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A MUCH DESIRED CHANGE? The likely confirmation of retired Judge Michael Mukasey for United States Attorney General will end much of the controversy that has plagued the d.

Senate Judiciary Hearings: Can Judge Mukasey Fix Attorney General Debacle?

By SHAHIN SHAGHAHI, Staff Writer

PRESIDENT BUSH'S NOMINATION of retired Judge Michael Mukasey for United States Attorney General was received with praise from both Democrats and Republicans. Appearing before the Senate Judiciary Committee on October 17, 2007, Mukasey said he would resign from office if he ever faced with a presidential order he believed was unconstitutional.

The nomination of Mukasey "shows a new attitude in the White House" voiced Sen. Chuck Schumer, D-New York who was one of Alberto Gonzales' fiercest critics during the gloomy final weeks of Gonzales' reign as attorney general. Mukasey spent over 18 years on the federal bench, including six years as the chief federal trial judge in the U.S. District Court for the Southern District of New York.

Since the attacks of 9/11, Mukasey has presided over several terrorism cases and approved secret warrants which facilitated the gathering of Muslims by the government in the days after the nation was attacked. Mukasey even issued a ruling upholding the warrants as constitutional. The purpose of these warrants is to allow for the temporary detention of material witnesses who might flee before being called to testify in court. This sort of discre-

tionary power is seen as an essential element to combating the war on terror by some, and a blatant encroachment on constitutionally protected rights by others.

Regardless of what position one might take on this issue, the Senate Judiciary Committee hearings proved to be prime time for democrats and republicans to voice both support and dissatisfaction over the means by which the Bush Administration is handling the war on terror and the constitutionality of various techniques and methods used on suspected terrorists.

Moreover, in the wake of Alberto Gonzales' departure, tension and concern over the constitutionality of interrogation techniques by US intelligence agencies is of foremost concern. Earlier this month, the New York Times reported that under Gonzales, the Justice Department issued a memo in 2005 which endorsed extreme interrogation techniques including tactics such as using intimidation, freezing temperatures and simulated drowning, known as "waterboarding." Gonzales was heavily criticized by many who saw him as implicitly giving the president powers which were beyond the scope of the law and above the constitutionally determined bounds of executive power.

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Letter from the Editor of DeNovo

The voice of the New York Law School community

HELLO MENTORS, Colleagues and Friends,

Welcome to the second issue of De Novo. We hope you enjoyed the first issue. It was quite an undertaking but now De Novo is up and running and it will be printed every month. So make sure to pick up a copy. It's free! And we give away free stuff! We have not yet received much feedback or participation from the NYLS community but the little that we did receive was positive. And we know De Novo just needs a little time to catch on.

The semester is flying by. The weather is turning cold, the holidays are fast approaching and finals are looming over all of us. This is the toughest part of the semester, when you start to feel the mounting pressure and are tempted to slack off. But this is also the most crucial time in the semester, when one really needs kick it up a notch and begin reviewing for December. I would love to sleep until afternoon everyday or hop a flight to Caribbean but since I can not, it helps me to focus if I take some time to enjoy the city and the season. So this issue is jam-packed with information on all sorts of events, social and academic events at NYLS, seasonal and holiday events around the city, upcoming concerts and current art exhibits. And if none of that interests you, enjoy one of our many interesting and enjoyable articles.

De Novo is a community newsprint and we encourage our readers to participate in De Novo's continued growth and development. We would love to hear your comments and criticisms and we welcome all submissions of articles, opinion pieces, art, etc.

Read. Enjoy.

ANTHONY F.X. RUFFINO
De Novo, Managing Editor

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of the
New York
Law School
Community*

De Novo is a student-run newspaper that is published periodically throughout the academic year. If you are interested in becoming involved with publishing the newspaper, please contact Anthony Ruffino, aruffino06@nyls.edu.

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SHADOW OF THE KREMLIN: PART TWO

Post-Soviet Privatization and the Rise of the Oligarchs

BY CHARLES BARSAMIAN, *Staff Writer*

WITH THE SOVIET UNION on the brink of final collapse, Boris Yeltsin was elected the President of Russia in June 2001, in the first direct presidential election in Soviet history. Shortly thereafter, in December of 2001, the Soviet Union was dissolved. The Russian Federation took its place as the stronghold for the remains of the Soviet military and Communist Party, but it would not possess the strength and power as it had as the Soviet Union. (As a point of interest however, the Russian Federation did assume the Soviet Union's membership in the United Nations as a permanent, voting, member of the Security Council.)

In early 1992, Yeltsin began to implement drastic economic reforms. Privatization transferred ownership of companies previously held by the state to the hands of the people in an attempt for the Kremlin to raise capital. Ownership of small businesses was transferred by the Kremlin through employee buyouts and by holding public auctions. By the end of 1993, 85% of small businesses and 33% of state owned businesses had been privatized.

Also during 1992-1993, vouchers valued at 10,000 rubles (about \$65 at the time) were distributed to about 144 million Russian citizens so that they could purchase shares of medium and large sized corporations. The citizens had the option of investing the vouchers in funds held by the government or selling them at a market value determined by the economic conditions at the time. These programs hailed tremendous success for Yeltsin and the privatization programs, allowing for over 70% of medium and large sized businesses and over 90% of small businesses to be transferred into private hands.

Another component to Russia's privatization included trading direct cash for shares of state owned companies. These sales would complete the transfer in ownership and bolster revenues for the Kremlin. This measure was stringently opposed by the State Duma, but Yeltsin stood his ground and issued an executive decree ordering the cash sale.

Following the re-election of Boris Yeltsin in 1996, loan-giving banks became the true owners of the auctioned shares of Russia's largest companies. In exchange, the state received financial and political support from the business sector during its campaign.

The loans-for-shares scheme enabled banks to grant sizeable cash loans to state entities in exchange for state-held shares of companies. This practice was questionable because of the conflict of interest created by many of the banks' involvement with setting the rules of the bidding procedure.

It was during the loans-for-shares scheme that Menatep Bank, having beaten out three other banks, put up a loan of \$159 million for Yukos' 45% shareholding and pledged another \$350 million to Yukos' development through 1999. Founded in 1993, Yukos was one of four independent companies created to



THE MONEY PIPELINE? Since the quiet renationalization and consolidation of the oil and energy sectors, Russia's bargaining power has increased proportionately with the world's tolerance for its misdeeds.

extract and process oil during the restructuring of the oil industry following the collapse of the USSR. At the time of the auction, Yukos was in debt about \$3.5 billion, due to poor management. After assuming its 45% stake in Yukos, Menatep purchased another 33% stake, paying \$150 million for the acquisition.

The privatization created an elitist Russia that was younger, better educated, and perhaps more ambitious than its old guard. Rather than post-Soviet Russia producing a democracy and free market economy, Russia created an "oligarchic capitalism". The oligarchs, who had become wealthy overnight in the loans-for-shares scheme, would enjoy politically protected property rights for years to come. This, of course, made the rich even richer and allowed for the growth and development of industry. In particular, Mikhail Khodorkovsky, the chief shareholder of Menatep Bank, which had purchased majority stake in Yukos during the loans-for-shares scheme, took over as CEO of Yukos.

Yukos became the first privately held oil company in Russia. Khodorkovsky was able to turn Yukos around within months, yielding a substantial profit for the once fledgling company. By 1997, Yukos began to expand, snapping up smaller companies in the region, thus increasing its extraction numbers.

The end of Yeltsin's presidency ushered in a new era under Mr. Putin. The oligarchs were no longer protected by immunities granted under Yeltsin's administration. In a meeting between the new President and 21 oligarchs, a new "deal" was established in which the oligarchs would have to operate under certain guidelines set by the Kremlin. The new guidelines mandated that the oligarchs-turned businessmen were prohibited from

pursuing political ambitions, interfering with state reforms, and from establishing any media interests.

In response to the new measures limiting their operations, the oligarchs created unofficial lobbying structures, including the practice of backing corporate candidates in elections for the State Duma and regional governments. The lobbying efforts proved to be successful for Yukos during 2001 through 2003. Yukos, along with Menatep and private shareholders, spent between \$270-\$350 million annually on lobbying the State Duma, the Presidential Administration, regional governments, and federal officers. Such was the new political structure under Putin.

All the major oil companies employed the practice of lobbying to advance their particular interests. Khodorkovsky even spoke at a meeting for the Carnegie Endowment for International Peace in Washington DC in Oct. 2003: "Our lobbying activity is open, public and we consider it completely natural. It is far less developed than in the case of American corporations' lobbying in the Congress."

However, it is rumored that Yukos had over 130 parliamentarians under its influence. The energy sector's domination over tax legislation guaranteed the major oil companies a monopoly on tax protections. Between 1999 and 2003, no company paid their taxes in full compliance with the official income tax rate. Comparatively, Yukos, which was accused of tax evasion in 2003, paid disproportionately higher taxes than Sibneft, a company owned by Putin's then best bud Roman Abramovich. Furthermore, the companies were able to use the contradictory Russian laws and political protections to evade unfavorable regulations

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JANUARY 2008 MARKS THE 35TH ANNIVERSARY of *Roe v. Wade*, the extremely controversial Supreme Court ruling that paved the way for legalizing abortion in the U.S. With the anniversary, debate on the abortion rights issues has heated up again. *DeNovo* offers two opposing viewpoints.

