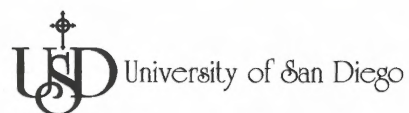




In August first-year law students gather at the Colachis Plaza for a continental breakfast as their orientation day gets under way.

parting shot



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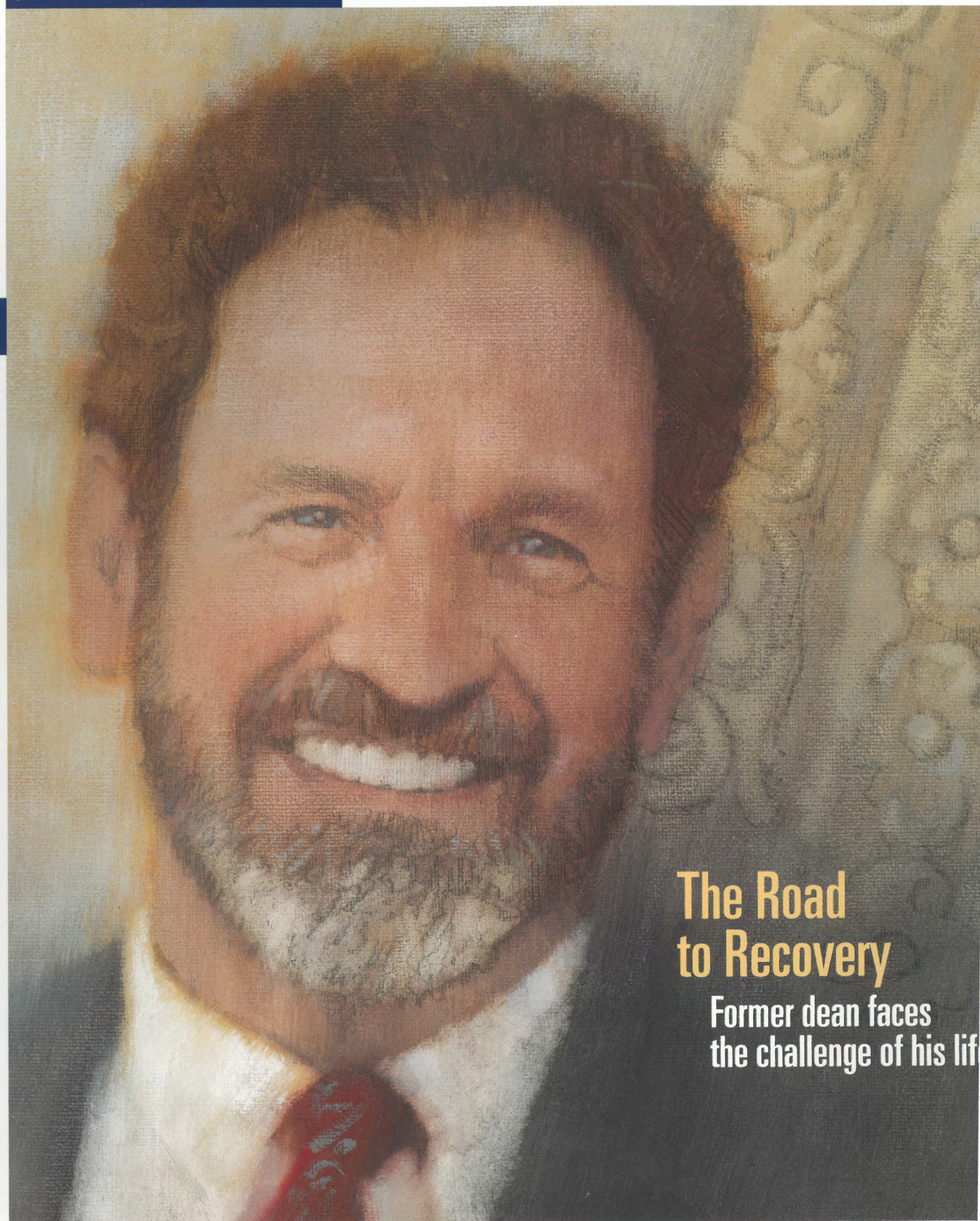
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The Road to Recovery

