

The Championship Game between Cunning Litigants and Sack Lunch was played on Friday, Dec. 3, after this issue went to print. Check the first issue of The Commentator in 2011 to find out the winner.

### Police Commissioner Kelly Discusses Controversial Programs

BY HANNAH BAKER '13 STAFF WRITER

On Nov. 18, The Honorable Police Commissioner Raymond W. Kelly spoke briefly - and answered many questions in Greenberg Lounge.

He began by detailing the police department's successes. Although



Kelly went on to describe the new programs he has introduced, to which he attributes much of

"designated impact zones."

Under the oversight of more

leads to smaller, not larger experienced supervisors, these new recruits have, Kelly said, reduced crime in some areas by 30 percent in six months. Kelly described this concentration of police forces in poor neighborhoods as an advantage of democracy. "In less democratic societies, police protection is reserved to the elite," he said.

Kelly praised the Juvenile Robbery Intervention Program, under which police officers visit the homes of first-time juvenile offenders to explain the seriousthe police ness of the offence. Sometimes they involve social services. depart-He spoke with pride about the ment's success. diversity of the police department, saying, "In my experi-"Operaence, there is no substitute for tion Impact" stapolice officers who come from tions new the communities they serve." officers, Kelly also addressed some fresh from their training, in of the department's more con-

use of cameras, and for software which can, for example, "look up all red jackets in the last 30 days." Kelly made it clear that all the police department cameras are clearly labeled. "They're obvious and we want them to be that way," he said. When one questioner asked about subtle effects of the presence of so many cameras, Kelly appeared to sympathize with those concerns, but said that debate's time had not yet come. "It's only been nine years since 9/11," he said. "People

Kelly fielded a number of questions about stop-and-frisk. In fact, almost all the questioners had something to say on the topic. One housing lawyer asked about vague reasons for stops, such as "furtive movements." Kelly responded, "there is probably a lot more to the story." Such vagueness, though, is the necessary consequence of a multiple-choice form which is "the result of negotiation." Another questioner asked if the stop-and-frisks are intended to stop only major crimes or minor rules violations as well. Kelly said that the officer must suspect a real crime, rather than mere disorderly conduct, but that minor offenses are targeted as well. In response to concerns that, due to Operation Impact, inexperienced officers were doing much of the stopping, Kelly stressed the importance of oversight and training.

there are 60,000 fewer officers than in 2001, and despite the new threat of terrorism, crime has gone down. Surprisingly, the

down with it.



want to feel safe. Probably at some point, though, enough is enough." Kelly described the conten-

tious "stop-and-frisk" policy as one of engagement. "This tactic is lifesaving," he said. "Taking weapons off the street results in fewer violent encounters between the police and the public."



prison population has gone

"Success fighting crime

Page 2: Professors should earn their claps and good evaluations, too.

Page 3: 'Tis the time to give thanks.

troversial policies. He shared

his enthusiasm for the extended





Page 4: The Boy Who Lived is back for part one of his seventh adventure.

# **Opinions & Editorials**

### **Teacher Evaluations Are Fundamentally Flawed**

#### BY DANIEL EVANS '11 **CONTRIBUTING WRITER**

While I appreciate the importance of teaching evaluations, I would like reiterate an oft-repeated criticism of how NYU Law employs them. In the majority of classes the final exam is such an integral part of a professor's overall performance that any evaluation made prior to the exam will be incomplete and likely inaccurate. Grades matter in law school, and a professor's ability or inclination to create an exam that is an accurate test of students' ability to apply the material covered in the class is an integral factor in how they should be evaluated. I have had a number of classes where my opinion of the professor changed significantly as a result of taking his or her exam, and I would have liked my evaluation to reflect that final impression for the edification of the professor, the university committee reflecting on his performance and the students contemplating taking his or her class in the future.

Obviously having students provide evaluations after they have received their grades would

be problematic (talk about bias!), but I see no reason why teaching evaluations cannot be timed so that they are completed after finals are given but before grades are released. A number of other law schools and NYU's own Stern school use programs along these lines, requiring that students complete teaching evaluations before they can access their grades but allowing them to file their evaluations up until that point. Such a system ensures near perfect compliance (except for that rare student who truly doesn't care to see his or her grades), and also makes certain that evaluations take into consideration the final exam.

