

SNOW COUNTRY

**SKIING WITH
YOUR KIDS?
SMART TIPS ON
TEACHING THEM
TO SKI BETTER**

THE MAGAZINE OF MOUNTAIN SPORTS AND LIVING

OCTOBER 1996

\$2.95 : Canada \$3.95

SHAPED SKIS: WHY THEY'RE FOR YOU

49 SKIS THAT WILL MAKE
YOU A BETTER SKIER

HOW TO CHOOSE THE
RIGHT ONE FOR YOU

6 STEPS TO PERFECT
SHAPED-SKI TURNS



PLUS:

- EXERCISES TO BUILD GRACE, STRENGTH AND CONTROL
- NEW BINDINGS THAT PUT POWER IN YOUR TURNS



Display until October 14th

BY MICHAEL BANE

JUDGE ALEX KOZINSKI is poised on his Burton snowboard over a rock-hard black-diamond run. "Ice," he says, "is simply a state of mind." Before I reply, he launches down a right-hand line, leaving a rooster tail of ice crystals in his wake. I get about 50 yards into the bumps before I smack a mogul good and hard. The edge of my board skates out from under me and I slam butt-first onto the ice. I look across the mogul field to see one of the great legal minds in America, also slammed on his butt, waving to me. "Fun, huh?" he yells.

Forget your preconceived notions, and not just about snowboarders. Before you face Alex Kozinski on the slopes or in the courtroom, you're going to have to scrap some ideas about the solemnity of judges, the concepts of "conservative" and "liberal," and what is and is not appropriate apparel for the snow.

And you're going to have to be quick about it, because Judge Alex Kozinski's world moves at the speed of an avalanche, sweeping down from above. If you can't stay ahead, dude, you're gonna get buried.

He shreds, he bungies. He's an excellent amateur magician. He builds his own computers and reviews video games for the *Wall Street Journal*. One of his favorite movies is about a giant, man-eating worm. And there's a woodcut of Vlad the Impaler—the ancient Romanian prototype for Count Dracula—hanging on the wall of his Southern California law office. He has been known to recruit clerks by playing poker with law students. Once recruited, he works them mercilessly. When they need a break, he occasionally treats them to a weekend in Vegas.

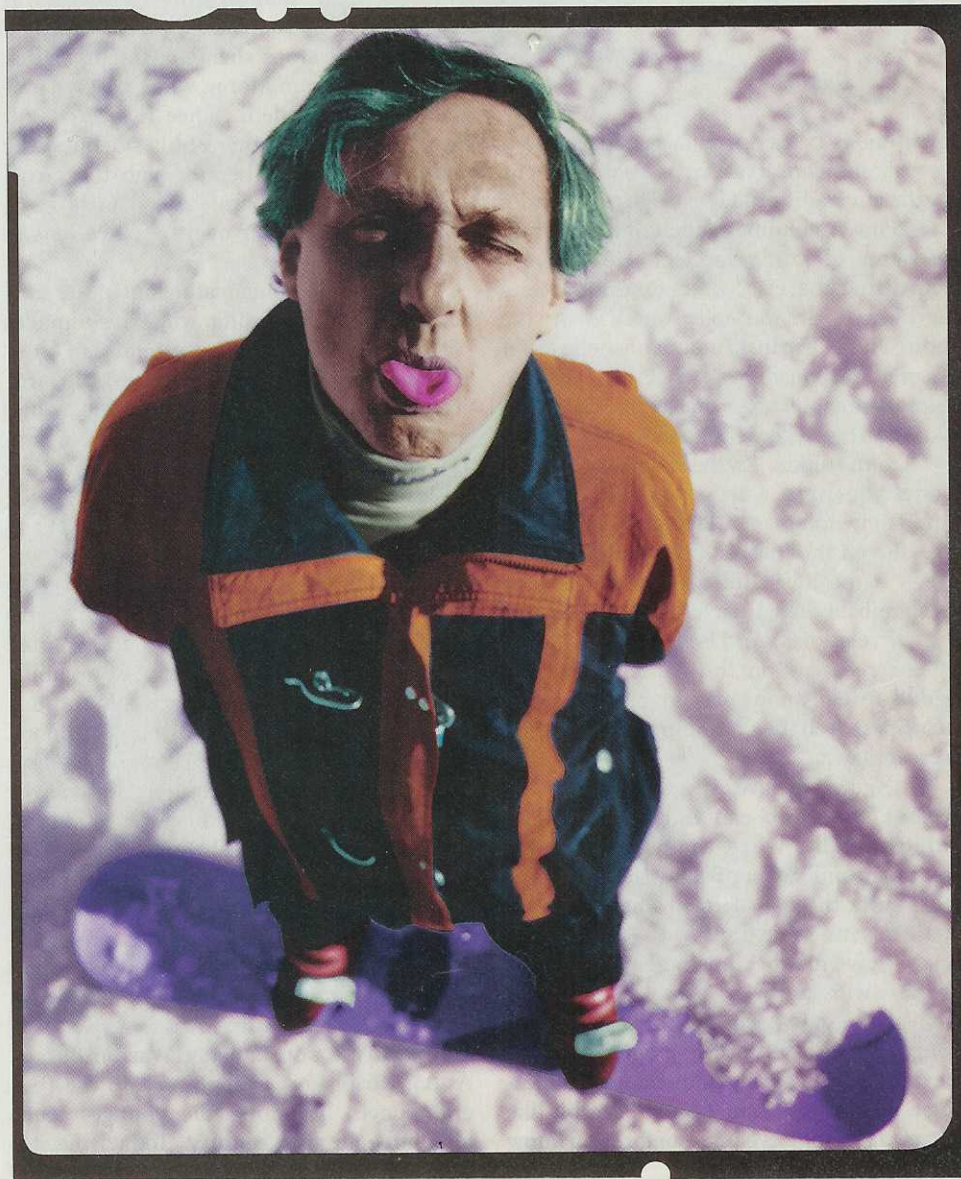
But don't go getting the wrong idea. Alex Kozinski, according to his peers, is one of the foremost legal minds in the country. As a judge for the Ninth Circuit Court of Appeals, appointed for life in 1986 by then-President Ronald Reagan, Kozinski can, and does, shape the direction of American law.

