



# the Commentator

The Student Newspaper of the New York University School of Law

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## Annual PILC Fair Draws Big Turnout in Bad Economic Climate



Joseph Jerome

A student talks about summer internships with the FDIC at the PILC Fair's free-wheeling Table Talk in Greenberg Lounge on Thursday, February 4.

By EDUARDO JANSEN '12  
CONTRIBUTING WRITER

Attracting over 200 employers from around the country and over 2300 students from 21 Law Schools from the northeast, NYU Law's 33rd Annual Public Interest Legal Career Fair took place on February 4 and 5.

With a weak private market and a large number of law students still searching for internships, the PILC Career Fair experienced an 11 percent increase in student attendance, an increase of 237 students from last year's 2126 students. The fair also experienced a 7 percent increase in employers, an increase of 14 employers from last year's 196 employers. "We are excited about the numbers," reported Eve Stotland, the Fair's director. "The continued growth in employer and student attendance at PILC's Annual Career Fair is a significant achievement for the PILC Office and the public interest community at NYU Law," Stotland said.

The fair gathered public interest employers ranging from public defender offices, to government agencies and public interest law firms. The two-day fair included job interviews, table talks and public interest discussion panels.

Alba Villa, a second year student at NYU Law, who interviewed with LatinoJustice PRLDF, noted with excitement that the fair provided her exposure to employers she is interested in. In a positive note, Villa has since accepted a summer associate position offer at LatinoJustice PRLDF.

"Having the Annual Public Interest Career Fair at NYU Law is a great opportunity for NYU students," said PILC administrator Letizia La Rosa. "The PILC office is committed to empowering NYU law students with public interest opportunities. PILC is delighted for the success of this year's fair and will work hard to ensure that next year's 34th Annual Public Interest Legal Career Fair builds upon our success."

## Federalist Society Event Debates *Buono v. Salazar*, Limits of Establishment Clause

By JOSEPH JEROME '11  
MANAGING EDITOR

Does a World War I memorial in the shape of a Christian cross violate the Establishment Clause? The Supreme Court's upcoming decision in *Buono v. Salazar* has the potential to answer just that and further, to explore the constitutionality of religious symbols on public property. On Tuesday, February 9, the Federalist Society brought together Professor Burt Neuborne, formerly of the ACLU, and Kelly Shackelford, who served as counsel to the war veterans in the case, to square off on the future of the Establishment Clause.

*Buono v. Salazar* is the effort by a former federal employee to have torn down a cross erected approximately 70 years ago in honor of fallen war veterans. As Shackelford explained, a group of veterans erected this memorial in the middle of the desert, which became federal property during the Clinton Administration. Thus, in literal terms, the memorial became a government endorsement of a cross. Over the course of the hour, Neuborne and Shackelford emphasized the case specific facts,

larger policy concerns, and law student nightmares like *res judicata* and standing requirements.

Both speakers predictably came at the facts from different angles. Shackelford's argument was simple: how could a cross in the middle of nowhere serve as a government endorsement of religion? He emphasized the "total benign neglect by the government" of a monument, which stood hours from civilization.

Neuborne initially appeared to agree with this assessment. "It's a silly case, we shouldn't be expending social resources on this stuff," he said, "but we also shouldn't be doing this [putting up crosses on public property] either."

Neuborne made for an intriguing choice to speak against the memorial, which became clear as he spoke. He began his side of the story by conceding he generally did not much care for Establishment Clause cases. With equal parts humor and disdain, he recalled how the ACLU would have him "descend upon" small-town America "like the Grinch at Christmastime" to tear down crèches. Describing the Establishment Clause as potentially "the

law of exterior decorating," Neuborne admitted that he "didn't believe Western Civilization turns on these cases."

Then Neuborne paused. This particular case, a war memorial, meant something to the professor. He spoke passionately about the service of all war veterans, singling out the Greatest Generation in particular. Then he began an emotional discussion of his father's service in the Second World War. As a Jew, he said, his father saw the Christian cross as a threat. More importantly, his father saw how religion could keep him from being a "full partner in America."

"How dare you memorialize [my father's] service with a symbol that would have appalled him? Frightened him?" Neuborne said. This respect for his father's service was the crux of Neuborne's defense of the Establishment Clause. This presented a political tightrope for Neuborne to walk upon. He reiterated his respect and admiration for all veterans, but he maintained that there

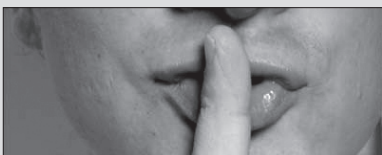
See RELIGION page 5



Stavan Desai

Snowmen decorate the Vanderbilt Hall courtyard after a half snow day on Wednesday, February 10.

Infra



Page 3: We ask all about "Don't Ask, Don't Tell."

Page 5: Honey Ryder declares prostitution de facto legal.



Page 7: We trek out beyond to play *Mass Effect 2* and grab burgers on the way back.

## Reality Television Helps Explore Different American Subcultures

By MICHAEL MIX '11  
EDITOR-IN-CHIEF

Snooki. J-Wowww. The Situation. Before December, these words were either gibberish or part of the name of a CNN show with Wolf Blitzer. By February 2010 though, these names have entered the cultural zeitgeist with relatively unprecedented speed. I am talking, of course, of the housemates of MTV's mega-hit reality TV show *Jersey Shore*. In case you have spent the last three months on the planet Pandora from *Avatar*, *Jersey Shore* follows the trial and tribulations of eight

strangers as they stop being polite and start getting real at a beach house in Seaside, N.J., for the summer. I've spent the last three months contemplating what makes the show so compelling and I think

the answer is exactly the difference between it and a show like *The Real World*—America's interest in seeing and learning about people who are *exactly alike*, representing a specific subculture of America.

For as long as anyone can remember, people have described the United States as a melting pot. But this is really a misnomer. When immigrants came into this country, they traditionally con-

gregated with people like them—people they knew in the old country, people who spoke their languages and shared their tradition. Today, this exists to a lesser extent; people still associate with a certain group, be it their race, religion, geographic origin, favorite sports team, or a combination of many factors. The result is a subculture—Americans who share some identity unique to them.

On television, *The Real World* previously held the title of trying to accurately portray young people in America. However, *The Real World* often felt manufactured as if MTV had a formula for

**The Jersey Shore works, and distinguishes it from any other reality show, because it exposes Americans to a subculture with which they may not otherwise be familiar.**

picking cast members. Almost every season (with a few exceptions) has at least one or two minorities, one gay person, one socially conservative person who seems backwards compared to everyone else, one crazy person, etc. In contrast, *Jersey Shore* makes no bones about the fact that they were going for a specific type of person—young Italian-Americans from New York or New Jersey (yes, I know Pauly D is from Rhode Island, but just bear with me) that are fond of tanning, going to the gym and dancing. While much of the show centers on traditional

aspects of reality TV—partying, hooking up, arguments and general stupidity—the producers of *Jersey Shore* actually devoted a large portion of airtime to explaining the cast members' unique lifestyle. We hear The Situation, for example, explain his daily routine of Gym-Tan-Laundry, which probably got more college kids to start washing their clothes than any other moment in the history of television. We see the cast-mates fist pump to house music. We see Pauly D bring enough hair gel to coif an entire army. The *Jersey Shore* works, and distinguishes it from any other reality show, because it exposes Americans to a subculture with which they may not otherwise be familiar.

I think this is extraordinarily beneficial for our society, which is why I was surprised at the somewhat negative reaction towards the show

as many commentators said that it stereotyped Italian-Americans. For example, Linda Stasi, a TV critic for the *New York Post*, wrote that *Jersey Shore* furthers "the popular TV notion that Italian-Americans are gel-haired, thuggish, ignoramuses with fake tans, no manners, no diction, no taste, no education, no sexual discretion, no hairdressers (for sure), no real knowledge of Italian culture and no ambition beyond expanding steroid-and silicone-enhanced bodies into

sizes best suited for floating over Macy's on Thanksgiving." Stasi is not alone, as many companies such as Domino's and American Family Insurance pulled their ads that were due to air during the show. However, this criticism fails to realize a key point: *Jersey Shore* does not stereotype all Italians, but instead stereotypes young 20-something Italian-Americans who choose to tan themselves, blow out their hair and are in the midst of what is basically a vacation.

