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Al Franken addresses the HLS Forum on Dec. 3, 1999.

Try 2K? Maybe not

By Justin Herdman

When the clock struck midnight Dec. 31, the lights stayed on. And while millennium celebrations around the globe toasted the New Year with champagne and good cheer, there was a small group of individuals who may have been disappointed at the problem-free transition.

The wet blankets were not militiamen holed up in caves, but litigators. Leave it to lawyers to ruin everybody's good time.

The Y2K bug seemed to be a ripe target for lawyers, as the glitch was present within a large portion of the world's computers and electronic devices. The flaw should have resulted in shutdowns of almost every affected computer and required expensive software patches to insure continued service.

Millennium experts had forecast a wide range of cataclysmic computer failures stemming from the bug. The predicted consequences of the problem included power failures, lost corporate data and even airplane crashes. When the most dire of the Y2K catastrophes ultimately failed to materialize, the rest of the world breathed a sigh of relief.

Lawyers expecting millennium bug business may have uttered more than a sigh, though. "Those who were doing Y2K work shouldn't give up their day jobs," said Reed Kathrein, an attorney with the San Francisco firm Milberg, Weiss, Bershad, Hynes & Lerach, which like many firms had established a special Y2K task force.

The years preceding the millennium turnover witnessed escalating reluctance among litigators to ignore the Y2K flaw. Millennium bug lawsuits would have been based on causes of action ranging from personal injury to breach of contract and non-disclosure.

Treating the millennium bug as a products liability case seemed tailor-made for profitable class-action lawsuits, in some cases projected to exceed trillions of dollars. And because of a federally mandated 90-day wait period on Y2K litigation, it may be too early to tell the extent of court action stemming from the bug. "It's still premature," said Claude Stern, a Palo Alto attorney and expert on Y2K issues.

Getting a Jump on the Bug

Oddly, the type of Y2K litigation

that has survived the transition was initiated before the calendar changed. The type of lawsuit at issue involves large corporations, like Nike and Xerox, who have brought claims against their insurance companies. The suits question whether the corporations' Y2K preparations were covered under insurance policies.

The Xerox case, which was filed last July against American Guarantee & Liability, seeks \$180 million for outlays required to fix the corporation's millennium bug problem. The company is suing under a provision in the policy that covers any losses from destroyed, distorted or corrupted computer software and data.

Xerox also claims that the Y2K expenses should be reimbursed under a "sue and labor" clause, where a corporation can recover money spent to mitigate prospective damages. The classic example of a "sue and labor" action is a corporation that erects sand-bag walls to protect a factory from flooding. A lawsuit would reimburse the cost of the sand-bagging under the theory that the insurance company would have shelled out far more to cover the flood damage.

The success of Xerox's lawsuit could determine the course of future Y2K litigation. If legal theories in the action are affirmed, they could be used by other large corporations seeking collection for millennium bug expenses.

Legal experts are quick to point out that such lawsuits will be conducted almost exclusively by large corporations because of the resources required for sustained, effective litigation. Additionally, huge companies are more likely to have spent exorbitant funds to fix their often complex Y2K problems.

Reigning in the Law

Fears of excessive Y2K litigation prompted federal action last year. In July, Congress passed the Y2K Act, which offered liability protections for smaller software manufacturers by limiting punitive damages and raising the burden for breach of contract actions. The software industry lobbied heavily for the bill, claiming that lawsuits stemming from the millennium bug could have resulted in a financial apocalypse for high-tech innovators.

At the time, statements by

Please see Y2K, p. 4

Alum off to running start

Cranley '99 Democratic candidate for U.S. Congress

By Justin Cooper

Perhaps the transition from JD candidate to Congressional candidate does not require mounds of dough and decades of political experience. John Cranley '99 graduated from HLS last June, and last Friday he locked up the Democratic nomination for Congress from his home district in Ohio.

Cranley, currently pursuing a degree at the Harvard Divinity School, will be running for office in the first Congressional District of Ohio, which includes all of Cincinnati and some of its suburbs. There are no other Democratic contenders, so he expects to coast through the primaries.

At that point things will get more difficult. "We're going to have to redefine the way a Congressional race is run," Cranley said. "The odds are against us."

Cranley's Republican opponent, Steve Chabot, has been in office since 1994, and has well over a million dollars for the race. Cranley's campaign, meanwhile, will have to be more grassroots.

"We're going to knock on every door and have a sign on every lawn," said Cranley, whose long-time friend, Dan Driehaus, will be his campaign manager. Cranley says his campaign has little money, and may not even run a single poll, but they have

a lot of enthusiasm and creativity. "We've got a lot of young people involved; this is our summer project!" he says.

Cranley is optimistic about his chances, in part because of the demographics of his district. The district's borders were drawn up by the Democrats in 1990 to favor Democrats; the city of Cincinnati votes overwhelmingly Democratic. The Democrats have lost recent elections, however, because of their weak showings in the Republican-dominated, Catholic suburbs to the west and north of the city.

