



IPELS Panel Discusses Future of Video Game Industry

BY ALEXIS TUCKER '12
CONTRIBUTING WRITER

Over the course of the year, the Intellectual Property and Entertainment Law society (IPELS) has been holding a four-part colloquia series entitled *The Future of Entertainment Law*. Following their successful first event in October, which focused on the Music Industry Today, IPELS recently dedicated the second installation of this series to the growing industry of gaming and, on November 17, sponsored a panel discussion entitled: "A Culture of Gaming: From Your Living Room to Your Social Network."

The panel, which primarily discussed the future of the video game industry and the rise of gaming in social media, was moderated by attorney Tom Guida, a partner at Loeb & Loeb, LLP, whose practice represents entertainment companies and business owners, focusing on digital content development and distribution.

In addition to Mr. Guida, the other three panelists were, Anthony Traymore, a senior associate from Reed Smith who provides strategic counsel and transactional support in connection with initiatives involving technology, advertising and media across a variety of industries; Katharine Lewis, Deputy Head of FM Ventures, the venture capital fund of FremantleMedia, which is the world's largest independent TV production and entertainment company, producing shows such as "The Price is Right" and the "Idols"; and John C. Knapp, a litigation associate at Patterson Belknap Webb & Tyler, LLP, who concentrates on intellectual property matters and was an associate on the recent Hasbro suit against Scrabulous.

While the discussion covered a range of topics, perhaps the most interesting theme revolved around certain trends in the industry. Gaming is rapidly expanding in terms of platforms and demographics, yet, with the

exception of major companies and large cult games, the pricing trend for the industry is generally approaching zero — although this is considered to be a new challenge rather than a problem. Other topics discussed included the issue of "copy cat" games, particularly among free applications on Facebook; branding and advertising within games; and, perhaps most interesting, how the lines between virtual and actual reality are blurring, as people are now using real money to participate in activities within video games. At the close of the panel, when asked how a law student should pursue a career in the gaming and technology law fields, the general advice was unanimous: don't be afraid to take jobs in general practice positions to learn more about the various practice areas involved in gaming law, such as corporation law, intellectual property, and employment law (to name a few); understand the changing trends in technology, and look at the kinds of clients



Elyse Feuer

that various firms represent to get a better idea of if this would be an ideal job for you.

If you weren't able to make the first two events (or did, and loved what you saw!), be sure to

check out the next two panels in The Future of the Entertainment Industry series in the spring, which will be focused on the Future of Publishing and Television Industries.

Unstoppable, Man Crush Take Home Titles in Annual SLAP Football Playoffs



Stavan Desai

In the SLAP flag football finals, light contact division, Unstoppable (above) defeated Sack Lunch to win its second consecutive title. In the full contact division, Man Crush topped Honor an Offer for the crown. The playoffs were played over two consecutive weeks, Nov. 13 and Nov. 20 at East River Park.

Analysis: One Person's Take on the Latest Forum

BY ANDREW KLOSTER '10
STAFF WRITER

By their very presence Nov. 18 in Vanderbilt Hall, six student panelists, two professors, a psychiatrist, Vice Dean Barry Friedman and a standing-room only audience of more than a hundred demonstrated the falsity of the proposition they were advancing: namely, that the discussion of "issues of difference" — meaning issues of class difference — is stultified in the classroom.

The event was the brainchild of Helam Gebremariam '10, Editor-in-Chief of the Law Review and a student who experienced adversity growing up. Last year, when Vice Dean Friedman suggested the admirable idea of a weekly law school event, he met with students regarding possible programming. While most suggestions floated at the time fell into oblivion, I distinctly remember discussing "Speaking Up and Speaking Out." At the time I expressed the same reservations that it would reinforce the sorry delusion that critical legal studies was somehow out of vogue or "disenfranchised."