Former dean faces the challenge of his life

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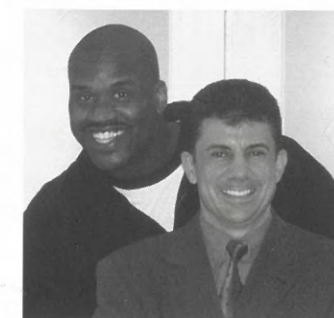
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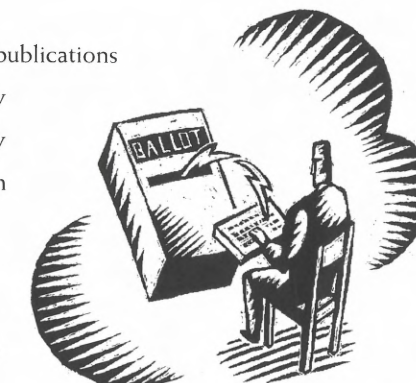
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Reaching a demographic milestone

The first woman graduated from the USD School of Law in 1959. By 1990 women accounted for 44 percent of the entering class and minorities accounted for 13 percent. This year, for the first time, women make up the majority of the law school's entering class—women account for 54 percent and minorities account for 23 percent.

In 1960 the law school community included 88 students and three full-time professors. This year the entering class alone numbers 338 students, and the law school faculty has 55 full-time professors and more than 45 adjunct or visiting professors.

Much of the law school's current progress and growth stems from the visionary leadership of former dean Donald Weckstein. During his 1972-1981 tenure, the law school underwent unprecedented growth in enrollment and prestige. He aggressively recruited distinguished professors and legal scholars and doubled the number of full-time faculty. Today Weckstein faces the ultimate challenge as he fights to recover from a life-threatening illness. Our cover story chronicles Weckstein's illness and recovery, and pays tribute to his incredible spirit and professional achievements.

We also profile two alumni who excel in the dynamic world of communications and media. Sports attorney Leonard Armato '78 creatively markets athletic giants such as basketball player Shaquille O'Neal and boxer Oscar De

La Hoya. While Armato promotes athletes from behind the scenes, on-air legal analyst Cynthia Alksne '85 discusses hot legal topics in front of the camera for NBC, CNN, Fox News and Court TV. Alksne finds the time to pursue her professional career while she and her husband raise four daughters—all between the ages of 1 and 3.

Our special Academic Year in Review section, which highlights the faculty's recent publications and presentations, features the cutting-edge scholarship of five professors, including descriptions of their recent areas of academic interest and excerpts of their writing.

As always, we welcome feedback. Please let us know your thoughts on this issue's stories. Write to the USD School of Law or send e-mail to lawpub@acUSD.edu.



Caroline F. Tobias

CAROLINE F. TOBIAS
DIRECTOR OF PUBLICATIONS

USD Hosts U.S. Court of Appeals for the Armed Forces

Students Participate in Appellate Court's Special Session

This past March USD law students participated in a rare special session of the U.S. Court of Appeals for the Armed Forces, which was held at the law school's Grace Courtroom.

The special session, open to the public, demonstrated the operation of the military criminal justice system under this unique Article I criminal appellate court, created by Congress in 1950 to emphasize civilian control of the armed forces.

USD students Trevor Rush '00, James E. Golladay '00, Michael M. Fernandez '00 and Michael H. Yuan '01 submitted an *amicus curiae* brief to the court. Rush also presented a five-minute oral argument on behalf of the appellant, a Marine non-commissioned officer from Camp Pendleton who had been convicted in a general court martial of conspiracy to commit larceny, forgery and wrongful use of an identification card.

Chief Judge Susan J. Crawford, Judge H. F. "Sparky" Gierke and Judge Andrew S. Effron of the U.S. Court of Appeals for the Armed Forces participated in the special session. District Court Senior Judges Howard B. Turrentine from the Southern District of California and James M. Fitzgerald from the District of Alaska sat in for Judges Eugene R. Sullivan and Walter T. Cox of the U.S. Court of Appeals for the Armed Forces.