Cranley is from the western suburbs, he is Catholic, and his parents are Republicans, so he hopes to draw crucial crossover votes that will tip the election in his favor. "The secret about this election," he says "is that we're going to win."

A recent Washington Post article gave Cranley little chance in the election, since he is a relative newcomer to the political process. Some Cincinnati papers have compared him favorably to former Cincinnati Mayor Jerry Springer, however, who won elected office in his twenties. While Cranley appreciated the complement, he joked that he is not sure how well being compared to Springer will serve him.

Regardless, Cranley's current position is unexpected, if not miraculous. "This is crazy!" he

says of his being nominated by the Democratic Party. "I'm 25 years old, I've never had a full time job, and I live in Boston!"

So, how did he get where he is today? Cranley grew up in Cincinnati, where he attended a Jesuit high school. He moved on to John Carroll University in Cleveland, also a Jesuit school, where he was twice elected student body president, and then to Harvard Law School. During his summers, he went back to Cincinnati and worked with the Democratic Party as a volunteer.

"I worked on a couple of campaigns, but I didn't do that much," Cranley said. Cranley says that the string of events leading to his nomination is still something of a mystery to him, but that when presented with this opportunity, he could not refuse.

A school-sponsored trip to the Dominican Republic at age 17, in which he worked with malnourished children in poverty-stricken communities, led Cranley to resolve never to back away from a chance to make a difference and combat injustice. He sees holding political office as just such an opportunity.

When the Democratic Party suggested to Cranley that he might be their candidate, he first suggested that they look for

Please see CRANLEY, p. 3

SUPREME COURT UPDATE

Federalism war rages on

By Francesco R. Barbera

One can fault Chief Justice William J. Rehnquist for many things, but lack of patience isn't among them. Twenty-seven years after his appointment to the Court, and 14 years after his elevation to the status of *capo di tutti capi*, Rehnquist is finally watching his states-rights crusade bear fruit.

This has been evident for quite a while now, but events this week underscored that the Rehnquist Court seeks nothing less than a fundamental reconfiguration of American federalism. In a decision announced Tuesday, the Court ruled that Congress lacks the authority to bind state governments to a decades-old federal law prohibiting discrimination against elderly workers.

The Court found the law, the Age Discrimination in Employment Act (ADEA), to be an "inappropriate" exercise of Congressional authority under the enforcement clause of the 14th Amendment. Justice Sandra Day O'Connor, writing for a now-familiar five-member majority, held that the law constituted "an unwarranted response to a perhaps inconsequential problem," and thus did not trump

states' sovereign immunity under the 11th Amendment. The decision, *Kimel v. Florida Board of Regents*, emphasized the fact that Congress never identified a pattern of age discrimination by state employers, and noted that, since age is not a suspect class, such discrimination rarely rises to the level of a Constitutional violation.

The Justices are slated to hand down four more federalism decisions this term, including one in the heavily publicized case of *Brzonkala v. VPI State University*. On Tuesday, after announcing its *Kimel* decision, the Justices heard oral arguments in the *Brzonkala* case, which poses a constitution challenge to a provision of the Violence Against Women Act which creates a private right of action for victims of gender-motivated violence.

The plaintiff-respondent in the case, Christy Brzonkala, brought a suit under the Act against two of her classmates at Virginia Polytechnic Institute who allegedly pinned her to a dormitory bed and raped her. The District Court in Virginia held the provision unconstitutional, and, in a scathing opinion laced with conservative rhetoric ("... in this day, when accretion, if not actual accession, of power to the federal

government seems not only unavoidable, but expedient..."), Rehnquist's comrades on the Fourth Circuit agreed.