The irony is that critical legal studies—indeed, any critical stance—is, to borrow a phrase, a comparative of which we have not settled the superlative. It is iconoclastic, without answering the question: what next? Thus, it is important to those who drink the CLS Kool-Aid that they never admit when they have succeeded in their frontal assault on the legal establishment. Were they to

admit as much, they would wake to the cold reality of having to govern. As a result, even when confronted with a standing-room only audience in Vandy, the romanticism inherent in the martyr's story is at the back of everyone's minds. These students waited, white-knuckled, to hear the familiar refrain: you are forward-thinking. No one understands or accepts you for who you are. There are reactionaries outside this room, gnashing their teeth and hoping you fail.

The reality is that the members of the panel are not victims, at least in the sense they claim. One could even plausibly contend that the systemic biases inherent in any legal structure are tilted in their favor. A friend of mine decided not to attend the Forum meeting, noting that it would just make him mad, and in any event he (and this was a bit tongue-in-cheek) was "afraid" to speak up. Time and again I have seen incidences of bias proclaimed as articles of faith, and mob justice used, ironically, in the classroom, against dissent. Incidentally, this justice was never used against an expositor of the critical position.

In Vanderbilt Hall, thankfully, one of the speakers was able to avoid full-blown philosophical onanism. Professor Burt Neuborne noted that a "safe space" for discussions of "difference" was, perhaps, stifling to pedagogy. Put another way: the rampant ideological ipse-dixitism of NYU law students may play well in the classroom, but it does not make good lawyers.

Infra	Just in time for finals, we have a completely original and quite difficult crossword puzzle to lower your productivity. Don't worry; everyone else on the curve is trying to solve it as well.	page 2
	A book review about Brandeis. The justice, not the college.	page 3
	As the end of the decade approaches, we reflect back on the last 10 years in arts and entertainment, with a bevy of staff lists.	page 4

The Decade Summarized in Three Words: Anti-Christmas List

BY DENNIS CHANAY '11
STAFF WRITER

A new decade is around the corner. Like the decade that has just passed us by, 2010-2019 looks to be 10 more years of dreams and possibility that will no doubt come to be remembered as a long hideous nightmare of unrealized possibility. A new decade is breathing down our necks, my friends, and I wish we could fight it.

When I was 13, I liked to imagine what my life would be like in 2010 and beyond. If you asked me what I wanted to be, I would have exclaimed, "a scientist!" Not any kind of scientist in particular. Maybe I'd cure a disease, visit the bottom of the ocean or build an awesome robot. I didn't know, I just wanted to do something important and contribute to the world in some way.

Too many video games and failed science classes later, it looks like I'm going to be a lawyer. The closest I'll ever come to wonder drugs, submarines and robots will be suing the people who make them possible. That's ok though; it may be too late for me to create anything of lasting value to this planet, but other people, studious people, the real salt of the earth types, are out there somewhere, swirling test tubes, observing the universe, and struggling to bring us into the next stages of human development. And I'll be there when they screw up.

When we complete law school, we will be right there beside those scientists, waiting for their missteps. When babies

are born with no eyelids, stupid whales forget their stupid migration patterns, and robots become dangerously self aware, we'll be the ones laughing all the way to the bank. Ha-ha-ha, tear.

For these reasons, I don't like to think about the future very much. It's best just to take things as they come. But, it might be worth looking back. In many ways, my Christmas list for 2009, reflects everything wrong with my per-

Comment

Full of Sound and Fury

sonality, 90 percent of which are bad habits built up over the past decade. For instance, I stopped making a list of things that I actually want years ago, choosing instead to list the top-10 items that I absolutely do not want. Call it an anti-Christmas list. I find this to be the most efficient way to avoid presents I am dissatisfied with. Despite yearly complaints by family members, I've done this every year since college.

The top of my list this year is the Kindle. See, I hate reading and it's hard to overstate that. For some reason my family is convinced that I like to read. But to be 100 percent honest, I haven't made an honest attempt to read a novel in years. I can barely remember the last time I feigned interest in a book: *To Kill a Mockingbird*, sophomore year of high school. Since that day, at the tender age of

15, I have not picked up a work of fiction longer than 10 pages. This includes any subsequent English assignments throughout high-school and college. As my like-minded little brother says, "If it's a good enough book, they'll make it into a movie, eventually."