As a non-Italian viewer of the show, I feel offended that someone would think that I would somehow conclude that all Italians act like The Situation. Give America a little more credit

me think less of Al Pacino's performance in *Serpico*."

That's why I believe that MTV has tapped into something new and novel in reality television—the exploration of different subcultures throughout the United States. There was an article a few weeks ago in *Slate* saying that MTV's next show should be called "Mass Holes" and chronicle young citizens from our rival state, both Kennedy-wannabes from Harvard, Williams and Amherst as well as blue-collar Bostonites. I think this is a fantastic idea, but MTV should take it further as I can think of plenty of sub-cultures that the American citizenry

would be interested in learning about like Jewish-American princesses from Long Island, Mormons from Utah and Indian-American

cans from New Jersey. The list can go on and on. MTV already did it once with *The Hills* (if you actually consider it a reality show, which many people do not). I hope that MTV ignores the criticism and realizes that learning about different subcultures can help educate viewers about the many very different groups that coexist in America. Because we all know that reality TV is about one thing—education. Right?

## Comment The Guy Behind the Guy Behind the Guy

than that. I think most viewers can tell the difference between The Situation, Al Pacino, Antonin Scalia, Tony Soprano, Nancy Pelosi, Rudy Giuliani, Joe DiMaggio and Frank Sinatra. I have plenty of friends who are Italian and my opinion of them did not change one iota because they are not part of the subculture depicted on the show. It's unlikely that anyone would conclude, "The Situation is a moron; his stupidity makes

## the Commentator

The Student Newspaper of the New York University School of Law

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### Managing Editor

Joseph Jerome '11

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

### Commentator

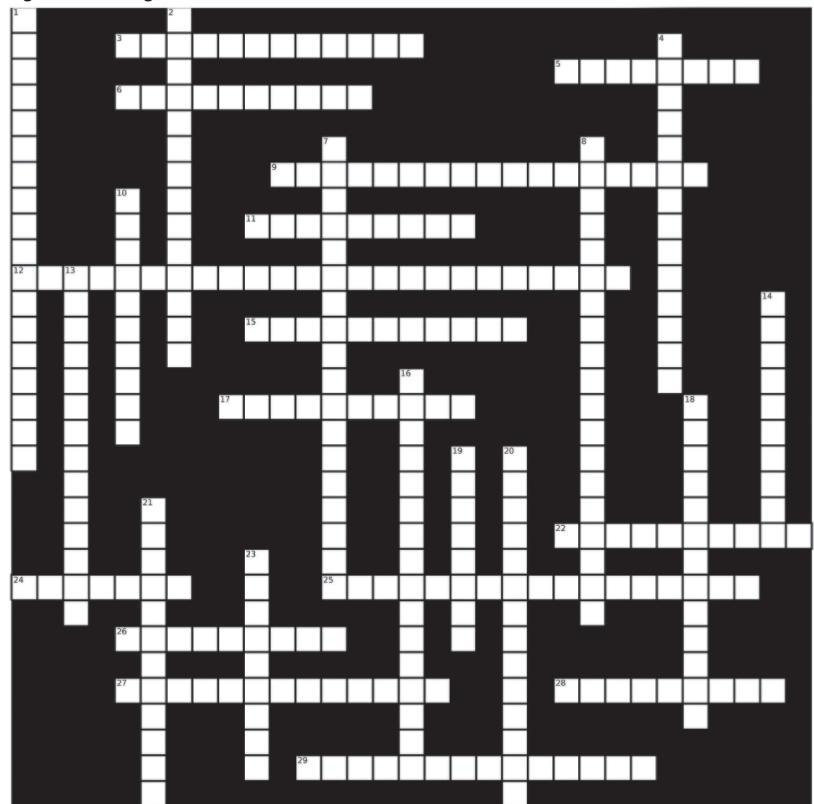
## CROSSWORD

Corporate Pet-Names Edition

By Marija Pecar, Sheila Lynch, Emily Wilsdon

Solutions on Page 6

The game is this: read the clue and try to guess which law firm, bank or other corporate giant it's referring to. If a company's name consists of more than one word (not a rarity in the land of law), assume there are no spaces between names. But don't forget the "&". For the truly lengthy names, we have shortened them. Apologies to those who have actually gone to the effort of remembering the unabridged versions.



### Across

- 3 Oscar's Balls
- 5 Budweiser Horses & Friends
- 6 Dictator teddy
- 9 Silver gardner
- 11 Mr. Heidi Fleiss
- 12 Watch out for Teardrops on Roses and Whiskers on Kittens
- 15 Unwilted meadows
- 17 Take a rain check
- 22 Bondage on a cloudy day
- 24 Pudding with a lisp
- 25 Irish & English
- 26 Coal pebble
- 27 Tentative Butcher
- 28 Celestial cash
- 29 In pursuit of the American dream

### Down

- 1 Careful: Avis pokes
- 2 Transparent God's Love
- 4 Judaic Frat House
- 7 Heinous, Gruesome & Mangy
- 8 Another piglet in a bowtie
- 10 Snow & Purse
- 13 Mountainside Luck
- 14 Pinocchio's nemesis
- 16 Dentists wild about Aunt Jemima
- 18 Damp & Beefy
- 19 We're watchin' over ya!
- 20 Tulips & Cavalier
- 21 A cheerful behending
- 23 Infinitely molting

## Time For Congress To Stop Asking, Start Telling: Military Already Pushing to Repeal “Don’t Ask, Don’t Tell”

By DOUGLAS MARTIN '11  
STAFF WRITER

While Don't Ask, Don't Tell has been discussed ad nauseam, especially of late, I couldn't resist the opportunity to join the conversation.

As someone who is pursuing a military career, the issue is particularly pertinent to me.

First, I'll try to sum up the basic arguments on both sides. On the anti-

DADT side, you have two broad arguments. There's the utilitarian argument that our armed forces cannot afford to turn away qualified personnel, especially those in very specialized positions such as translators. There's also the civil rights argument that in a free society, people should not have to hide whom they are in order to prevent discrimination against themselves for engaging

The second argument is the one I now find myself contemplating. CNN recently ran an article about Navy Capt. Joan E. Darrah, a homosexual woman who served in the Navy for almost 30 years. She has been with her partner for about

19 years. This means that, for years and years, she could not have conversations with co-workers about not only her partner, but anything that might indicate that she even had a partner. If she had slipped, she would have lost not only her job, but her ability to work in that field ever again. Imagine trying to hide that you have a husband or wife for almost two decades from the people you see every day. If their existence is ever casually revealed, you're fired and disbarred in every state. I couldn't do it. The strain would be unbearable. I can't even hide a hangover.

attempt to refute these two arguments. I'm not going to point out the testimony from numerous experts indicating that unit cohesion would be unharmed.

I'm not going to tell you about Charlie Moskos, the leading sociologist behind the original movement for DADT and proponent of the unit cohesion theory, who has privately rebuked it and acknowledged it as nonsense. I'm not going to point out to you the anachronism of the moral argument, nor even the difference between the

morals with which one comports him or herself on the battlefield and those with which he or she acts in the privacy of their own home. I'm not even going to remind you that homosexuals are already serving in our military, and that they serve openly and effectively in the militaries of 25 other nations, including many of our allies. I don't need to do that, because you've already heard all that.

But I will tell you my personal beliefs, as man with numerous friends in all of the Armed Services, and as a military hopeful myself. It seems to me that those who oppose repealing DADT simply oppose homosexuality in general. It's either too icky, too sinful, or too whatever, to be accepted openly. They may

not want gays herded together and put in camps, but they want that kind of behavior to remain out of their eyesight, because it makes

you don't need to trouble yourself with it. Gays are not asking to have flaming, San Francisco-style pride parades in the middle of Fort Hood.

They're just asking to be allowed to relax and feel normal, because that's what they are (if anyone is normal anymore).

What it comes down to is that if getting rid of DADT makes soldiers' jobs safer or easier, or our military more effective, then of course we should do so. Our leaders talk all the time about how our military is currently "stretched thin." More than 13,000 troops have been discharged under DADT since it was enacted. Some politicians say that right now is "not the right time" to deal with the issue. If it will keep more troops in uniform, how can it be anything but the right time?