I voice these views because I believe accurate teaching evaluations are a vital part of the recruitment and feedback process. However, the way NYU Law currently employs evaluations is systematically inaccurate and fails to allow students to weigh in on what is arguably the single most important student-teacher interaction that takes place during a semester. I will be filling out my teacher evaluations this semester, as I have every semester, but I would sincerely appreciate efforts by the administration to address this issue.

### **Rules for Americans Traveling Abroad**

### By DOUG MARTIN '11 STAFF WRITER

FLORENCE, Italy - Recently I watched a video by The Onion criticizing President Obama for not making it safe for Americans to be obnoxious jerks abroad once more. While the fake newscast was obviously a satire, there was a note of truth in it. When I witness people being rude or ridiculous at home in the states, I either feel embarrassed for them or angry if I am subjected to their offensiveness. However, when I am in other countries, and it is Americans who are acting like jackasses, it has the added element of embarrassing my country. Whether it should embarrass me or not is open to debate, but I am a proud American and I get pissed off when others make obvious fools of themselves. Accordingly, I have created a list of guidelines to follow for Americans when abroad. It is not exhaustive, but it's a good start.

1. If you are a college student, do not travel abroad. You are too stupid to do so. I may seem like a hypocrite, since I travelled extensively when I was in college, but either college kids are getting much more stupid these days or they are only encouraging the really brainless ones to travel.

2. If you broke rule No. 1, remember that even though you may be on vacation (often from are optional. This requirement is

reality), many others are not. This means that you should not carry on at all hours of the night walking up and down the streets drinking as if it were Mardi Gras in New Orleans. People are probably trying to sleep, especially on Tuesday night at 1:00 a.m.

3. Do not wear something in public that you would not wear at home. This requirement is somewhat of a corollary to the last rule. You may think that whatever country you are in is super liberal, but this does not mean that you should be traipsing around in skimpy workout shorts and a scrubby t-shirt everyday, looking like you just rolled out of bed. Some Europeans may show more skin than we do, but they tend to do it in a classy looking way. If you wear the same things to bed as you do around town, then you're probably a college student, and should refer to rule No. 1.

4. Learn something about the country or countries you are visiting. If you cannot follow this rule, just avoid saying stupid things like, "Are there any other cities in Germany besides Munich?" or "I think Hamburg is in Sweden." If you are sorority girl who probably thinks that being cute is enough to get you by at Oktoberfest, remember the old adage about being seen and not heard.

5. Do not think that rules

especially true of lines. While it is true that many countries do not have the same queuing principles that we do, you know your mother taught you that cutting is wrong. For instance, when there is clearly a line, and the people in it have been standing in the rain for a couple hours just to get into the Vatican Museum, darting into line in front of some of them when they're not paying attention is just rude, and likely dangerous. They know who is in front of them, and if they did not notice you cut at first, they will eventually. And then they will hurt you. Unless their girlfriend doesn't let them.

6. Remember whom you represent: the U.S. of A. This may not matter to you, or you may claim that you didn't ask for any such responsibility, or that it just plain is not fair. You may even be right. But the truth is that you represent your country just as much as foreigners in the U.S. represent their own nations, fairly or unfairly. In fact, if you are the kind of obnoxious jerk that does not just naturally follow these rules, you are probably the same kind of obnoxious jerk that makes snap judgments about whole races and nations based on your experience with one member of said group. So do not whine about it. Go abroad, experience other cultures and expand your horizons. Just leave the skimpy shorts in the suitcase.

## the **Commentator**

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## If You Are Not Happy and You Know It, Don't Clap Your Hands

BY MICHAEL MIX '11 Editor-in-Chief

To paraphrase CBS announcer Jim Nantz, it is a tradition unlike any other: On the last day of classes, each law school professor sums up the class, previews the final and says a few last words thanking everybody on a good semester and wishing everyone well. As he or she dismisses the class for the final time, the class responds by bursting into a robust round of applause. Despite the law school's apparent enthusiasm for clapping for professors, I actually hate this tradition with a passion.