What happened? I used to love reading when I was in middle-school. And it's not like I don't read magazines, text books, etc. Its just that somewhere along the

way I stopped trying to pretend that reading 700 page books about wizards or vampires or just about anything else was going to be worth the effort. This has been an overwhelmingly negative habit but at eight years and counting, it is safe to say I may read only another one or two novels in my entire lifetime, tops.

Next on the list are two things I ask not to receive every year: (1) pictures and (2) gift cards of any variety. As for pictures, I don't want them. Keep them away from me. If I already know somebody then I don't need a picture of them. Having a loved-one's face cluttering my already filthy desk is not going to brighten my day. If anything it's going to make me resent them when I try to sharpen a pencil and accidentally put a chip in the decorative frame that surrounds their beautiful face.

And gift cards? Last time I checked, I wasn't addicted to meth. So, you can trust me with an actual 20-dollar bill, I promise. The AppleBees or Kmart logo does not make your money a more valuable or sentimental gift. In fact, it does the exact opposite. Enough said. And, as always, my anti-Christmas list concludes with this: "Anything Christmas related." Yes, I know it's Christmas time and anyone can get a little bit festive while they're out shopping. But boxers, socks and anything else with candy canes on it, stop being funny on December

26, if they were ever funny to begin with.

I realize this entire practice of the anti-Christmas list probably makes me an arrogant creep. But I've come a long way since my days of dreaming about saving the world. The world itself has too. *Time Magazine* calls this last decade "The Decade From Hell." How's that for a statement? I realize that a lot of serious and awful stuff went down over the last 10 years but, on the whole, we've managed to hang in there. Shouldn't that be something to celebrate?

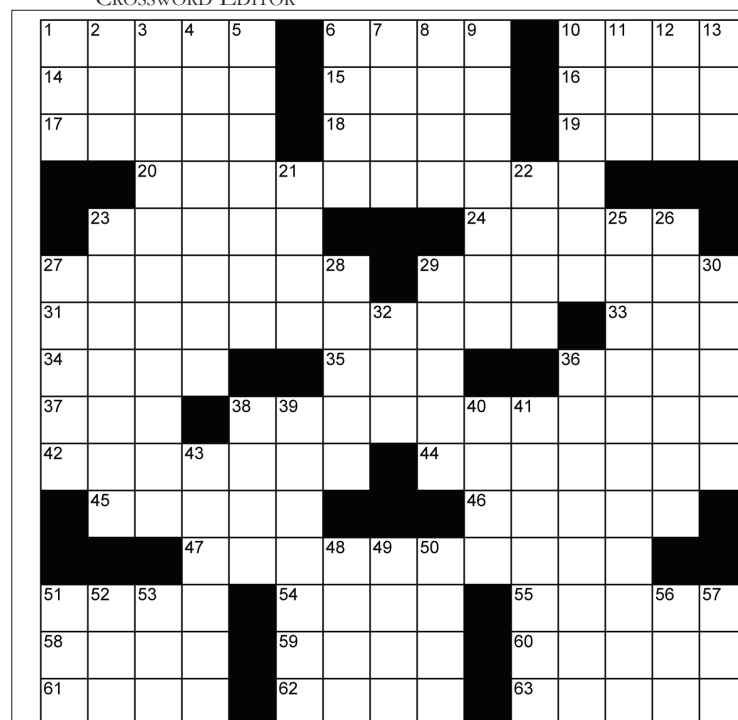
Have the sum of all the world's disasters and tragedies in this decade really been that much worse than all of those in years passed? And even if they are, have we no achievements or triumphs worthy of saving us, just barely, from the hell description? Maybe the logic behind my anti-Christmas lists has caught on. Maybe focusing on the negative somehow *is* the best way to move forward. Today I like to imagine that this is a kind of cynicism is not worth giving thought to. Then again, ask me in 10 years.