And he does so with the same exuberance that he brings to the slopes. Kozinski is a conservative, but—and here's where the black-and-white political definitions break

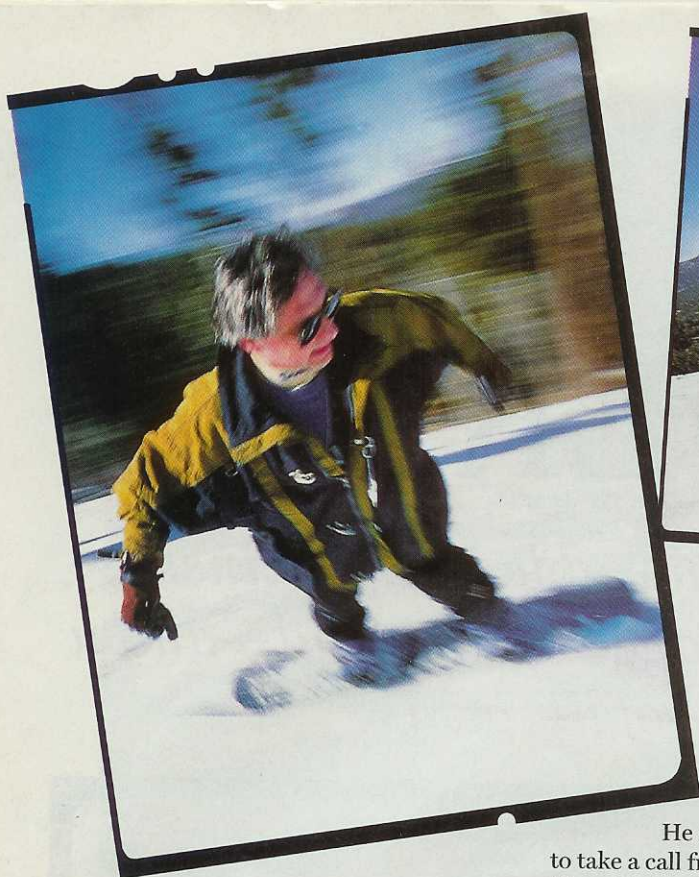
LAW BOARDER: *He shreds, he bungies, he plays video games. And he just might be appointed to the Supreme Court someday.*

CIRCUIT RIDER

Meet the Honorable Alex Kozinski, a Federal judge with a mind—and a snowboard—of his own.



PHOTOS BY DAVE NAGEL



ALL RISE AS HE FALLS: *Kozinski is one of the greatest legal minds in America. But among the snowboard set, his most famous opinion is that riding rules and skiing is for geeks.*

"Anyway, the screenplay," Kozinski is saying, "as soon as I have the time . . ."

He stops slicing cheese for lunch to take a call from Marcy, who's having trouble with her modem. Since Kozinski built her computer—another of his sidelines—he methodically takes her through the error-checking process, liberally aided by the boys, who have made their own modifications to the machine.

Our lunch conversation includes such topics as: snowboarding, why base-8 makes a more sensible numbers system than base-10, snowboarding, martial arts, snowboarding, trips around the world, snowboarding, and how to make gooey plastic creatures in the small toy furnace on the dining room table. Take a deep breath; try to stay ahead. Then it's off to the slopes.

