17 Christmas blockbuster in which Oliver Wendell thwarts a pair of burglars?
- 19 One might do it through one's teeth
- 20 Takes too much, abbrev.
- 21 Chap
- 22 Sound made by 11 across
- 23 Sound made by a flat
- 26 Tax org.
- 28 Like Star Wars or The Godfather
- 30 Yankee Stadium's is 52,325
- 33 This ___ that
- 34 Precisely accurate
- 35 Man of fables
- 37 Lead-in to eminent
- 40 Comedy in which a distraught Charles Evans and his would-be carjacker embark on a crime spree?

- 43 Low naval rank, abbrev.
- 44 Band fronted by the Gallagher brothers
- 45 Valerie Harper sitcom, 1974-1978
- 46 Green sci.
- 47 Like Samuel Adams Octoberfest
- 49 Default wireless network name
- 53 Sch. in Queens
- 54 Washington Square to the Williamsburg Bridge dir.
- 55 Pure Prairie League hit
- 56 Former Beatle Sutcliffe
- 58 Smart computers
- 60 Actor Perlman
- 61 Action flick in which John and his clone fight to get John's life back?
- 66 Pool implement
- 67 Ivy, e.g.
- 68 One-up
- 69 Morningside ___, abbrev.
- 70 To the left, on a vessel
- 71 Celebrates

DOWN

- 1 "Quiet"
- 2 Corporate honcho with a CPA
- 3 A certain popular blog, for short
- 4 Intra-office communication
- 5 Prognostications
- 6 Actress Gardner
- 7 1994 Jodi Foster/Liam Neeson film
- 8 Shortstop Dick who shares a name with a fictional disease
- 9 Grey's Anatomy star
- 10 Mao ___ Tung
- 11 Pertaining to the sun, prefix
- 12 Having a debt
- 13 Like a math whiz, stereotypically
- 18 Anti-depressive compound, abbrev.
- 22 Not new
- 23 Play subdivision
- 24 Anglo-___
- 25 Mr. Peanut accessories
- 27 Male deer
- 29 Searching for, as in happiness
- 31 German interjection
- 32 Abominable Snowmen
- 36 Distress signals
- 37 ___ a friend
- 38 Hester Prynne letters
- 39 Transaction on Amazon, e.g.
- 41 Destroyer or Cruiser
- 42 Traditional Bhutanese dress
- 46 Get by, with "out"
- 48 Trojan War hero
- 49 Tree for which a town in Westchester is named
- 50 "That's all for me"
- 51 Dressed to the ___
- 52 Court reporter, for short
- 57 Druggie
- 59 Starred opposite Cage in "Leaving Las Vegas"
- 61 New Deal org.
- 62 Professional suffix
- 63 "Home Improvement" heartthrob, familiarly
- 64 Lemon or lime drink
- 65 Informal greetings

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The Curious Incident of the Section-Mate in the Nighttime

BY HONEY RYDER

During my first few weeks of undergrad, as a young, naïve, 18 year-old girl bursting to explore every inch of my new city, I had only one rule for myself: Never get with someone I had a class with.

Don't get me wrong, I loved good old hook-ups as much as the next college student, but I just wasn't ready for the Semester of Shame. I had an inkling that relaying a hilarious story about a half-hearted phone number exchange that occurred despite my inability to remember Mistake of the Week's name would lose its luster if said Mistake plopped himself next to me during Econ 101.

However, it turns out I needn't have worried so much. For starters, accidental classmate hook-ups were a given with 100 plus students in a lecture. If I had a nickel for every time I was jolted out of my absent-minded gazing during class due to an inadvertent eye-lock with a drunken blunder... well let's just say I wouldn't be so worried about the plunging job market.

But then, like many promising youths painfully realizing the harsh realities of a world that, more and more, turns up its nose at *merely* a college degree, I came to law school. In the beginning, I was pretty excited. I mean come on, we were talking about tons of fresh meat that surely would be attracted to me. Why such confidence? Well, guys in law school have this impression that law school females score incredibly high on the

enterprising female. Why? The lower the expectations are, the easier it is to surpass them. A little lipstick, a low-cut shirt, a pair of nice, tight jeans... you'll have almost any law school male wondering when the hell he stepped into the Playboy mansion. Couple this with a few free drinks from an SBA Thursday party or a Biglaw Booze 'n Schmooze event and you're in business.

Remembering my undergradu-

270 or so days. This was not the free-range I had come to know and love... this was a coop!

Indeed, I soon found myself annoyingly confined in totally unexpected ways. This confinement was epitomized by the obnoxious invention known as the "Seating Chart." How the hell were you supposed to drunkenly hook up with someone you sat next to, if you couldn't slink to the other side of the room the next day? Not to mention the fact that the gossip mill in law school is leakier than a Depends-free zone at a nursing home, so everyone's, ahem, "affairs" were bound to circulate within a few hours' time.