Commentator

CROSSWORD

BY CHRIS ROBERTSON '11
CROSSWORD EDITOR

Solution on Page 3



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ACROSS

- 1 Snowball's sound
6 Large swig
10 In addition
14 Bloodsucker
15 Lost
16 I'm all ____
17 1/12 of a can of Pabst
18 Scorch
19 Sgts. and Cpls.
20 Affluent Long Island region
23 ____, ____, and Dupree
24 Dogwalking necessity
27 Islamic sect
29 Jack Sparrow's enemies?
31 Downstate county
33 Managed care provider, for short
34 Songs by Jeff Lynne's group
35 Late starter?
36 Something to be thankful for

37 Internet connection acronym

- 38 Brooklyn neighborhood situated above Jamaica Bay
42 Ax Men
44 Sighs
45 What a loan shark does
46 Studied intently, with "over"
47 Yankee Stadium locale
51 Schruete Farms produce
54 Front of an aircraft
55 Hunt illegally
58 Wile E. Coyote's supplier
59 Large buckets
60 Tree-lined, maybe
61 North African Arab
62 Tolkien baddies
63 Ford failure

DOWN

- 1 ____-Mo
2 Little, in Rouen
3 Like "Come Together" or

"I'm a Loser"

- 4 Payables or receivables
5 Relating to heat
6 Serious cut
7 Functions
8 Rachel's sister
9 One out on conditional release
10 Trojan hero
11 Fond du ____, WI
12 Sign at a packed theater (abbrev.)
13 CIA precursor
21 John who wrote the "NBA on NBC" theme
22 Behind
23 The "Old Man of the Moonlight" in Chinese tradition
25 They tend to make students anxious
26 Tolerated
27 Dandy
28 Lake in Siskiyou County, CA
29 Director Oliver
30 Religious ascetics
32 The Concorde, e.g., for short
36 Like Schwarzenegger's "The New Encyclopedia of Modern Bodybuilding"
38 Architect Saarinen
39 But mine eyes ____ thee, O GOD. . .; Psalm 141:8
40 Not local, abbrev.
41 Exclamation of glee
43 "Fa Fa" band
48 Period of enlistment
49 The world's largest banking group
50 Harry's wife
51 Emeril's catchphrase
52 Environmental prefix
53 Jimmy Eat World genre
56 Third letter
57 Good cholesterol, for short

the Commentator

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New Brandeis Book Is Both Interesting and a Replacement for Warm Milk

By GAVIN KOVITE '10
STAFF WRITER

"We may have democracy, or we may have wealth concentrated in the hands of a few, but we can't have both." — Louis Brandeis

"Let me assure you that the book serves as a very good doorstop, and with a glass of warm milk will really put you to sleep well at night." — Melvin Urofsky, on *Louis D. Brandeis: A Life*

Urofsky is right: the book is heavy and boring, kind of like a casebook. Its redeeming value is that it is packed with interesting knowledge for anyone with the attention span to get through it — also like a casebook. Perhaps this should not be too much of a surprise, given that Prof. Urofsky is not a pop historian *a la* Steven Ambrose or Norman Davies, but an academic legal historian, who was a tenured history professor before going to law school (at age 40!) in order to gain a practitioner's perspective on the subject. Check out his near-Epsteinian oeuvre in an author search on Julius. Impressive...most impressive.

But the book is pretty boring, which is a shame, given how fascinating its subject is. Louis D. Brandeis was born just before the assault on Fort Sumter and died just before Pearl Harbor. He was a first-generation American and arguably the first Supreme Court justice for whom English

was a second language. As Urofsky frames it, Brandeis had four careers, first as a private lawyer (who practiced for three decades before becoming a justice); then as a legal reformer (a champion enforcer of the Sherman Act and a crusader against corruption and "consumerism"); then as a leader of world-wide Zionism; and fi-