On Anniversary of *Roe*, Abortion Debate Heats Up

By PAUL VOLODARSKY, Staff Writer

AS WE APPROACH the 35th anniversary of *Roe v. Wade* it is important to remember why this ruling was essential and the important fundamental right established by the Supreme Court. While many believe that the Supreme Court made the wrong decision in finding that the right to an abortion is a fundamental right thus requiring a strict scrutiny test, it is important to understand not only the legal reasons for the decision but also the practical and public policy concerns.

Prior to the ruling in *Roe*, the right of a woman to make decisions about her reproductive health was not her own and required the government to decide what was best. When the State of Texas argued in front of the Supreme Court in *Roe*, the State argued not only that the government of Texas had an interest in prenatal life, regardless of viability, but also that it had an interest in preventing women from engaging in "illicit sexual conduct." What is most frightening about these arguments is (1) the implicit sexism contained in such a legal argument and (2) that the government could have a superior interest in something wholly contained within a woman's body.

As a man I can not say what it would be like to have the government, either federal or state, tell me what I could and could not do with my body or to have the fear that I could be told that the government has a superior interest in my body. We must always remember that any interest in our own health, especially reproductive, is no one's business but our own, and especially not the interest of the government.

Pro-life supporters argue that abortion is the taking of human life and is thus murder. If this can be considered true then let us take this notion to its logical conclusion. If abortion was to be classified as murder in

all circumstances there must also be lesser forms to consider, and for the sake of argument, we must consider whether these would lead to an absurdity. Using the New York Penal Law, ignore the current abortion laws and imagine a world without the right to choose. Here the possibility of a woman being charged with criminally negligent homicide for the miscarriage of a fetus could result. It is possible for a hypothetical woman to be charged under this statute for an action such as exercising too much while knowing she was late for her period and thus causing the death of a fetus that she did not actually know existed. It could be argued that she should have perceived a substantial risk to another while engaging in the activity due to the possibility of pregnancy. This is just one possible conclusion to the loss of the right to an abortion as protected under the Constitution.

For public policy reasons the government should not interfere with a woman's right to end a pregnancy at her discretion. Pro-choice supporters have argued that prior to *Roe*, when women needed an abortion, they were forced into unsafe conditions. It has been argued that unsafe or "back ally" abortion clinics were not as big a threat to women's health as they may seem to have been. In any case the best medical treatment is necessary and no woman should ever have to endure anything less than safe, well-regulated clinics that are universally available to all women throughout the country.

Either way one might come out in the abortion debate one should respect the right of the individual to decide what is best for his or her own reproductive health and one should not allow the government to make these decisions. Where the body is no longer the jurisdiction of the individual what is left that cannot be controlled?

By SAGAR PATEL, Staff Writer

JANUARY 22, 1973 turned out to be a definitive day in American history. It was the day the Supreme Court decided the controversial *Roe v. Wade* case, the day the pro-life movement began.

The Partial Birth Abortion Act was a small victory for pro-lifers when it was upheld by the United States Supreme Court in *Gonzalez v. Carhart*. The act states, "Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years, or both." The Rasmussen Poll reported that nearly 56% of those that were aware of the act agreed with it.

The fundamental questions are: How do you determine the humanity of a being? Is it ever morally acceptable to abort a fetus? Depending on whom you ask, the answer to these questions varies from both sides of the political and moral spectrum. A pro-life advocate, and some scientists, will tell you that a fetus acquires its right to life at the moment of conception. The pro-choice crowd feels that a fetus has no rights until birth. If there is an uncertainty about when human life begins the benefit of the doubt should go to preserving life.

The liberal left's pro-choice beliefs are centralized around the notion that a fetus has no rights because it is neither a "person" nor a "human being" until it has been born. However, medical research proves that the fetus is a living organism at the precise moment of conception. Dr. Bernard Nathanson, an internationally renowned obstetrician and co-founder of the National Association for the Repeal

of Abortion Laws (NARAL), owned and operated the largest abortion clinic in the western hemisphere and was involved in over 60,000 abortions. When he began research in fetology using ultrasound technology to study the womb, Nathanson discovered that he had made a terrible mistake and was "deeply troubled by his increasing certainty that he had presided over 60,000 deaths." Nathanson is only one of many scientists & medical professionals who after research of the womb and fetus have dramatically switched their stance on abortion.

Several of the world's top scientists were invited to testify in front of the United States Senate Judiciary Committee on the debate over when life began. Dr. Lejuene, the discoverer of the chromosome pattern of Down syndrome stated "after fertilization has taken place a new human being has come into being and this is no longer a matter of taste of opinion, it is plain experimental evidence."

Some pro-lifers believe that abortion is never justifiable. However, many place great value on the mental health of a woman. Abortion rights for pregnancies that result from rape, incest, and fetal abnormalities are necessary because we cannot let a victim carry such a grave burden. However, pregnancies that result from condom failure or the sheer stupidity of failure to use adequate protection should be the responsibility of the parents.

We live in a society where even animals are afforded more rights than an unborn child. Killing a dog is punishable by a prison sentence while unnecessarily killing an unborn child is, in certain circumstances, perfectly legal.

The Big Bottom: Does New York Law School Harm the Rest of Us by Giving Away Too Much to the Top 15%?

By JOSH BLOCK, Staff Writer

DOES OUR SCHOOL TIP the scales too far in favor of its top ranked students making it even tougher for the rest of us to find jobs?

At his speech welcoming my section to New York Law School, Dean Matasar cracked a joke saying something like this, "90% of you won't be in the top 10%." Truer words have not been spoken. Perhaps he said the same thing at your orientation.

What he did not tell you is the prize package that the top students take home. In addition to a top rank and high GPA, the top 15% of each section after their first year additionally get: 1) a \$10,000 scholarship, 2) affiliation with one of the school's seven academic centers and 3) an automatic invitation to become a member of the New York Law School Law Review. Johnny Drama's *Viking Quest* catchphrase comes to mind, "Victory!"

Certainly the scholarship makes sense, perhaps the center affiliation does as well, but does automatic law review membership, at *New York Law School*, make sense? You may be surprised to learn that this is not how every law school's law review members are chosen. According to the eighth edition of *Legal Research Illustrated*, "membership of law reviews are typically chosen on the basis of their academic record, through a writing competition, or by a combination of the two."

To be fair our school's law review does hold a write-on competition. In 2006,

according to the New York Law School Law Review Publications Coordinator, of the 70 submissions received by the Law Review, three invitations were extended. I was told even fewer invitations were extended this year. So, approximately five students have written on to our school's

paying salaries right out of law school—but those high paying firms "restrict their recruiting at lower-tier schools to students at the very top of the class or on the law review." So, we have still got a chance even though we are not at the very top of our class... Hey? Wait a

given to them, but since it had been—hey, why not? Perhaps it is time to change this policy.

I wonder why we have our current selection method. Is it to keep top ranking students from transferring after their first year by giving them an additional reward? Is it the lack of faith in the abilities of the rest of the student body outside of the top ranking students? Is it to make those top ranking students even more appealing to those firms that offer the high salaries? After all, the sooner NYLS graduates have money, the sooner they can become donors. I hope none of these are the reason.

I would like to see a New York Law School Law Review that does not give any automatic memberships. Instead, I believe that academic record combined with competition is the best way to determine law review membership. The school could still leave a top percent requirement to participate, but include more students in that group. Every student who meets that requirement would then compete for membership. The journal would still be selective, but members would be chosen based on some of the very same skills they would need to use once they are on the law review.

As it is now, our current method does a disservice to both our student body and our law review. It likely leaves some of the school's best writers and editors out of the mix and gives further reward to a segment of the NYLS student body that hardly needs it.

There is hope for the New York Law School graduate—we can earn high-paying salaries right out of law school—but those high paying firms "restrict their recruiting at lower-tier schools to students at the very top of the class or on the law review."

law review in the last two years. Everyone else on the New York Law School Law Review was offered membership on the sole basis of class rank or GPA. (Full disclosure: I attempted to write-on each of the last two years and was not offered membership.)

