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HELLO, NEW YORK LAW SCHOOL!

Welcome to the new issue of DeNovo!

IT'S INCREDIBLE HOW fast this year is zipping by. Especially considering how slow that hour and forty minute class seems. I, for one, am looking forward to the upcoming break. It will definitely be nice to have some time to unwind before the panic of finals kicks in. But the real issue is where to go? North for some end of the season skiing or south for some warm weather sunshine? If I wasn't constantly analyzing con law in my head I might be able to focus on these more important questions.

DeNovo is the voice of the New York Law School community. We encourage all members of this great community to let their voices be heard. Care to comment on a court decision? Do you have a story to report or a tale to tell? Maybe you know a good restaurant to recommend or have something to say about the upcoming Mets season. Send in your articles, opinion pieces, reviews, art, etc. We accept all submissions on a continuous basis. Support DeNovo and be an active member of your community.

We hope you enjoy the issue. As usual it is filled with fun and games. And a few interesting articles as well. DeNovo loves your feedback. So don't hesitate to send your comments and (nice) criticisms.

Read. Enjoy.

ANTHONY
Managing Editor
Where Have All The Trials Gone?

BY ANTHONY RUFFINO

MOST OF US ARE familiar with the statistic that around eighty percent of lawyers never step foot in a courtroom. This may seem like a surprising figure at first, but after investigating the legal profession, it becomes clear that this figure is most likely accurate. And with the current trend of decreasing litigation, it does not appear that this percentage will change much in the near future. Some argue that most lawyers are not capable to handle courtroom litigation because of a total lack of experience and others complain that lawyers are making partner without ever having tried a trial, or even second-chairs some cases.

In keeping with these dramatic trends, in 2002, despite a fivefold increase in the number of civil filings in federal court only 1.8 percent of these filings went to trial. A steep decrease from only forty years ago when filings were significantly fewer and twelve percent went through to trial. There are abundant numerical statistics to highlight this trend away from litigation. However, for the most part, members of the profession accept these numbers and are now looking into the causes and effects of this trend.

The ABA Section of Litigation is the premier association for lawyers involved in litigation and trial practice with over 50,000 members. Team up with legal scholars around the nation, the Section of Litigation created the "Vanishing Trial" project and held a two-day symposium to discuss at length the topic of decreasing litigation. They first addressed the issue of causation and discovered many intertwining possibilities.

In terms of causation, it is first important to make a distinction between criminal and civil trials. The majority of the legal community accept that federal sentencing guidelines are responsible for the decline in criminal trials. Defendants who choose to exercise their right to trial face substantial penalties. The sentencing guidelines were enacted in order to persuade defendants to enter a plea and avoid the risks and penalties of a trial, and they seem to be working effectively to this end. The decrease in civil cases, on the other hand, is a much more complex matter.

One suggested cause is in the fivefold increase in court filings. Some argue that this increase creates strong pressure on the court's resources resulting in simply too much litigation. However, for the most part, members of the profession accept these numbers and are now looking into the causes and effects of this trend.

The decrease in civil cases, on the other hand, is a much more complex matter. One suggested cause is the large increase in court filings. Some argue that this increase creates strong pressure on the court's resources resulting in simply too much litigation. However, for the most part, members of the profession accept these numbers and are now looking into the causes and effects of this trend.

Another possible cause is the strong increase in summary judgment. There is disagreement as to numbers and debate over the impact of the Supreme Court's decision in Celotes Corp. v. Cazenovia, a Supreme Court case that held that a party moving for summary judgment need only show that the opposing party lacks evidence sufficient to support its case. But it is clear that today many more cases are being resolved by summary judgment.

Lawyers must also bear some of the burden of causation as well. The majority of the legal community accept that federal sentencing guidelines are responsible for the decline in criminal trials. Defendants who choose to exercise their right to trial face substantial penalties. The sentencing guidelines were enacted in order to persuade defendants to enter a plea and avoid the risks and penalties of a trial, and they seem to be working effectively to this end. The decrease in civil cases, on the other hand, is a much more complex matter.

One of the most significant causes of vanishing trials is the increasing popularity of alternative dispute resolution (ADR). The impact ofADR can not be downplayed. In fact, many judges, and lawyers alike, view trials as failures and as a last resort. This adds to the unfriendly trial environment and leads judges and lawyers to negotiate settlements instead of opting for litigation and going before a jury. But there is more to this issue of ADR. Alternative dispute resolution is not gaining strength because of the view of trials as 'failures' but because it really works and it provides different benefits that a trial can not offer.

Alternative dispute resolution is generally quicker and less expensive than litigation. In addition, it removes the uncertainty of litigation and provides a private environment, off the public record, for parties to settle their disputes. These aspects of ADR are particularly appealing to many corporations who do not want to spend the time and money on lengthy trials or who want to settle privately in order to protect their image. Today, almost every consumer contract requires the consumer to waive adjudication rights in favor of arbitration. And courts have begun to enforce these contract clauses.

All of these factors, working together, have created a whole new legal environment in this country. The trend away from litigation in favor of alternative dispute resolution has redefined the legal approach to adjudication and shows no signs of slowing. While many see this as a problem, others argue that the two approaches are equally important to our legal system. In reality, the increase in the popularity of alternative dispute resolution is most likely a positive development. And there is no shortage of cases in both state and federal courts waiting to be litigated.
It Pays to Work in the Public Interest

The recently passed College Cost Reduction and Access Act helps law students

BY DANICA RUE

THERE IS NOW FINANCIAL hope for students who graduate law school and are interested in working in government or in the field of public interest. It has almost become cliché that students enter law school with public interest intentions but with loan repayments creeping up on them, end up taking private firm jobs to compensate. Relief has been granted through the College Cost Reduction and Access Act of 2007 (Public Law 110-84), which reduces the amount of payments a law student has to make after graduation with the payment amounts based on income.