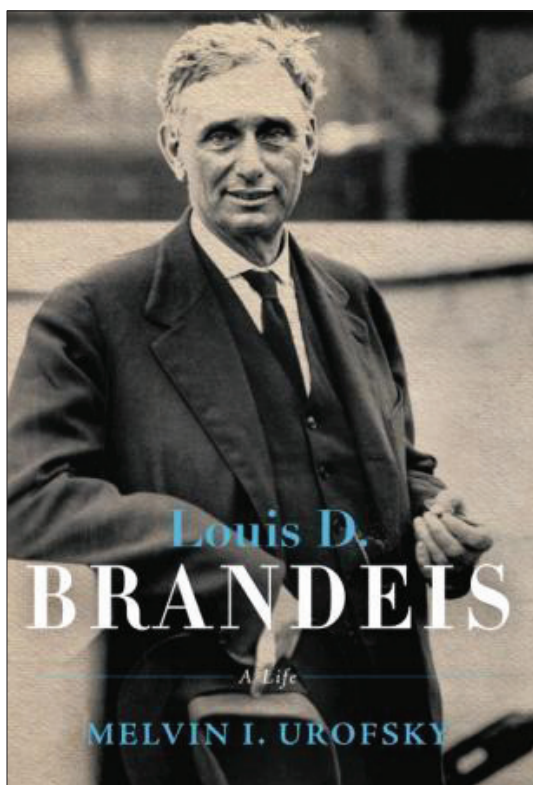
us a better picture of the Justice's personality the way someone like William Manchester did in his biographies. It reads more like *The Nine*, actually, with most of the book focusing on political, legal, and bibliographical events and precious little "human interest" tidbits (Souter eats apple cores, e.g.).

The story of the Brandeis family's arrival in the New World would read like a Michener novel if the author's writing style was a bit less dry. Brandeis' parents were entrepreneurial Czechs who emigrated from Prague after the uprisings of 1848, when life in central Europe became precarious — especially for Jews. The Brandeis clan sent Louis's father Adolphus, who scoped out the Midwest and sent for the others, soon founding a grain merchandising firm which would become hugely successful after supply contracts for the Union Army began rolling in during the 1860s. While the rest of his family stayed in Louisville, young Louis (no relation) rode off to Harvard law and began his steady ascent through the profession, starting a law firm in Boston and marrying well before

entering public service. Brandeis was a proto-"limousine liberal," a very wealthy lawyer who spent most of his time moralizing and litigating against powerful corporations in the name of the public. Hit up his wiki page for a listing of his many accomplishments as an advocate, including his invention of the concept of a constitutional right to privacy and the prevention, with Teddy Roosevelt, of a J.P. Morgan railroad monopoly, and his strong defense of labor

laws. Brandeis' accomplishments simply make too long a list to be included in this book review. If you're really interested in Brandeis, you can borrow the book from me. It is 976 pages. If you just want to read a cool biography, I'd go with *The Last Lion* by Manchester. It's even longer, but way more interesting.

