Exordium

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"Spy Catcher" Stakes Out IU School of Law

By Kent Zepick

On October 18 John Martin, Chief of the Internal Security Division of the Justice Department, addressed a small law school audience about the cloak-and-dagger world of domestic espionage law. Martin was visiting the law school as part of the practitioner-in-residence program.

After graduating from the Syracuse University College of Law, Martin joined the FBI as a Special Agent. Although he left public service for a brief stint in the private sector, he eventually returned to government work by joining the Justice Department in 1973.

Martin's office prosecutes domestic criminal activity affecting national security. His efforts are directed toward a variety of criminal activities: spying, illegal diversion of weapons, and smuggling of restricted high technology equipment.

Martin described the last fourteen years as the most productive for enforcing domestic espionage laws. Since 1975, Martin's Division has indicted fifty-seven spies. Fifty-six have been convicted. From 1966 to 1975 only two spies were indicted; neither was convicted.

The recent convictions obscure the difficult realities law enforcement officials face. At best, Martin's division indicts two to five percent of the spies operating within the United States.

The nature of espionage itself makes prosecution problematic. It is difficult, Martin said, to produce evidence sufficient to convict perpetrators. Crimes such as photocopying top-secret files do not leave behind a convenient trail of evidence. The crime itself may not be apparent until years later. Martin said, "You don't know that a crime has been committed until you see the next generation of Soviet aircraft and the next generation of Soviet space shuttles."

The American legal system also makes prosecution difficult. Martin contrasted the American system with the Soviet approach: "The term 'due process' is not even translatable in Russian."

Martin gave the audience a taste of real-life intelligence work. He played a video of a dramatic 1985 prisoner exchange on Berlin's Gleinericka Bridge. The United States traded eastern bloc spies for political dissidents and American spies held in the Soviet Union. Such trades, Martin said, sometimes present a conflict between the desire to bring Americans home and the hope to liberate political dissidents.

Martin does not expect more frequent prisoner exchanges despite Gorbachev's efforts to warm Soviet-American relations. The politically powerful KGB makes more frequent exchanges unlikely. Martin said, "There will be no glasnot and perestroika relating to intelligence work. It is too politically dangerous."

Martin concluded his remarks by reflecting on his career. When asked why he returned to public service from the private sector, he quickly answered, "I missed the action."

Book Theft Plagues Library

By Kelly Ellch

A law student's carrel can become a second home as the semester progresses. A number of carrels are decorated with pictures, posters, and other reminders of the outside world. Students also tend to leave their books and notes at their carrels because it is easier and faster than going downstairs to the lockers. However, many students have returned to their carrels only to find that someone has stolen some or all of their books.

Leonard Fromm, Dean of Students, estimates six or seven thefts have been reported to his office. The library and the IU Police Department have also been informed of the thefts.

"I was told that I was one of several to experience theft and to use my locker from now on. The librarian put together a police report. I was told that there were no leads as to who the thief is," said Jeanne Hamilton, 2L.

Amy Huffman, who is missing four of her first year texts, decided to report the theft to the IU Bookstore and TIS as well.

"TIS has a report and will intercede any books that are attempted to be sold back," Huffman said.

Dean Fromm issued notices in all students mailboxes, warning them of the see Book Theft on pg. 8
African Law Students Visit Bloomington

By Andrew Buroker

Fresh from their flight into Bloomington from Washington, D.C., six African law students arrived at Eigenman Hall absent their luggage. It was sent instead to Bloomington, Illinois. So began their one week study of criminal law in America’s heartland.

The students, two each from Liberia, Kenya, and Malawi, visited our law school for one week, arranged by the U.S. Information Agency and hosted by the IU African Studies Department. The exchange is part of a program which will send six American students to these same countries next June.

The trip to IU focused on American criminal law by visiting courts, lawyers, judges, the police department, and by attending criminal law classes. Prior to arriving in Bloomington, the students studied constitutional law at Georgetown and are to study international law for one week at Berkeley after leaving IU.

Professor O’Connell coordinated their legal schedule at our law school. With the help of Professor Lamber, their first full day in Indiana consisted of visits to the major legal institutions in Indianapolis.

Most of the students had seen "L.A. Law" on video in their own countries....