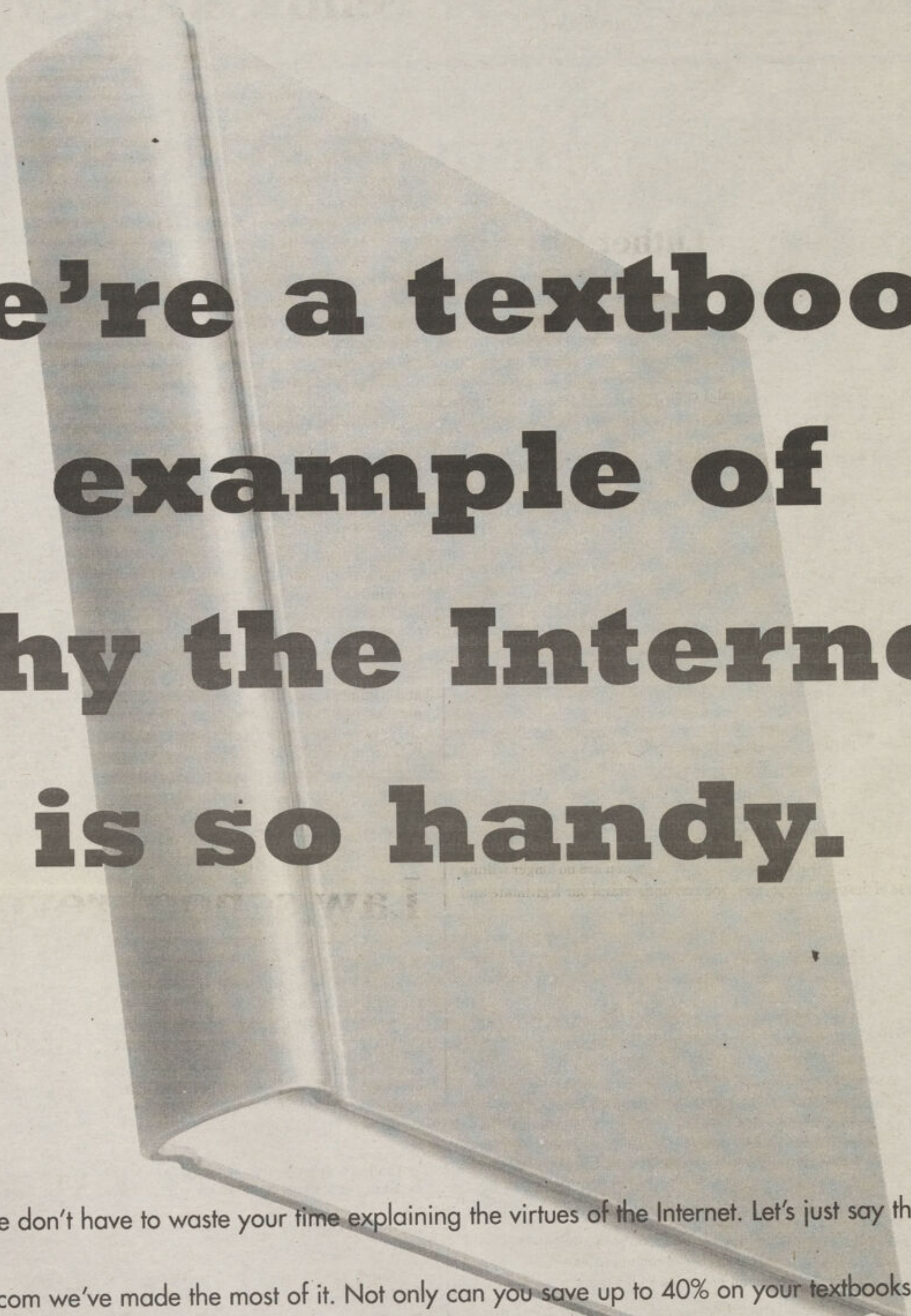
Circuit Judge Luttig held that the provision exceeded Congress's authority under both the Commerce Clause and the Enforcement Clause of the 14th Amendment. The decision relied heavily on *United States v. Lopez*, Rehnquist's 1995 decision which struck down a federal law prohibiting possession of a weapon in school zones. Parting ways with decades of deferential Commerce Clause jurisprudence, the Court found the law exceeded Congress's power.

Linda Greenhouse of the *New York Times*, reporting on the oral arguments, made it clear that the five-justice states-rights majority did little to conceal their skepticism of the VAWA's constitutional validity.

And so, at this point, it's self-evident that, unless Nino Scalia retires in time to give President Clinton a chance to find a suitable replacement, the Court's march towards states rights will continue apace, and the *Brzonkala* case seems a likely candidate to help things along.

On the equal protection front,

Please see COURT, p. 4



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Remembering Martin Luther King Jr.

In honor of Martin Luther King, Jr. Day, we are excerpting below portions of Dr. King's Letter from a Birmingham Jail, one of the most famous explications of his philosophy of nonviolence.

My Dear Fellow Clergymen:

While confined here in the Birmingham City Jail, I came across your recent statement calling our present activities "unwise and untimely." ... [S]ince I feel that you are men of genuine goodwill and your criticisms are sincerely set forth, I would like to answer your statement in what I hope will be patient and reasonable terms.

I am in Birmingham because injustice is here.... Like Paul, I must constantly respond to the Macedonian call for aid.

Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere Never again can we afford to live with the narrow, provincial "outside agitator" idea.

I would not hesitate to say that it is unfortunate that so-called demonstrations are taking place in Birmingham at this time, but I would say in more emphatic terms that it is even more unfortunate that the white power structure of this city left the Negro community with no other alternative.

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed For years now I have heard the words "Wait!" It rings in the ear of every Negro with a piercing familiarity. This "Wait" has almost always meant "Never." We must come to see with the distinguished jurist of yesterday that "justice too long delayed is justice denied."

There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into an abyss of despair. I hope, sirs, you can understand our legitimate and unavoidable impatience.