According to a recent Wall Street Journal article, "Hard Case: Job Market Wanes for U.S. Lawyers," the job market for recent law school graduates of lower-tier schools, like New York Law School, offers only low-paying jobs. However, there is hope for the New York Law School graduate—we can earn high-

minute? At NYLS those two groups (except for 5 students) are one and the same. *D'oh!*

But, job market aside, does our current method even give New York Law School the best possible law review with our school's very best writers and very best editors? Or does it simply give us a law review that tested very well on Torts, Contracts and Civil Procedure final exams? More than a few of our school's law review members have told me they were not even interested in being on law review and would not have bothered trying to become a member if it had not been

Crossword Puzzle Fun

Across

- 1. Chime
- 5. Icon
- 10. Fall prey to a banana peel, say
- 14. Double curve
- 15. Female horses
- 16. When said three times, a 1970 war movie
- 17. Small songbird
- 18. Wharves
- 19. English public school
- 20. Bituminous matter in oil shale
- 22. The act of making maps
- 24. Guy's partner
- 25. Yelp
- 26. Fights
- 29. Donkey
- 32. Bird homes
- 36. Capital city of Peru
- 37. Cobra, e.g.
- 39. Hawaiian acacia
- 40. Typical instance
- 43. Loud noise
- 44. Distinctive uniform
- 45. Bring into complete union
- 46. Grass-like plant
- 48. Before
- 49. Equine
- 50. Doze
- 52. Regret

Down

- 1. Simpleton
- 2. Man-eating giant of popular folklore
- 3. ___-do-well
- 4. Family tree
- 5. Urge forward
- 6. Principal
- 7. Exist
- 8. Microbe
- 9. Short literary composition
- 10. Extensive plain
- 11. Monetary unit of Lesotho
- 12. Tiger's choice
- 13. Sharp pain
- 21. Blast
- 23. White-and-black bear-like mammal

- 26. Snow conveyances
- 27. Sprite
- 28. Rephrase
- 29. In play
- 30. More secure
- 31. Steeple
- 33. One on slopes
- 34. Implements
- 35. Like beaches
- 37. Yale student
- 38. Very cold
- 41. Fold
- 42. Having two edges
- 47. Twisted
- 49. Tint
- 51. Mountains
- 52. Thick-skinned charger
- 53. Steamed flour pudding
- 54. Son of Isaac and Rebekah
- 55. Small dam
- 56. Civil disturbance
- 57. Family
- 58. Narcotic
- 59. Soon
- 60. Take a break
- 63. Metal-bearing mineral;

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THE 2008 PRESIDENTIAL ELECTIONS:

Rudy Giuliani: A Man of Many Questions

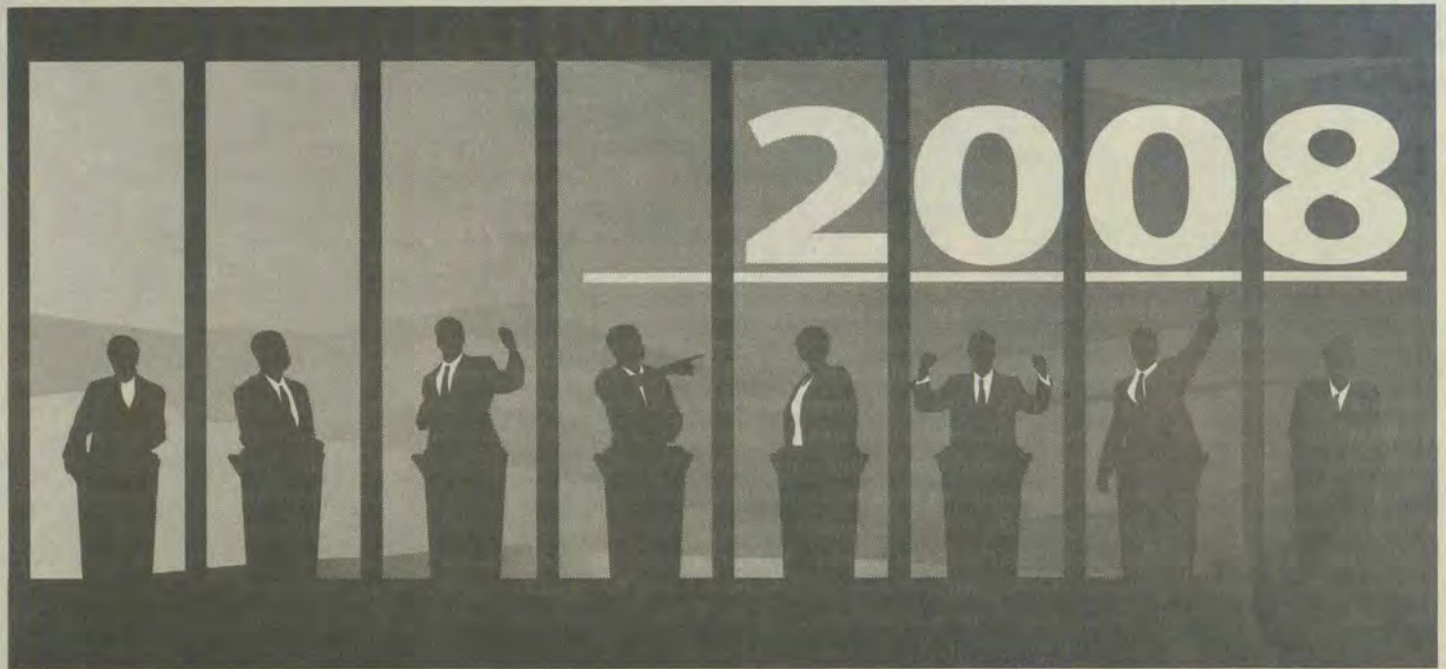
By ERICA SCHWITZER

RUDY GIULIANI IS A MAN of many questions. Who is he and what does he stand for? Does he actually have a chance of becoming the next President of the United States? Rudy Giuliani is running for the Republican nomination for the 2008 presidential candidacy. He is the most mysterious man in the Presidential sweepstakes, Republican by letter, but more liberal in his beliefs. Rudy Giuliani is not the conventional candidate. Giuliani was a democrat and an independent in the 1970s. In the 1980s, he decided to become a liberal republican and subsequently served in the U.S. Attorney's office for the southern district of NY, eventually becoming a U.S. Attorney. From 1994–2001, Giuliani served as mayor of New York City.

One either vehemently loves Giuliani or vehemently hates him, and it all has to do with 9/11. Those who love him feel that he is a true hero. On the day of the attacks, he displayed all the traits one wants in a leader: courage, strength, and leadership. Those who loathe him feel that he is nothing more than an opportunist who has exploited 9/11. He has reportedly made millions from speaking engagements, during which he has demanded private jets and reservations at 5 star hotels, while the workers at ground zero were developing serious infections and diseases.

Regardless of whether one loves him or hates him, Giuliani has worldwide recognition. However, his biggest setback is his lack of experience. He has no Federal or State experience. The other candidates have experience as governors or members of Congress. Running a city and being a prosecutor are nothing like running the federal government. A mayor is involved with keeping streets clean and running a police force. Federal officials deal with issues of national defense, social security, foreign policy, and regulatory policies.

One can only wonder if experience is really that crucial in preparation for the



White House in the age of terrorism. Does character outweigh lack of experience? Only time can tell. No human being, regardless of federal experience, can adequately prepare to run a country in the age of terrorism. The events of September 11th greatly changed our nation's priorities. National defense has become our nation's main focus and there is no rule to follow in order to secure our homeland from future attacks.

Rudy Giuliani is a confusing character, nothing like other Republican candidates. He is pro-choice and pro gay rights. His personal life includes two divorces, adultery, and strained relations with his children. These are issues that the media and potential voters have chosen not to ignore. Furthermore, Giuliani supposedly lived with two gay friends after his second wife threw him out of their house for his adultery. These issues are an anathema to the beliefs of the Republican Party and may be the cause of his failure to attract the Christian right, who constitute a significant portion of the Republican Party.

His policies and beliefs seem more align

with the liberal Democrat party. Giuliani had decided to downplay his social beliefs and emphasize his hawkish persona as the best candidate to keep America safe. However, this is proving to be insufficient to retain the dominant wing of the GOP. According to an October 5, 2007 article in the *Washington Times*, religious conservative leaders have already held a meeting promising to endorse a third candidate if Giuliani becomes the Republican candidate, solely to hurt the Republican Party. Donald Wildmon, Chairman of the American Family Association, stated that "The only reason to go to a third party is to hurt another party as Ross Perot did and Ralph Nader did." In my own opinion, this seems ridiculous because even though Republicans are unhappy with the candidates, they would be better off having a Republican in the oval office than a democrat. However, conservative leaders feel that abortion and marriage issues are "not negotiable."

Rudy Giuliani has a tough battle ahead of him if he wants to make it to the

white house. He is not Republican enough to attract Republican voters and is not Democrat enough to attract Democrat voters. He is considered to be too liberal by Republican standards, too "east coast" by geographic standards, and too "New York" by cultural standards. These factors will greatly hinder him from attracting a majority of voters, Republican or Democrat. Even if Giuliani was to win the Republican nomination, his 9/11 "heroism/exploitation" might not be enough to gain him enough crossover voters to win the presidency. Many Americans have become skeptical about the Federal Government ever since our invasion of Iraq. Many people feel that our country has become a disgrace and has lost its credibility. Therefore, voters may not want to elect an individual who lacks experience and does not seem so clean cut. Hillary Clinton is Giuliani's other obstacle. She has everything he does not—experience and a huge national following. Wait until the National conventions.

Senate Judiciary Hearings: Judge Michael Mukasey Takes a Stand

Continued from Page 1

In the first day of Mukasey's testimony before the Senate Judiciary Committee, he vowed to rekindle the ethical values of decency of the Justice Department. "I am here in the first instance to tell you, but also to tell the men and women of the Department of Justice, that those [ethical values] are the standards that guided the department when I was privileged to serve 35 years ago, and those are the standards I intend to help them uphold if I am confirmed."