I have no idea how or why people starting clapping for professors at the end of the semester. Generally, people clap at concerts and plays as a sign of a job well done. At sporting events, people clap to spur their teams on or to create a loud atmosphere for the opposing team. Sometimes people clap at movies-which I have never understood, unless the director was actually in the audience or the projectionist did a really fantastic job. But professors? This is education, not entertainment. If professors' job was only to entertain me, I would have rather taken the money spent on law school and attended about 2,000 Foo Fighters concerts. But professors are trying to teach us to think like lawyers and explain to us a certain aspect of the law. Certainly, some professors are entertaining, but there are an equal number of professors who are so boring that they make each class feel like watching an Ivy League football game.

That brings me to my biggest pet peeve with students clapping for professors-the inconsistency. As with any group action, someone needs to start clapping first. I had one class in college taught by a very good professor whom everyone liked, but on the last day of class, for some reason no one clapped, which was really awkward because the professor clearly expected applause. On the other hand, in college and law school I have experienced professors who are absolutely abysmal teachers, but people clapped nonetheless. All it takes is one moron to start clapping, and everyone else feels obligated to join in. This shows that applause for professors

nates the awkwardness of a clapfree class, and also would prevent students from sarcastically clapping for professors whom they hate. If professors need the satisfaction of hearing applause, they can certainly give a talk in Greenberg, which people would actively choose to go to for entertainment purposes or CLE credits.

Alternatively, I would accept the opposite solution-forcing professors to earn their claps. Students would no longer feel the need to clap because of peer pressure and social norms. Instead, everyone would know that they should clap loudly and boisterously for great professors, and tepidly or not at all for really boring ones.

Similarly, I encourage the su-

#### **Crossword Editor** Chris Robertson '11

#### Staff Photographer Gerardo Gomez Galvis '12

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is clearly not tied to performance, which does not seem fair to me.

Also, students are often unsure about whether to clap on the last day of a seminar. I have had seminars where no one clapped, and I have also had ones where some people tried half-heartedly to get a clap going, but it did not really work. The distinction between seminars and lectures seems pretty arbitrary to me. In both cases, the professor is teaching. Equally troubling is the really small lecture class, which might have fewer students than a popular seminar, but is still a lecture. No one has any idea of what to do in that situation, leading to a weird mix of claps, no claps and half-claps.

Given all this uncertainty, I am definitely in favor of eliminating clapping whatsoever. This elimi-

perstar professors at this law school to feed on applause and act like rock stars. For example, if a constitutional law professor is really popular, I think that on the last day of class, as the applause builds, he or she should burst back into the classroom and give an impromptu encore lecture about some aspect of conlaw that he has not yet taught, such as the First Amendment. Alternatively, he or she could launch into a 20-minute version of Led Zeppelin's "Achilles's Last Stand." Either one works.

Finally, having applause legitimately tied to performance would give professors a better idea of their teaching ability than their class reviews. Many professors clearly do not read their reviews, but it would pretty hard to ignore a silent classroom.

# **Features & Opinions**

## What the Entire NYU Law School Community Is Thankful for in 2010

#### BY: JENNIFER RODRIGUEZ '11 STAFF WRITER

The nostalgia of autumn is compounded when you are actually reaching the end of something. This year is my third and final year at NYU School of Law. The leaves falling in Vanderbilt Courtyard are most affecting, especially when they fall under the lantern light. As the season marks the end of my academic experience here, I realize that the little school beside Washington Square Park has become my home, and the students, professors, administration and staff my community.

Ruminating on this, I had the urge to treat it as such. And so I brought a tradition from my childhood home in Burbank, Calif., to the one I will occupy for a few more months. Each Thanksgiving, my family and I sit around the feast-laden table and answer the question, "What are you most thankful for this year?" For the past couple weeks, I have asked a broad swath of the NYU community to answer the same question. I have been delighted to gather answers from students, professors and our own Dean Richard Revesz. At the risk of writing the sappiest Commentator article yet on file, I present them here.

The things we are most thankful for include...

"Turkey," for Rachel Weise '12.

"Antibiotics," according to Jansen Thurmer '12.

"Non-iron dress shirts, shearling-lined boat shoes, and bay rum aftershave," per an emphatic Jason Tyler '11.

Turns out we are a varied bunch! It is certainly the humor, creativity and diversity at NYU Law that makes us great. This must be what Dean Revesz referred to when he offered his own kind words. "[This year, I am most thankful for] my family and the opportunity to work with such wonderful students, faculty members and administrators." We have always enjoyed camaraderie unique among law schools because we are a unique student body. This is what we are famous for and it is what we love. What makes Revesz's comments extraordinary is that they are vociferously reciprocated within the student body.