You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, it is rather strange and paradoxical to find us consciously breaking laws. One may well ask: "How can you advocate breaking some laws and obeying others?" The answer is found in the fact that there are two types of laws: There are *just* and there are *unjust* laws. I would agree with Saint Augustine that "An unjust law is no law at all."

One who breaks an unjust law must do it *openly, lovingly*, (not hatefully as the white mothers did in New Orleans when they were seen on television screaming "nigger, nigger, nigger") and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and willingly accepts the penalty by staying in jail to arouse the conscience of the community over its injustice, is in reality expressing the very highest respect for law.

Let us all hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear-drenched communities and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.

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Justin Cooper

Editorial/Letters Policy

Main office — Harvard Law RECORD, Harvard Law School, Cambridge, MA 02138-9984
Telephone: (617) 495-4418 • Fax (617) 495-8457 • E-mail: RECORD@law.harvard.edu

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"Congress shall make no law...abridging the freedom of speech, or of the press..."

—First Amendment, U.S. Constitution

• Letters •

Fellow sounds off at Bell

I am a visiting fellow with the Human Rights Program at the Harvard Law School, and I recently gave a presentation at the Middle East Law Students Association's request, which was strongly criticized by Avi Bell (in his recent letter to the RECORD). I feel I have the right and responsibility to comment, particularly since his comment included some clear factual errors and misrepresentations with respect to what I said.

First, Bell claims that I said that Israel "should not exist." I quite simply never said this, nor do I believe it. I did say, however, that there is racism in Israel. Israel has defined itself as a "Jewish state," which I pointed out is a racist definition for the approximately 20 percent of the population that is non-Jewish. When asked about states that define themselves as Muslim, I equally believe, and said as much, that these states are also racist.

Secondly, he accuses me of a "McCarthy-esque" technique of claiming I have documents that I could not provide. I do not normally give presentations with my full library on hand, although I did offer to show bibliographic citations and documentation to the one member of the audience who challenged my references. In particular, I provided the requested reference of an interview with Major Eitan Ben Moshe, published in the Israeli newspaper *Yorushalaim* on Nov. 26, 1999, to this audi-

ence member. While this is just one reference of many I can provide, this one is particularly important as it provides first-hand testimony by an Israeli officer as to one of the many massacres carried out by the Israeli army in 1967 and the destruction of an entire quarter of the old city of Jerusalem.

The second document I provide here that was challenged by the audience member is the CIA report dated 27 July, 1948, reference number ORE38/48. This report details the real ratio of Israeli vs. Arab armed forces in 1948. At that time, there were 97,800 Jewish forces vs. 27,000 Arab troops inside Palestine and 19,800 outside of Palestine. The imbalance of power clearly shows the extent to which Israel was militarily superior to its Arab neighbors. Israel itself has changed the textbooks used in classrooms throughout the country to reflect the inequality in the fighting forces, a revision of the usual claim that Israel was a small defenseless country surrounded by millions of powerful and murderous Arabs. Further references are available on request.

Perhaps Bell should reread Phil Berengolts's article on page 1 to refresh his memory as to the main theme of the talk. We basically made the point that the so-called peace agreements between Israel and the PLO cannot,

and in fact were not, intended to create an independent Palestinian state or to recognize the basic human rights of the Palestinians. This "100 year conspiracy" was quite simply an explanation of the balance of powers in the Middle East in the colonial period, when the Middle East, like other areas of the world, was dominated by European powers.

Bell's point concerning the media is also just false. Never did I intimate that a "cabal" was secretly manipulating the press from behind the scenes. A basic reading of Noam Chomsky, however, will inform the most skeptical readers as to how the media serves particular interests in this country. My point in discussing the press in the U.S. was to show that inside Israel, the press is much freer, the debate much more varied, the opinions much more critical, than those found here in the U.S.

Finally, I would like to say to Bell that mutual respect and dialogue is much, much better than mindless polemics and misrepresentations. I would like to thank the organizers of the event, for offering alternative ideas to the age-old problems in the area. Maybe typically, the organizers are non-American, and themselves actually live in the Middle East.

Shawqi Issa
Visiting Fellow, HLS
Human Rights Program
Dec. 7, 1999

Law school revolution

Thank God for Russ Simpson '65, a classmate of mine, and others who have the temerity to put the age of entitlement in its place. If you want to practice public interest law of one kind or another, *do it*. If your loan portfolio is over-full, then perhaps you made the wrong choice of law schools (gone to one where juicy scholarships awaited) or, heaven forbid, gone to work and to law school at night or saved up for the cost. Instead

you picked knowingly one of the admittedly most elitist law schools on earth — why? You can't be that dumb now can you, so what's the real agenda? If the agenda is as the vocal class of 2000 insists, it's your obligation to broaden the school and turn it into a vehicle for revolutionary (albeit always non-violent) revolution. Here is my prediction of what will happen within five years:

- 1) 10 percent of the class will go elsewhere
- 2) the level of entrance will diminish in stature
- 3) the best qualified faculty will leave
- 4) you will have converted a great national school into a poor and oddball local law school, and
- 5) please change the name — to do otherwise is fraud.