This law could not have come at a better time. The American Bar Association (ABA) created a commission to look into the problem of the rising cost of attending law school and how it related to government and public interest career decisions. The ABA commission found that the class of 2005 owed, on average, $83,200 to their private law schools and that the average starting salary for a public interest law position was only $40,000. Even with a serious interest in working as a public defender or as an attorney for a non-profit, it is easy to understand why so many students have a change of career plans. The commission concluded that “many public service employers report having a difficult time attracting the best qualified law graduates.” The College Cost Reduction Act addresses two of the major deterrents in choosing a public interest career: it reduces the monthly payments for all “high debt/low income” borrowers to a new income-based repayment program and it shortens the period after which the loans are forgiven.

Section 203 of the act addresses the affordability of loan repayment for low-income borrowers with substantial loans to pay back. It caps the amount of repayment amount to 15% of discretionary income, where discretionary income is defined as adjusted gross income minus 150% of the poverty level for the borrower’s family size. Professor Philip Schrag, who has written extensively on the issue of law student loan repayment, provides a helpful breakdown on the numbers: a single borrower who owes $100,000 at the current Stafford interest rate of 6.8% and has an adjusted gross income of $40,000 in the first year after graduation would have to pay $1,155 per month on a standard ten-year repayment schedule. But under Section 203, this same borrower may pay $404 per month in the first year. Assuming the poverty level and the borrower’s income both increase 3% annually, the monthly payment in the second year would be $318 and by the tenth year it would be $404. Certainly much more affordable to a student borrower than the $1,155 a month on a $40,000 salary under the standard system. If this borrower receives substantial raises or other income that removes her from eligibility or she is able to go on the ten-year plan, monthly amount is less then 15% of her adjusted gross income, then she will no longer be eligible for income-based repayment and would no longer be able to pay the lower monthly amount.

To use this income-based repayment, the borrower does not have to consolidate her loans and only has to choose this plan from her lender (although to gain the benefits of loan consolidation under Section 401, a borrower with a government-guaranteed loan from a financial institution, as opposed to a federal direct loan, must consolidate). Stafford and Grad PLUS loans can be repaid through this plan, but Parent PLUS loans and private lender loans are not eligible. All payments made pursuant to Section 203 will qualify the borrower under Section 401, which is the provision that addresses the need for accelerated forgiveness of these loan repayments.

Section 401 cancels the direct loan balance owed by borrowers who, after October 1, 2007, have made 120 payments under the income-based repayment plan while employed in a public service job. This means that if the borrower makes ten years of these payments, while engaged in full-time public service, the remaining balance is forgiven. This is a huge relief and serves as a big incentive for students to choose public interest careers and remain in these careers (for at least ten years, that is). Borrowers who elect the income based repayment and perform ten years of public service will end up repaying a smaller percentage of their student loans than comparable borrowers who do not do ten years of service, according to Professor Philip Schrag, and typically those who perform public service will repay about one-fourth to one-third as much money as a borrower who does not.

One of the big problems cited by the public service employers who do hire law graduates is that they find that because of educational debt payments, those whom they hire are not able to help their clients as much as they would like. The Act makes the services of these graduates become the most valuable, according to the commission set up by the ABA. With the requirement of 120 payments, these employees now have a financial incentive to stay in the public interest field (if they do leave, their debt is no longer forgiven after 10 years). The law does not require that the ten years be continuous, but the borrower does have to make 120 payments while serving full-time in a public service job and must still hold a public service job when forgiveness occurs.

Public service is a bit of an amorphous concept, but for the purposes of qualification under Section 401, those positions that are eligible include those in government and those in "public interest law services" (including prosecution or public defense or legal advocacy in low-income communities at a nonprofit organization). Also employees of all non-profit organizations that are tax-exempt under Section 501(c)(3) of the Internal Revenue Code would also qualify (organizations that would qualify include the American Civil Liberties Union, the Innocence Project, the Casa Institute, among many others).

The combination of these sections will not be fully available until July 1, 2009 (when Section 401 becomes effective). Students who graduate after this spring semester may elect the currently allowed income-contingent repayment option while waiting for the 2009 start date of the income-based repayment and, luckily, all payments made while working in public service will qualify for the 120-month period after which forgiveness of the balance occurs. For those students who graduate after July 1, 2009, the law will be fully effective so those students may simply elect income-based repayment after graduation.

There are two serious drawbacks that will hopefully be addressed by Congress within the next ten years. The forgiveness at the end of the ten years is taxable to borrowers who will have to deal with a substantial tax liability when forgiveness occurs. Until and unless Congress addresses this problem, borrowers should keep funds aside monthly to pay a possible tax after those ten years. The other area for improvement is that married borrowers have their adjusted gross income based on both spouse’s tax returns, even if they file separately. If a person gets married while making these payments, payments could increase sharply (as much as four times the amount if he stayed unmarried).

Even with these problems, the College Cost Reduction and Access Act is a major boost to students who would like to work in public interest or government but do not think they can. Hopefully, the desire to serve the public will stay with law students after graduation for at least ten years.

The Public Service Certificate: Have you been doing volunteer work? Let us know so we can recognize you on your transcript!

THE OFFICE OF Professional Development sponsors a public service certificate program. Certificates are issued to graduating students who have performed at least 40 hours of voluntary service while at law school, or who have a combination of at least 30 hours of voluntary service and another 30 hours of public interest work done through a work-study placement, clinic, or externship. Consistent with our practice of encouraging first-year students to focus on their studies, these hours can start accumulating starting the summer after a student’s first year. The names of public service certificate recipients will be listed in the commencement program, and a notation will be placed on the student’s transcript, indicating that the student earned a public service certificate.