"This year, my last one in law school," said Mary Papaioannou 11, "I feel so thankful for NYU Law — both for the opportunities it has given me and the life-long friends I've made in its classrooms." (She asked me to mention that she is "also thankful for each of the 12 wins so far! - in Auburn's undefeated [college football] season.") SBA Secretary (and Commentator Assistant Managing Editor) Stavan Desai'11 echoed her feeling, saying he is most thankful "for my friends and the people I love, who have managed to make my law school years the best years of my life." Many people spoke meaningfully about how their fellow students and families have helped them through demanding years of legal study. Wamiq Chowdhury '11 gestured to "classmates who generously share notes when I miss a week (or

more) of classes to go to moot."

Scot Goins, '12, SBA Social Chair, indicated that he views his friends as not just future colleagues but as close friends. "Especially when I am so far away from the family I grew up with," he said, "it is nice to know that I am lucky enough to have such a great extended family here in NYC."

SBA President (and Commentator Staff Writer) Erica Iverson '11, crystallized what I heard over and over from students. "[I] am especially

civic-minded and globally-conscious person typical at NYU-a premier global law school.

Professor Kenji Yoshino noted that, "In a year marked by significant advances with respect to same-sex marriage and the military policy and devastating setbacks reflected in the terrible series of gay youth suicides, I am thankful to be working in the area of LGBT rights. If I had been born 50 years earlier, I would have been able to do little; if I had been born 50 years later, I would be doing only

Iraq, Afghanistan and elsewhere all over the world. Most outside of our country will not be able to spend Thanksgiving with their families. I consider it a privilege to be spending mine serving some of them in Baumholder, Germany."

Lauren Radebaugh '12 said, "This year (as in all other years), I'm thankful that we can worship and practice our faith freely - and without fear of punishment - in the United States. Millions of people around the world do not have such



Jan Jeram from Slovenia is grateful to have run the New York Marathon and finished it. Virginia Cella from Italy volunteered that she is thankful for the Labrador puppy her parents bought her for her graduation from university. Thomas Declerck from Belgium is thankful "for living in the great city of New York." Peter Skaaring from Denmark revels in "not having a care in the world." And Martin McGuiness from Scotland and Roman Bretschger from Switzerland are simply glad to be alive.

This Thanksgiving, NYU School of Law students are thankful for Derek Jeter and boat shoes, among many other diverse things.

grateful for my amazing support system," she said. "I have quite possibly the best family ever, a slew of wonderful friends and of course the coolest 'commentator' in history for a boyfriend..." The support system she alluded to is a priceless thing in law school. It is what gets us though stacks of outlines, high-pressure finals and the long, hard winters.

Iverson and several other students offer this as the number one benefit of the NYU law community and something they are very grateful for this time of year. This includes Benjamin Mishkin '13, who specifically gives a shout-out to his classmates just for being there: "[I am thankful for] 475 other 1Ls. Can you imagine doing first semester ALONE?!'

Of course, the thanks extended beyond the law school corridors and the rigors wrought therein to bonds deeper and more profound. Professor Richards said without hesitation, "I am most thankful for the loving connection with my life-time partner, Donald Levy." An emotional Jascha K. Clark '12 said that the most special things in his life are his wife and fivemonth old daughter. Niki Cubides '11 took this moment to thank her roommates. Commentator Crossword Editor Chris Robertson '11 took the opportunity to thank his friends and family as well as Derek Jeter ---- the latter for recognizing "how generous the Yankees have been and [agreeing] to be a mediocre shortstop for \$45 million over three years." Many also extended thanks for the ability to practice law at all in a difficult economic climate. Danny Blumberg '12 said that he is thankful "for getting a job I'm really excited about for the summer." Ben Saper '12 said the same — that he is happy and relieved to have a summer internship.

clean-up work (at least in the U.S.). This year, I have been struck anew by how I am living through a civil rights struggle to which I can contribute. That privilege is bestowed by history, and I am grateful to be its beneficiary."

Writing from abroad, Commentator Staff Writer Doug Martin '11 said, "I'm thankful for the men and women in uniform serving in a luxury and are severely persecuted for what they believe. We are truly blessed."