Kozinski was born in Romania in 1950 and immigrated to the United States in 1961. When his family was granted permission to leave the Communist country, each person was allowed just one suitcase. After five years in Baltimore, the Kozinskis ended up in L.A., where Alex's father opened a grocery store. Alex was, by his own definition, a mediocre student until law school, when he realized that it was put up or shut up time. Kozinski put up. He finished first in his class at UCLA and was an editor of the law review.

Kozinski began his meteoric law career by clerking for Ninth Circuit judge (and now Supreme Court justice) Anthony Kennedy and Supreme Court Justice Warren Burger. At 35, Kozinski was appointed to the Federal bench, becoming the youngest such appointee in this century. Today, the 45-year-old Kozinski is poised on the edge of

down—he is not a doctrinaire conservative. Instead, his conservatism is rooted in the libertarian tradition. He is a fierce defender of the First Amendment, including, at times, the rights of pornographers. He has also argued that the First Amendment protects flag burners. In the courtroom, as on the slopes, Judge Kozinski staunchly believes in personal responsibility, what he calls the Toyota Principle, after that company's "You asked for it; you got it" ad campaign.

A film junkie, Kozinski once wove 215 movie titles into a legal opinion about a Nevada cinema owner. He also has his own joke line on the Internet, written under the screen name Easy Rider. (Question: What do cannibals feed their children? Answer: Strange relations.) And he is presently writing a screenplay on the battles that have raged between snowboarders and skiers on the slopes. Well, he's planning to write such a screenplay . . .

"It's going to have everything in it, every extreme sport you can think of," he says enthusiastically. We're camped out in his slopeside condo at Big Bear, just a couple of hours from the L.A. sprawl. The judge and his three sons—Yale, 13; Wyatt, 11; and Clayton, 8—have made a quick escape from the city. His wife, attorney Marcy J. Tiffany, is back in the smog working on a case. I'm along to get a "feel" for the judge, as well as sneak in a little spring snowboarding. Getting a feel for Kozinski, though, is a bit like getting a feel for a cyclone—before you know it, you're swept away.

the highest legal pinnacle in the land, the Supreme Court. If a Republican wins the White House and a Supreme Court seat opens up, Kozinski's name is certain to be bandied about. He once jokingly called himself a member of the OOPPSSCA, the Organization Of People Patiently Seeking Supreme Court Appointment. Yet the country's highest court may always be just out of reach, because Alex Kozinski is, well, outspoken. Make that very outspoken.

"So remember when Supreme Court Justice Sandra Day O'Connor broke her shoulder skiing?" Judge Kozinski is saying. "I immediately sent her a get-well card and suggested it was time for her to change sports, get off two planks and onto one." (Her response, according to Kozinski: "Thanks, but no thanks.")

Aside from driving the liberal (and occasionally, the GOP) establishment into conniptions, Judge Kozinski has become something of an evangelist for snowboarding. In fact, he's an underground legend, thanks to an article he wrote last year for, of all things, the *Wall Street Journal*. In the article, titled "Skiers Beware Riders of the Apocalypse," he outlined the 10 reasons why snowboarding was better than skiing (see "The Kozinski Opinions," page 42).

I was first introduced to the article in the middle of last season by your basic snowboard girl, zoned out and dressed grunge, who had a much-folded and refolded copy of the article. It had been given to her by another young snowboarder, like a chain letter from the real world. "You can read it," she cautioned ominously, "but you can't keep it. It's from the *Wall Street Journal*, and this guy's, like, a judge."

When I tell the judge that some Colorado boarders were passing the article

around like a talisman, in case some skier should stop and demand a rationalization for the sport, he cracks up. "When I first started snowboarding," Kozinski says, "I was standing in a liftline when this kid on a snowboard came up behind me. He looks at me for a minute, then says, 'Excuse me, sir, but it's so . . . inspiring . . . to see someone your age on a snowboard.' Inspiring! All I could do was laugh."

We're riding up the lift at Big Bear, regaling each other with stories of being the oldest snowboarder on the slopes. My favorite comes from last year at Vail, when I was riding up with a woman skier wearing a Tyrolean hat. "Well," she said to me, "aren't you just the grayest snowboarder I've ever seen!" I tell the judge that it took a superhuman effort not to reply, "Well, at least I'm not wearing a Tyrolean hat."

The Tyrolean hat tale reminds Kozinski of his *Wall Street Journal* opus. Why is snowboarding better than skiing? Reason Num-

ber Six: Skiers look like dweebs, snowboarders look cool. "Look at that," the judge says. Below us on the slope, painfully slaloming down an intermediate trail, is a skier in perhaps the last neon-yellow ski suit in California, the self-proclaimed "capital of cool." Boots, gloves, hat, everything is the color of a flashing caution sign. "It's frightening," says Judge Kozinski. "He looks like a banana."