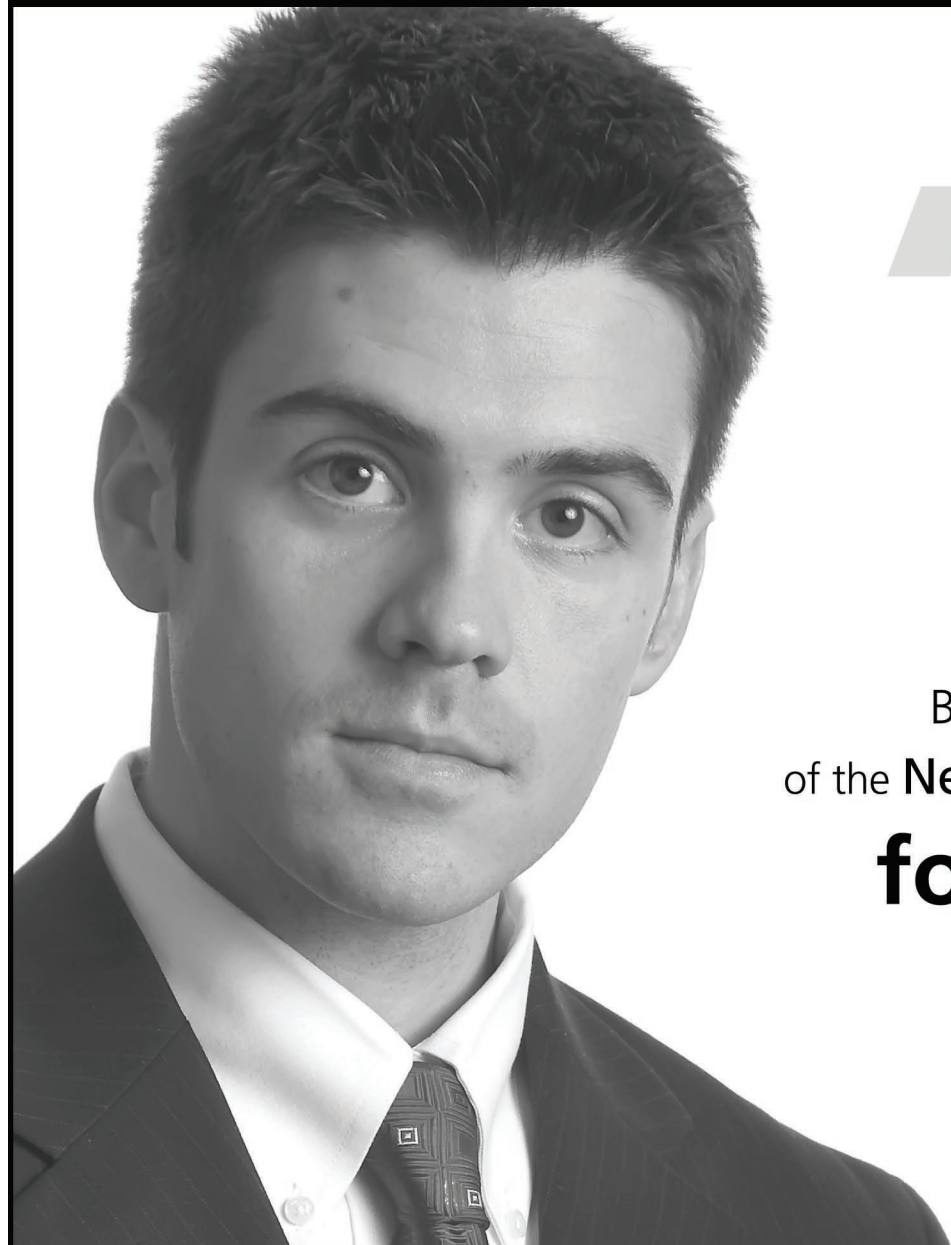
Louis D. Brandeis: A Life
Melvin I. Urofsky
Pantheon 2009, 976 pages



Commentator
CROSSWORD Solution

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MOVIES

Farrell Brody '12
Staff Writer

1. Requiem for a Dream
2. Eternal Sunshine of the Spotless Mind
3. Children of Men
4. Hero (China)
5. Dancer in the Dark

Brian Byrne LL.M '10
Staff Writer

1. Training Day
2. 25th Hour
3. City of God
4. Adaptation
5. Memento

Dennis Chanay '11
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1. Gran Torino
2. Thank You For Smoking
3. Up
4. Anchorman
5. The Aviator

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1. Lord of the Rings Trilogy
2. Gladiator
3. The Departed
4. City of God
5. Zombieland

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1. Downfall

2. Mar Adentro
3. The Departed
4. Memento
5. Ratatouille

Joseph Jerome '11
Managing Editor

1. Serenity (Sci-Fi)
2. In the Loop (Comedy)
3. Garden State (Seminal College)
4. Vanilla Sky (Drama)
5. Wall-E (Animated)