The U.S. Court of Appeals for the Armed Forces held a special session in Grace Courtroom this past March. The panel included (from left to right) District Court Senior Judge Howard B. Turrentine (from the Southern District of California), Judge H. F. "Sparky" Gierke, Chief Judge Susan J. Crawford, Judge Andrew S. Effron and District Court Senior Judge James M. Fitzgerald (from the District of Alaska).



Judges Turrentine, Gierke, Crawford, Effron and Fitzgerald (left to right) listen to the oral argument presented by the appellant counsel, Lieutenant Michael Eversole.



Chief Judge Crawford (far right) speaks with David LaSpaluto '00, Brian Fogarty '01, Jay Jurata '00 and Mai Peterson '00 (left to right) during a reception following the court's special session.

SHAQ

Creative sports attorney Leonard Armato markets a new brand of athletes.

Leonard Armato '78 is not one to rest on his laurels. In fact, it is a wonder the USD School of Law graduate finds time to rest at all.

The mega sports agent who is responsible for turning Shaquille O'Neal into a household name has earned a reputation as the foremost expert in "branding" athletes through multiproduct endorsements, movie deals and image development. Armato has represented sports greats like Ronnie Lott, Kareem Abdul-Jabbar and Oscar De La Hoya, to name just a few.

An avid beach volleyball player, Armato also founded the Association of Volleyball Professionals (AVP), which in 1984 introduced the novel concept of player ownership of teams, tournaments and everything associated with the sport. In addition to offering athletes a unique economic opportunity, the AVP pushed beach volleyball from obscurity to prime time. Armato has even had his own moment

in the spotlight, appearing in a Taco Bell commercial chauffeuring Shaq to the

STORY BY
JENNIFER COBURN
PHOTOS BY
DAVID STRICK

appeal

home of the famous Taco Bell Chihuahua.

At this point in his career, Armato could just kick back and take it easy. Instead, he is launching new Internet marketing concepts and even found time to mediate the 1998-1999 NBA players' strike. "Quite simply, the season would have been lost without Leonard's skillful assistance and intervention," NBA Commissioner David Stern admits.

Does Armato ever take a break? "Some people just don't do that," says Jerry West, the recently retired general manager of the Los Angeles Lakers. "Even when he's on

vacation, I can get in touch with Leonard by phone."

Stern agrees. "Leonard is always on the move, but is also always in touch," he says. "He's taken the concept of connectivity to its highest form. Leonard always responds to calls and e-mails instantly whether he's in his car, at home or at the Staples Center."

Longtime girlfriend and Olympic volleyball player Holly McPeak says that although Armato is always on the go, he is getting better about taking breaks. "We have this great hammock at our house where you can see the ocean, but he hardly uses it," she laughs. "We've got to work on getting him out there more." Still, she says, the two enjoy life to the fullest.

WINNING ON AND OFF THE FIELD McPeak says Armato's intensity is what first attracted her. "Some people can push you the wrong way," she says. "But Leonard always knows the

Leonardo Armato '78 (front) represents sports stars like Los Angeles Lakers basketball player Shaquille O'Neal.

LEONARD ARMATO



"[In sports] you learn a lot about the importance of discipline and overcoming adversity. Getting to see people when they're elated from winning and devastated by losing teaches you a great deal about relationships."

with Armato's two sons from a previous marriage—Anthony, 12, and Elio, 9. Both sons enjoy sports, but Armato insists he is not grooming his sons to be future sports stars. Rather, Armato says, he wants his sons to learn lessons that will help them succeed off the field.

"[In sports] you learn a lot about the importance of discipline and overcoming adversity. Getting to see people when they're elated from winning and devastated by losing teaches you a great deal about relationships," Armato points out.

INSTANT REPLAY After graduating from law school in 1978, Armato began his legal career as a business litigator at San Diego's Sullivan, Jones & Archer. Armato says the partners hired him because they were impressed with his successful basketball career at the University of the Pacific, where he was a star point guard. "They realized that the lessons of sports apply to success in business and law," he recalls.

Within a few years, Armato decided to venture out on his own and renew his association with the world of sports he had grown to love. The budding sole practitioner found converted office space in a historic home on First Street in downtown San Diego and hung his "sports lawyer" shingle.

Soon after, Armato successfully outmaneuvered hundreds of experienced agents to sign his first client, a young Ronnie Lott.