When General McChrystal requested more troops in Afghanistan, politicians on the right screamed for Obama to respect the military's judgment on military matters. As for DADT, John McCain himself stated in 2006, "The day that the leadership of the military comes to me, and says 'Senator, we ought to change the policy,' then I think we ought to seriously consider changing it." It's too bad he seems to have forgotten that. The Chairman of the Joint Chiefs of Staff, as well as the Secretary of Defense, thinks we should repeal it. Even Colin Powell, who helped push the policy through, has changed his mind. It's time to respect the military's decision again.



Admiral Mike Mullen, Chairman of the Joint Chiefs, testifies before Congress on "Don't Ask, Don't Tell."

them uncomfortable. To them, any movement toward normalizing homosexuality weakens the dam that's holding back the flood of ubiquitous gaydom.

To those people I say this: No one is forcing you to accept their morals, they just don't want your morals forced on them. But you should accept their professional performance, and their right to work. Do I want to see gay service-members making out in uniform in public? No, but I don't want to see straight ones doing it either. Fortunately, there are rules of decorum that already apply to how personal relationships are conducted in the military. If you think it's disgusting or morally degenerate (which I don't),

## Comment

### Your Girl's Favorite Columnist

in legally acceptable behavior. The former argument seems obvious, and I don't think anyone denies its basic truth. We are at war, and we need troops. Rather, people on the other side of the debate seem to insist that such need is outweighed by other concerns. As such, I'll leave it alone for now.

Proponents of DADT generally have two broad arguments as well, although they are not the opposite of those above. The first is that doing away with DADT will endanger unit cohesion. The second is that allowing openly gay service members will endanger the "high moral standards of the military." I'm not going to

## DADT On Last Legs, No Thanks To NYU Administration

By GAVIN KOVITE '10  
STAFF WRITER

NYU Law has officially opposed the military's discriminatory personnel policy since 1978. President Obama campaigned on repealing Don't Ask, Don't Tell (DADT). However, an end to the ban on gays in the military didn't really seem close until Admiral Mullen's remarks before congress last week.

Why? Because this odious policy is all about military attitudes. Congress needs members of the military to assuage its fears. A recent Military Times poll suggested that only 51 percent of active-duty military leaders (both officers and NCOs were polled) oppose repeal of DADT. This statistic may seem disappointing, but that figure was 63 percent in 2003. These are the opinions that Congress really cares about.

Here's whose opinion Congress doesn't care about: that of the NYU Law Administration. Our administration's policy of barring military recruiters from the campus isn't exactly a masterpiece of passive resistance. It is over 30 years old and has achieved nothing except for

probably discouraging gay-friendly NYU students from serving in the military. This is counter-productive, because Congress cares about the opinions of gay-friendly junior officers a lot more than it cares about the opinions of gay-friendly associates at law firms, at least as far as DADT is concerned.

So why would we want to kick military recruiters off campus? To send a message to our community? Dear Dean Revez: It's good that you take a stand as the leader of our community. But the gist of your email is that you really want to make your students schlep off campus for JAG interviews, but are prevented from doing so by the mean old Solomon Amendment. This would not help the cause.

Here's what you should do if you want to end DADT: encourage as many of your students as possible to slap on lieutenant's bars and go serve in the military. Every new soldier who has no problem serving alongside gay men and women brings an end to the military's discriminatory hiring policy that much closer.

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## My First Cop-Out of The New Decade: Rejected Column Ideas

BY DENNIS CHANAY '11  
STAFF WRITER

Sometime's a man is called upon to look deep inside of himself and let the contents of his soul spill out on paper. If that man is like me, then 90 percent of the time he will be shocked and disturbed by how little there is to spill. Thus, this week's column: The Five Worst and/or Rejected Ideas for this Week's Column.

5. Man...*If only I could take back all that money I spent on Beanie Babies as a child, I could really fuel a serious heroin addiction.*

**Premise:** Efficient way to make light of both one of one of the world's most destructive/addictive drugs and a children's fad that ceased being relevant around a decade ago. Alternative article comparisons included: Pokemon trading cards and crack, Furby's and carpenter's glue.

**Snippet:** While my nowhere near mint-condition "Speedy the Turtle" could probably once fetch enough money to fuel at least a

two-day smack bender, even my limited edition "Princess the Bear" is now considered worthless by both serious Beanie-Baby collectors and local junkies alike. Believe me, I've asked.

**Rejected Because:** Possibility of forever having my name connected to the word 'smack' through a simple Google search .... Oops. Also, see premise.

was nothing left to say.

3. *We Are The World 25... Won.*

**Premise:** 25 years ago, Michael Jackson and Lionel Richie wrote a simple and elegant song for the cause of African famine relief. This week, will.i.am and a new group of stars released an updated version that can only be

ine performance. After tackling healthcare and the BCS, Obama needs to immediately issue an Executive Order declaring that: when a work of art as successful and historic as the original "We Are the World" goes untouched for over 20 years, it shall never again be revisited by its aging creators. This goes for you too, George Lucas.

**Rejected Because:** I've had far worse on my iPod (Black Eyed Peas). Plus, the public's interest is supposedly waning and it is hard to think of a better cause. So, even if you've already donated, why not donate again at <http://weartheworldfoundation.org/donate/>.

2. *An in-depth review of Sega's 1992 classic: Sonic the Hedgehog 2.*

**Premise:** Simply kicking back and enjoying the splendor of nine, texturally-rich, 32-bit, originally themed-worlds; superbly designed early-1990's game play; and the timelessness of the original blue hedgehog with a 'tude and his lovable sidekick Tails, the fox with two...tails.

**Snippet:** As I enter Act 2 of the Cave-Zone for the first time since my childhood, a shiver runs up my spine. Tails has been taken out by a cleverly placed stalagmite. I'm all alone. Worse: after that run in with, not one, but two, glowing robotic firebugs I am left with zero rings. Ah, yes, the old familiar feeling of having zero rings. The tension, the nervousness, the knowledge that only one collision with one of Dr. Robotnik's creations will end in certain death. The feeling commonly referred to amongst my friends as "Small Mario Syndrome" for it's similarity to controlling a mushroom-less Mario.

**Rejected Because:** Rough draft ran approximately 268 pages before editing. Also, I had a better idea....

1. *This Very Article*

**Selected Because:** When you're cranking out incredible ideas like 5-2, why not sink one peg lower?

I sincerely apologize.

## Comment

### Full of Sound and Fury

4. *John Mayer ... Won.*

**Premise:** Ode to the latest celebrity to seemingly self-destruct.

**Snippet:** John Mayer ... Wow.

**Rejected Because:** There

described by hyphenated terms like: over-the-top, train-wreck and ear-rape.

**Snippet:** What where they thinking!? T-Pain's latest appearance in a Bud Lite commercial ("Pass that Guacamoleeee") comes across as a more genu-

## Lawyering Should Stress Legal Writing

TO THE EDITOR:

I am writing in response to Michael Mix's January 20, 2010, editorial "Lawyering Program: I Like You Just the Way You Are." I agree with much of what Mix has to say; Lawyering classes should be kept separate from other courses, they should meet often and they should remain small in size because they create an important social dynamic and, of course, they supply SLAP football teams. Nonetheless, I disagree with his last point that "the core curriculum of Lawyering should stay the same." Mix may be opposed to "drastic changes" at NYU Law, but I think the Lawyering curriculum should be changed into a more traditional legal research and writing class.

Simply put, we do not do enough writing. In all of 1L year, we have a grand total of three writing assignments. I don't think the World Trade Center assignment should even count because it involves no research; therefore, students only produce two real writing pieces. While I was interviewing at law firms, I was constantly asked about legal writing skills and had to lamely talk up my Archer memo and ICWA brief. When I was asked to write a legal memo for my internship last summer, I realized I had nearly forgotten how since I had not written a legal memo in six months. Legal writing is not like other writing and it is a skill that must be honed and maintained by practice. Legal research skills also fade fast, especially since

LexisNexis and Westlaw are not at all user-friendly programs. There is no other way to keep our skills from atrophying than to do more writing.

Yes, more writing assignments for Lawyering means more work for already overburdened 1Ls, but it is worth it. More, and perhaps smaller, writing assignments will allow students to improve their writing skills, develop their own style and stay sharp over the course of the year. Some of these assignments could also be done as group projects much like in the real legal world (to the best of my knowledge). Finally, more writing assignments could allow us to span the breadth of the law. We could, for instance, draft a real contract such as a lease so we would be better positioned to negotiate with landlords. Some transactional work would much better prepare many 1Ls for their legal careers. We could also do research and writing on issues of international law which would be a very useful exercise for those who plan on going abroad their 1L summer. Unfortunately, none of this is currently in the Lawyering curriculum because it must leave room for what Mix terms "nontraditional elements."