Michael Mix '11
Editor-in-Chief

1. Eternal Sunshine of the Spotless Mind
2. The Departed
3. Sideways
4. Kiss Kiss Bang Bang
5. Habla Con Ella

Chris Robertson '11
Crossword Editor

1. Old School
2. Pan's Labyrinth
3. Superbad
4. No Country for Old Men
5. Eternal Sunshine of the Spotless Mind

TV SHOWS

Brian Byrne LL.M '10

1. The Sopranos
2. Entourage
3. Arrested Development
4. 24

5. The Wire

Dennis Chanay '11

1. Six Feet Under
2. South Park
3. The Office
4. Iron Chef
5. The Soup

Stavan Desai '11

1. The Wire
2. The Sopranos
3. Lost
4. Mad Men
5. Alias

Elyse Feuer '11
Staff Editor

1. The Office
2. Curb Your Enthusiasm
3. House
4. Big Love
5. Rock of Love Bus with Bret Michaels

Erica Iverson '11

1. Arrested Development
2. Freaks and Geeks
3. Mad Men
4. The Office
5. The Daily Show

Joseph Jerome '11
Managing Editor

1. Battlestar Galactica (Sci-Fi)
2. The Wire (HBO)
3. The Office (Comedy)
4. The Shield (Drama)

5. Boston Legal (Com-Dram)

Michael Mix '11

Editor-in-Chief

1. Arrested Development
2. Mad Men
3. Lost
4. The Sopranos
5. Curb Your Enthusiasm

Chris Robertson '11

Crossword Editor

1. Arrested Development
2. Band of Brothers
3. 24
4. South Park
5. Curb Your Enthusiasm

ALBUMS

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Staff Writer

1. Orishas- A Lo Cubano
2. Green Day- American Idiot
3. Jay-Z - The Blueprint
4. Kanye West - College Drop Out
5. Once: Music From The Motion Picture

Brian Byrne LL.M '10

1. Jack's Mannequin - Everything in Transit
2. Blink 182 - Blink 182
3. Jay Z - The Black Album
4. Bloc Party - Silent Alarm
5. The Shins - Chutes Too Narrow

Dennis Chanay '11

1. The Strokes - First Impressions of Earth
2. Wilco - Yankee Hotel Foxtrot
3. The White Stripes - Elephant
4. Aphex Twin - Drukqs
5. Sufjan Stevens - Illinois

Michael Mix '11

1. Arcade Fire - Funeral
2. LCD Soundsystem - Sound of Silver
3. The National - Boxer
4. Arcade Fire - Neon Bible
5. Radiohead - In Rainbows

VIDEO GAMES

Dennis Chanay '11

1. Katamari Damacy (PS 2)
2. Pokemon Emerald (Game Boy)
3. Guitar Hero II (PS 2)
4. World of Warcraft (PC)
5. Halo (Xbox)

Stavan Desai '11

1. Grand Theft Auto Series
2. Halo Series
3. The Elder Scrolls: Oblivion
4. Call of Duty Series
5. Rockband

Joseph Jerome '11

1. Final Fantasy XII (Japanese RPG)
2. Mass Effect (RPG/Adventure)
3. Grand Theft Auto III (Action)
4. ESPN NFL 2K5 (Sports)
5. Metroid Prime/Bioshock (FPS)

In the 2000s in Entertainment, the Small Became Big and the Big Became Terrible

BY MICHAEL MIX '11
EDITOR-IN-CHIEF

For many of us law students currently in our 20s, the only decades we can truly remember are the 1990s and the 2000s. The two decades are similar in many respects (a two-term President, a health care debate and domination by the Detroit Red Wings), in the realm of arts, the 2000s continued a trend that began in the late 1990s. This decade continued the so-called "Digital Era," and many commentators focused on this era's effect on social interactions. But in actuality, I believe that perhaps the Internet's greatest impact has been in the realm of arts and entertainment.