What made the future San Francisco 49ers star sign with Armato when he could have picked a big-name agent? "I met with

Ronnie's family," Armato explains, "and convinced them that a neophyte like me was a good choice because I had the time and attention to give to developing his career."

If you think this sounds a little like the movie *Jerry Maguire*, you are not alone. "Shaq always says that movie was based on my relationship with Ronnie Lott," Armato says.

BRAND-NEW ATHLETES By 1990 Armato also represented sports companies like Fila and L.A. Gear and began organizing their marketing strategies—a task rarely assigned to corporate counsel. After successfully setting beach volleyball in the national spotlight, Armato realized he had a knack for promotion and decided to focus more on brand building. This led him to begin Management Plus Enterprises, a firm specializing in sports-marketing services for both athletes and companies.

"I started representing fewer individual athletes, focusing on those who had the potential to become their own brands," Armato explains.

What does it take for an athlete to become his or her own brand? "An athlete must have unique and special skills," Armato says, "but there must also be an intangible something that transcends the sport and makes [that athlete] a leveragable brand."

Each of Armato's clients has a simple, straightforward message aimed at inspiring fans, Armato explains. "For instance, Oscar De La Hoya's message is that hard work and dedication lead to success.



"Leonard was one of the only sports agents who saw the potential of the Internet. He's a big thinker who is always one step ahead of what everyone else is doing."

Boxing is really a metaphor for protecting yourself against the adversities of life and overcoming challenges. ...Shaq inspires people to be all they can be by embracing the digital world. He's made his mark by using the power of the Internet and being an outstanding citizen. It is this type of equity that gives an athlete value."

Shortly after the inception of Management Plus, Armato crafted a strategy for promoting clients that he calls "marketing coalition systems." Rather than using the old-school method of securing individual endorsement deals for his clients, Armato believes in "drawing from the collective marketing muscle of many different companies." This means an athlete can gain several non-competing endorsements with companies that agree to remain consistent with the image Armato and his client have developed.

Recently, Armato and O'Neal began Dunk.net, a dot com company that allows athletes and consumers to use interactive media to create their own athletic performance products. "We're replacing mass

production with mass customization," explains Armato.

This led to the creation of Armato's latest venture, the Digital Media Campus, launched in July. The campus, located in a 60,000-square-foot warehouse near Los Angeles International Airport, is meant to be an "ecosystem" for new sports and entertainment Internet businesses. Start-ups can find assistance from powerhouses in advertising, creative management, operation support and venture capital, all under one roof. "The campus is a resource-rich environment incorporating a very inspiring, collaborative environment for entrepreneurs," says Armato.

"We've got some pretty good people involved," Armato continues. The campus has attracted top investors from the worlds of both entertainment and high-tech. The concept immediately drew the attention of Arnold Schwarzenegger, Troy Aikman, Joe Montana, Quincy Jones, Netscape's Marc Andreessen and Oracle's Larry Ellison.

Mike Levy, president and founder of CBS's SportsLine.com, one of the leading online sports information web sites, is so confident that the campus will be another Armato success story that he has invested in the venture.

Levy met Armato in 1996 when the fledgling SportsLine.com desperately needed a boost that only serious star power could offer. Armato delivered Shaquille O'Neal, who gave the web site instant credibility. "Leonard was one of the only sports agents who saw the potential

of the Internet," Levy says. "He's a big thinker who is always one step ahead of what everyone else is doing."

FOUNDATION FOR SUCCESS Even with Armato's hectic schedule, he still makes time for family and community. For example, Armato chairs the National Trustees for the Athletes and Entertainers for Kids, a charity organization, and is a member of the California Mentoring Council, a project of former California Governor Pete Wilson.

Armato chose these organizations because, "We've seen a real breakdown of the family over the past 30 years," he says. "Kids don't have the benefit of role models the way my father was for me."

Armato's father, a professor of comparative literature, instilled in his three children the belief that every person is responsible for achieving his or her highest level of performance—Armato's brother is a physician and his sister is a successful songwriter and producer. The family has remained close. Armato's father still prepares dinner for the entire Armato family every Friday night.

Armato credits his success, both personal and professional, to maintaining a positive attitude and a strong spiritual foundation. He says he prays and meditates every morning, attends church regularly and applies spirituality to every aspect of his life.