J.H. Chanin '65
Dec. 6, 1999

The divine candidate

Continued from CRANLEY, p. 1

someone else. When that fell through, however, he could not turn them down again. Speaking of his campaign, he said, "We think we can effect social justice and stop the guy that we think is causing social injustice."

The Democrats came to Cranley after a series of twists and turns in their efforts to regain control over the House seat held by Chabot. In 1998, Mayor Roxanne Qualls ran against Chabot, and almost won. She did well in the city of Cincinnati, but showed poorly in the suburbs.

This time around, the Democrats expected to nominate Todd Portoon, a long-time Cincinnati politician. Portoon demurred at the last second, however just before filings were due, in spite of an offer of at least \$1 million in campaign support and pleas from such nationally known politicians as Richard Gephardt. That left the party without a candidate, and they turned to Cranley.

"There's no doubt that they wanted some new blood," says Cranley. He notes that attending Harvard Law School may have helped his cause. "There's no question that the party was fooled into think-

ing that because I went to Harvard Law School I am an intelligent young man," he says with a laugh.

Cranley added that the party was very honest with him, and stated plainly that he would not receive the kind of monetary or institutional support that Portoon would have.

Still, he was able to negotiate a pretty good deal for himself. "One of my conditions was that I be the only [Democratic] candidate — no primary. We don't even have an organization yet; there's no way I could win in a primary!"

The party agreed, and has promised to help him fight off any potential write-in candidates. Since the filing deadline has passed, no other candidates can get their names on the ballot.

The Democratic primary is on March 7. Cranley, who says that keeping a sense of humor will be a top priority for his campaign, said he is looking forward to that day. "On March 7, either Al Gore or Bill Bradley is going to lose in Ohio, but I know I'm gonna win!"

Cranley went on to insert a plug for his campaign. "Donations can be sent to Cranley for Congress, PO Box 1176, Cincinnati, Ohio 45201," he said.

Capo Rehnquist rules

Continued from COURT, p. 1

the Court heard oral arguments on Monday in a case which hails from that cauldron of legal innovation, the Seventh Circuit. In a 1995 decision, **Chief Judge Richard Posner '62** held that the Equal Protection Clause provides a cause of action for a person who alleges that he or she was singled out for unequal treatment by the state solely on the basis of ill will or "sheer vindictiveness." Posner affirmed that holding in the current case, *Olech v. Village of Willowbrook*, in which the plaintiff alleges that the municipality left her without water for three months because city officials were aggravated by a prior lawsuit filed by Olech against the city.

The briefs in the case went head-to-head on the question of whether the Equal Protection Clause protects a "class of one" or only members of some broader suspect class, and contain the requisite apocalyptic predictions and counter-predictions about the fate of the Republic should the Court rule either way.

Apparently, the Justices' central concern during the arguments was how a city might defend itself in a lawsuit. Lawyers for Willowbrook, as well as the Clinton Administration via the **Solicitor General Seth Waxman's** amicus brief, proposed an extremely deferential rational review which would preclude inquiry into a city's motives if there were some "conceivable" rational justification for its actions. **Justice**

Ginsburg, skeptical of the proposal, noted: "A court can always dream up a rational basis."

Considering all of the above, and the prospect of a Republican presidency shimmering on the horizon, things are looking up for Rehnquist. It must have been sheer icing on the cake for him to preside over Clinton's near-ouster and hence achieve a sort of pseudo-vindication of his old benefactor, Richard Nixon.

It is no wonder that the *capo* could afford to throw the liberals a bone in his annual "State of the Judiciary" report, issued by the Chief Justice at the start of each calendar year. In this installment, Rehnquist called for an increase in the compensation — currently set at \$75 an hour — paid to appointed counsel in federal criminal cases. The gesture won the Chief a generous headline in the *Washington Post*, but considering the history of Rehnquist's criminal justice jurisprudence (Rehnquist has voted against defendants 97 percent of the time), **Greenhouse** was right to put the news where it belonged: after a paragraph detailing Rehnquist's criticism of the "unnecessary federalization of state law matters."

Apart from that, Rehnquist's report was uncharacteristically bullish on the millennial judiciary. The Chief noted that federal dockets are swelling at a slower rate, and commended Congress for finally giving federal judges their long-awaited cost-of-living-increase.

Millennial lawsuit bust

Continued from Y2K, p. 1

Congressional leaders underscored a loathing for advantage-seeking trial lawyers. Senator John McCain (R-Ariz.) was one of the bill's principal supporters and outlined the act's fundamental purpose as restraining over-eager litigators.

"For the lawyers, this could be like training for the Olympics, then having the games called off... The concern, though, is that this species of Y2K lawyer has proliferated, and now it's got to eat some-

thing," McCain said last June.