Students who wish to register for the program should contact Helena Prigal, Assistant Dean for Student Services at hprigal@nyls.edu, or stop by the office on the 5th floor of A building.

Some examples of recent, current, or possible work, not including externships or clinics, that would qualify for public service certificate hours:

• MFY Pro Se Divorce Project Students are trained by an attorney from MFY Legal Services and assist low-income clients through the pro se divorce process.

• NYLS/Legal Aid Bankruptcy Program Students are trained by Professor Gross and an attorney from the Legal Aid Society’s Consumer Law Unit to assist indigent clients who are filing for personal bankruptcy.

• Domestic Violence Students participate in the Courthouse Advocates Program run by Sanctuary for Families, helping clients obtain orders of protection.

• Unemployment Action Center Students assist clients with unemployment claims.

• Immigration Help Desk Students work with various immigration service providers to educate immigrants on changes in law and help with voter registration drives.

• Public Interest Coalition (PIC) Auction Students solicit donations and help run the PIC auction to raise money for public interest fellowship.

• Child Literacy Students read to elementary school children in the NYC public schools.

• The After-School Corporation (TASC) Students work as mentors in after-school programs in the NYC public schools.

• Clean-Up Day at NYC schools Students can participate with a city-wide service/clean-up day in the city’s public schools.

• VITA Students are trained to provide assistance to low-income individuals in filing out tax forms.

• Tribeca Organization Students have assisted the Tribeca Organization in outreach to area small business to provide information about grant availability.

• Central Park Conservancy Service Projects These projects have included painting benches at various locations in Central Park.

• Food, Clothes and Toy Drives

• Walk-a-Thons and Assorted Other Events for Various Charities For more information about the public service certificate program, please contact Helena Prigal, Assistant Director of Public Interest and Community Service at 212-431-2318 or hprigal@nyls.edu, or stop by the office on the 5th floor of A building.
A Big Tree Falls...

Continued from Page 1

by further criticizing the Tax Service for their charges on Yukos. The Prime Minister's government, however, would fall; however, and be dismissed on February 25, 2004, less than a month before Putin's reelection.

Throughout mid-2003 Putin stayed relatively quiet in regards to the actions of the Prosecutor's Office. The Sibneft and Yukos would fail, however, and be dismissed on February 25, 2004, less than a month before Putin's reelection.

The prosecutor's office arrested Khodorkovsky on October 25, 2003 on charges of 1) swindling, 2) non-compliance with a court sentence, 3) tax evasion, 4) damage to property, by fraud or deceit, 5) forgery of documents, and 6) embezzlement.

The assault on the oligarchs was part of Putin's scheme to consolidate power on behalf of the Kremlin, with himself at the helm. His initial election in 2000 was in no small part due to the politicians in power during Yeltsin's rule. Putin had no choice but to rely on this group while building a strong political base, but was gradually able to attract people with whom he had previous relationships to positions of authority.

The new political elite would be comprised of Putin's former intelligence colleagues as well as those from the previous administration. The Siloviki group would be known as the Semya, or Family, who had supported Putin through the election, and who would primarily be the economists employed in the appropriate economic ministries. The Siloviki were Putin's old friends, and they would assume the law enforcement and intelligence agencies. It was not long before the Siloviki were pushing rivals out of politics and extorting big business, often taking a piece to provide steady capital.

The faction soon acted through the law enforcement agencies (such as the Federal Security Service and the Prosecutor's Office) to advance their own interests. Furthermore, the Siloviki controlled Rosneft, the state oil company, and may have initiated its assault on Yukos in part because of their goal to attain capital. As the Siloviki tightened its grasp on becoming the new center of influence for the Kremlin, the threatened Semya formed an alliance with Khodorkovsky in an attempt to maintain what it had left of its power and influence.

With his success in the renationalization of the oil and gas industries, Putin has tightened his grasp on Russia by catering to domestic opinion and running on a platform of economic prosperity as a means to bring strength and unity to Russia. Though he has been embraced by the public, Putin continues to work the political machine to his advantage.

The new change in power was solidified when Semya leader Alexander Vekshin was dismissed from office shortly following Khodorkovsky's arrest. Vekshin was once considered the guarantor of the oligarchs' property and safety. With his ousting, it became clear that the Kremlin's attitude towards the oligarchs had changed, and that all prior immunities were now meaningless.

Without protection from within the government, Khodorkovsky was at his enemies' mercy. He was arrested on October 25, 2003 at an airport in Novosibirsk. Khodorkovsky formally relinquished his presidency of Yukos in November. The seizures of Yukos shares followed shortly thereafter forcing the Flight of many major Yukos shareholders to self-imposed exile in Israel and England. The arrests, seizures, and tax claims prompted the delay of the merger Yukos had planned with Sibneft to complete by the end of 2003. By December 9, 2003, representatives of Sibneft and Yukos decided to terminate the merger of the companies.

The Moscow Court of Arbitration would later deem the merger void, and order unwinding proceedings in which each side would return their shares. Once again Putin's friend Roman Abramovich would profit from their relationship, and the value of his Sibneft shares would be saved from the oblivion from which Yukos shares were sure to plummet.

December also saw the Federal Tax Service send Yukos a bill for unpaid taxes in the amount of $5 billion for the year 2000. This assault was the first in what would be a series of tax evasion claims lodged against the company. Further claims for tax years 2001-2003 would be made with the total owed alleged to be about $26 billion. The tax claims were levied days before the election of Putin's pro-Kremlin majority to the State Duma. Putin's re-election would follow shortly thereafter, in March of 2004.

Khodorkovsky and Lebedev were made to be villains in the Russian media while Putin himself kept his distance. The Federal ministries however, thrived as heroes thwarting the evils of big business and battling corruption and greed. No doubt that asset! Seized for nothing, and then paid itself to acquire ownership.