Regarding the memos by the department that depicted legal justification of harsh interrogation techniques, Mukasey said the memo "...to paraphrase a French diplomat, was worse than a sin. It was a

mistake. It was unnecessary."

Such sentiment is viewed as a much desired change in demeanor and character by some democrats in the senate. With so much controversy surrounding the Department of Justice over the last few months, a tone such as the one voiced by Mukasey, who described the Guantanamo detention center as a "black eye" for the country, seems to be of essential purpose and paramount to protecting prior civil liberty abuses.

"Protecting civil liberties and people's confidence that those liberties are protected, is a part of protecting national security, just as is the gathering of intelligence to defend us from those who believe it is their duty to make war on us. We have to

succeed at both."

Still, on his second day of testimony, Mukasey frustrated many senators by refusing to expressly declare any specific interrogation techniques to be unconstitutional. After repeatedly being asked whether he believed "waterboarding" fell within constitutionally permissible bounds, Mukasey stated "I don't think I can discuss techniques" and instead maintained that torture is illegal, while refusing to discuss specific interrogation techniques.

While Mukasey's response may be frustrating to some, his confirmation is likely to proceed with little resistance. Ever since the departure of Gonzales, one of the nation's most controversial attorney gener-

als since the Watergate era, and an architect of President Bush's controversial counterterrorism policies, the department has been in need of change. During the past months, the department has dealt with controversy never before seen, from the warrantless surveillance programs to controversial US Attorney firings.

It is for this reason that Mukasey's likely confirmation is seen as such a welcomed move. With a new leader, lawmakers and citizens alike, from both sides of the aisle, await with eagerness and optimism to see the image of the Department of Justice, from its leader all the way down its ranks, return to its state of excellence as it has been for so long.

A New York City Marathon Race Report



By MELISSA NOWAK, Staff Writer

SUNDAY, NOVEMBER 4TH. New York City was buzzing with excitement as several neighborhoods throughout the five Boroughs hosted the celebrated route of the ING New York City Marathon. The New York City Marathon is so large that participants must enter a lottery to earn a spot in the race. In 2006, over 90,000 runners entered the lottery alone, and a record number of 38,000 runners crossed the finish line. Each year, a large number of athletes with disabilities compete in the New York City Marathon, and in 2005, I had an opportunity to be a guide on behalf of the Achilles Track Club for one such athlete!

The Achilles Track Club is an international, non-profit organization that provides support, training and technical expertise to athletes with disabilities of all levels. Each year they host hundreds of international athletes on Marathon Weekend, facilitating travel logistics and course guides for disabled athletes from over thirty countries. Due to the massive effort involved in such a large-scale coordination, a few details were overlooked that enriched my disabled athlete's experience and in my mind made his achievement even more outstanding.

I was assigned to Angel Pulla as a guide. I was to run along side him and assist him with whatever he needed throughout the duration of the marathon. Angel was thirty-one years old, from Ecuador, and visiting the U.S. for his first time. He had a below-the-knee prosthetic limb, and had never run a marathon before. And oh yes, Angel only spoke Spanish. Angel had to endure a few additional course challenges that most disabled athletes do not face.

First, typically a guide for ATC knows several weeks in advance which athlete they will guide, and what the athlete's dis-

The start was absolutely amazing. The palpable excitement literally makes your hair stand on end. The shaking of the Verrazano Bridge and the solidarity of thousands of people who have prepared for months for this moment in time is overwhelming.

ability is so the guide can prepare for any disability-specific issues that may arise out on the course. In this instance, however, I was not informed of my athlete's disability until the morning of the race so I didn't know what to prepare. We were introduced at the starting line.

Additionally, there is an early start which departs at 8:00am. This is done so that the athletes can enjoy full crowd support throughout their entire race, and so that they do not have to navigate the insanely crowded general start at 10:10am and risk tripping. Angel errantly did not receive a number for an early start, so he bravely managed the general start with the massive crowds and finished his marathon on a closed course.

Bridge #1

The Verrazano Bridge, Staten Island

MILE 1: Upon introduction, Angel asked me where I was hiding the breakfast he was promised I'd be providing and how I planned on carrying his extra prostheses without a backpack. Unprepared for both requests, I looped the belt of my fanny pack that stored a med kit around the prosthesis (the prostheses screws it into a piece affixed to the upper portion of the leg and

comprises the portion of the leg from the knee down) several times and clipped it around my waist. I assured him I could carry it the entire distance, then I offered him a power gel, which he hadn't seen before and so I ate it in front of him and his team from Ecuador to all of their amusement. They were convinced I was eating glue. My Spanish was not articulate enough to explain that it was only "like" glue, not actually glue.

The start was absolutely amazing. The palpable excitement literally makes your hair stand on end. The shaking of the Verrazano Bridge and the solidarity of thousands of people who have prepared for months for this moment in time is overwhelming.

Angel was ecstatic. He asked me to jump up on the median and take pictures of him crossing the bridge, it was mayhem and I worried he'd be knocked off balance amongst the masses. He demonstrated his impressive agility with the prosthetic and we crossed the bridge unscathed.

He instructed me that even if he begins to complain, I was not to let him give up no matter what. He wanted me to push him.

MILE 8—Boerum Hill, Brooklyn: Angel was running strong, averaging about 11:30 miles! The upper portion of his leg to which his prosthetic is affixed was swelling and causing discomfort, but all in all we were making excellent progress.

As we pass a group of Hasidic Men, Angel asked me why they had "churros" (the forelock curl) hanging from their hats! Noting the time we had in front of us, I launched into an expansive explanation of foundational tenets of Judaism v. Christianity – in Spanish. Angel emerged from Boerum Hill perplexed about both Judaism and my grasp of Spanish.

Bridge #2—The Pulaski Bridge:

MILE 13—QUEENS: I gave a shout out to Q-Tip and LL, who Angel was not familiar with. Angel remained confident he could finish but was experiencing greater discomfort. He was swelling terribly and began asking "cuanto milas mas?" He took Advil and stopped at a Medical Tent to ice the swelling. Angel amazed me with his balance on one leg. Even with twelve miles logged on his body, he balanced on one leg in the middle of the street while switching out his prosthetic on the other leg. He could even squat down on one leg to adjust the foot portion and maintain his balance!

This was also the point at which I realized that studying Spanish via Don Quixote did not inform my Spanish medical vocabulary. How does one say "antibiotic ointment" or "gauze" in Spanish? Unfortunately, I did not know. When I asked some Spanish-speaking spectators for the translation, they replied by suggesting we take the subway and go grab a beer. You've gotta love New Yorkers. Angel was indignant.

Continued on Page 11

ADMINISTRATION RESPONDS TO DeNOVO ARTICLE

New Faculty Evaluation Forms On Tap for Fall

EDITOR'S NOTE: In the last issue of DeNovo, staff writer Josh Block reported on student frustration and dissatisfaction with the state of the quarterly faculty evaluation system at New York Law School. The following letter, from school administration officials, was sent to DeNovo in response to these concerns.

THANKS TO DeNOVO staff writer Josh Block for his article, "Revamping the End of Term Rite of Passage," in the Fall issue of De Novo. This is an opportune moment to inform students about our new course evaluation form, one that we believe will provide more meaningful information to the faculty and more accessible information to the students. The article also raises some questions and makes suggestions about the process, which we would like to address here.

The New Course Evaluation Forms

The new course evaluation system allows us to scan the forms and generate a report that summarizes the information and reproduces the comments, and will be available on-line. In designing the new forms, we started with the form we had been using, looked at a variety of forms used by other schools, and sought comments from faculty and staff. Professor Lenni Benson, now Associate Dean for Professional Development, should be thanked for her considerable contributions to this process. We then generated a redesigned draft, which we used as a pilot in the summer courses. Most of the feedback we received on the forms and reports generated by the system was positive; we are slightly revising a few of the questions in response to comments from faculty.

Timing

We provide the course evaluation forms to the faculty late in the semester, and inform both faculty and students of the two-week window for distributing the forms. In this way, a professor can choose the day on which it will be easiest and least disruptive to the presentation of materials for the class to complete the forms. We will ask the faculty to inform their classes at least one class ahead of the date on which they will be asked to fill out the evaluations. This may also allow students to begin to think about how they will evaluate the course and make most efficient use of the time allotted in class.

For many years, we have asked students to evaluate courses during the last weeks of the semester. It is true that timing the evaluation of courses before the

final exam does not give students an opportunity to comment on the entire course and their experience in it. The advantage of collecting the evaluation forms in class is that the vast majority of students fill them out at that moment. We have always had high levels of student participation in course evaluation, which greatly enhances the reliability and utility of the information. Our research shows that many schools that have instead relied on on-line evaluations have seen the participation rate plummet to unsatisfactory levels; some have returned to in-class evaluations as a result. Although withholding grades until students have completed on-line evaluations would certainly improve participation levels, it might also pose some technical challenges, especially with regard to protecting student anonymity. In addition, such a system might increase students' understandable anxiety about getting access to their grades. At this point, therefore, we believe we have struck the right balance among the various issues involved.