My central thesis is that with the proliferation of the Internet, there is an ever-increasing gap between what is good and what is popular. Think about it. Back in the 1970s for example, before the Internet, unless you were well connected or lived in a major city, your only connection to the arts world would be through radio, television and print media. As is still true today, these three mediums focus almost exclusively on mass-produced, popular culture. Watch a commercial on TV for a movie, and you are much more likely to see and ad for *Twilight* than the indie movie du jour. Listen to the radio, and you are much more

likely to hear Britney Spears than Grizzly Bear. However, in the 1970s (and 1980s and early 1990s), there were very few ways for consumers to even know about bands, movies and TV shows that were more under the radar. Therefore, if you grew up in the middle of nowhere, where the movie theaters only played big studio films and the radio only played major

talented musician or filmmaker today can afford to avoid the major studios and labels and still make a career. Therefore, many talented artists choose work on a much smaller scale. If Pink Floyd began its career today, would they have made radio-friendly songs and been on a major label? Doubtful. A great example of this phenomenon in the world of

Comment

The Guy Behind the Guy Behind the Guy

label music, it would be incredibly difficult for you to ever hear about independent culture.

As a result, I believe that before the Internet, the more talented individuals gravitated more towards mainstream culture. If you wanted your arts to be seen or heard at all by even a semi-small cross-section of the country, you had to get your product on radio or backed by a major studio. It would have been very difficult to make a career otherwise.

Today, though, with the Internet, it is a lot easier to build word of mouth. Similarly, it is a lot easier to consume the independent product, with the advent of Netflix, amazon.com, iTunes, etc. As a result, the

music is Pearl Jam, which in the early and mid-90s was one of the biggest bands on the planet. Its music, including the classics "Alive," "Even Flow," "Black," "Jeremy," "Daughter" and "Better Man." However, Pearl Jam began to retreat from the spotlight, eschewing singles, music videos and radio-friendly songs. If the band had entered into this strategy in 1979, it probably would have been finished because people would not even know that the band still existed. But now, by staying current with the band's website or other music-related sites, a fan can easily stay aware of new albums and concert tours.

However, just because talented artists are more independent than

they were in the past did not mean that the major labels and studios gave up. As is painfully obvious in the world of film, the exact opposite is true as there were a number of movies this decade that made mind-blowing amounts of money at the box office. However, while some of the top-grossing films, like *The Dark Knight* and the *Lord of the Rings* trilogy, deserved its dollars, many of these other films are utter dreck. For example, *Pirates of the Caribbean: Dead Man's Chest*, *Transformers: Revenge of the Fallen*, *Spiderman 3* and *The Passion of the Christ* were all among the films that made the list of top-10 grossing United States films of the decade. The fact that Gore Verbinski and Michael Bay made such high-grossing movies shows this dichotomy between popular and good.

However, it was not all bad. Because of the aforementioned ease of word-of-mouth buzz, some of the smaller films actually became more popular than would have ever been imagined. For example, *Juno* was made on a budget of \$7.5 million with a barely-known teenage star. The movie, aided by very positive Internet buzz ended up grossing over \$143 million dollars. Would that have been possible in the pre-Internet age? I doubt it.

One possible hole in my argument is that in the world of television, many popular shows this

decade, such as *24* and *Lost*, have also been critical darlings. But if you actually look at the Nielson ratings, among the top-rated shows of the decade are *Who Wants to Be a Millionaire?*, *Survivor*, *CSI* and *American Idol*, which were not exactly the critical best. In addition, many of the "best" shows, such as *The Sopranos*, *Curb Your Enthusiasm*, *Weeds*, *The Shield*, and *Mad Men*, aired on cable and not on the traditional big three networks. With so many channels making the leap into creative programming, talented television creators can shop their shows around, and be more selective. Furthermore, DVDs and streaming video make it incredibly easy to catch up with TV shows, enabling dramas to more easily employ the "serial" format.

All in all, this decade clearly changed how consumers find and consumer entertainment. This has resulted in our increased ability to find quality entertainment, but it also means that the more "mass-produced" entertainment is of inferior quality. Hopefully, in the next decade, studios will hopefully continue the model utilized to perfection with *Batman Begins* and *The Dark Knight*—take the independent filmmaker and put him in charge of a huge movie franchise. This model can be used in music and TV as well, and will hopefully improve the quality of entertainment.