A sense of personal responsibility, of national pride and of devotion to social progress - these values are inherent in the NYU community, as shown here by these representative members.

Finally, while I am on the topic of the global nature of our school, I

And there you have it - a cornucopia of thanks from a crosssection of NYU Law! It is my hope that the warmth of this article will get you through the next few weeks of studying for finals in the library, in your dorm or at the local Starbucks. But you might be wondering what it is that I am most thankful for. The answer, dear reader, is YOU. Until next year!

### **Chair Theory: The Sociology of Seats**

#### By YOAV MEER LL.M. '11 **CONTRIBUTING WRITER**

After four and a half years with the Israeli Air Force, I thought I was ready to face life's challenges. I became adept at handling conflict and was not easily intimidated. Nonetheless, nothing - not my military training, not even an entire lifetime of growing up in conflict-torn Israel -has prepared me for the greatest rivalry of all: the front-row seaters vs. the back-row seaters. Historians suggest that the oldest recorded case of front-row/ back-row rivalry was in Athens, in Socrates' class, when Plato used to tease Aristotle for being a gunner and sitting too close to Socrates. In his defense, Aristotle argued that he is short-sighted, has bad hearing and always said that "Socrates is the smartest man that I know, I wish to absorb his wisdom." Over the years, these two distinct groups have only moved further apart. These days, law school crowds usually divide into these two easily observable groups. Front-row sitters are the ones that come early to every first class, choose a front-row seat, make sure they get hold of the seating chart as soon as possible, and mark their territory. Back-row sitters are more laid back. They have a carefree, relaxed approach

to life, and generally tend to go with the flow. Front-row sitters are more likely to achieve high academic accomplishments, participate in law school activities such as moot court or law review and engage in judicial clerkships. They are typically hardworking, ambitious people. A few years down the road you're likely to see them in academia, as partners in a law firm, or as high-ranking government officials. A famous front-row sitter is Hillary Rodham-Clinton. Actually, that's how she met Bill - a fellow front-row sitter. That's when she learned that by working hard, one can make their spouse President. A typical back-row sitter is sometimes mistaken to be an underachiever (you can often hear them saying, "I'm happy with a B"). But that is a misrepresentation of reality. Back-row sitters just have different priorities. They value the joys of life over blue-booking a law review article and are generally happier, life-balanced people. As a back-row sitter at Tel Aviv University, I often favored the beach over criminal procedure or evidence law. Who can blame me? Does it mean that I am an underachiever? Maybe. Does it mean that I enjoyed those four years more? Yes, it sure does! The most famous back-row sitter is probably Justice Clarence Thomas of the U.S. Supreme Court. It was back in Yale, when a young Clarence Thomas realized that one does not

need to say much in order to succeed. Indeed, as Thomas would later discover, silence is golden and (saying) more is less. While sitting in the back row, Thomas always waited for the right opportunity - after a front-row sitter would speak - to add two golden words: "I concur."

This all brings me to the conclusion. Where do we go from here? Isn't it time to bury the hatchet, and move on? Frontrow, back-row, does it really matter? A few years down the road, what will you remember from law school? Will you remember the A+ that you got in law & disability, or will you remember the time you took the bus with your mates to go scuba diving in the Red Sea? Each to his own, I guess. Some will feel glorified by the excellent mark in property law, while others will cherish memories of a good rock concert. Who knows what will bring you happiness, what's the way to achieve personal and professional fulfillment, and all of that stuff. What I do know is that life is too short for frontrow-back-row rivalries. At the end of the day, we are all the same. Struggling with the Socratic method, trying to do our reading, hoping not to be called on. We should leave our differences behind and move on, toward a better classroom, that is not based on geographical location.

Some in the NYU Law community addressed important social and political issues. Indeed, the informed remarks of various students and faculty were evidence of the



### The Latest Harry Potter Movie Is a Magical Beginning to an End

By Leighton Dellinger '12 Contributing Writer

Disclaimer: I love Harry Potter. In a borderline-weird way.

I have had the release of *Harry Potter and the Deathly Hallows Part I* on my calendar for over a year. But I marked the wrong day—I spent that anticipated Friday at the law school working on a paper and mentally reliving the magic I saw at a special press screening that Tuesday. Four lucky 2Ls got to preview the epic film—Maya Prokupets, Lauren Pedley, Terra Judge (a *Commentator* Staff Editor) and I.