"I live life to the fullest and never begrudge people their success," Armato says. Next on his to-do list: marry Holly McPeak and spend time in the hammock.

A Talking Head with Heart

TV legal analyst Cynthia Alksne combines prosecutorial street smarts with compassion

STORY BY KATE CALLEN

PHOTOS BY PABLO MASON

When Cynthia Alksne '85 was a senior at La Jolla High School, she and her classmates were assigned to write essays predicting their own futures. Cynthia's forecast was very detailed. She would attend UCLA, drop out to volunteer for a national political campaign, finish college in Washington, D.C., and enter law school.

Alksne was clairvoyant to a point. All her prophecies came true. But she did not envision herself going on to try tough cases for the Brooklyn district attorney, the Texas attorney general, and the Civil Rights Division of the U.S. Department of Justice in Washington, D.C.

And Alksne never guessed that, 15 years out of USD School of Law, she would be juggling the care of four toddlers with a second career in television broadcast news.

Since 1998, Alksne has been an on-air legal analyst for NBC, CNN, Fox News and Court TV. She has gone toe-to-toe with Gerry Spence, F. Lee Bailey and Oliver North, with whom she was briefly paired as a dueling co-anchor for MSNBC's *Equal Time*.

Among the current crop of legal commentators, Alksne is a standout: she has a model's stunning looks, a prosecutor's brisk manner, a solid grasp of case history and a wry sense of humor.

"Most of the lawyers who go on TV are private defense attorneys who would like to get more clients," she says in a recent in-

terview. "So their analysis is skewed. I do not want clients. I just want to tell people what is fair and what is right."

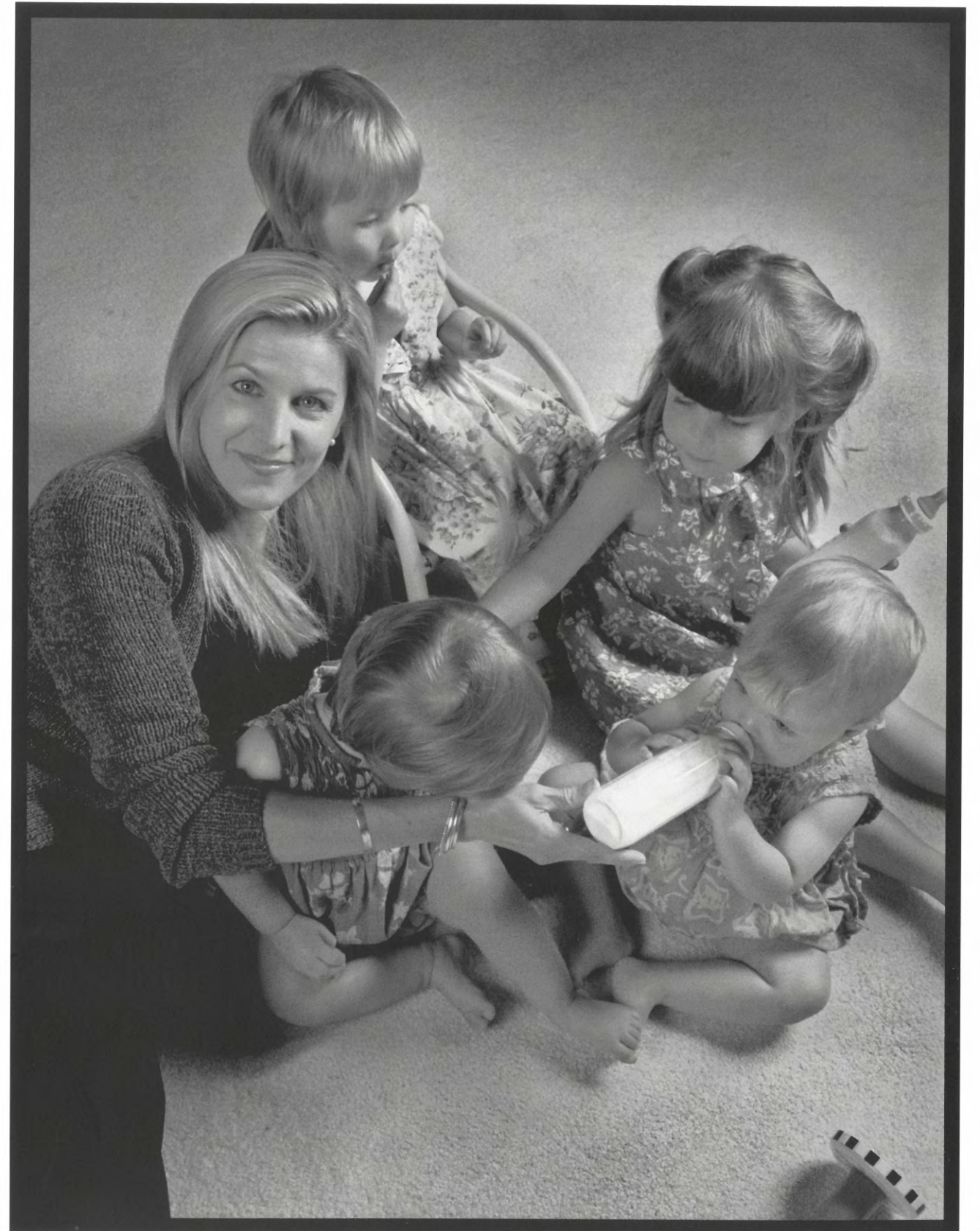
"One of the reasons Cynthia is so good on TV is that she doesn't take it so seriously," says close friend and classmate Bonnie Brown '85. "She's not afraid to laugh, and that's very appealing."