Uses of the Evaluations

The information generated by the course evaluations has a number of uses, and we will do more in the future to educate our students about them. First, the professors themselves read the evaluations (after their grades are submitted) for constructive feedback about the syllabus, course materials, level of difficulty and presentation of the material. In addition, the evaluations are reviewed for purposes of tenure and retention decisions regarding full-time and adjunct faculty. In addition, we review the forms in the Office of Academic Affairs to help in evaluating the depth and breadth of the curriculum and to see if there are ways for us to provide guidance and assistance to new members of the faculty.

We look forward to a full implementation of the new system this fall, and to providing our students with an easier and more accessible way to obtain useful information about their courses. Thanks to De Novo and to Josh Block for raising these questions, and for giving us an opportunity to respond.

Carol A. Buckler
Associate Dean for Academic Affairs

Kenneth Norz
Assistant Dean for Academic Planning & Programming

Have You Been Doing Volunteer Work? Public Service Certificate at NYLS

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 have 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.

EXAMPLES OF QUALIFYING PUBLIC SERVICE WORK

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 Courtroom Advocates Program run by Sanctuary for Families, helping clients obtain orders of protection.

Unemployment Action Center

Students assist clients with unemployment claims.

Immigration help desks

Students work with various immigration service providers to educate immigrants on changes in laws 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 fellowships.

Child Literacy

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

The After-school Corporation (TASC)

Students can 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 filling out tax forms.

Tribeca Organization

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

Service projects with the Central Park Conservancy

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, 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.



Ask Amy

Dear Amy,
My boyfriend and I have been living together for about a year. My problem is that often in the middle of the night he'll talk in his sleep and occasionally say the name of our mutual, very attractive female friend. This hasn't just happened once, it's happened many times. I've never said anything to him about it, but it's gotten to the point that it's been eating away at me and I'm jealous.

What should I do?

—AWAKE ALL NIGHT

Dear Awake,
Is your problem that your boyfriend is keeping you awake at night or that you're actually jealous of this mutual friend? I understand that it's troubling to hear your boyfriend say another woman's name in his sleep, but it sounds like he doesn't realize he's doing it and means no harm at all. I would talk to him in a non-threatening way and tell him that this has been happening, and that it's gotten to the point of bothering you. Unfortunately he'll probably be embarrassed or feel guilty. Perhaps just knowing he's been doing this will keep the chatter to a minimum at night. If the name dropping still continues, you'll have to either figure out with him what the root of it really is. My advice for a temporary alternative is to get earplugs.

Dear Amy,
My girlfriend and I are very serious and I'm going to stay with her family this Christmas and meet her parents for the first time. I want to get a nice gift that's not the ordinary bottle of wine, but I have no idea what to get them. Help!

—NOT SHOWING UP
EMPTY HANDED

Dear Empty,
The holiday season is about so many things, one of them is having no idea what to get those hard-to-buy-for possible future in-laws. Your main ally in this situation is your girlfriend. Ask her what her parents do for fun, if they collect anything or what their hobbies and interests are. Since you've never been to their home, ask what the decor is, find out more about the way they live. Knowing all of these things will guide you in the right direction for the perfect gift. Who knows, maybe it is as easy as showing up with a re-mastered copy of their favorite movie, or nicely wrapping that vintage Pez dispenser they've been looking for. Good luck!

For answers to all of life's tough questions,
Ask Amy: askamy@gmail.com

Jugoso & Delicioso! Round Two: Reality TV

THE TRUMAN SHOW and Ed TV predicted the way reality television would take over our favorite primetime slots in the 21st century. Reality TV has evolved into its own genre. Hello! Kathy Griffin received an Emmy for her performance on her reality TV show "My Life on the D List."

We've all heard the rumor that reality TV is not as real as we think it is. Yes, editing is a vital part of a show, be it fiction or nonfiction, to filter the boring parts of a person's life. However, editing crosses the line once it enters the realm of staging and directing a reality TV scene.

The idea for this month's column came about when Isabel was extremely disappointed to hear that Heidi and Spencer, reality TV star wannabes from The Hills (our favorite guilty pleasure) recently staged a travel scene. Adding to Isabel's dismay, Regina confessed that spies at DaSilvano's caught the crew of The Hills shooting five different takes of LC ordering lunch. After recovering from the shock of being lied to by MTV, we began to ponder whether all reality TV shows duped us. An investigation ensued...

Our first stop: Survivorman. The

host, Les Stroud, must survive for seven days in a remote part of the world without food, water or equipment. The show is supposed to teach us what to do in case the plane we are on crashes and leaves us stranded in the middle of the Kalahari Desert. Too bad it doesn't teach us how to make mascara out of mud. Reports recently surfaced that Survivorman spent some nights with the show's crew in a lodge outfitted with TV, stone fireplaces, hot tubs and internet access. In another instance, the New York Post claimed he was lounging in a motel in Hawaii. The show's producers addressed these allegations by including the following disclaimer at the beginning of every show "[Stroud] and the crew receive support when they are in life threatening situations as required by health and safety regulations." We guess that lack of piña coladas and internet service may be hazardous to one's health.

Trying to legitimize our column, let's relate one situation to law school. How can we forget Irene from the Real World Seattle (for those who are too young to remember the girl who got slapped). She alleged in an interview, that the refrigerator in the Real World

house was stocked full of products manufactured by MTV sponsors, such as Nantucket Nectars and Vlastic pickles. Whenever the cast consumed any of those products and the labels were not facing the camera filming would stop to readjust the product. This is us relating: MTV sued her.

Now for our own little disclaimer. We would like people to know that we are not oblivious to the fact that reality TV is staged. We just feel betrayed when it is blatantly obvious that the integrity of the show is destroyed and our favorite TV stars are exposed.

Please don't forget to email us with any questions, comments, or topics you want us to address. Harassing emails are welcome. Until next month xoxo. Jugoso_Delicioso@hotmail.com

"Jugoso & Delicioso!" is a column created to help students escape the dull monotony of law school. Our column will explore a different topic every month and we will try our best to make it as funny as possible. If you have any comments, suggestions, or topics you want us to explore please let us know at jugoso_delicioso@hotmail.com.

Sudoku: Easy & Evil Puzzles to Solve

Sudoku I: Easy Puzzle

		4		1				8
2	8							
	5			4	6		3	1
3	1		7	8		4	2	
			1		3			
	7	2		6	4		5	3
1	2		6	7			4	
							7	6
7				5		8		

Puzzle by websudoku.com

Sudoku III: Evil Puzzle

		1						4
7	4	6			3			
			8			5		
4			5		2		8	
				8				
	6		3		4			2
		9			7			
			2			8	7	3
5						4		

Puzzle by websudoku.com

See Sudoku Solutions on Page 11

Post-Soviet Privatization and the Rise of the Oligarchs

Continued from Page 2

and exploit dubious tax allowances. This enabled the oil companies to devote the majority of their income towards investments. Concurrent with expansion was the necessity to develop a concrete reputation with Western investors. To do so, Yukos vigorously pursued compliance with international business standards.

A major indication of Yukos' move towards transparency came in 2001, when Yukos became the first Russian oil company to publish quarterly financial statements according to international standards. The company hired dozens of Western European and American accounting and law firms. In 2002, Menatep Bank revealed its ownership structure and disclosed its list of major shareholders. Yukos was slowly building the image of being Russia's most transparent company, thus gaining a positive reputation in the eyes of the Western world.

Despite Putin's new deal with the oligarchs, Yukos' dominance of the Russian energy sector continued to strengthen, as did the company's ambitions. To keep up with its expansion on the extraction front, it became necessary for Yukos to devise a plan to build pipelines from Western Siberia to the region of Murmansk, a sure way to facilitate faster processing and a greater number of exports.

Yukos also had plans to construct a Far Eastern pipeline that would give the company a competitive advantage in the Chinese oil market. In addition, Yukos, along with other the other Russian oil majors, TNK, Sibneft, and Lukoil, sought to estab-

lish a pipeline from Western Siberia to the Murmansk province on the Barents Sea. The proposed pipelines were projected to be completed by 2007.

These pipelines, however, would be the first privately owned pipelines that would rob the Russian government of its transport tariff. The Russian oil majors would not only gain an advantage by increasing the amount of exports, they would also bypass the state transport monopoly, Transneft, which owned the Russian oil pipeline network. The state's control of the export pipelines was one of the few ways to exert pressure over the oil sector that was still available after the privatization of the sector. The Russian government battled the oil companies, with Yukos as the ring-leader, for months preceding the tax claims against Yukos. The government was ultimately successful in blocking Murmansk pipeline plans.

Yukos' main competitor for the Far East pipeline project was the state-based company, Rosneft. The Ministry of Energy, backed of course by President Putin, favored granting the pipeline project to Rosneft. Khodorkovsky challenged Putin only a month later when he declared that his pipeline would be constructed by 2005. He further threatened that should Rosneft construct its own pipeline, Yukos would not supply the pipeline with oil. Weeks before the arrests of the Yukos officers, it seemed that Khodorkovsky had nearly accomplished his goal. The Prime Minister endorsed Khodorkovsky's pipeline and Yukos signed a long term agreement with the Chinese State company CNPC to

transport in excess of 400,000 barrels of oil per day.

Yukos, however, would never see the completion of the Far East pipeline. Though Khodorkovsky and the oligarchs excelled at maximizing the advantages presented by post-Soviet privatization, they would underestimate the power of the new Kremlin under Mr. Putin.