To cap it off, there is the exasperating reality that a lot of people in law school are "older" and/or "more mature," which sadly leads to an alarmingly high percentage of (gasp!) MARRIED people, or couples in stable, long-term relationships. Had the world gone crazy? Where were the fun, random, drunken hook-ups and why oh why had they been replaced with drunken game nights? What was a single, shall we say "sexually uninhibited" girl to do?

Crushed and defeated, unwillingly and depressingly following the "No Section Hookup" rule, I was forced to evaluate my choices. Without a doubt, option number one was to hang out exclusively with LLMs. If anyone understands the need to freely express one's sexual desires, it's Not Americans. However, much as I love cultural immersion, being constantly surrounded by people carrying on conversations in languages I couldn't understand was a maddening affair.

Alas, with a rock to my left and a hard place to my right, I was forced to make a decision. Ignore the voice in my head screaming "TERRIBLE IDEA" and get with a section-mate, potentially creating a situation as memorable as a seemingly simple kick in the shins? Or, take my chances with the real, non-law school world, and frequent the local bars?

Well, it was a tough choice. My decision? Let's just say it was great taking advantage of that mixed-section elective in the spring.

Comment

There's Always Money in the Banana Stand

"Brains Divided by Attractiveness" equation, while simultaneously getting low marks in the "Butt/Boobs" category. While I personally have witnessed many a hottie during my time here and thus cannot subscribe to this theory, the point is that, whether rightfully so or not, many of these guys have really low expectations.

This is awesome for any horny,

ate freedom to bag any piece of eye candy that came my way, without once comparing course schedules, my first few days at NYU orientation were filled with a sort of green bliss. Slowly, however, it dawned on me that I would not just have one large lecture with some of these people. Rather, I was to have the same classes with the same 83 people for a good

The Value of Judicial Internships

BY BRANDON ADONI '11
CONTRIBUTING WRITER

Dear 1Ls: I urge you to apply to be a judicial intern this summer. To see why, check out what a day in the life of a judicial intern is like:

9:30 AM: a clerk presents you with a fully briefed motion. It is most likely a motion to dismiss or a motion for summary judgment but it could also be an interesting motion like one to vacate a maritime attachment or one concerning habeas corpus.

10:15 AM: you're done reading the motions and have a good idea of what the outcome should be. You discuss the outcome with the clerk on the case. You start writing the opinion – filling in the basics, such as the parties and the facts – while you wait to discuss the outcome with the judge on her lunch break.

12:30 PM: you catch a few minutes with the judge in her chambers during her lunch break. After discussing the case with her, she tells you the outcome and tells you to get to work. Instead, you grab lunch with your co-interns.

1:00 PM: you start typing away at your opinion. Yes, you're writing the whole thing – from the facts to the legal standard to the discussion and conclusion. You do a bit of research to ensure that the cases are appropriately cited by the parties and to shepardize or check for new precedent.

3:15 PM: starting to feel a little burned out, you check out the most intriguing trial in the courthouse. Perhaps it's with your judge, perhaps with another. Either way, it's not a long trip and it's a good way to sit on your thoughts – not to mention how much you'll learn from the proceedings.

4:30 PM: still in need of a break, you head back to your judge's court. There, she's holding the typical afternoon conferences: pre-trial hearings, suppression hearings, sentencing, and everything in between. After-

wards, you discuss the hearings with the judge and learn what works in the courtroom and what doesn't.

6:00 PM: you get back to work for the last hour of the day, hoping to have a draft by the end of the week. While drafting, you're cognizant of every word that you put on to that paper. Your citations are perfect (or so you think) and your word structure is impeccable. The drafting and self-editing of one sentence can take an hour.



You could end up interning for this judge.

The days continue similarly until you get a draft to the judge. She edits it herself, giving you pertinent and useful feedback. You'll learn from her edits and from your mistakes. Every citation *must* be perfect and every sentence *must* be citable, quotable, and defensible. Eventually, your drafts will become final, with the clerk giving it one last read before her final read and signature. You've done it – you have written a judicial opinion.

The perks should be obvious by now. You will emerge a better and more efficient researcher and writer. You will learn about the litigation process from the viewpoint of a seasoned judge. You will witness some of the best – and worst – attorneys and note winning and losing styles. You will build a relationship with a respected attorney and willing mentor. Finally, you will have made

a tangible impact on real cases with extraordinary importance.

There are downsides. First, PILC won't pay you while you work dreadfully long hours in the summertime (administration, if you are reading this, PLEASE reconsider this policy).

Second, you might intern with a judge who does not let you write opinions. To supplant that, ask your Judges while you interview if you will write opinions. For various reasons, I do not recommend interning for a judge who does not let you write opinions.