The nontraditional elements of Lawyering are largely a waste of time. The mediation is completely unrealistic both due to its soap opera plot (Did he get evicted because he's black? Did he get evicted because he's gay? Is the landlady sleeping with the homophobic Superintendent?) and the fact that it's preordained that the case will go to mediation. The negotiation is not much better since no junior

associate has ever negotiated a multi-million dollar contract. The whole negotiation exercise becomes more of a burden than an opportunity; I know I am not alone in having agreed to take the average on every figure to finish as quickly as possible.

To be fair, the client interviews for the Archer memo were a valuable experience. The interviews were an important reminder that legal problems do not exist in the abstract and that our job is to represent clients. Moreover, it forced us to take legal concepts and turn them, to the best of our abilities, into plain English. However, the clients were "played" by other 1As where most traditional legal research and writing programs hire actors to play clients. There is no reason why we cannot keep the client interviews and add more research and writing.

Fundamentally, I disagree with the idea that "psychology and dynamics of group interaction...are integral parts of a legal education." These are life skills that cannot possibly be taught in the classroom or by some contrived exercise. But in the effort to be "cutting edge," we are losing basic skills like research, writing and oral advocacy. I think it is astonishing that our Lawyering program has no real oral advocacy component to it. It is high time for NYU Law to rethink its approach to the Lawyering curriculum and focus on the basic skills we will actually use as lawyers.

JOSH LEVY '11

New York University  
Annual Survey of American Law  
Symposium

## CRITICAL DIRECTIONS IN ANTITRUST

Friday, February 19th  
Greenberg Lounge, Vanderbilt Hall  
40 Washington Square South  
9:30 AM-4:00 PM

10:15 AM PANEL 1: GOVERNMENT ENFORCEMENT

**Moderator:** HARRY FIRST

**Panelists:** KEVIN ARQUIT  
JONATHAN BAKER  
HOWARD SHELANSKI  
PHILIP WEISER  
ROBERT WILLIG

12:00 PM PANEL 2: ANTITRUST AND INNOVATION

**Moderator:** ELEANOR FOX

**Panelists:** HERBERT HOVENKAMP  
JANUSZ ORDOVER  
ROBERT PITOFOSKY  
MARIUS SCHWARTZ

2:30 PM PANEL 3: PRIVATE ENFORCEMENT

**Moderator:** ILENE GOTTS

**Panelists:** JONATHAN JACOBSON  
STACEY ANNE MAHONEY  
J. DOUGLAS RICHARDS  
DANIEL RUBINFELD

Co-Sponsored by the Engelberg Center on Innovation Law and Policy

## Bunton Describes Life as Louisiana Public Defender

By ZACH ORJUELA '12  
CONTRIBUTING WRITER

Derwyn Bunton '98 took over the Orleans Public Defenders (OPD) in 2007, and since then, he has seen some outrageous stories. On February 1, he recounted several to a packed Lipton Hall during his aptly named presentation: "I Can't Make this Stuff Up: Indigent Defense Reform and Political Power in Louisiana."

Perhaps Bunton's most notable tale was of a young OPD investigator working on a rape case. The investigator spoke with a child witness without the consent of the child's mother; she was promptly arrested and jailed – for kidnapping – pursuant to an expired court order issued in a completely different case. "If this sounds like it makes no sense," Bunton said, wryly, "that's because it doesn't." The charges were ultimately dropped nearly a year later.

While arrests and contempt of court findings frustrate public defenders, Bunton said such incidents evince a culture of stringent advocacy that the city's public defense lacked just a few years ago. Before Hurricane Katrina, public defense in Orleans Parish was a patchwork of contract and part-time attorneys with a paltry budget of \$2 million per year and no office. Local judges oversaw and heavily influenced the distribution of contracts – the same judges whose reelection prospects depended upon the speedy, but not necessarily just, resolution of their dockets.

In a state that leads the nation in both incarceration rate and wrongful convictions, indigent defendants were poorly represented and mostly forgotten.

Hurricane Katrina devastated New Orleans, but the slim silver lining was an opportunity to tackle old problems with new ideas and new people. Enter Derwyn Bunton. The national focus on the city brought increased

federal and state funding, and in 2007, Louisiana restructured the state's ailing criminal defense services with the Public Defender Reform Act. The new law gave Bunton the necessary tools to reform the public defender office, and he began in earnest. Today, the Orleans Public Defenders are 50 full-time lawyers. They have an office, conduct frequent trainings, and most importantly, they are freed from the judicial oversight that previously had politicized and crippled the city's indigent defense.

However, Bunton made it clear that recent improvements are merely the first steps down a long road to reform. OPD's 50 attorneys handled a crushing caseload of over 250,000 felonies and misdemeanors last year. Reentry services for those released from incarceration, though crucial to preventing recidivism, are beyond OPD's limited resources. And harsh state drug policies produce an overwhelming number of arrests for possession, a serious crime in Louisiana: a third conviction for simple possession of marijuana earns a 10-year prison sentence.

Bunton is always looking for bright new attorneys to join the reform movement, and he offered his advice to those seeking employment with OPD. Regarding grades, he encourages students to "do well because it's worth it. But grades don't matter nearly as much as our ability to gauge your commitment to this work." He cited clinical experience, criminal justice coursework, and a history of public interest involvement as qualities possessed by strong candidates.

Those who matriculate at OPD will join an up-and-coming organization headed by a dedicated, innovative leader. "Reform isn't over," Bunton said, "but I know two things: we're here, and our perseverance, pride, and hope make us powerful. To use the words of our clients: we ain't scared."

## Students Work to Defend Human Rights During the War on Terror

By EDUARDO JANSEN '12  
CONTRIBUTING WRITER

Before coming to NYU School of Law, student Wade McMullen '11 knew very little about the human rights abuses committed by governments during the "War on Terror." "In my ignorance it seemed too much like a domestic political issue for me to work on," McMullen said, "so I chose to concentrate my efforts elsewhere."

These days, you can find McMullen and his fellow classmates, Laura Carey '10 and Brian Buehler '10, in NYU's International Human Rights Clinic spending at least two days a week a piece working hard to fight for accountability of such abuses. "These men's lives have been torn apart by the wrongs committed against them and they both remain strongly committed to the principles of justice and fairness in their fight for accountability," McMullen said, reflecting on his change of perspective.

In 2009-2010, the International Human Rights Clinic at NYU is being co-taught by Cen-

ter for Human Rights and Global Justice ("CHRGJ") Faculty Director Smita Narula and CHRGJ Research Director Jayne Huckerby who currently oversees the students' work in representing the clinic's two clients Mohammed Al-Asad and Mohamed Bashmilah. Both Mr. Al-Asad and Mr. Bashmilah were 'disappeared' and rendered to CIA-run 'black-sites' in Afghanistan and an unknown third country; the men were ultimately released from over two years of secret and proxy detention each without ever having been charged with a terrorism-related crime.

McMullen, Carey and Buehler are three of the 14 students in this year's clinic that counts for 12 academic credits and is comprised of both fieldwork and a seminar portion. Throughout the year, students seek to explore "multifaceted approaches to human rights advocacy in both domestic and international settings." Through their fieldwork and simulation exercises, students develop practical skills including "investigating and documenting human rights violations; advocating before United Nations, regional, and national human rights bodies; and engaging with global human

rights campaigns." The fieldwork is complimented by in-class seminars where students come together with peers and reflect on issues and obstacles they may face over the course of a career in human rights.

For those students working on the cases of Mr. Al-Asad and Mr. Bashmilah, they are in frequent contact with both men, working with Professor Huckerby to counsel each client and keep them up to date on their cases. This semester, McMullen, Carey and Buehler collaborated to research and write a legal brief as well as the actual complaint filed by the clinic in upcoming litigation.

"I never would have imagined I would have an opportunity to gain this much human rights lawyering experience before graduating from law school," McMullen said. "Our professors push us to be real contributors to the team's work product and include us on every decision concerning our clients. Because of this experience, I truly feel 10 steps ahead in developing the skills and confidence to practice human rights law."