Gazprom formalized its intentions with an announcement on November 20, 2004 that it intended to purchase Yuganskneftegaz. At this point, Yukos' foreign (i.e. American) shareholders had filed suit in American courts to protect not only American assets, but also to freeze the transfer and sale of any assets or cash belonging to Yukos abroad until the end of Bankruptcy hearings in the US. This was a brilliant scheme on the part of Yukos' American attorneys to delay the Kremlin from an ill-suit takeover. Though the sale of Yuganskneftegaz was banned by a Houston court, and Group Menatep threatened suit to whomever would be its purchaser, the mysterious Bashkalfinsgroup was successful in purchasing 76.8% Yuganskneftegaz shares at the auction for a mere $9.35 billion, well below its (conservatively) estimated value of $25 billion.

As seems to be the pattern, the Kremlin would have its way, and before the ink on the sale was dry (the sale occurred on 12/19/2004), the state oil company Rosneft purchased 100% of Bashkalfinsgroup's shares, and with it all its assets, including Yuganskneftegaz.

By the end of 2005 Yukos still existed as a company, but it had been stripped of its executive leadership, its main production and refining units, what remained of its capital, and essentially its ability to function. The company that had once been Russia's most successful private company, Russia's biggest player in the international oil market was demolished. Just as disturbing is the lesson that if you cross Mr. Putin as Mr. Khodorkovsky did, you may end up rotting in the uranium mines of Siberia dodging blades coming at your face.

Though once Russia's richest man and one of the most respected businessmen since the emergence of a new Russian state was once a contender for his country's highest office, Mr. Khodorkovsky now awaits the day when he might start over and perhaps garner Yukos story the attention it both deserves and demands.

By mid-2007, the last assets of Yukos, including its headquarters, were sold off at auction. In the end, not only had Rosneft acquired Yuganskneftegaz, but it also purchased two of its other main production and refining units Tomskneftegaz and Samarakneftegaz. Overall, Rosneft would end up with ownership of more than 40% of Russia's oil production.

The result of the Russian Mafia is far from over. As they say in Vegas, and as it seems Mr. Putin knows, you never stop when you're on a hot streak...

With his success in the renationalization of the oil and gas industries, Putin has tightened his grasp on Russia by catering to domestic opinion and running on a platform of economic prosperity as a means to bring strength and unity to Russia. Though he has been embraced by the public, Putin continues to work the political machine to his advantage.
MANY NEW YORK LAW SCHOOL STUDENTS LACK COVERAGE

The High Cost of Health Insurance

BY TRISHA OLSON

ONE OF THE GREATEST problems afflicting Americans-at-large likewise affects New York Law School students: the high cost of health insurance. The high cost of insurance means that many New York Law School students opt not to carry coverage. A lapse in health care coverage unfortunately means that many individuals in the student body face difficult decisions when they become sick, injured, or need medical assistance.

While students' decisions for not obtaining insurance vary, oftentimes the reasons students do not have basic coverage are that it is expensive, confusing, and time-consuming to arrange. New York Law School officials have the capacity to greatly influence the student body's decision to not carry health care coverage, yet our school has seemingly chosen to do little about this issue.

While the ages of law students vary, most students no longer qualify for insurance under a parent, former employer, or undergraduate university health care plan. Many law students are unmarried and do not have domestic partnerships—thus, law students cannot qualify for health coverage through a partner or spouse. The current options available to most New York Law School students are COBRA, Medicare/Medicaid, seeking out individual coverage through a private source, or paying out of pocket costs for any medical services.

Law students are in great need of health care coverage. The law school environment induces stress, which impacts students' health in various ways. High stress levels can cause individuals to sleep less, encourage bad eating habits, increase coffee or nicotine intake, or make other poor lifestyle choices. These negative traits make people susceptible to getting sick. In addition, because of the close proximity in which study and live, students are prone to spread contagious illnesses to classmates.

In addition to illnesses like the flu or colds, law students are prone to other medical problems. Many law students suffer from bodily injuries directly associated with attending law school. Numerous students suffer from carpel tunnel injuries from daily typing, eyestrain problems from reading fine print, and back/body pain from carrying oversized, hardcover legal books up and down subway and school stairs. These injuries are often debilitating and cause students permanent damage.

The psychological impact of attending law school produces injury to many students. It is well settled that practicing attorneys suffer from high rates of alcoholism and drug use. The legal culture promotes competition and pressure which often drives lawyers and law students-in-training to use addictive substances as a release from stress. In addition, many law students realize the need for psychological assistance in law school. The high stress levels and constant competition forces many students to seek out the help of a psychiatrist or psychologist, and can lead to the need of medication as a coping strategy.

One way New York Law School could emphasize health insurance for students is to partner with other New York area schools to form a student insurance plan. With a larger number of students, the school partnership could get rate discounts and qualify for a competitive plan. The school could tack the cost for the insurance onto the tuition. While this would add to the already expensive rate of tuition, insurance is vital to sustaining health at a minimum cost to the individual and is worth an increase in tuition.

New York Law School could also employ more creative solutions to the insurance dilemma facing its students. It can borrow an example set by Brooklyn Law School and arrange for Medicare/Medicaid personnel to visit school at the beginning of each semester. The personnel would guide students through the often confusing process of signing up for publicly assisted health care. This would be of little or no cost to New York Law School, but it would greatly help students to secure some minimum level of insurance.

At another alternative, the school could simply emphasize the importance of health coverage by better marketing the need for students to have insurance. Currently, New York Law School displays information about health care in two places: on its web site and the fifth floor student services area. Once students begin school, they never have a reminder to initiate coverage. While there are many bulletin boards, faculty and administration offices, and student areas that have space for the school to advertise, the school has not utilized these spaces to publicize the insurance options available for students. The school could easily employ a marketing campaign pointed at uninsured students, and could do so at minimal cost. New York Law School could advertise insurance options in the elevators, the student cafeteria, and other student spaces. The school should advertise the options and insurance process throughout the year to remind students who may have overlooked coverage at the beginning of the school year.