Third, you have to be able to take criticism. While my judge was extraordinarily sweet, she also (justifiably) got frustrated if we made the same mistake over and over again. The clerks can be even harsher.

Fourth, don't expect a lively culture. The mood around chambers is serious and the clerks will preoccupied with their own work. Ask in your interview what

the hours are like and if there are chambers or courthouse events. For example, my judge invited her interns to her annual clerk family reunion but did not alert us to a courthouse internship party. The clerks grabbed lunch with us only a few times – generally, they ate at their desks.

Finally, you might not be able to use your opinion as a writing sample; again, ask your Judge during the interview. You might need to do some of this research beforehand – judges often expect you to accept an offer on the spot.

Judicial internships are ubiquitous: there are various types of courthouses – between the state and federal levels – all over every state in the country with internship programs. Please consider the judicial internship, even if you have to live with your parents for one more summer.

Clarifying Summer Job Earnings' Effect on LRAP

TO THE EDITOR:

I write in response to an article in the September 30 edition of *The Commentator* regarding the law school's Loan Repayment Assistance Program (LRAP or Program) and its summer earnings policy. As the author's interpretation of the policy is likely to be misinterpreted by readers, I believe some clarification is necessary.

Contrary to the article's main premise, the summer earnings policy does not take anything away from students or Program participants. The policy simply sets forth a rational expectation that students will use a reasonable portion of available financial resources (in this case, summer earnings) to pay for the cost of attending law school (as opposed to borrowing).

Instead, it raises the student contribution by the amount earned in excess of \$15,000 during any of the 3 law school summers (1L and 2L summers, and the summer following graduation). A more detailed description of the Program and its guidelines can be found in section 4 of the Program Description.

As a matter of financial prudence, students are always encouraged to reduce their borrowing and consider using available personal resources as much as possible. However, notwithstanding the policy, students may still borrow to cover any part of their student contribution. Any debt incurred in doing so, though, will be ineligible

for consideration under the Program.

A significant number of LRAP participants follow our recommendation and use summer earnings to pay some of their educational expenses (enabling them to borrow less). These individuals routinely enter LRAP with debt levels that allow them to minimize the impact of summer earnings on their LRAP eligibility and maximize their program eligibility.

This more thoughtful and long-term approach to borrowing makes it possible for these individuals to leave law school in a more favorable financial position.

To assert that LRAP policy takes money away from students is an unfair characterization of a program that is among the most generous of any law school and that currently provides more than \$4.5 million worth of annual loan repayment support to over 450 graduates working in the public interest worldwide.

Each student's financial situation is unique and we encourage those considering LRAP to meet with a member of our office to talk about their individual circumstances. Please feel free to e-mail, call, or simply stop by our office on the floor of Furman Hall.

JOEL SCHOENECKER
DIRECTOR OF STUDENT
FINANCIAL SERVICES

It's No Lie: Ricky Gervais's *The Invention of Lying* is Definitely Not His Finest Work

BRIAN BYRNE LL.M. '10
STAFF WRITER

Let me begin by immediately confessing my unflinching bias in favor of Ricky Gervais. For those unfamiliar with his work, he is the brainchild and star of two of the most successful British comedy series ever produced: *The Office*, and *Extras*. In addition, he has released three critically acclaimed stand-up DVDs (*Animals*, *Politics*, and *Fame*), not to mention his other film and TV appearances. Honestly, due to the reverence I have for his creative output so far, the notion of me reviewing this movie with any semblance of neutral foundation is simply untenable. My DVD collection proudly encompasses almost everything he has ever released and I have watched it all repeatedly with glee. Actually, over the years, I have assumed a role of valiant ambassadorship, promoting his genius to anyone who will lend me an ear. And now, finally, I have an opportunity of huge personal significance: to endorse Ricky Gervais in a public forum and donate to his mammoth wealth of critical acclaim.

Yet with this opportunity comes a vicious sting in the

the truth and in fact, volunteers the truth at all times. Gervais plays a character named Mark Bellison, who is thoroughly unimpressive in all respects. However, when Mark becomes the first human being to gain the capacity for making a statement that is not true, he enjoys immense power and success. Any fan of Jim Carrey would be forgiven for imagining a hybrid of *Liar Liar* and *Bruce Almighty*, but I can assure you, *The Invention of Lying* is much more intellectually engaging than either. Indeed, much of the humor can only be enjoyed if one keeps pace with the overarching hypothetical of a world where humans can tell only the unadulterated truth. For example, imagine if advertisers could not engage in embellishment of any kind. The result is hysterically apt. Coke's advertisements bare the triumphantly banal slogan of "It's very famous!" while Pepsi must make do with the defeatist slogan of "When they don't have Coke!"