Federal court clinic interns Adrienne Cook, Jane Dell and Andrew Buroker took the students to Indianapolis on Friday, October 27 to see how the federal and state systems implement our criminal law. They met federal Judge John Tinder for a brief lecture and courtroom tour. They then attended Judge Dillin’s courtroom to observe a drug sentencing under the new federal sentencing guidelines.

After seeing the end result of a criminal trial, U.S. Attorney Debbie Daniels gave them a look at how it all starts with the grand jury, the investigation, and the prosecution phases in her office.

Judge Tinder hosted the law students for lunch with Judges Stecker, Barker, and Dillin and their law clerks at the Indianapolis Athletic Club. The event proved very informative when the students compared their legal systems with what they had learned of our federal system. Afterwards, Justice Roger Debruler discussed state criminal law in the Indiana Supreme Court and gave the students a tour of the elegant courtroom. Clerk of the Courts Dan Heiser produced copies of briefs and an opinion from a real case to show how an appeal is decided. They then toured the recently renovated Indiana Statehouse and the House and Senate Chambers.

Most of the students had seen “L.A. Law” on video in their own countries, and so wanted to visit a large law firm for comparison. They visited Ice Miller Donadio & Ryan, a law office of 135 attorneys which is bigger than Kenya's largest law firm. They were most interested in the firm's library as old volumes and pocket parts, usually discarded, might prove helpful if shipped to their law schools in Africa where educational spending is so low.

Since they met the Vice President’s uncle, publisher Eugene S. Pulliam, at lunch, the students wanted to see the Vice President’s Indiana Office. They toured his office and received Vice Presidential pens. The day concluded with that great American pastime, SHOPPING in a downtown department store, which was practically essential in case their luggage did not arrive. But the luggage finally arrived, and the students left for Berkeley after a week of hospitality, learning, discussing, and exchanging not so different ideas on legal systems which all evolved from the British Commonwealth tradition.

The Exordium

The Exordium is published by the Student Law Association with the help of student volunteers. The next issue will be available in December. The editors are currently accepting articles and letters for publication for that issue. Items should be turned in to John Bessler’s mailbox. All opinions expressed in The Exordium are those of the individual writer and do not necessarily reflect the view of the students, faculty, administrators or University. The editors reserve the right to edit any letters or articles or reject items which do not fulfill editorial goals. Any upcoming events should be put in Pete Raack’s mailbox for publication in the next issue.

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The Exordium 2
Exercising Jurisprudence
By Timothy Dismond and Nelson Nettles

Come second year of law school, only a handful of students will aspire to judicial clerkships. These people will be the opportunists. According to Professor Hoffman, a former clerk of Chief Justice Rehnquist (1985-86), judicial clerking is an invaluable experience in the profession of law. Its advantages are many, but like most undertakings, some may prove to be more appealing than others.

As a clerk, learning the law and the judicial system becomes firsthand: Clerks know how judges form arguments and render decisions; they realize how judges foster policy, whether conservative or liberal, to determine outcomes; and they understand these tactics and apply them to different circumstances. In terms of doctrinal law, "one year of judicial clerking is worth two to three years of law school," asserts Professor Hoffman.

In judicial clerkships, the judge has the power to make the law, and often shares this power with the clerks. Most judges will consult with their clerks, and in many cases will ask for their opinion before any decision is made. Afterwards, clerks often have the responsibility to assist in drafting the opinions. "After reading and studying cases for three years, it will be interesting to be able to write them," states Greg Castanias who will be clerking for Judge George Pratt of the Second Circuit Court of Appeals.

Judicial clerkships are a logical step from evaluating cases out of a textbook to actual litigating one side or the other. "Clerking gives you experience in the specific area of law you want to practice," says Nick Kile who will be clerking for Sr. Judge Jesseas Eschbach of the Seventh Circuit Court of Appeals. Tracy Tuley, clerking for Judge Baker of the Indiana Court of Appeals, adds, "You get to see the judge's reaction to the case and get involved in the research." Clerking allows one to look at both sides of the issue, see how the litigants approach it, and see how the judge evaluates it.

The constant interaction between judges and clerks develops into an intense relationship which may last for life. Professor Hoffman believes, "most judges are worth getting to know." As to the question "why" he adds, "most sure judges are intelligent, thoughtful people who have interesting views about law and about life."