New York Law School has undertaken a duty to inspire a legal duty and knowledge in its students. It has undertaken a duty to cultivate its students' minds. In the process, however, it has not focused enough attention towards students' health. The school could easily place a greater emphasis on health care for its students, but to date has done little to promote health insurance. Students are ultimately the ones who will suffer from not having health insurance through illness, lasting health problems, or financial troubles from the expensive cost of medical services. In this day and age, however, the school should have a greater responsibility in facilitating or implementing an insurance program or process for the student body.
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This Issue’s Sudoku: THREE Levels to Choose From

Sudoku I: Easy Puzzle

4 1 8
2 8 3
6 4 1
3 7 2
1 3 4
Puzzle by websudoku.com

Sudoku II: Medium Puzzle

1 2 4 8 6
9 7 1 3 2
5 6 8 2 4
Puzzle by websudoku.com

Sudoku III: Evil Puzzle

1 4 7 4 6
3 2 5 8 9
2 8 7 3 5
Puzzle by websudoku.com

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Snowboarding for Beginners

BY MELISSA NOWAK, Staff Writer

SO YOU HAVE ALWAYS wanted to ride but have put it off because you were not sure how to get started. Well no more excuses, your beginner’s guide to snowboarding is here! Get out there and enjoy the snow before global warming turns March’s snowy slopes into June’s grassy knolls!

Basis—Getting Started: Please note that with the exception of Tony Hawk and various professional surfers and skateboarders, very few people pick up snowboarding their first run down the mountain. Anticipate epic crashes, ample time on your rear, sore muscles, and general frustration for at least the first full day. Check your skiing skills in the Chalet because they really do not apply here. Instead, summon any skateboarding, surfing, skitching (shout out to the Midwest), or wakeboarding skills you may have in your arsenal. Wear a helmet. 90% of the snowboarders you see out there wear them, so you will not feel like an outcast. Your noodle is invaluable and falling is all too common. Plus, many companies finally make comfortable, breathable helmets that fit your goggles comfortably.

Regular or goofy? The first question you will encounter when trying out your snowboard is, Regular or Goofy? To answer, think about sliding downhill sideways. Which side do you feel most comfortable facing downhill? If the answer is left side, then you are regular. Right side is goofy. If the answer is neither, consider skiing. Another method to figure this out is to have someone push you forward unsuspectingly. Which foot did you put out in front to stop yourself? This will be your leading foot, and the same key applies: left—regular; right—goofy. This will determine how your bindings will be set up on your board.

Strapping In: If you use snowboard boots, make sure you lace up the boots completely, utilizing all the hooks and then step down. Only strap in your lead foot, the one closest to the nose of your board. Leave out your trailing foot so you can scuttle over to the chair lift.

The Chair Lift: Getting on and off the chair lift can be daunting, particularly since as you have to ride off the lift and you only have one foot strapped in. This is a hurdle that must be overcome. Unless seated, to depart the chair, as you approach the off-loading ramp, turn your body sideways slightly so when you make contact with the snow your board will be pointing straight down the ramp, and keep the nose of your snowboard up. Once on top of the off-ramp, set your board on the flat piece on top of the ramp and steady it. As you prepare to stand, place your loose foot on the stomp pad, stand up and evenly distribute your weight. Lean slightly forward and descend down the ramp.

If you begin freaking out as you pick up speed, bend your legs! This will improve your balance by lowering your center of gravity, and prepare you to land on your butt, a preferable crash side, should you fall. To slow yourself to a stop at the end of the ramp, with your knees bent, flex your toes toward you, digging your heels into the ground thereby applying pressure to your back edge. Slowly turn your board so you and your board are facing forward and you are digging in your back edge. Once stopped, slide over to an area out of the way of traffic, and close to the top of the run. Strap in your back foot, now you’re ready to ride!

Now you’re ready to ride: First, conceptualize the fact that you can face any direction while riding downhill on the snowboard — backward, regular, fakey, any direction. When you are snowboarding, you always want to put pressure on the uphill edge of the board. The uphill edge will switch back and forth between your heel edge and toe edge as you ride down the mountain. To illustrate, if you are facing down the mountain, your pressure should...
be on your heels. Conversely, if you are facing the uphill direction, your pressure should be on your toes. If you confuse this gravitational tenet, the result is that you will catch an edge. This means your board will stop immediately and your body will keep going causing you to crash, a crash that slams you quickly into the ground. Aside by this rule, violations can be painful!

Next, try to feel your balancing point. At a standstill, position the board so it is perpendicular with the slope so you are facing downhill, and dig your heel edge into the slope. Tilt the toe edge of the board up and down with your ankles, moving yourself front and back until you find a balancing spot where you won’t tip over. This is your balancing point. Now reduce the amount of pressure on your heels and slowly descend down the slope. Now you’re off!

Stopping: A stop is much like a hockey stop on ice skates. From what ever position you are riding down in, bring the board perpendicular to the slope and dig in your uphill edge. To illustrate, if you are descending downhill on your heel edge (facing downhill), your front foot will be leading you, at an angle, down the slope. Now slide up your back foot so your board is perpendicular to the slope and dig in your heel edge. Your feet will now be on the same plane across the slope and this will stop you.

Now, try turning. Start with your board perpendicular to the slope at a stop. Apply less pressure to the edge and begin to descend down the slope. To turn, start digging your heels in, this turns you heelside and with enough pressure, will stop you. Conversely, as you are descending down the slope if you apply pressure to your toe side, you will turn on your toe edge and with enough pressure will come to a complete stop. These are essentially the two edges that you will ride as you make your way down—heelside, then toeside, or vice versa.