But far from despairing at the lack of Y2K litigation opportunities, some lawyers are claiming credit for the smooth millennial transition. "Nobody is going to believe that lawyers are heroes in this case, but we had something to do with it. It's clear to me and a lot of attorneys that by raising red flags in advance, we helped avoid bigger problems down the road," said Ronald N. Weikers, who has authored a resource guide for Y2K litigators, in an interview with the *Washington Post*.

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Can You Spare a Razor Blade?

By Dusan Stojkovic '00
RECORD Columnist

"MAGNOLIA" WILTS UNDER FLOWERY DIRECTION

A majority of last year's films that I have seen are marked by two features: actors unexpectedly improving on their thespian skills and ridiculously lengthy running times. Officially, "Magnolia," Paul Thomas Anderson's latest study of the decrepit decadence that is Southern California, clocks in at 179 minutes. Nice try, buddy, but I know three hours when I see it, and this film *feels* long. I eagerly sat through Anderson's "Boogie Nights," the best film of 1997, twice (granted, it was a German synchronized version the second time), but even one viewing of "Magnolia" was a chore.

Anderson takes a well-intentioned stab at profundity, but ultimately fails to make a deeper statement about the interrelatedness of individual destinies. Framed by vignettes purporting to show that human existence encompasses too many coincidences than can simply be written off as pure happenstance, the film follows the fates of a set of quirky characters portrayed by a spectacular cast. But the fragments

never fully gel, as the connections among the various players stay frustratingly diffuse. Moreover, the film seems undecided as to whether it is a tragedy, comedy, farce or, in the final third, a disaster flick reminiscent of late '70s cinema.

The chief problem is that, despite Anderson's efforts to breathe artistic life into the film, the pseudo-intellectual abstractions and ten thousand sub-plots inevitably drown it. A prime example is the soundtrack, mostly composed and performed by Aimee Mann. The songs are powerful, layered and fit neatly into the subject matter of the film, but interfere acoustically with the dialogue. What was surely intended as a cinematic gimmick turns into a messy contraption that takes away from the high-quality performances.

The best of these comes from Tom Cruise as Frank Mackey, an infomercial guru who teaches men how to increase their success rates at getting laid. The fact that a twerp like Cruise can convincingly pull off lines such as "Respect the cock,

and tame the cunt!" is compelling evidence that he is entitled to an Oscar nomination for Best Supporting Actor. In the end, though, he should lose the Academy Award to Jude Law for his ambiguously-homophobic turn as Dickie in yet another overlong film of 1999, "The Talented Mr. Ripley." Cruise falters in "Magnolia's" big-drama scene in which he visits his estranged, dying father, Earl Partridge (Jason Robards, good as ever). Rosie O'Donnell's ostensible "cutie pattootie" love interest (cuz she ain't no dyke, y'all) shakes and whimpers excessively, taking "the method" a tad too seriously.

On the other hand, Julianne Moore, who plays Earl's much younger wife Linda, proves herself to be a veritable master of "the method." On its face, the role is pretty straight-forward: Linda marries Earl for the cash, but falls in love while taking care of him during his bout with cancer and feels remorseful. Moore turns this seemingly simple supporting role into something more complicated and manages to prevent

the seams of the character from unravelling. In fact, arguably the best scene in the film is when Linda confronts two nosy, judgmental, *argwöhnisch* pharmacists. In a moment of glorious vindication, she tells one of them to "Suck my dick!" Even though the movie went a bit overboard on expletives, this particular remark was right on key. The only problem with the role is that it is a virtual reprise of Amber Waves from "Boogie Nights," but Moore deserves another Oscar nod for being such a hard worker at the turn of the millennium. "Magnolia" is her fifth film released in 1999.

Another actor who has been kept quite busy over the past year is Philip Seymour Hoffman, who plays Phil, Earl's nurse. Presumably best remembered as Scotty, Dirk Diggler's unrequited lover, Hoffman also played the terminally annoying Freddie in "Mr. Ripley" and Rusty, the didactic transvestite in "Flawless." Though he cries convincingly on command in "Magnolia," the part, on the whole, is superfluous. Uttering lines like "This is the part of the movie where you help me," Phil mostly serves as Anderson's vehicle for unsettling the conventions of the film medium. Woody Allen has done this (over and over again) in far less than three hours.

Another wasted role is that of Donnie Smith, a former child prodigy and quiz whiz who has grown up and is no longer cute. Nevertheless, William H. Macy, who depicted Little Bill in "Boogie Nights," (hello, trend!) is brilliant in the part.

Anderson's staple actor, John C. Reilly, is equally good as Officer Jim Kurring, a good-natured cop who falls for Claudine, a young woman very much evocative of the Offspring song "She's Got Issues." Melora Winters, aka Jessie Saint Vincent in "Boogie Nights" (which, incidentally, would be cheaper to rent than seeing "Magnolia" now) probably gives the film's weakest performance, screaming and snorting cocaine like she doesn't really mean it, not unlike Margo Schlinger.