## Where's the Coke? It's All Pepsi at NYU

By ANDREW KLOSTER '11  
STAFF WRITER

It has been nearly one year since NYU wisely lifted its ban on Coca-Cola products. For those of you blissfully ignorant of the situation, a handful of imported protesters (would it have made it better if it were NYU students?) pressured the University to ban Coke following a series of spurious allegations and a pending alien tort case. In 2005, NYU provisionally banned Coke products. Four years later, the ban imploded under the weight of its own stupidity, and the court case ended last August when the Eleventh Circuit Court of Appeals upheld the Southern District of Florida's dismissal of the suit.

Since the lifting of the ban, I hadn't thought much about the subject, but recently some reactionary has decided to put "Stop Killer Coke" fliers up in Vanderbilt and Furman Halls. Never mind the fact that the lawsuit was dismissed, and never mind that the "Stop Killer Coke" campaign is the brainchild of one man, Ray Rogers, who makes his livelihood as a transaction cost in dealing with morally righteous, "politically aware" hipsters. No, set aside the absurdity of these weekend warriors.

Here's the real question: where's my Coke? Why does Pepsi still retain a *de facto* monopoly in law school facilities?

Back in August 2009, I emailed Owen Moore, the man responsible for dining services, innocently in-

quiring: "do we sell Coke at the law school?" The response was: "we do sell Coke products on campus." Well, I thought, this must be my mistake!

Yet it has been one year since the lifting of the ban, and five months since my inquiry. I have learned much about how lawyers and bureaucrats operate in these past few months, and in retrospect I realize that Mr. Moore dodged my question. So I can buy Vitamin Water at the Palladium! So what?

Where are the vending machines? Why is the sole soda available in the lounge areas an inferior product? I hear the drumbeat of inane assaults on corporate America, and I see the expensive, glossy fliers screaming "Stop Killer Coke!" I worry that I will not see the day when freedom reins in these halls.

## RELIGION: Neuborne and Shackelford Debate Over Cross

Continued from page 1

could be no doubt that a cross, no matter how well-meaning, served as "an endorsement of a parochial religious interest when you want to memorialize veterans."

While Neuborne himself sees the cross as a benign expression of faith, he cautioned that the Establishment Clause protects important principles beyond general public perceptions of religion. "Being an untouchable tenured professor at an American law school doesn't tell you one thing about how people who are not Christian feel about these things," Neuborne said.

According to Neuborne, the entire purpose of the Establishment Clause is to pro-

tect minorities from having to take such emotionally charged positions. "Religion cannot be debated rationally," Neuborne said. He argued that religion in politics can breed fear and anger, and the Establishment Clause is a shield to protect minorities from the religious views of the majority. When Shackelford questioned how a former federal employee 800 miles away could be injured by this cross—or have standing to be sue—Neuborne retorted that "we don't want to require actual yelling about religion" before people can bring these issues into court. "We pay a price for lowering the barrier to entry," Neuborne admitted, but "a prophylactic standing creates a sense of calm."

Shackelford had the logically appealing argument that a cross erected by private citizens in the desert could "hardly hurt anyone." "Context is important," he said. "This is really a benign issue."

"The vets chose a cross," he said. He argued that the cross in this context was the "universal symbol that was picked" and not a religious monument, adding that "most of the vets who put this thing up were not even religious."

However, Shackelford appeared to take a cynical tack that the Establishment Clause was being used here to "snuff out" religious freedom. He appeared to argue that if the Supreme Court decides to remove a cross in the desert because it is technically on

public property "we're going to have to start bulldozing things, in Arlington, in public buildings across the country." He wondered what sort of legal rule would result. "Are we going to have a per se rule of religious cleansing?" he said.

Neuborne suggested a sort of grandfathering of the memorial, akin to what the Supreme Court found in *Van Orden v. Perry*, the Texas 10 Commandments case. He endorsed a good faith effort to make sure the memorial explained it was not intended as a religious symbol as a potential cure to his issue, but he also reminded that not every war memorial is a cross. "The veterans chose a cross because it means something," he said, referring to its Christian connotations. Neuborne

also recommended "de-naturing" religious symbols but was promptly asked how to do that with a cross.

The two then turned to debating how *Buono* may turn on procedural issues and property law. While efforts were made to transfer the federal land back to private hands to avoid any conflict with the Establishment Clause, the pair could not agree whether Congress's efforts to affect this solution were done legitimately. They agreed that the Supreme Court's ultimate decision could successfully skirt the bigger constitutional issues, which seemed to disappoint both parties. The debate over the proper scope of the Clause appears to be utterly unresolved.

# Prostitution Should Be Legal as it is Already Prevalent in our Society

BY HONEY RYDER

Criminalizing prostitution was a terrible idea. First of all, it makes no sense whatsoever why a woman should be able to strip down, wrap herself around

weeks or so, you might want to get on it.

One night stands fit nicely into this legalized form of prostitution as well. If a bar has particularly expensive drinks or if you perhaps meet early in

## Comment

### There's Always Money in the Banana Stand

a pole, give lap dances and flash paying/tipping customers, but not be able to take the extra step of providing an hour or two of private, inter-sheet lessons. The only thing that women can possibly take away from this ridiculous policy is that for some idiotic reason the actual sexual contact must somehow be more valuable/worthy of protecting than a simple striptease. So, the logical conclusion follows that if doing the deed is somehow extra meaningful, I should take advantage.

Obviously, I can't sink so low as to ask for cash from you, my potential mate, upfront. This is mysteriously considered "wrong" and labeled as prostitution. But I can extract myriad other goods and services from you. Guys have no problem paying their way into bed with drinks, dinner and possibly even gifts as monetary substitutes. Therefore, a girl learns to get almost anything she wants using sex.

Take a step back and think about it. Phrases like "cheap date" exist for a reason. It may only take two drinks to win me over. Congratulations! You've spent about \$16 to win me for the night. The classier and more seasoned among us wait it out. Maybe a few drinks at the bar the night we meet (Trick of the Day – offer to pay for a drink or even to buy him one. He'll purchase at least three more for you than he normally would.) Then perhaps dinner a few days later. Of course, you have to make up some excuse about why you can't stay over that night. Be creative!

The key is to squeeze as much stuff out of it as you possibly can (remember to remain emotionally uninvolved), making sure to seal the deal before the Slut Window has closed. The Slut Window is a vital tool for males, that allows them to determine which girls are actually girlfriend material. Sleep with them too soon, and you remain ensconced in promiscuity. Wait too long and the guy will assume you want to date.

Each guy's Slut Window is a little different (some of them might not even have one), but it's safe to say that if you haven't consummated in three

the night and go bar-hopping, or maybe stop somewhere for food and he pays for it all, then you might rack up as much as \$75 or more in one night. Compared to the average haul of a Jersey prostitute, you're doing quite well!

Now, I know what you're thinking. "Yeah ok you might get some free swag out of dating/hooking up. But what about relationships? Surely you can't compare a long-term, intimate, loving relationship to prostitution?" Oh yes I can! There's no such thing as a free ride in this world, honey.

Think about it. Even if you're each paying equally for dinners and love gloves and furniture and whatever else you're splitting in coupledom, there's still that pesky element of time. If law school has taught me anything, it's that billable hours are the most important thing ever. And luckily, those tell me exactly how much my time is worth. When we're having sex, we are each giving up a chunk of time that we could be spending doing something else (like making money... as prostitutes, or, similarly, lawyers). So even when you're getting freaky with your loyal boyfriend/spouse/partner (the sexual kind, not the Biglaw kind), simple economics tells us that there's still an element of prostitution lurking.

So basically, when you think about it, banning prostitution is about as clever as banning coffee but allowing cigarette smoking. In other words, it's dumb. I only wish I could say, the next time a boy offers to take me out to dinner when I know he's just trying to get me to do the nasty, "Let's skip the chow, you hand over the \$50 you would have spent, and my apartment's right around the corner."

Alas, sex is a special form of currency, usable only in certain, very specific circumstances. Until the rest of the world catches up with the dating scene, then, I guess I have to use the old-fashioned method of monetary exchange the next time I want to buy myself something useful, like a hornbook. Unless of course my latest date is willing to forego dinner and just pick me up some commercial briefs instead ... takers?

# Dear Vandy, Why Do you Look So Gray?

BY MARIJA PECAR LL.M. '10  
STAFF WRITER

Imagine my surprise -correction- the overwhelming feeling of utter shock and boundless despair that rushed through my veins when I scuffled into the law school one icy January morning to discover that my beloved Vandy (whom I had shared so many memorable moments with and who had by then begun to occupy a special place in my heart) had been the victim of a heinous crime, subjected to a brutal attack and a savage act of barbarism that had left him entirely

despondent and thoroughly melancholy. The look on his face was one of misery and anguish, and the bright light of hope that once glimmered unwittingly in his eyes was entirely extinguished. All that was left was a gloomy Gray.