The art is in linking the turns and smoothly transitioning from side to side. For good form, always look in the direction you want to go. A good balancing form is to keep your knees bent and loose, turn your torso to face downhill and keep your arms up and close to your chin as if you were protecting your grill while boxing. This will keep your shoulders in the right direction and make it easier for your hips and feet to follow. Keep your knees bent for better balance. As you progress, tuck your back knee toward your front leg and begin to lean into the turns.

Falling. Falling is as inherent to snowboarding as analyzing cases is to the Socratic method. Learning how to fall will prevent injuries, so pay close attention.

If you begin to fall forward, the natural inclination will be to put your hands out in front to brace the fall. Resist this inclination!! You are moving fast, when you multiply your mass by your velocity, such force on your wrists, fingers and elbows can cause a break. Instead, make fists and hold your bent arms in front of your chest, as if you’re freezing cold, and fall on the surface of your forearms. When you fall backward, the concern is your head and your tailbone. If you begin falling backward, tuck your chin to your chest to minimize the chance of slamming your head back. Falling on your rear is good if you have padding (queue Sir-Mix-a-Lot), but if not, falling flat on your back dissipates the impact a bit more. Again, wear a helmet.

Ski & Snowboard Resorts. For an excellent list of what is available by state in the Northeast, check out http://www.alpinezone.com. Each ski area provides rental snowboard equipment, but it is typically cheaper to rent from a shop nearby the resort, not on the resort, unless you’re getting a package that gives you free rental.

Reading and performing are admittedly two different animals. The basic concepts are here. They may not smoothly or clearly translate into a gold medal half pipe performance, but they will equip you with a decent understanding of what to expect on your first day. Now get outside and enjoy winter!

DON’T GIVE UP. Before long you’ll be kicking up powder with the best of them.
NY Sports Overview

BY ALEX BUNAEV, STAFF WRITER

NBA

The Knicks are right on pace with my prediction of missing the playoffs in the East. Marbury mercifully put his season to an end by having ankle surgery. Without him, the Knicks have actually played better with Nate Robinson finally figuring out what a pass is and Lee and Balkman settling into nice complementary roles. Curry and Randolph have had trouble sharing the post however. It does not help that they are both terribly overweight and play no defense. When Kendrick Perkins scores a career high at the Garden then you know your frontcourt defense is in trouble. The Knicks may go on a little run and make the playoffs in the East only to be run out of the court by the Celtics or Pistons. Or they may fall further into the lottery with Thomas yanking everybody’s minutes and having no set rotation. Either way, the season is a wash.

The Nets have terrible problems of their own. Vince Carter fully lived up to the expectations after inexplicably getting a four year extension from the club. Too bad the expectation was for him to start tanking immediately playing out the rest of his career in the most disappointing fashion. Kidd got moody and got out. Jefferson still gives it all and does not deserve this situation. At least coach Frank finally took Collins out of his misery and the starting lineup. Boone and Williams provide some energy but not enough scoring or experience to matter. The season is pretty much done for them both. Although the recent trade with the Mavericks and strong talent in the lottery provide the Nets with a lot of opportunity.

NFL

The G-Men won the Super Bowl! I posed three questions for the season in my Season Preview. How will the Giants replace Tiki Barber’s production? They missed Tiki in the passing game but the ground game was spectacular all season and carried them through the playoffs. How will the Giants respond to Coughlin? The players continued to rally around coach Coughlin and Eli. And how will Eli respond to last year’s somewhat disappointing season? With a ticker-tape parade! The defense was terrific all year, especially the front four who abused every offensive line they faced this season. Even the special teams were solid. The final game of the season proved to be the most entertaining season game and it propelled the squad all the way to the Super Bowl to face the mighty Patriots. The Giants were very confident and had great momentum going into the game. And the intimidation factor that the Pats relied on so heavily this year did not matter at all. Although I was slightly off on the final score, I did predict that this would be a tightly contested game with the Giants prevailing by 3.

MLB

The Mets struck gold by trading for the best regular season pitcher in the game, Johan Santana. Not only did they not give up any regular contributors to their team, they also did not give up their best prospect. They are now the team to beat in the National League with an ace that automatically puts them at 20 games over 500 to start the season. The Yankees curiously stood pat and did not try to trump the Mets offer for Santana. It appears that they were content to grab the back pages as long as the Red Sox did not trade for him and trot out a starting twoome of Beckett and Santana. Ian Kennedy better be real good fast.

Black Athletes and Violence: A Rise of Tragic Incidents

BY ALEX BUNAEV, STAFF WRITER

ANTOINE WALKER, Eddy Curry, Ron Artest, Stephen Jackson, Darrent Williams, Sean Taylor, Shelden Williams, Sebastian Telfair, Jamaal Tinsley, Ray Lewis, Pacman Jones. All of these people have three things in common. They are or were all superior athletes getting paid to play professional sports. They are all either victims of violent crimes or they somehow became involved in situations where guns and violence led to police involvement. Lastly, they are all African American.

There has been a rise of these tragic incidents in the past few years. A group of men robbed Walker and Curry in their homes in suburban Chicago. Someone pulled a gun on Telfair and took his chain in New York. Shelden Williams was carjacked at gunpoint in Atlanta. A member of Lewis’ entourage killed two men outside of a nightclub. Jones’ bodyguard shot and paralyzed a bouncer in a strip club. Jackson, Tinsley, and Artest had to answer to police after either they or members of their entourage brandished pistols. Darrent Williams and Sean Taylor were not so lucky. Williams died in his friend’s arm after being shot in his limo leaving a club. Taylor bled to death after being shot during a home invasion trying to protect his fiancé and daughter.