The reason for her torment is an abusive father who happens to be a game show host, played well by yet another Anderson-flick veteran, Philip Baker Hall. Floyd Gondolli in "Boogie Nights," Hall also played the title role in "Sydney" (1996) and was featured in Anderson's 1993 debut, "Cigarettes and Coffee."

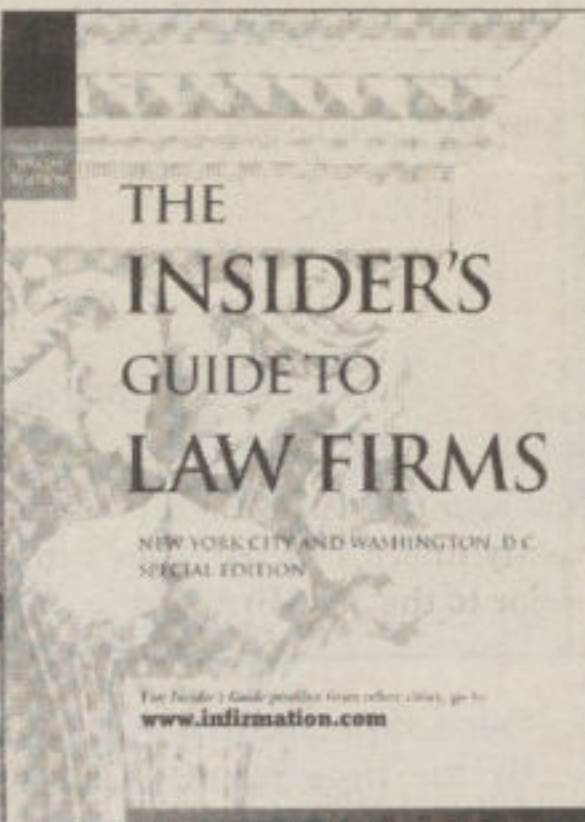
Since the film's title, "Magnolia," apparently has no significance, it could have more aptly been called "Overachieving Character Actors Anonymous."

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Her Indie World

By Suzanne Carter '00
Music Columnist

SIMPLY THE BEST

Ah, 1999 — the numbers conjure up images of barely-legal faux musicians in white suits and tube tops, misogynistic boys (the sort that stole my earmuffs in grade school), and perhaps most loathsome of all, Smash Mouth's "All Star," the worst pop song in years (how bad is it? It makes me yearn for the relative complexity of, say, Sugar Ray's "Fly"). No wonder Quincy Jones recently told the *Wall Street Journal* that this year's music was "as bad as I have ever seen ... really, really bad. There are a few exceptions, but most stuff is bad."

There were enough exceptions to fuel my stereo this year. So, pull up a chair, and follow the advice of the year's best movie ("American Beauty," for those of you who are shut-ins): look closer at '99, and you'll find 20 masterworks:

1. *On How Life Is* — Macy Gray

Last year produced many worthwhile efforts, but this raw triumph towers above them all. The Ohio native's debut introduced the world to a startlingly original voice that sits happily on the shelf between Ella and Stevie. Every one of this album's ten songs is simply spectacular.

2. *When the Pawn...* — Fiona Apple

"And if you wanna make sense, whatcha looking at me for? I'm no good at math," Apple chided in her sophomore album, and in that one line, Apple's sly, profane, self-analytic lyrics unite. What no quote can do, however, is capture her alto's huskiness, her improvisational texture, or the frenzy that lies just beneath her tongue.

3. *Utopia Parkway* — Fountains of Wayne

Since the arbitrariness of the calendar precludes me from including Elliott Smith's brilliant *X/O* on this list, I'll give props to another act that finds beauty beneath the suburban sprawl. Modern rock will not die while insurgent popsters like Smith and the Fountains are around to reinvent it (with a little help from their forefathers).

4. *The Stateside Arrival* of the Corrs

With the domestic release of *Talk on Corners* came the best Irish export since U2 (sorry, Sinéad). Their duet with the Chieftains was spectacular, their "Satur-

day Night Live" appearance endearing, and — take it from someone who's heard it already — their performance on MTV's *Unplugged*, to be aired in early 2000, will green even the most relentless anglophile.

5. *Music from the Motion Picture Magnolia* — Songs by Aimee Mann

Paul Thomas Anderson's "Boogie Nights" spawned the best of the '70s-themed movie soundtracks; his current film is framed by a bittersweet, literate singer-songwriter (think Joni Mitchell covering "Alison"-era Elvis Costello). After viewing "Magnolia" trailers backed by Mann's "Momentum," who isn't raring to sit through Anderson's opus?