Yukos' crowning achievement was the announcement of its merger with Sibneft in April of 2003. The merger would create the largest oil company in Russia with reserves of 2.65 billion tons (the largest in the world), and the fourth largest in the world in terms extraction capacity (102 billion tons). The merger was essentially a friendly takeover of Sibneft by Yukos, with Yukos shareholders in possession of 71.1% of the company, and Sibneft shareholders retaining 28.9% of the shares. Yukos' shareholders, Group Menatep, would hold 55% of the joint company. The merger was lauded by the Prime Minister and backed by all political parties, even though it would have created a major player in the global energy market that would be out of the Kremlin's control.

In response to the repeated trespasses by Yukos against the State, the Council for National Strategy in Russia published a report titled 'The state versus the oligarchy' in May 2003. The oligarchs were accused of privatization by theft, high treason for manipulating the government and blocking reforms, and for being enemies of the state.

The report addressed the direct threat posed by the oligarchs to Mr. Putin's

authority and foreshadowed an oligarchic coup. Furthermore, it highlighted Khodorkovsky's political ambitions to head a new government, and warned of his ability to spread influence because of his tremendous wealth.

Challenges posed to Mr. Putin's leadership both on economic and political fronts were grounds enough for the Kremlin to launch its attack on the oligarchs and subsequently attempt to centralize the Russian energy sector under its banner. Parliamentary elections were set for December 2003. Khodorkovsky had already announced his support (and sponsorship) of parties in opposition to the Kremlin. It was alleged that this support was in exchange for certain percentages of seats in the State Duma that Yukos would receive in return. Furthermore, there was much speculation that Khodorkovsky would run in the presidential elections of 2008.

By mid-2003, Khodorkovsky was the richest man in Russia, the head of the largest, most transparent oil company in Russia, a well-recognized businessman in the eyes of the West, and a charismatic personality with political ambitions. He had acted unilaterally and individually even after Mr. Putin's election, and after the new deal had been made with the oligarchs.

On the eve of the impending presidential election in March 2004, Mr. Putin began his purging of the oligarchs.

Next article: Return of the Kremlin and the destruction of Yukos

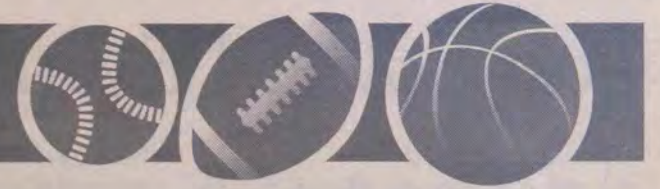
Crossword Puzzle Solution

(from page 4)

1	G	2	O	3	N	4	G		5	I	6	M	7	A	8	G	9	E		10	S	11	L	12	I	13	P
14	O	G	E	E					15	M	A	R	E	S						16	T	O	R	A			
17	W	R	E	N					18	P	I	E	R	S					19	E	T	O	N				
20	K	E	R	O	21	G	E	N		22	M	A	23	P	P	I	N	G									
				24	G	A	L							25	Y	A	P										
26	S	P	A	R	S				29	A	S	S			32	N	E	S	33	T	S						
36	L	I	M	A					37	E	L	A	P	I	D				39	K	O	A					
40	E	X	E	M	41	P	L	I	F	I	C	A	T	I	O	N											
43	D	I	N		44	L	I	V	E	R	Y				45	W	E	L	D								
46	S	E	D	G	E				48	E	R	E			49	H	O	R	S	Y							
				50	N	A	P							52	R	U	E										
53	D	E	W	A	T	E	R							57	C	H	E	D	D	A	R						
61	U	S	E	R					62	A	I	O	L	I					64	G	O	N	E				
65	F	A	I	L					66	K	O	R	A	N					67	E	P	O	S				
68	F	U	R	Y					69	S	T	E	N	O					70	D	E	N	T				



SPORTING LIFE



NCAA Hypocrites

By LAWRENCE METELITSA, *Staff Writer*

Every year millions of people watch the NCAA's March Madness basketball tournament. Throughout the season hundreds of schools compete for a chance to make the 65 team tournament. Those hundreds of schools are comprised of thousands of athletes. Of those athletes, some are superstars, the 1% that will make it as professionals. But every year there are players who shine, who come out of nowhere to have a great tournament or a great few games, or maybe even a single play that captures the sports fan's eye. But in the end, what happens to these players? What happens when they graduate, what do they really have?

It is very naïve to believe that academically many of these athletes take advantage of their scholarships. It is also unfair to blame them for not being able to take advantage of the educations they are provided. The NCAA requires athletes to score a 700 on the SAT exam to gain admission into college. Can someone who scores a 700 on their SAT really thrive in

an affluent, academic setting while practicing for hours a day, conditioning for hours a day and traveling to play games during the school year? The answer is no.

Many of these kids get free passes from teachers, have other people do their work for them, and take less than "legitimate" classes. If they do graduate, the degree earned is usually nothing more than a reflection of the work they put in on the hardwood, not in the classroom.

There are pros and cons to compensating these amateur athletes for their hardships. Many problems would be created if the athletes were paid, but does that mean that their schools and the NCAA should look the other way? A prime example of the hypocrisy of the NCAA is the George Mason final four basketball team of 2006. During the 2006 NCAA tournament, George Mason generated more than \$1 million in merchandise sales, representing the more than \$5 million it would share with other members of its conference, the Colonial Athletic Association. Furthermore, the NCAA makes about \$550 mil-

lion a year thanks to its \$6 billion, 11-year contract with CBS.

After the 2006 Final Four, the three stars of the George Mason squad, Lamar Butler, Jai Lewis, and Tony Skin had agents promising them all kinds of money, but nothing panned out. All three players were relegated to trying their luck playing overseas for little or no money and struggling to make ends meet. And they were the stars of the team. The reality is that when most of these athletes complete school, their degrees are useless.

A friend of mine, speaking on the condition on anonymity, played Division II basketball in Southern New Hampshire. He says, "the team made it by any way they could academically. They made sure we were able to play but the only thing we learned was basketball despite what our degree says." And that was a Division II school. It's not hard to imagine what a Division I school, with millions of dollars invested in the basketball program, would do to ensure that its athletes are able to play.

After George Mason upset Michigan State in the opening round of the NCAA Tournament, the players signed all sorts of memorabilia. The next day, the players discovered many of the items were for sale online, with an autographed ball listed at \$300. But they players were not allowed to sell anything or profit in any way from their efforts.

Each year colleges and universities are investigated for providing their athletes with benefits ranging from clothes and food money to cold hard cash. These athletes, in most cases, are prohibited from working, and if they are allowed to work, they can only put in minimum hours, earning barely enough to sustain themselves. While schools make millions, and the coaches, conferences and television stations also make millions, the athletes make zero and in most cases leave with zero.

It does not take a rocket scientist to see that this is not particularly fair. Sure, the NCAA will argue that it is the student's job to take advantage of his scholarship, get an education and then a career. That

NBA Preview: Knicks, Nets and More

By ALEX BUNAEV, *Staff Writer*

NY Giants/NFC

The NFC is wide open for anybody to make a run to the Super Bowl. The only

NBA Preview

By Alex Bunaev, *Staff Writer*

The Titanic Division, as it came to be known last year, has improved greatly since last season. The Knicks added one of the best young offensive power forwards in the game to their roster, Zach Randolph. The Nets resigned Vince Carter and added big men Jamaal Magloire (free agent) and Sean Williams (draft) to replace fan favorite Mikki Moore. The Raptors return the core of their team that won 47 games and the division title last year. The 76ers traded AI and went 18-11 after the All-Star break. But by far, the most improved team from last year is the Celtics; they somehow managed to keep Paul Pierce and land Ray Allen and Kevin Garnett.

New York Knicks

The Knicks will have to quickly put their tumultuous off-season behind them in order to compete in their division. The Knicks franchise and Isiah Thomas took a huge hit over the summer after Thomas lost a sexual harassment suit brought against him by a former employee. Depositions and witness testimony brought ugly facts into the public forefront. Among them, Thomas did not mind calling black women "bitches" as long as another black man says it and does not care for white season ticket holders.

The public also learned that Stephon Marbury, star guard and the face of the Knicks franchise, had sex with an intern in the back seat of his car. On the whole, it appeared as though the Knicks were functioning under the direction of two clueless men, Isaiah Thomas and James Dolan, the Knicks' owner. Dolan could have settled the case out of court, but in typical fashion, he made the wrong move, essentially tarnishing the once proud Knicks franchise.

The Knicks are a very talented team; that is without question. But the unknown is how well they will mesh and play together. Thomas pulled off a trade for low post beast Zach Randolph in the off season. Scoring and rebounding has never been a problem with Randolph. Skeptics do not see how Randolph could share the low block with returning center Eddy Curry. However, Randolph's game is based more on his beautiful feathery touch from mid-range, whereas Curry simply punishes smaller defenders with a variety of post moves rarely seen in today's NBA. This inside-out combo should be fine on the offensive end.