The two deaths naturally brought media coverage and typical rhetoric about gun violence in America. The other incidents received some coverage but were quickly forgotten. The perception being that this sort of thing is nothing new to the black community and young black men in particular. But if these athletes were white, would the coverage be any different? Would the media start the coverage of a white athlete’s shooting death by questioning his past and his circle of friends like they did with Taylor?

It seems that America is content with attributing these events to nothing more than the culture of the ghetto. These players came out of the worst neighborhoods in this great country of ours and the byproduct of their hard work and dedication is a gun in the face or a bullet in the chest and the general shrug of the shoulders of the rest of the country. There should be more outrage, more media coverage, more effort to do something, anything about this issue.

Obviously, this is not something that can be corrected over night. This is a deeper issue that dates back to this nation’s history of slavery, the civil war, the struggle for equality and civil rights, the assassinations of Martin Luther King Jr., Malcolm X and the leaders of the Black Panther Party, the silent war on the black communities by the CIA and the FBI who flooded those communities with guns and drugs.

On the HBO’s groundbreaking series, The Wire, one of the characters says that in 100 young white men were shot and killed every year in Baltimore, they would call in the National Guard. As wrong as that sounds, nobody can argue against that point with any conviction. A pretty white girl goes missing in Aruba and it becomes a national story. A young black man is killed and it becomes a story only because he happens to be a great football player.
Congress on Steroids: Who Really Wins?

By Lawrence Metelista

Staff Writer

It is safe to say that this country is currently dealing with many pressing issues. We are in the middle of a war, health care needs reform, energy costs are astronomical, a very important presidential election is approaching and our economy is floundering as people lose their homes at an alarming rate. By no means does that represent an exhaustive list, but that alone seems to be more than our government can handle by no means does that represent an exhaustive list, but that alone seems to be more than our government can handle. Congress, and the F.B.I. have decided to take on the role of morality police. They are dedicating precious man hours and money to the investigation of steroids in sports, or rather as a matter of fact, perjury regarding testimony about the use of steroids by certain star athletes. This is completely ridiculous for so many reasons that it is difficult to know where to begin. But we can start by looking at the goals of the steroids investigation.

To begin with, it is difficult to understand what Congress hopes to accomplish. It has already been determined that many prominent athletes, including baseball players and Olympic athletes have been taking performance enhancing drugs for at least the past ten to fifteen years. One of Congress' goals, shared by President Bush, is to set an example for America's youth and educate them about the pitfalls of steroids. But anyone who honestly believes that these athletes took steroids because they didn't know it was dangerous, or that kids take steroids without the awareness of its repercussions, is delusional.

The fact of the matter is that athletes take steroids because they want to excel at their job and make more money. At the high school level it is the same story, kids want to excel and win scholarships, carrying with them dreams of making it big. For many of those young athletes it is the only way they will get to college and the best way for them to earn a living. It is a harsh reality but a reality none the less.

Another goal of the steroid probe is to clean up professional sports and level the playing field for athletes. While that may be an admirable goal, it has absolutely nothing to do with Congress or the F.B.I. nor will it actually work. There is still currently no test for HGH and other substances that reportedly over fifty percent of major league baseball players could have used at one point or another, a number that is even higher in the minor leagues. If this is true, it seems as if most players level the playing field by canceling each other out and the ones with the most talent win out in the end anyway.

Of course that argument has its flaws, but it underscores the government's waste of time and resources. Spending countless hours and millions of dollars trying to convict Roger Clemens or Barry Bonds of perjury with the intention of putting them in jail serves no legitimate purpose. The fans obviously do not care and attendance is at an all time high in almost every sport, especially baseball. Fans go to the game to be entertained, to root for their teams, not to root for controversy (unless our favorite team is losing).

Roger Clemens is a philanthropist who donates his money to various charities as well as his time to teaching youth baseball. He is not someone we need to put in prison and rehabilitate. If he was hurt and took steroids to heal in order to continue his livelihood is that worse than an NFL player who takes a cortisone shot to numb his pain and stay on the field? The fact is that no one is talking about drug charges for these athletes possessing and buying illegal drugs and perhaps they should. But we are talking about morality issues here, taking performance enhancing drugs and lying about it, cheating, disrespecting a game. These are all issues that should be policed by each respective sports league, not by Congress and the F.B.I.

So in the end both of these goals are essentially pointless. The humiliation of these men is enough for fans whose teams have lost to them over the years. We do not need to be spending our time conducting depositions, having hearings and trying to convict these men. Their respective sports can and should punish them, not the government. This is a distraction, a way to take our attention off of the most prevalent problems facing this country. The F.B.I.'s responsibilities include counterintelligence, counterterrorism, crimes against children, counterfeiting crimes and now investigating Miguel Tejada. Congress is dealing with a war, environmental issues, health care and a plethora of other issues. Is Congress on Steroids? Have they decided they have all of these issues are under control and can now take on further responsibilities? In fact, Congress could use some performance enhancement. Their plates is full and there is no need to be in steroids in professional sports can be justified. Perhaps if they paid more attention to the war on drugs, steroids would not be so easily obtained by these athletes.

There are many other arguments to be made here but in the interest of saving myself from rambling I will end this article by saying that it is my sincerest hope that everyone is personally insulted by Congress' lack of priorities, blatant waste of time and misappropriation of funds.

Sudoku Solutions (from page 7)

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Sudoku I: Easy-Level Solution

Sudoku II: Medium-Level Solution

Sudoku III: Hard-Level Solution

Game by Wajdi.png

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Film Review: Michael Clayton

BY STEVE CASETTI, Staff Writer

ADMITTEDLY I WAS NOT very interested in seeing Michael Clayton when it first came out. I can not really explain it, but ever since I started law school, lawyer movies and jokes have ceased to amuse me. But when this film received such high acclaim, including an Oscar nomination, I figured it deserved an honest look.