It was a magical experience. For Harry Potter lovers like me, the movie was less an adaptation of the books than it was a perfectly accurate portrayal of the final chapter of J.K. Rowling's epic series. Harry and the gang are not up to their old shenanigans at Hogwarts; in fact the school is hardly featured. Instead, Harry, Ron and Hermione are carrying on the mission Albus Dumbledore left for them — trying to find and destroy pieces of Voldemort's soul, ultimately defeating him and ending his reign of terror over the magical world.

Here's what you missed in the last six episodes of Harry Potter: Harry's parents were killed by Lord Voldemort, whose body was destroyed by the curse that marked Harry with an unmistakable lightning bolt-shaped scar. Harry (Daniel Radcliffe) was raised by muggles (non-magical people) and didn't discover his magical powers until he was 11 and bound for Hogwarts School of Witchcraft and Wizardry. There, he met his best friends— Ron Weasley (Rupert Grint) and muggle-born Hermione Granger (Emma Watson). The three spent years learning magical spells and thwarting school administrators through the sixth edition of the

series, Harry Potter and the Half-Blood Prince, when Dumbledore (Michael Gambon) left Harry with his mission.

Harry's success is complicated by the fact that Voldemort has once again risen to power and is flocked by his faithful Death Eaters, Bellatrix Lestrange (Helena Bonham Carter) and Lucius Malfoy (Jason Isaacs), and by the existence of seven horcruxes. Horcruxes are a magical tool created by harnessing the evil

of murder and used to preserve

a piece of a wizard's soul in a common object; before his fall, Voldemort made six.

In his second year at Hogwarts Harry (unknowingly) destroyed a diary preserving one piece of Voldemort's soul. In *Half-Blood*  *Prince*, Dumbledore found and destroyed an ancient wizarding heirloom, a ring preserving a second piece of Voldemort's soul. *Half-Blood Prince* closed with the discovery that the locket-horcrux that Dumbledore died discovering was a fake.



With two horcruxes destroyed and four remaining, Harry faces the prospect of coming of age and facing Voldemort. The story begins with Harry and the Order of the Phoenix fleeing his childhood home with Voldemort and his Death Eaters in hot pursuit. Under the direction of David Yates (*Harry Potter and the Order of the Phoenix*, *Harry Potter and the Half-Blood Prince*) the wizards transfigure into seven Harry doppelgangers as the opening titles finish; before long they are airborne on brooms, dragons and flying motorcycles,

cursing and jinxing their pursuers. Memorable events from the book are fantastically portrayed in the film: Bill and Fleur's wedding at the Burrow, the Death Eater duel in a muggle café, breaking into the Ministry of Magic, Harry and Hermione's trip to Godric's Hollow, Harry's dive into a frozen lake and the escape from Malfoy Manor. In between, the kids camp in picturesque woods while they seek horcruxes.

My only criticism of the

movie comes in these dialogueheavy tent scenes; they translate to awkward blocking and stilted conversation. But those conversations preserve the integrity of the story — Harry and Hermione are able to explain their pursuit of horcruxes and the intricacies of the magic

they are using and fighting.

Most impressive was the screen translation of the legend of the Deathly Hallows. In the book, readers see into Hermione's copy of The Tales of Beetle the Bard, a wizarding collection of children's stories. In the movie the story of the Deathly Hallows, standing alone, could be a contender for the year's best animated short film. The simple design and dramatic narration of the story of Death meeting three brothers was captivating-a wholly successful exercise of creative license by the filmmakers.

This latest addition is already beloved by Harry Potter newbies and aficionados alike. According to Pedley, a self-proclaimed Harry Potter fanatic, the film was "the greatest thing; I wanted it to keep going forever. The world is magical and dark and the tone is set perfectly." Andrea Ravich '12, who "couldn't have cared less about the books or movies," was inspired to spend an entire day watching the old movies instead of outlining. If nothing else, law students will relish one of those tent exchanges between Harry and brainy Hermione:

Harry: "Hermione, you're brilliant."

Hermione: "I'm just highly logical which allows me to look past extraneous details and perceive clearly what others overlook."

So two thumbs up from this highly logical law student — a captivating film with a fantastic story and a much-anticipated sequel!





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