This fresh conceptual humor is especially enjoyable when thrust upon the human dynamic. Jennifer's Garner's sweet charisma contrasts hilariously with her outright bluntness, particularly in her deprecation of Gervais' character on their first date. All the while, Gervais absorbs the

at the show's cancellation).

Although *The Invention of Lying* offers a novel concept, intelligent humor, and laugh-out-loud comedy, I couldn't shake the feeling that Gervais lacked personal restraint when co-writing, and co-directing. Much of the movie revolves around Mark Bellison becoming the world's first prophet, and introducing the notions of God, heaven, and hell to humanity (the idea being that because humans lacked the ability to lie, neither religion nor spirituality had ever existed prior to this).

In real life, Gervais openly proclaims that he is an atheist and this viewpoint naturally permeates his other work, such as his stand up. In the context of stand-up, advancing the atheist manifesto does not feel inappropriate, because after all, the audience is there to see a performance, which will obviously be directed wholly by the comedian's own personality. However, in a mainstream comedy, steering the plot in that direction just feels too smarmy.

Paradoxically, the movie seeks simultaneous conformity with the Hollywood sentimentality quota. Tacky montages are laced through the story showing Mark utilizing his "powers" for good, such as giving money to homeless people (ironically after fraudulently appropriating it from the bank). Also, Jennifer Garner's character must overcome her superficial mantra of "you're not attractive enough to be my soul mate!" Obviously, sentiment is a formulaic standard in this genre, but it does seem odd to adhere to it considering that the non-conventional premise actually conjures

such bleakness as a retirement home titled "A Sad Place For Hopeless Old People."

The only rational conclusion I can draw is that the movie represents a confluence of two competing demands. On the one hand, Gervais is expected to please the masses to inflate the Box Office, while on the other, he is expected to continue his legacy of original high brow comedy. Although this movie fails to strike the balance, it offers some exceptionally funny material in its attempt!

Flu: School Suggests Masks

Continued from page 1

seasonal flu is also on the horizon, threatening student productivity just as much. Student Health is encouraging students to get vaccinated through a number of outreach events during October. In addition, Student Health is offering vaccinations at walk-in appointments each week at no cost for students covered by NYU-sponsored health insurance.

In the meantime, students are advised to not only cover their coughs, but to remain vigi-

lant about washing their hands and keeping their hands away from their faces. In the event that flu or illness strikes, NYU is encouraging students to stay at home. Of course, law students may insist on coming to class, in which case Dr. Ciotoli has suggested, "wear a mask." With vaccinations and good hygiene, the law school will get through another flu season.

Music: Panel Has New Ideas



Jason Thurmer

The audience eagerly listens to the panelists' views on the future of music.

Continued from page 1

television and music access. This could simplify things from the consumers' point of view and minimizing the need for illegal downloading, whilst allowing the record companies to hedge their risks and pass some of their costs onto consumers.

From the production perspective, a complementary model might be Camelio's own "ArtistShare", which envisages the fan-funded creation of new recordings, with the artist being paid prior to the release of the record.

There was much emphasis placed on the role of copyright in not only rewarding creators for their efforts, with royalties being a source of steady remuneration,

but ensuring that their legacy offers financial support to their families. By Shukat's own admission, despite the fact that most of his clients, such as Jimi Hendrix, Bob Marley and John Lennon, are dead, they continue to generate a lot of money. However, much of the copyright relating to great musical works is owned by corporations, which might cause tension with the creator and his or her family.

Thus, some of the panelists emphasized that rather than causing the death of the music industry, this technological upheaval may result in the birth of a new model, one that will more admirably serve the interests of both the artists and the public, and restore some equilibrium into the picture.



Ricky Gervais (right) misses his mark in his latest film, *The Invention of Lying*.

tail: am I willing to betray my champion of comedy in an effort to bolster and sustain my critical integrity? To answer that question, I must first assess the probability of Ricky Gervais ever reading this article . . . finding said probability to be nil, I feel safe to proceed, albeit tentatively.

Without further ado, I must first explain the unconventional concept upon which *The Invention of Lying* is premised. Events take place in a world where human beings do not possess the ability to lie. Everybody tells

lashings of verbal abuse with his trademark blend of feeble, semi-interruptive resistance that is still as funny today as it was when he first played David Brent on *The Office*. His shtick may not have evolved much in ten years but his Hollywood status certainly has. This movie boasts an all-star cast including the ever-wonderful Rob Lowe, Tina Fey and Jonah Hill, not to mention cameos by Philip Seymour Hoffman and Edward Norton. However, it is Jason Bateman's cameo as a doctor that steals the movie (*Arrested Development* fans can anticipate a renewed sense of frustration

Commentator

CROSSWORD Solution

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