I wept.

The only way I can describe this is to say that the place had undergone plastic surgery, on a scale that puts Jackson to shame. While we were all on holiday, dear Vandy had been lying silently in post-op care, recovering from the mother of all transformations, waiting patiently for his wounds to heal and his scars to fade. Forget face-lifts or liposuction, this was a full-on soul transplant. Vanderbilt had morphed into something akin to the lobby of a "luxury" condo. For the colorblind. On the outskirts of Jersey. Mortgaged by Freddie Mac.

It was as though the walls had wagered a bet with the winter skies to see who could be the most dreary, the most oppressive and the most daunting of them all! Alas, the rain had soon ceased and the sun emerged, yet the gray remained as gray.

Suffice it to say that if walls could be on medication, Vandy's would be on Prozac: he had become a somber and subdued introvert, floating in the doldrums.

After mopping up my flood of tears and regaining composure, I returned to default cynicism and began to look around, intent on finding some plausible answers. I was sure there had to be some architectural, aesthetic or, at the very least, satirical explanation for such an excruciat-

ing makeover. I was determined to uncover at least some shred of evidence to explain the *mens rea* behind this. However, every crack in the wall had been filled and any imperfections glossed over. All traces of past character had been banished into oblivion.

I began to wonder, as I'm sure most of you did, what had prompted this unexpected "facelift" from teen to pensioner. Perhaps the school had received

fore, I stared at the gray, begging it to reveal its true colors. Are you a 'cinder fox' racing through the woods in the 'autumn fog'? Or perhaps a 'wet pavement', enveloped by the 'drizzling mist'? A 'winter cloud' obscuring the 'urban sunrise'? No? How about a 'shark-fin' protruding through the 'coastal dust'?

I stood there, hearing my voice echoing in the cavernous silence, my words bouncing off the walls, each question going unanswered.

The discourse was short-lived and mind-numbingly unilateral. Turns out that Gray is not much of a talker.

Then again, perhaps I was too quick to judge and he might simply be shy. Maybe I had set my expect-

tations too high. This could have just been a bad first date. Maybe he'll call again?

On a different note: it's been said that "bad taste is a species of bad morals". Since it's hardly a novelty for lawyers to be associated with the latter, it stands to reason that the former is also not an entirely fantastic accusation.

But each to her or his own. Whatever rocks your boat. *De gustibus non est disputandum*. (... and if it's in Latin who are we to question it?)

Perhaps gray is the new black. Or, when it comes to walls, the new white.

One thing I *can* say is that the gray is beginning to grow on me. It's like an allergic rash: never quite disappears but there are days when you notice it less and over time you learn to live with its itch. And even that is something. Right?



Joseph Jerome

a sizeable donation from the likes of Eli Lilly, who hoped to combat a downturn in the 'mood-enhancer' industry by tapping into the potentially lucrative law students' market. After all, not even those of the most cheerful constitution and blessed with oodles of serotonin could be immune to the long-term effects of gray.

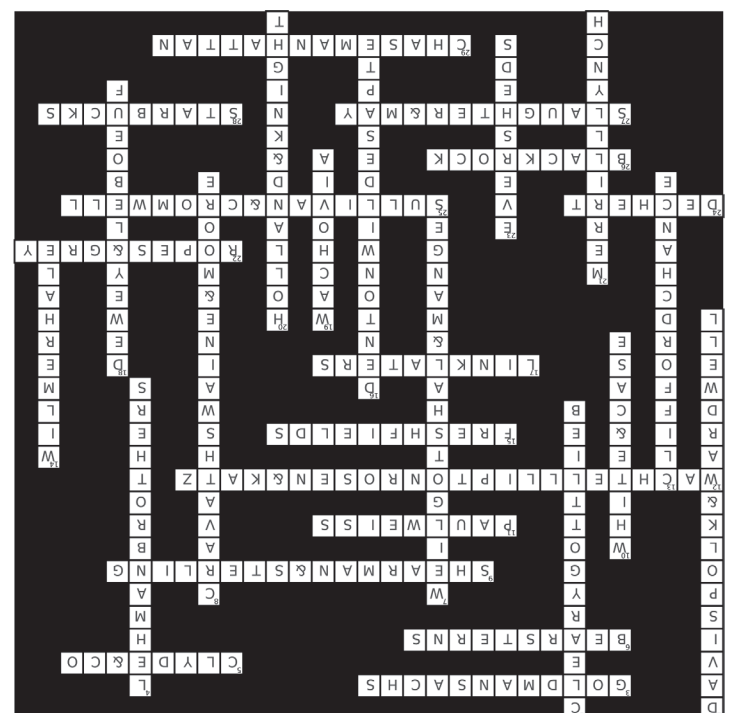
On the other hand, perhaps we were simply being reminded that life's not all black and white, but a million shades of gray. How helpful and poetic.

Whatever the answer, this was not the product of a spontaneous, whimsical decorating decision. Despite what they'd like us to think. There was more to it. The truth was out there.

Next, I perused a color chart, which I had decided would be my dictionary in this foreign land of hues. As clueless as be-

Commentator

## CROSSWORD Solution



## Peter Luger's Cheeseburger: Worth the Trek, Well Worth the Money

BY STAVAN DESAI '11  
STAFF EDITOR AND  
ELYSE FEUER '11  
STAFF EDITOR

This week's review is a little different than usual because it doesn't really review a restaurant but instead focuses on only one item: the cheeseburger. But not just any cheeseburger... The Peter Luger's



Cheeseburger. Peter Luger, for those of you living in a cave, is one of New York's most famous (and arguably best) steakhouses.

go it's usually for dinner and steak. However, if you want to enjoy the burger, you'll have to find a way to get there before 3pm because it's only served at lunch.

If we had to describe the décor

with an 11:45 a.m. reservation, and were seated promptly. While the steak is also served at lunch, we all came for the burger. You can get order the standard burger (\$8.95) or you can add Muenster cheese (\$1.50) and bacon (\$2.95). The burgers are cooked to order but, before we get into the burger itself, we provide a word of caution... Peter Luger has become known for not cooking their burgers properly. Before embarking on our burger journey, we looked up several reviews of the Peter Luger Burger and almost all of them mentioned how their burgers were either overcooked or near raw. With that said,

all the burgers at the table during our lunch were cooked about right. We advise that you order your burger medium (instead of medium-rare) to protect against getting a raw center.

Now, to the burger itself. We start with the sesame-seed bun.

Nice, crisp outside, soft and fluffy inside. The one criticism of the bun

is that some felt it was too big for the amount of meat, which says something given that the Luger burger is purported to be more than half a pound. The meat itself was very, very good. The beef blend comes from the trimmings of Luger's signature porterhouse steaks and prime chuck roll. The patty was substantial but, at the same time, the meat wasn't packed together. It wasn't very dense which gave the burger a nice, airy, moist and delicate texture. We hate to use the word delicate because this burger was everything a burger should be. It was nice and juicy and had a very solid, meaty flavor. There were no frills or extraneous spices added. A little bit of grease and high-quality meat define this excellent burger. Everyone at the table seemed very pleased. On the side we

portioned. The fries were fine, but nothing special, particularly when compared to the burgers. We couldn't finish two orders of fries between the eight of us. One last note, the steak sauce tasted a lot like cocktail sauce.

The Peter Luger burger wins our endorsement. Considering the large variety of New York burgers and prices ranging up to almost \$30, we think the Luger burger is one of the best out there and, arguably, the best for the price. The one major downside, besides the cooking-to-temperature problems mentioned above, is the journey to get there. The trip to Luger's takes about 30 minutes from the Village on the J, M, Z. While the trek doesn't sound too appealing during these cold months, the burger is well worth the trip.

Peter Luger's is located at 178 Broadway, Williamsburg, Brooklyn, NY. (718) 387-7400. The burger is only served during lunch, M-Sat. 11:45-3 p.m., Sunday from 12:45-3 p.m.. CASH ONLY but there are ATMs across the street or one next to the restaurant with a large transaction fee. Reservations highly recommended.