Point guard Marbury had a bizarre summer including a YouTube-worthy interview, testimony from the Thomas trial, and his expressed desire to be an American basketball version of Beckham in Italy. Marbury will have to put the summer behind him and answer to the critics who say he has been slipping in the past couple of seasons. Luckily for Marbury, Jamal Crawford returns as his backcourt mate.

Crawford's slashing style may be hindered by the presence of Randolph and Curry, but Crawford is a fine shooter and should get many open shots. Crawford's downfall, however, is that he is very streaky and needs many open opportunities to put up points. And while Quentin Richardson is constantly injured, the Knicks have an abundance of small forwards and big guards to overcome any missed time by Q.

Thomas has about 20 players at the Knicks training camp, including old friend Allan Houston who may not make this season's team. The roster has to be trimmed down for an effective second unit to emerge, as the bench should be the strength of the team. Unlike the starters, the guys that come off the bench can actually play defense. Some of these players include Supersub Lee, a high-energy rebounding machine, Balkman, a multi-skilled player with a hint of Scottie Pippen in him, and Collins, a big guard who showcased a terrific all-around game at the end of last year. Undersized and shoot-first passer guard, Nate Robinson, should not be seeing any significant time on the court but Thomas probably sees a little bit of himself in the feisty player and will give him minutes he does not deserve. There is not a lot of size on the bench which puts the pressure on Curry and Randolph to stay healthy, in shape and productive.

The Knicks will have no problems scoring, but they should concentrate on outscoring other squads because the Knicks are not a defensive team. The Knicks will

need to improve defensively to stay competitive in the suddenly revitalized Atlantic Division.

New Jersey Nets

On the other side of the Hudson, the Nets are fortunate enough to return their big three in Jason Kidd, Vince Carter and Richard Jefferson for another run at the Eastern Conference title. Even though Kidd is getting older, he remains one of the best point guards in the league. While Carter is soft and injury prone, his skills on the court, namely his dazzling dunks and off balance treys, can help any team get to the playoffs. Just don't expect Carter to go hard towards the basket or play any defense. Jefferson, another solid complement to the Nets, rebounds, defends and goes to the line. As long as the backcourt is healthy, the Nets will be solid competitors in their division.

The Nets frontcourt, however, has some issues that need to be worked out. Nenad Krstic is coming off an ACL tear, and it is questionable if Krstic will regain his form prior to the injury. Jason Collins is a stiff player with no discernable NBA skill other than the fact that he is 7 feet tall and gives out about 6 fouls per game. Fans were disappointed to see Mikki Moore leave the Nets, but he was a little over hyped. Even though Moore hit the offensive boards, ran the floor well and connected with Kidd for monstrous dunks, his offensive game was virtually nonexistent. Newcomer Jamaal Magloire proved to be a good addition to the team, as Magloire gives the Nets an

NCAA Continued from Page 10

argument does have some merit. Many students would love to be free of their college loans. However, this argument loses because most of these players are athletes who moonlight as students. Some will graduate, others will not, and their school will call them six months later asking for donations, as they do of everybody else.

The culture of big-time college athletics may be difficult to change, but it wouldn't hurt the schools or the NCAA to bend some of their rules and allow student athletes to

benefit from their hard work while they can. Another idea would be for all major Division I colleges to take some of the profit made off the sweat of these students and devise a system that would monitor player progress and then distribute funds on a need basis. The bottom line: the NCAA needs to lighten up. For some players, four years of major college athletics and fifty cents will get them a cup of coffee, and as long as no one gives them the fifty cents the NCAA may just let them drink it.

NBA Preview Continued from page 10

inside presence. He can score with his back to the basket and give the perimeter-oriented team a different look.

The Nets bench is serviceable but will not carry the team to the playoffs. Bostjan Nachbar emerged as a quality player last year. Marcus Williams will likely give Kidd much needed relief minutes once he returns from injury. Antoine Wright is another great athlete who always gives the Nets his all. Young, big men Josh Boone and Sean Williams provide even more food for thought as to why Collins sees any minutes. The key for the Nets this season is to keep their three stars healthy and fresh for a playoff push; this will ensure that the Nets will be able to compete in the Eastern Division.

PREDICTIONS

Atlantic Division: Celtics.
 Central Division: Bulls.
 Southeast Division: Magic.
 East Playoff Teams: Heat, Cavs, Raptors, Nets, Pistons.
 East Champion: Celtics
 Northwest Division: Nuggets.
 Pacific Division: Suns.
 Southwest Division: Mavericks.
 West Playoff Teams: Jazz, Warriors, Lakers, Rockets, Spurs.
 West Champion: Spurs.
 NBA Champ: Spurs.

New York City Marathon

Continued from Page 6

Bridge #3—The Queensboro Bridge
MILE 15.5: Just as we were crossing the bridge into Manhattan, my friend called to let me know that he had finished the marathon and was headed home to shower. Our pace had slowed considerably and we stopped to ice and switch prostheses with more frequency.

Entering Manhattan is typically surreal. You can hear the dull roar of the crowd from the Queens side of the bridge, and then all you can see is a solid sea of spectators lining both sides of First Avenue all the way up to the 100's. You can not even hear yourself think, it is so intense. However, once we crossed the bridge the crowds were thinning. I wished they had properly entered Angel in the early start so he could have experienced that intensity, as I have never had such an experience in any other marathon. Thankfully, as this was Angel's first marathon, so he had no such expectation and from what I could perceive, was not disappointed with the crowd. Due to the breakfast mix-up, Angel was starving and a friend grabbed us a pizza near 96th Street. Angel put away three slices and continued running!

Bridge #4 – The Willis Avenue Bridge
MILE 20—THE BRONX: It was getting dark and now there was no crowd. Again I am thankful that Angel was not aware of what he was missing. We were running and resting, running and resting. His temperament remained humble and focused on his goal, but he conceded that he was struggling a bit. We got deep into conversation for distraction and he told me how he lost his leg.

He was a paratrooper with the military in Ecuador and jumped out of a plane into a minefield during their war with Peru in 1995. In fact, his group of travel companions were all from the same unit and each suffered various injuries in the same exercise. One of his companions lost both of his arms, one entirely and one below the elbow. But despite the injury he remains an excellent marksman and still wins competitions. He is able to brace the rifle with the remainder of his left arm, prop the butt on his shoulder and pull the trigger by attaching a cord and pulling it with his mouth. Amazing.

This same man also holds the marathon record for his age group in Ecuador and runs a 2:50 marathon. Today we were unable to find a guide who could keep up

with him so he ended up running it alone. I also learned that Angel's son has a pet monkey named Angelito.

Bridge #5—The Madison Avenue Bridge
MILE 22—HARLEM: The course was closed. Street sweepers were coming through and the police made us run on the sidewalk so they could open the streets to traffic. There were no more signs denoting miles but I know the route. I was counting down the miles for Angel. It was dark and getting a bit bleak for me mentally as we kept taking breaks, but Angel pressed on without complaint. He was noticeably limping and wincing. A passerby on the street ran into a deli to fetch him Gatorade, another woman brought him a banana, and many others offered to get him anything he needed. When they closed the course, I was so disappointed that this experience was not living up to what I know the NYC Marathon could have been for Angel. But these small, heartfelt gestures were critical and the kindness of the strangers really lifted his spirits. Thank you, Harlem!

Central Park: Almost There
MILE 24: Angel was really limping. He wanted to sit down for a bit but the breaks were getting too long and I feared the finish line would close before he got there. With each break his legs were cramping up. So, as he instructed me earlier, I urged him to continue on. We were so close!

Angel was really struggling and in peril of not finishing, so I offered to carry him. It is only two more miles and he was not a huge guy. I promised him I could do it. A proud Latino man, he was indignant at the prospect of a woman carrying him, he was also very doubtful that I was up to the task. My friend, who had joined us at mile twenty-four and was running alongside, offered to carry him as well. Angel considered that briefly then ultimately turned him down. At mile twenty-five we see a friend of his who lives in Queens. His friend had been worried sick about him but is so proud to see he is still going.

We took turns letting him lean on us as we ran, and finally, he approached the finish line which was still lit up and open. We all let go and he finished alone with an enormous smile. He cried, and prayed, and thanked us. He said that was one of the best moments of his life. I thanked him as well, as that was one of the best moments of my life, too.

8 hours and 16 minutes.

November Culture Calendar

Upcoming Concerts

- Mon 11/05/07**
Dashboard Confessional at Webster Hall
- Fri 11/09/07**
The Cult at Hammerstein Ballroom
- Fri 11/09/07**
Jimmy Eat World at Terminal 5
- Sun 11/11/07**
Jay-Z at Hammerstein Ballroom
- Wed 11/14/07**
Fall Out Boy at Madison Square Garden
- Fri 11/16/07**
Polyphonic Spree / Rooney at Terminal 5
- Sun 11/18/07**
Ani DiFranco at Town Hall
- Thu 11/22/07**
Paul Oakenfold at Pacha
- Wed 11/28/07**
The Starting Line at Roseland Ballroom
- Thu 11/29/07**
Everlast at Hammerstein Ballroom
- Thu 11/29/07**
Snoop Dogg at Hammerstein Ballroom
- Thu 11/29/07**
Talib Kweli at Hammerstein Ballroom

For more information on these shows, visit www.pollstar.com or contact the venue directly.