Kozinski learned to shred two years ago after his middle son, Wyatt, took up the sport. Father Kozinski first saw the single plank as a way to spend time with the kids. It didn't take long, though, for him to get hooked. He was amazed with the fast learning curve and how quickly he could cruise down terrain that he'd only dreamed of as an intermediate skier. Even more important, though—especially for someone whose work hours are legendarily long—Kozinski was captivated by the exhilarating feeling of freedom, "suspended almost weightless between snow and sky," he says. If there is a

single thread that connects Kozinski the Snowboarder, Kozinski the Extreme Sports Enthusiast and Kozinski the Judge, it is one of sheer joy, of passion.

Sitting in the outdoor hot tub on the tiny condo patio that evening, Judge Kozinski begins talking about the arcane art of writing legal opinions. As a Federal judge, Kozinski's legal opinions help shape the form and direction of American law. Over the course of decades, every word will be broken down and analyzed by legal scholars. Kozinski is keenly aware of this weight, and he relishes the responsibility.

The more Judge Kozinski talks about the painstaking process—an opinion might go through 60 iterations, with contributions from numerous overworked law clerks—the more animated he becomes. Soon, he's gesturing with his hands, occasionally splashing water from the hot tub. That night, I'll wake up in the dark of the spare bedroom and hear the steady clicking of keys from Kozinski's archaic electric typewriter downstairs as he works until 4 A.M.

"Are you up for this?" Kozinski asks as we buckle on Sled Dogs the next morning. "Sure," I reply, eyeballing the strange, boot-cum-short-ski contraptions. In truth, I'm a little worried. Being taught a new trick by Judge Kozinski, I think, has a tremendous potential for bruising.

We first head up a blue-square slope to make sure I can stand on the stubby skis without killing myself. But the judge is a good teacher, his boundless enthusiasm overriding fall after fall. "Okay," he says after a couple of runs. "Let's go up the mountain!"

On the ride up, Kozinski tells me that son Yale has been known to go up to parents who are teaching their toddlers to ski instead of snowboard and accuse them of child abuse. When I ask Yale whether this is the case, he shrugs a perfect adolescent shrug. "Well, it's true, isn't it?" he says.

Once again, we're sailing through the rock-hard mogul field, with me bouncing from mogul to mogul. Kozinski blows through on his Sled Dogs, then heads into the snowboard halfpipe. Of course, I think, the pipe. Where else would he go?

We sail up the wall of the pipe, grab a quick turn at the top, then rocket up the other side. The trick is to not think; I focus on following the judge's line. "Fun, huh?" he says, repeating his litany. "It should always be fun." You know, he's right. ▲

MICHAEL BANE is a 46-year-old rider and the author of *Over the Edge: An Average Guy's Odyssey in Extreme Sports*. He believes in snowboarding the way some people believe in Elvis.

THE KOZINSKI OPINIONS

IN NO LESS a forum than the *Wall Street Journal*, Ninth Circuit Court of Appeals Judge Alex Kozinski listed the top 10 reasons why snowboarding rules:

1. SKIING IS HARD; snowboarding is easy. "You can spend many years and the gross national product of New Guinea on lessons and still be a mediocre skier, but you can become a darn good snowboarder in no time at all."

2. SKIING MANGLES KNEES; snowboarding doesn't. "Skiing is actually an evil plot hatched by orthopedists."

3. SKIING IS WORK; snowboarding is fun. "Maneuvering a snowboard requires small shifts of weight. This is not only more natural and graceful than skiing, but it uses skills that can be practiced year-round in surfing, skateboarding and even bicycling."

4. SKIERS CAN'T STAND BAD TERRAIN; snowboarders don't care. "The only real complaint snowboarders have is about après-ski whiners."

5. SKI BOOTS HURT; snowboard boots are comfy. "Need I say more?"

6. SKIERS LOOK DWEBBY; snowboarders look cool. "Most skiers look like overstuffed neon sausages or hearty Tyrolean yodelers who just rolled in off the movie set of *Dumb and Dumber*."

7. SKIING IS SCARY; snowboarding is exhilarating. "Watch skiers as they approach a steep ledge. They hesitate, they survey the terrain, they pretend to be enjoying the view. What are they really doing? Praying that this won't be the day they discover firsthand the miracle of orthoscopic surgery."

8. SKI EQUIPMENT IS A COLOSSAL PAIN; snowboarding gear is a breeze. "To go snowboarding, all you need is a snowboard."

9. SKIS CLUTTER; snowboards are neat. "Storing and transporting skis, poles and hard boots for a family of four is a job for the Bekins moving company."

10. SKIERS CARRY POLES; snowboarders have free hands. "You don't carry poles around in your daily life. Why should you put up with them when you're having a good time?"