*Want more inspired ideas about where to dine, what to drink, or how to cook? Check out our food blog at [idcrossbestreetforthat.wordpress.com](http://idcrossbestreetforthat.wordpress.com)*



had two orders of fries, which were large and crispy and substantially

## Comment

### I'd Cross The Street For That

To eat at Luger's you need to make the trek out to Williamsburg (Brooklyn, not Virginia). For a lot of people this makes Luger's a hassle and so if they decide to

thing else is pretty simple. There are no frills; there are no deeper meanings. You are there for one reason and one reason only: meat.

We arrived in a party of eight,

## Mass Effect 2 Massively Transcends the Video Game Medium

BY JOSEPH JEROME '11  
MANAGING EDITOR

I was a big, BIG, fan of the first *Mass Effect*. It was the first game that actually had me weighing my decisions, and the experience profoundly altered my conceptions about what was possible with gaming. The first title was a pretty cool, slightly flawed, action packed interstellar adventure. And its sequel blows the first game away.

Despite two years of increasingly high expectations inside my head, *Mass Effect 2* is bar none one of the best games I've ever played. I tried to go into the game with a critical eye, and for the first hour, I found every little deviation from the first game to be an affront, but I couldn't seem to put the controller down. Fifty hours of gaming later? *Mass Effect 2* is a game that transcends its medium. It's a polished, beautiful experience and a testament to just how far removed video gaming has come from Ms. Pac Man's pursuit of her hubby.

I daresay it's the best video game ever made. If you don't enjoy video games, suffice it to say *Mass Effect 2* is the first title I'd throw at people still skeptical that gaming isn't only for twelve year-olds. If you do enjoy games, whether we're talking *Mario* or *Madden*, you simply owe it to yourself to give *Mass Effect 2* a shot.

The first game captures a fun concept and compelling universe, but the overall experience was a giant sci-fi cliché (good marine vs. big, bad aliens). *Mass Effect 2* satisfyingly complicates this situation, wiping the player's slate clean. Set two years after the first title, you play a virtual free agent out to represent humanity's best interests--whatever you think those may be. Your enemies are whomever and whatever you want them to be. You can be a force for good in the universe, for humanity, or you can throw everything away in pursuit of power or, predictably



enough, intoxicating alien orgies. The universe is your oyster.

But most impressive about the game is the departures taken from the first *Mass Effect*. Usually, the logic behind sequels is to build upon the first's template and make everything bigger and badder. *Mass Effect 2* avoids

the Michael Bay trap. If anything, the scope of the story is smaller, and what remains is a better, tighter experience. The first game attempted to provide the player with a number of different gameplay mechanics--some worked well, many did not. *Mass Effect 2* devolves into two key components: actual role-playing and space station shootouts, removing a lot of the tedium that permeates most 20+ hour games.

I'd argue the actual shooting, e.g., the blasting of aliens with lasers and the hacking of robots, is a whole lot of fun, but even if it's not as smooth as something the *Call of Duty* maniacs enjoy, it's entirely playable and very enjoyable. The basic set up involves shooting baddies and controlling a two squadmates to provide tactical backup. It's quite a lot of fun to flash freeze a bunch of mercenaries and then have your buddies send shockwaves across the battlefield for a some "Hasta la vista, baby" action.

However, enjoyable tactical combat is only half the game. More importantly, *Mass Effect 2* redefines what it is to play a "role playing" game. Like its predecessor, the game is a digital "choose-your-own-adventure" book. The number of storyline permutations is massive, and if

you've played the first game, your decisions in that game carry over, altering the storyline even more.

No, *Mass Effect 2* may not be the narrative equivalent of *Crime and Punishment*, but the sophistication of the story is pretty impressive and the player is an active rather than passive participant. Do you stand by while a prisoner is tortured in front of you? Do you comfort a daughter who just saw her father die or turn a cold shoulder? Pushing a button to decide "yea" or "nay" is surprisingly harder to do when these situations are vividly presented on screen. The wise player further sees how decisions in the game will impact the story when the inevitable *Mass Effect 3* comes around. Being constrained by your previous decisions, and watching the game evolve as a result, is a pretty powerful experience for a video game.

The whole experience is aided by some stupendous voice acting. Martin Sheen's casting as the ambiguous, cigarette-smoking Illusive Man is inspired. After seven years idolizing the man for his portrayal of the perfect president, Jed Bartlet, I felt strangely guilty for telling off Sheen's morally questionable character within the game. Sheen is just the tip of the iceberg of the vocal talent, but the voice acting is just one element that makes the characters populating the *Mass Effect 2* universe compelling.

*Mass Effect 2* presents a number of different personality archetypes: the naive child and the violent mercenary, xenophobes and religious zealots. The game's basic premise has the player recruiting a squad of mercenaries, scientists, and other

hardcore types to take on a potential threat to distant human colonies out in the galaxy. As your squad grows, you become friends with your crew, taking on intriguing tasks to earn their loyalty before the final suicide mission alongside the requisite black hole event horizon.

One of the first companions you meet is the typical ice-queen, spending many of the games initial hours criticizing the player's every move. Before the game is through, we learn the ice-queen exterior hides a character with a deep-seeded inferiority complex and daddy issues. She even breaks down in tears, after killing a whole bunch of people first, of course. Over the course of fifty hours, she goes from an unlikeable fictional construct to an invaluable ally. The game's emotional investment is its biggest accomplishment.

The game's not perfect by any means. The tactical shooting isn't quite as playable as something like *Gears of War*, and the game still suffers from a few of the most irritating video game prerequisites, e.g., silly immersion-breaking minigames and some braindead player and enemy A.I. routines.

But I'm afraid I can't be too objective with *Mass Effect 2*. This was a game I could not put down. It gripped me and siphoned away my free time like nothing has in years. Fortuitously for me, I was provided a gift of a snow day to spend the whole day inside playing a video game. It felt like something straight out of middle school and I must admit, some of the most fun I've ever had with a video game.

# Grammy Night Recap: Bigger Performances, Skimpier Clothing

By RYAN KAIRALLA '12  
CONTRIBUTING WRITER

With a nearly naked Pink dangling from the ceiling, a Broadway cast rocking out with Billy Joe Armstrong, and music's heavyweights bidding a tearful goodbye to the King of Pop, this year's Grammy Awards gave us many unforgettable moments. And now that my face has finally recovered from cringing injuries suffered during the performances by the Black Eyed Peas and Taylor Swift, I can write all about them. Let's run through

some of the night's highlights in true Grammys fashion: by giving out awards that no one cares about and ultimately everyone disagrees with.

## Best Performance

If you missed the telecast (and who would blame you, the Pro Bowl was on and who would want to miss the NFL's two best quarterbacks — by which of course I mean Matt Schaub and Aaron Rodgers — battle it out), fire up YouTube and check out another spectacular night of Grammy performances. Making this pick was by far the hardest since there were so many worthy choices. Maxwell has certainly not lost a step after eight years between albums and did a spectacular rendition of his bittersweet "Pretty Wings." Beyoncé nailed her hit "If I Were a Boy" and even showed some of her rock vocal chops with a scorching version

of Alanis Morissette's "You Oughta Know."

All that said, Pink broke from the pack this year. Her Grammy performance of "Glitter in the Air" off her *Funhouse* album should rank among the all-time best based on the sheer spectacle alone. Wearing



a strategically-taped bodysuit that makes Jennifer Lopez's famous 2000 Grammys dress look like a Persian burqa, Pink climbed into a thin white sheet and was lifted at least 50 feet above the Staples Center audience with no netting below (that I could see, anyway). She continued to sing even as she was spun around at high speed and drenched with water. And this wasn't even a one-time performance for the pop rocker either; apparently this nearly suicidal "eff you" to gravity is a regular part of her live show.

Honorable Mentions: Maxwell; Beyoncé; Dave Matthews Band; Zac Brown Band; the Michael Jackson tribute; Bon Jovi; Mary J. Blige and Andrea Bocelli; the Lil Wayne/Eminem/Travis Barker performance (which could have been even better if not for CBS being heavy-handed

with the dump button and muting half of it).

## Worst Performance

Before I lend my voice to the choir of music journalists panning Taylor Swift's Grammy performance, I'm going to say some nice things about her in the spirit of giving credit where credit is due. Whether the critics like it or not (and I imagine they don't), Taylor Swift is the biggest recording artist in the world right now, period. No debate. Her album *Fearless* is certified quintuple platinum. Beyoncé and Lady Gaga's latest releases, by comparison, have only gone double. *Fearless* has also stayed in the top twenty of the Billboard 200 for 63 weeks, and has sat atop of the country albums charts for so long she could make an adverse possession claim on the #1 spot (No groaning! You're reading *The Commentator*. You run the risk of bad law school jokes).