Allen Snyder, whom Alksne calls "my first and my favorite law professor," says his protégé's TV stints are "refreshing. She has done serious legal work, and she is personally engaging. As a student, she would call everybody 'Sparky,' even people she'd never met before. She was really disarming."

"So the TV thing is wonderful for her," Snyder admits. "But I find myself thinking, 'You could be trying civil rights cases. Why are you screaming at these idiots on TV?'"

There are four reasons why Alksne analyzes cases instead of trying them: Anna Patricia, age 3; Mary Clare, age 2; and twins Grace and Elizabeth, age 1. Alksne and her husband, attorney Steve McMahon, work out of their home in McLean, Virginia, so they can spend as much time as possible with their daughters. Both Alksne and McMahon are "on call" TV legal analysts, and McMahon also works as a Democratic political consultant.

Cynthia Alksne '85 juggles her career with raising four daughters, Anna Patricia, 3; Mary Clare, 2; and twins Grace and Elizabeth, 1.



Cynthia Alksne

EXPERIENCE AND A BIG MOUTH

Alksne was first approached to do TV while on maternity leave following Anna's birth. Sportscaster Marv Albert was on trial for sexual assault, and Geraldo Rivera was trawling the legal community looking for a sex crimes expert.

"Someone said to Geraldo, 'Why don't you call Cynthia Alksne? She's prosecuted sex crime cases, and she has a big mouth,'" Alksne recalls. Albert's trial ended with a plea bargain before Alksne went on the air. But when British au pair Louise Woodward was tried for shaking a baby to death, Alksne's TV career was launched.

Since then, Alksne has been front-and-center for such high-profile cases as the Clinton impeachment hearings ("That whole saga got boring," she now says) and the custody battle over Elian Gonzalez.

During NBC's March 29 *Today* show, Alksne drew on her experience as a federal prosecutor when she warned, "The United States Marshal[s], who execute [court] orders for the Justice Department, are not...people to be trifled with." Weeks later, U.S. marshals proved her right by seizing the Cuban boy in a pre-dawn raid.

These days, most of Alksne's TV work centers on intriguing low-profile cases. On a typical workday this past summer, Court TV called Alksne early for a segment about an Arizona sheriff accused of planting a video camera in a jail booking area. While feeding her babies, Alksne read over documents faxed to her by the network. Within hours, the girls were napping, and Alksne was en route to the studio.

"Before each show, I review all the background, and then I just think about the case for a while," she says. "Sometimes I present the prosecutor's point of view. Sometimes the network may need me to present both sides, and I can do that."

"[Cynthia] has always been gung-ho. I remember when she was training horses, I always thought, 'Those horses had better watch out.'"