Michael Clayton (George Clooney) is an in-house fixer at one of the largest corporate law firms in New York. A former criminal prosecutor, Clayton takes care of Kenner, Bach & Ledeen's dirtiest work as the behalf of the firm's co-founder, Marty Bach (Sydney Pollack). Though burned out and hardly content with his job as a fixer, his divorce, a failed business venture, and mounting debt have left Clayton irretrievably tied to the firm. As U/North, meanwhile, the career of litigator Karen Crowder (Tilda Swinton) rests on the multi-million dollar settlement of a class-action suit that Clayton's firm is leading to a seemingly successful conclusion. But when Kenner Bach's brilliant and guidance attorney Arthur Edens (Tom Wilkinson) sabotages the U/North case, Clayton faces the biggest challenge of his career and his life.

—written by Warner Bros. Pictures

Michael Clayton is a dark and complex character. Unsatisfied with his life and his work but unable to start anew, he is a modern-day mercenary of sorts, constantly skirting the line of legal ethics in order to serve his firm. He often finds himself in difficult situations. But just as any good lawyer can, he is able to talk his way around clients, colleagues and enemies, always in control and thinking one step ahead. George Clooney plays this character exceptionally well and adds a sense of the everyday man to the unique Clayton.

The story begins to get interesting when Arthur Edens, a senior partner at Kenner, Bach & Ledeen, has a nervous breakdown while working on the U/North class action law suit. Edens becomes irrational and unpredictable, at times he is helpless as a child. But he gains a renewed sense of self and never loses his sharp intelligence. Tom Wilkinson is great in his role as the reckless Edens.

At risk of losing the major U/North lawsuit, Kenner, Bach & Ledeen put Clayton in charge of 'fixing' Edens. The two are close friends and Edens begins to confide in Clayton. When Edens mysteriously turns up dead, Clayton realizes that there might be more truth than insanity to his friend's story.

Balancing Clayton's strong, complex character is intense and cold Karen Crowder, head of in-house counsel for U/North. Crowder is very much a stereotype—stone-faced and serious, uncaring and ambitious. When Edens suffers his breakdown, Crowder is determined not to let U/North lose the class action law suit and she decides to take matters into her own hands.

Tilda Swinton's excellent portrayal of Karen Crowder actually brings more intensity to the movie than the action scenes do. Early on the in the movie the camera follows Crowder in her hotel room as she prepares for a news conference. The camera jumps between her preparation and scenes of the actual news conference. This is interesting camera work and paired with Swinton's excellent acting and intensity, these are arguably the best scenes in the movie. Only matched by the intensity that she and George Clooney bring to the role.

While the acting in Michael Clayton is exceptionally good, the story itself could use a little help. It is a little unrealistic and at times feels more like a mindless action movie than a dramatic thriller—fine line of difference I guess. But the movie does a great job of highlighting the important moral and ethical issues that each character faces. It is interesting not only to watch their intertwining actions play out but also to see how each character's choices are influenced by their own concept of a professional legal standard. Overall, Michael Clayton is a great film—cohesive, intelligent, intense and worthy of the praise it has received.

Calendar of Events for March 2008

MARCH 10
CORPORATE SOCIAL RESPONSIBILITY SEMINAR
Board Room, 14th Floor 40 Worth
This seminar examines public and private financing strategies and their social impact, including the requirements set by the Equator Principles and the International Finance Corporation. Also, it will look at securing project revenue for the public good in the developing world. The seminar is a CLE-credit course worth 2 credits, on Ethics and one in Professional Skills.

MARCH 17/21
SPRING BREAK!

MARCH 29
BARRISTER'S BALL
8:00pm-1:00am
The Downtown Association
60 Pine Street.
Come join your fellow students at the annual Barrister's Ball. 3 hours of dinner, dancing, casino entertainment, and an open beer and wine bar. Purchase tickets from the Office of Student Life, either by phone or in person, or from the table located in the Student Center.

WIN BIG WITH THE DeNOVO BIG QUIZ
Win Free Movie Tickets or a Kaplan Study Guide

This is your chance to win big. Answer correctly and you could win a Kaplan study guide or two free movie tickets. Email your answers to Jessica at jstone06@nyls.edu by Friday, April 2nd. A winner will be picked from all correct responses. We will contact the winners and announce their names in the next issue. Good luck!

Spring 2008
New York
City Cultural Calendar

DeNovo takes pride in recommending only the best NY has to offer.

ART
WHITNEY BIENNIAL 2008
A spring celebration of contemporary American art. Featuring new exhibi­

tions, daily film screenings, lectures and seminars and social events. Whitney Museum of American Art
www.whitney.org

FRENCH FOUNDING FATHER: LAFAYETTE'S RETURN FOR WASHINGTON'S AMERICA through August 10, 2008
French Founding Father explores the importance of Lafayette's remarkable and controversial role, which covered over 6,000 miles by stagecoach, car­riage, steamboat, horseback, and sailing vessel and occasioned the com­mission of works of art and common tokens, all vehicles for the invention and elaboration of forms of American identification and patriotism that still permeate our national lives today.
The New York Historical Society
www.nyhistory.org

MUSIC
THE POGUES: 3/15–3/16
@ Roseland Ballroom

RABBID ROSS: 3/15
@ United Palace

ARETHA FRANKLIN: 3/21–3/22
@ Radio City Music Hall

NO ONE & THE SOMEBOBES:
4/4 @ The Knitting Factory

THE NEW DRESS: 4/5/08
@ The Knitting Factory

KIMYA DAWSON: 4/6
@ Webster Hall

A-TRAK: 4/10/08
@ Hiro Ballroom