Those facts notwithstanding, Taylor Swift is not a great singer. She just isn't. And all the album sales in the world could not make her performance at the Grammys any less pitchy. Luckily for Taylor, she can share the blame because her duet partner, Stevie Nicks, couldn't seem to find a key she liked that night either. Together, the pair's failed harmony attempts had them staring at each other confusingly for lengthy stretches of their disastrous three-song medley. In Taylor's defense, she's only 20 and still has many years to develop her voice. Stevie has been the business for four nearly four decades. What's *her* excuse?

(Dis)Honorable Mentions: Black Eyed Peas (with Will.i.am, for reasons beyond my understanding, wearing what appeared to be a gimp hood); Academy president Neil Portnow and his once-a-year "stop stealing music" speech (Can we please put an end to this horribly awkward ritual? The Grammys are

supposed to entertain us, not scold us. Besides, is an annual shame-on-you finger-wag from an industry suit really going to make anyone cancel their LimeWire account?).

## Biggest Upset

I figure at least one of my superlatives should pertain to an actual award. Plus this pick is an easy one to make as Kings of Leon's Record of the Year win for "Use Somebody" left more than a few jaws dropped. It's not that I think they didn't deserve the award — I've actually been a fan of the Followills since their earlier work — I just didn't expect them to win. And since they were admittedly drunk when they accepted the award, I imagine they didn't either.

Nobody saw this win coming. A *Billboard Magazine* reader survey predicted "Poker Face" to take home record of the year while "Use Somebody" polled fifth out of five. Moreover, KoL was not even invited to perform during the show, which is usually a bad sign for nominees trying to win the second-biggest award the Academy gives out that night. In terms of its chances of coming out on top, "Use Somebody" was to the Record of the Year category that the Washington Nationals are to the NL East.

Before the winner was announced, you could have made much stronger arguments for Kings of Leon's competitors. If you figured the Grammy voters were being influenced by record sales, then Taylor Swift's "You Belong with Me" wins. If you thought radio play and pop-culture buzz was driving the votes, then "Poker Face" would be your choice. If you thought the Academy wanted to reward an industry veteran and critical darling, then Beyoncé wins with "Halo." So how did this happen? Beats me. Maybe Taylor, Gaga, and Beyoncé shared the votes of people wanting a female mainstream soloist to win while the rock fans in the Academy held firm

to Kings of Leon. Maybe the voters subconsciously wanted someone from the rock genre to win a major award. Or maybe, just maybe, the Academy actually makes their picks based solely on artistic merit — that it's the *music* that matters to them.

That last theory isn't likely: the Black Eyed Peas won multiple awards this year.

## Best Duet

The chip shot here would be to go with Lady Gaga and Elton John's performance to open the telecast, as it certainly generated the most buzz of any of the pairings that night. However, one of the things that makes the Grammys so fun to watch are the duets that generate exciting contrast by mixing genres and backgrounds. So where was the contrast in their performance? If you were going to pick artists from previous generations of music that shared the most similarities with Lady Gaga (crazy outfits, outlandish behavior, memorable live performances), wouldn't Elton John be among your picks? There was no contrast — just bizarre and bizarre. Besides, that performance wasn't even the most exciting Grammys duet with Elton John. Try nine years ago when Eminem and Sir Elton performed "Stan" together. That performance featured a genuine mix of personalities and had the added factor of a horde of GLAAD protesters calling for Eminem's blood outside the theatre.

Instead, Andrea Bocelli and Mary J. Blige's version of "Bridge over Troubled Water" carried the day. Not only did Blige hold her own with one of the greatest tenors in the world, but her R&B-infused vocal runs danced beautifully around Bocelli's operatic belting. And with images of earthquake-ravaged Haiti displayed in the background, the ultimate song about friendship and supporting your fellow man likely left few eyes dry.

## Crazy Heart is an Emotional Exorcism, but in a Good Way...

By BRIAN BYRNE LL.M. '10  
STAFF WRITER

As the credits roll on *Crazy Heart*, you will probably feel emotionally exhausted. Sitting in the darkness with the title track reverberating through the emptying theater, you may find that you are still being swept away by the movie's affective undercurrents. *Crazy Heart* has the capacity to suck you into its troubled world, harvest your sentimentality, and spit you out onto a cold New York street. But have no fear, for this is not a negative experience. Rather, it may be described as poignant exhilaration, or, even, an emotional exorcism. Embrace the drama, and you will be rewarded with a cleansed feeling.

Bridges plays a washed-up, alcoholic, country music singer named Bad Blake, who is reduced to playing dismal venues for poor money. Blake leads a solitary existence, driving long distances cross-country and frequenting dive motels. Worse still, his former protégé has taken the country music scene by storm, leaving Blake somewhat bit-

ter and resentful. After entangling himself with a journalist (Maggie Gyllenhaal) and her four-year-old son, Blake's self-destructive tendencies come sharply into focus against a backdrop of domesticity.

Believe the whirlwind of media hype engulfing Bridges, for his performance is sheer class. He offers a masterful portrayal that is convincing, subtle and distressing. Bridges lays himself bare, time and again throughout the film, with scenes so raw they could be employed in an anti-alcoholism campaign. He presents a character that has striking flaws, but also a warmth that shields him from audience condemnation. He is sleazy and a failure in many respects, yet viewers are left with no choice but to invest heavily in his redemption. During his career, Bridges has already notched up four Oscar nominations, but no wins. Unquestionably, he is finally deserving of the top honor.

With Bridges on the best form of his career, it was crucial to place a talented actress in his frame. Evidently, this concern was given due weight, with the casting of Gyllenhaal. Admittedly, I have never been a fan of either Gyllenhaal sibling,

However, in this movie, she is phenomenal. She deserves her Oscar nomination wholeheartedly, and I stand perplexed as to why she was overlooked by the other awarding bodies. Any actress set to play the clichéd role of "protective single mom" should mandatorily study Gyllenhaal's performance to see how it's done. When required, she unleashes a maternal ferocity that is fresh, real and powerful. At other points in the movie, she is perfectly understated and serves to illuminate our tragic protagonist. Fundamen-



tally, Gyllenhaal is a success, because she never deviates from her primary mandate, namely, to match the talent of Bridges.

Supplementing the flawlessness of Bridges and Gyllenhaal is Robert Duvall: an actor of stature and pedi-

gree. Although a minor role in terms of screen time, his character is significant as Blake's only real friend. Duvall captures a restrained tenderness, which operates as a heartwarming support structure for Blake. Duvall produced the movie, and has clearly made many fine decisions along the way. Casting himself in this role is among his finest. He understands the importance of his character, and this elevates *Crazy Heart* from excellent to superb.

On that note of elevation, I must praise the soundtrack, which is instantly accessible and additively pleasing. Quality arrives in two portions. First, Bridges is an impressive singer. Second, the songs themselves are not only "toe-tappingly" enjoyable, but also achieve originality without sacrificing authenticity. The only disappointment is that the music appears sparingly. This movie is a drama first, and a musical picture second.

Although comprised of the numerable strengths discussed so far, *Crazy Heart* has the potential to disappoint. It is important to emphasize that this is not *Walk The Line*. Some viewers may find the progress a

little slow. In addition, the casting choice of Blake's former-protégé rival is questionable. As the actor has been deliberately left off the credits to enhance the surprise effect (much like Kevin Spacey in *Seven*), I will not disclose his identity here. Suffice to say, notwithstanding his excellent singing and a solid performance, he is not in the same league as the rest of the cast. These criticisms are, however, merely a minor blemish on an otherwise outstanding film.

I recommend this movie to three distinct audiences: First, if quality and class rate highly on your critical palette, then *Crazy Heart* is worthy of your patronage. Second, if you're a *Big Lebowski* fan, and believe that Jeff Bridges has been inseparably forged to "The Dude" for perpetuity, then this movie waits patiently to broaden your horizons. Third, if you long to have cowboy hats become socially acceptable at NYU, hide a hip flask in your sock, and set your iPod to play Hank Williams infinitely on repeat, then grab your chewing tobacco and go watch *Crazy Heart*.