6. "Ladyfingers" — Luscious Jackson

In a summer where radio either advised women to kick our cheap-o men to the curb or to stick that cookie up our yeahs, Luscious Jackson emerged with a respite from all the sexual politicking. Where else could you hear a lyric like "I've got kid gloves, baby, I've got heart"? And where else (except *Western Wall* — see below) could you hear Emmylou Harris's divine harmonies?

7. *Fanmail* — TLC

No doubt about it, "No Scrubs" was the best single of the year, transforming post-feminist sass into an instant classic. And the rest of *Fanmail* was good, too, from the sisterhood anthem "Unpretty" to the in-your-face "Silly Ho." Even the between-tracks interludes worked (when's the last time you could say that about a record?).

8. "Learn to Fly" video — Foo Fighters

Terrific musicians in their own right, Dave Grohl & Co. are set apart by their engaging video personæ. With "Learn to Fly," an air-travel drug-smuggling satire in which the boys impersonate typical frequent fliers (the fat lady, the carry-on obsessed stewardess, the screaming baby), they've created a video masterpiece.

9. *The Ego Has Landed* — Robbie Williams

The Gallagher brothers spent the year mired in line-up changes, but fear not: another obnoxious Brit came to entertain us. *Ego* is caustic, but there's a big grin lurking beneath Williams's snot-nosed sarcasm. Best lyric: "Every morning when

I wake up, I look like Kiss, but without the make-up." Genius indeed.

10. *to venus and back* — Tori Amos

As usual, the Fairie Queene released a set of brilliant new songs this year, the best of which, "Bliss" and "1000 Oceans," were released as singles. But the live portion of her two-disc set made the album a must-have, demonstrating why Amos's improvisational skills and manic intensity have made her the best live performer of her generation.

11. "Caught Out There" — Kelis

In 1999, airwaves were filled with tales of no-good men, and no man (except possibly Limp Bizkit's Fred Durst) was worse than the object of the ODB protégé's rage in "Caught Out There" (i.e., "I hate! You! So much! Right now!"). The single's video-game sound effects were the year's coolest Pac-Man era throwback.

12. *The Hot Rock* — Sleater-Kinney

The trio of Seattle women may have quieted *Dig Me Out's* scream, but *über*-vocalist Corin Tucker still sings just to the right of chaos. And in "Banned from the End of the World," the Emily Dickinsons of punk rock deliver the year's best Y2K rebuke: "I've no millennial fear, the future is here, it comes every year."

13. *Viva Wisconsin* — Violent Femmes

That it had the best title of the year didn't merit the Femmes's live album's inclusion on this list; that it showcased updated renditions of many of the finest songs of the '80s did. "Energetic" is too tame a description of the mind-blowing version of "Kiss Off" that closes this disc.

14. *Central Reservation* — Beth Orton

Like Fiona Apple, Orton released a sophomore album that was every bit as good as her debut. Her electronica-tinged folk music luxuriates in the loveliness of despair; it sounds a lot like what her fellow countrymen Blur attempted on the vastly inferior *13*. She's a fitting ambassador to the post-Britpop era.

15. *Brand New Day* — Sting

What if Sting released his best album in ages, and nobody came? Such was the fate of *Brand New Day*, a wonderful col-

lection of songs that veers from Eastern Indian hybrids to old-fashioned country-and-western ballads.

16. "Beautiful Stranger" video — Madonna

With her willingness to poke fun at her image in "Beautiful Stranger," Madonna's already sparkling video career hit a high point. And the scene where she rubs her butt on Mike Myers's face is funnier than anything in either "Austin Powers" film.

17. "My Love is Your Love" — Whitney Houston

Tout Britney and Ricky if you must — my favorite pop moment came from this '80s survivor (with a little help from songwriter Wyclef Jean). Yes, it's more than a little cheesy (particularly Houston's daughter's chanting "sing mommy"), but it's a warm, gooey white cheddar fondue.

18. *Summerteeth* — Wilco

Jeff Tweedy still sounds like he forgot to take his decongestant, but as far as true roots rock is concerned, Wilco laughs in the face of hyped performers like Sheryl Crow. With *Summerteeth*, the Stones-influenced quartet have released their best album yet and proved themselves the best patrons of the piano lick since Tori Amos.

19. "Bills, Bills, Bills" — Destiny's Child

Because "Bills, Bills, Bills" was essentially "No Scrubs" for the slang-deprived, Destiny's Child was popularly consigned to the TLC wannabes club. But the lush harmonies and syncopated grooves on "Bills" proved these gals were a cut above the rest, giving us the summer's most delicious hook.

20. *Western Wall* — The Tucson Sessions

Linda Ronstadt and Emmylou Harris With its 13 exquisitely selected duets, *Western Wall* is truly like a prayer, one where the gospels have been written by Leonard Cohen, Bruce Springsteen, Rosanne Cash and Emmylou herself. It's sensuous western music like this that shames Shania and the Dixie Chicks.

And if you're curious about Macy Gray ... she will be this week's musical guest on NBC's "Saturday Night Live."

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