Alksne understands life on both sides of the legal and political fence. She grew up a liberal Democrat in conservative La Jolla. ("There are about six of us," she deadpans.) Her father, John, a neurosurgeon at the University of California, San Diego, and her mother, Patti, a campaign worker for the late Robert Kennedy, were early and passionate civil rights activists.

"When we were living in Richmond, Virginia, my parents sent me to an integrated junior high school at a time when other white parents were pulling their kids out of integrated schools," Alksne recalls. "And when they found out the local swimming pool wasn't integrated, my parents set up their own integrated pool. It's hard to imagine now, but that was very radical behavior in Virginia in the mid-'60s."

Patti Alksne, owner of the Second Act West consignment clothing shop in La Jolla (where Cynthia gets many of her on-air designer clothes), says her daughter "has always been gung-ho. I remember when she was training horses, I always thought, 'Those horses had better watch out.'"

In 1980, after two years at UCLA, Alksne worked for Senator Edward Kennedy's presidential campaign, then finished up her undergraduate work at George Washington University.

Back home as a USD law student, Alksne gravitated to the Clinical Education Program. "It was the best experience I had in law school," she says. "I represented indigent people in cases that were small by lawyer standards but very important for the people involved, like parents denied Social Security benefits for their sick child."

Her friend Brown recalls that Alksne was "much more into the clinic than the rest of us. Cynthia was in charge of a group of students working with women inmates in the Las Colinas facility. She was amazing in that environment. She acted as if she'd been doing that work all her life."

"Prosecutors should care more about victims and about justice than about throwing people in jail. ...If I looked at a file and realized there wasn't enough evidence, I didn't hesitate to dismiss."

A PROSECUTOR WITH A SENSE OF JUSTICE

Upon graduation, Alksne was hired by Brooklyn District Attorney Elizabeth Holtzman, one of the few liberal district attorneys in a major metropolitan area.

"A lot of big-city prosecutors were Neanderthals," Alksne says. "They would play 'hide the ball' in discovery. They would use preemptory challenges to strike blacks from juries. Elizabeth was something of a radical. She went to the Supreme Court and argued that DAs shouldn't engage in unconstitutional behavior."

When she left Brooklyn, Alksne followed Holtzman's lead, going after abusive prison guards in Mississippi and filing suit against white supremacists in U.S. District Court.

"Prosecutors should care more about victims and about justice than about throwing people in jail," Alksne says. "Defense attorneys have traditionally looked down their noses at prosecutors—they think defense work is a 'higher calling'—but that's not so."

"Defense attorneys don't get involved until there's a problem. Prosecutors are in a better position to ensure that justice is carried out. If I looked at a file and realized there wasn't enough evidence, I didn't hesitate to dismiss."

Brown points out, "As a prosecutor, Cynthia had compassion for people on the other end of the system. She gets that from her parents, who really are remarkable people."

During 12 years as a prosecutor, Alksne's passion for justice and for victims' rights meant putting in long days and losing sleep at night. "She was working herself to the bone," Snyder remembers.

She also had to withstand the threat of reprisals from defendants. "I worried about Cynthia a lot when she was in Mississippi," recalls Patti Alksne. "She had an FBI agent in the room above her and an agent in the room below, and she kept a broomstick handy so she could hit the ceiling or the floor if something went wrong."

Now when Alksne loses sleep, it's because she is up feeding Grace and Elizabeth. She does not miss the stress of trial work. "If

you're wrong on TV, nobody's going to get out of jail who should be kept in," she says. But Alksne's interest in trials remains "an obsession. I read about trials. I go to trials. I talk about trials with my friends. Someday, when my kids are older, I think I'll go back to trial work."

Alksne's future might also include legal education. She enjoyed teaching for Snyder through the National Institute for Trial Advocacy. And she would like to design a law school course on the history of great American trials.



"For the last 200 years, big American trials have reflected what's going on in this country," she says. "The O. J. Simpson trial was compelling because race relations were such an unspoken problem. The Louise Woodward trial was compelling because it touched on the fears of every working mother."

"This is why we grab onto trials in TV news coverage. I'd like to see law students delve into this. If they take apart major trials, they can see the bigger things that were happening in the nation at the time."

Cynthia would like to hear from law school

classmates and friends. Her e-mail address is:

cynthia.alksne@msnbc.com.