Art Around New York

- Guggenheim Museum**
Richard Prince: *Spiritual America* through January 9, 2008
Richard Prince's work is among the most innovative art produced in the United States during the past 30 years. Prince creates works that both embrace and critique a quintessentially American sensibility: the Marlboro Man, muscle cars, biker chicks, off-color jokes, gag cartoons, and pulp fiction.
- South Street Seaport Museum**
Fighting Irishmen, Celebrating Celtic Prizefighters from 1820–present through December 2007
The fighting spirit of the Irish has been unquestioned from ancient times to the present. And when the Irish immigrated to New York, landing at the South Street piers, they brought this tradition with them. This exhibit traces the history of these Irish prizefighters from the 19th century to the present day.
- There Once Was a Neighborhood**
Photographs by Rebecca Lepkoff 1937–1950 through December 2007
Rebecca Lepkoff navigated the streets of the Lower East Side in the 1930s and 1940s, camera in hand, capturing the lives and times of a vibrant, close-knit and thriving multi-ethnic community.

Sudoku Solutions

(from page 8)

6	3	4	5	1	2	7	9	8
2	8	1	3	9	7	5	6	4
9	5	7	8	4	6	2	3	1
3	1	6	7	8	5	4	2	9
4	9	5	1	2	3	6	8	7
8	7	2	9	6	4	1	5	3
1	2	9	6	7	8	3	4	5
5	4	8	2	3	1	9	7	6
7	6	3	4	5	9	8	1	2

Sudoku I:
Easy-Level Solution

8	5	1	7	2	9	6	3	4
7	4	6	1	5	3	2	9	8
9	3	2	8	4	6	5	1	7
4	9	7	5	6	2	3	8	1
3	2	5	9	8	1	7	4	6
1	6	8	3	7	4	9	5	2
2	8	9	4	3	7	1	6	5
6	1	4	2	9	5	8	7	3
5	7	3	6	1	8	4	2	9

Sudoku III:
Evil-Level Solution

Upcoming Events at NYLS

Monday, November 5th
1:00–2:00 pm Room B410
Phi Alpha Delta (PAD) will be holding an event discussing how to prepare for finals.

Tuesday, November 6th
5:30–6:30pm Room A602
Phi Alpha Delta (PAD) presents a Q&A event with a lawyer who is also a professional baseball player in Israel. All are invited to attend.

Wednesday, November 7th
4:30 – 6:00pm Wellington Conference Center
New York v. The United Nations: The Implications of Unpaid Property Taxes. In June 2007, the United States Supreme Court, in a 7-2 ruling, decided that the FSIA exception for immovable property applied to the New York case over the unpaid property taxes, and that the federal courts did have jurisdiction to hear it. What are the implications of this decision? Will it allow the City of New York to move forward with its lawsuit against India and Mongolia? Could U.S. diplomatic offices abroad face similar treatment?

In his C.V. Starr Lecture, John J.P. Howley '89—who represented the Permanent Missions of India and Mongolia before the Supreme Court—will analyze the court's majority and dissenting opinions, and discuss these and other questions.

Thursday, November 8th
4:30 – 6:30pm Wellington Conference Center
Meeting Policy Changes of Bioviolence. Professor Barry Kellman argues that bioterrorism is the ultimate act of terror, and is concerned that too little is being done to prevent such an attack. Indeed, the threat of bioviolence presents an acute challenge for law and governance. Scientists and public health officials, in conjunction with law enforcement communities from other nations and international organizations must coordinate their efforts and form international legal standards to prevent bioterrorist attacks. In his lecture, Barry Kellman will discuss his new book and will explain how certain policies can promote the advance of science, encourage sustainable development worldwide, and prevent malevolent security threats such as those posed by bioterrorism

Monday, November 12th – Friday, November 19th
Stop! Human Trafficking Week presented by Lawyers Without Borders

—**Tuesday, November 13th**
6pm – 8pm Wellington Conference Center
Lawyers Without Borders invites you to a dinner and panel discussion on human trafficking and its legal consequences throughout the world. Guest speakers include: Ms. Anke Strauss, a liaison officer with the Permanent Observer Mission of the International organization for Migration to the United Nations, will discuss efforts to combat human trafficking within the intergovernmental framework; Sapna Patel, Staff Attorney with the Sex Workers Project at Urban Justice Center will discuss the scope of the problem here in New York and what local efforts are underway to combat trafficking in persons. Professor Dianey Fahey will present a talk based on Dean Benson's paper examining how tax laws can help to curb human trafficking. Ms. Sheila Dauer, Director of the Women's Human Rights Program at Amnesty International USA, will be speaking on either US trafficking issues or international standards.

—**Wednesday, November 14th**
6:00pm Room B410
Film screening: Dreams Die Hard.
Food will be provided.
Keep an eye out for information and events throughout the week.

Tuesday, November 13th
6:00 – 8:30pm Board Room 40 Worth Street
LALSA will be holding an Outlining Workshop.

Wednesday, November 14th
6:00 – 10:00pm Wellington Conference Center
Asian American Law Students Association will be holding their Annual Alumni Reception.

Friday, November 16th
5:00pm Board Room 40 Worth Street
Lawyers Without Borders presents Native American Film Screening of Our Days, Our Lives.

Fall Finds for November 2007

The leaves are falling and the weather is brisk, so get out there and check out some seasonal events around the city.

Fall Foliage
Central Park
Now through the end of November
The peak time for fall foliage in New York City is typically mid-October through early November. Whether you want to wander on your own observing the beautiful colors of the changing autumn leaves or you prefer to take a tour, Central Park is a great place to experience the changing of the leaves in and around New York City. Maples, oaks and elms are just some of the trees in Central Park that create the beautiful autumn colors throughout the park. If you want a great panoramic view of Central Park, head to Belvedere Castle and if you'd like to avoid the crowds, head to the northern half of Central Park.

For more information, visit www.central-park.com.

NYC Comedy Festival
Various Locations
November 6-11, 2007
Laugh all week long with the New York Comedy Festival, a celebration of stand-up. Catch New York's favorite comedy stars at venues all over the city. The Festival features both emerging talent and established headliners. Comedians ranging from Sarah Silverman to Roseanne Barr and Dennis Leary are sure to serve up some laughs. Prices for most shows start at \$37.50.
More info, visit www.nycomedifestival.com.

The Chocolate Show
The Metropolitan Pavilion, 125 West 18th Street
November 9-11, 2007
Imagine, 400,000 square feet of the most interesting, most indulgent and most delicious chocolates from around the globe. One of the best benefits of attending the New York Chocolate show is that you can actually learn all about the making and finishing of chocolates, attend chocolate cooking demonstrations and actually meet some of the world's finest chocolatiers. Adult tickets for the chocolate extravaganza are \$28.
For more information, visit www.chocolateshow.com.

Veteran's Day Parade
Fifth Avenue at 23rd Street and North along Fifth Avenue to 59th Street.
November 11, 2007

The Veterans Day Parade has been an on-going New York City tradition since 1929. Over 20,000 people participate in the Veteran's Day Parade in New York City each year. The parade includes a variety of marchers, floats and marching bands. Participants include active officers, various veterans' groups, junior ROTC members, and the families of veterans. The Veteran's Day commemoration begins with a wreath laying ceremony at 10 a.m. at the Eternal Flame in Madison Square Park with the parade beginning at 11 a.m. The parade lasts until 2 p.m.

Macy's Thanksgiving Day Parade
Central Park West through Herald Square
November 22, 2007

For over 75 years, Macy's has given us a tradition which celebrates America and calls forth the holiday season. The parade features Macy's signature larger-than-life helium character balloons, in addition to college and high school marching bands from across the country. The parade also showcases numerous performances by famous singers and bands, as well as appearances by local and national celebrities. The parade runs on 77th Street south to Columbus Circle, then Broadway south from Columbus Circle to Herald Square, and 34th Street from 6th Avenue west to 7th Avenue. The earlier you arrive, the better your chances of getting a good view! If you cannot make it to the parade in person, all NBC affiliates will be broadcasting the parade starting at 9 am and lasting until about 12 pm.
For more information, visit www.maycsparade.com.

Ice Skating at Rockefeller Center
47th-51st Streets, between 5th and 6th Avenues.

Now through April 2008
Since it first opened on Christmas Day, 1936, the legendary Rink at Rockefeller Center has attracted over a quarter million people each year. The Rink accepts cash only and does not take reservations. Admission prices range from \$5-10 and skate rentals cost \$8 per session.
More info: www.therinkatrockcenter.com.

QUIZ QUESTIONS

Hey NYLS, here is your chance to win big. Answer the legal trivia question correctly and you could win a study guide from Kaplan. Answer the entertainment trivia question correctly and you could win two free movie tickets. Email your answers to jstone06@nyls.edu with the heading: De Novo Trivia. Everyone who answers correctly will be entered into a raffle drawing for the prizes. Submit your answers by Friday, November 30th. We will contact the winners and announce their names in the next issue. Good luck!

Entertainment Trivia

Who was the first guest host of NBC's Saturday Night Live?

Legal Trivia

When did the Supreme Court begin meeting on the first Monday in October?