In some situations, clerkships will increase credentials. Many big firms will give partnership and/or financial credit for people who have had a judicial clerkship. However, this is not true for all firms. For example, in Indianapolis, "most firms are old-fashioned, and rarely have clerks come to their firms." Professor Hoffman further asserts that "times are changing, more students want judicial clerkships, and old-fashioned firms are breaking down their resistance." Also, in terms of professional teaching, clerking can prove beneficial. At IU Law School, a large number of the faculty have clerked. Although clerking is not a prerequisite of teaching, it is highly customary. In addition, clerkships can also provide a "foot in the door" according to Professor Hoffman, if employment is sought in another part of the country. Whereas most firms don't typically recruit nationwide, judges choose students from all law schools throughout the nation.

Many whose career plans are undecided fail to consider judicial clerkships as an option. Yet the most flexible direction a student can take after law school is to clerk one or two years for a judge. "Judicial clerkships are just a postponement of a career," states Mary Kay Moody, Placement Director. "I was not about working for a law firm," admits Ms. Tuley, "and clerking leaves a lot of options open." Those are options that can return big rewards. Ms. Moody encourages students to look into judicial clerkships. "Several have said they have never had a better job than clerking," noted Moody. Regardless of the student's reason for clerking, very few are disappointed with it.

Having graduates of this law school clerking for federal appellate courts is prestigious not only for the graduate but for the school as well. While federal court clerkships usually go to law journal students or those in the top one-third of the class, there are many openings at the federal district court and state court levels for those not in the top of their class. "Most students will be law journal; but, in each of the last three years, at least one student not on law journal was able to secure a job," said Professor Hoffman. Beth Kramer was one of those students. Her interest in Bankruptcy and working for a local judge over the summer led her to the Bankruptcy Court in Fort Wayne. In the long run state clerkships in the area where one wants to practice are more beneficial in that one can establish important contacts in the area, asserts Ms. Moody.

For those who are interested in judicial clerkships, the application process can be quite complicated. Many students send out 45-50 applications or more. The placement office can be very helpful in organizing everything that goes into the application packet. The Placement Office and Professor Hoffman will have two informational meetings in early November for 2Ls and interested 1Ls.

The downside of clerking is that the average pay is only $30,000 according to Ms. Moody. Also, one must be willing to work anywhere in the country, and in one or two years one will have to start another job search.

Judicial clerkships are a rewarding option that benefit the school, the judge, and most importantly the student. Although usually only a short term, there are a few possibilities of careers as judicial clerks. It is a short term career move with long term impact. A popular saying among clerks is, "The only reason not to judicial clerk is because the rest of your career would be anticlimactic."
Who is the Captain of Your Ship?

By Craig Bobay

Who among us is totally content with the law school experience? Who has no complaints about academic policy, faculty, class scheduling, career placement services, or library policies, for example. How many of us really have a clue about how the law school administration functions and decides so many issues that intimately affect our lives as students? I think we all agree that the three year stint here at IU Law is profoundly affecting us and is having a significant impact on our futures. As adults, we should not passively permit an institution having such enormous impact to mold us into its image and likeness.

Law students have a right—no, make that a duty—to be an active voice in determining what the legal education is and ought to be. One method of becoming such an active voice would be to storm the Dean's Office and assert total student control of the institution. This method is particularly popular when student frustration levels become extreme. (Probably more than one first year student had such a vision after the Criminal Law exam last year!) Although probably exciting and maybe even fun, such acts would likely result in an unfavorable recommendation by the Dean when the Bar Examiners inquire about the involved students fitness for the Bar. A more practical method of asserting the "student voice," a method not requiring extremist passion, involves seeking appointment as a student representative to one of the various faculty committees.

According to Dean Garth, "Our school is governed by the faculty, principally through the work of its committees." Students are appointed to the faculty committees upon recommendation of the Student Law Association (SLA) each year in late September. Any student interested in an appointment must apply to the SLA. This year thirty-four students are making policy, setting institutional goals, and recommending administrative action on thirteen faculty committees as student representatives. These students were not content with the mere role of "whiner" or "passive victim of the system." By becoming involved in the governing bodies of our law school, we students can have an impact.

Of course, the commitment of being an active voice requires dedicating precious time. The time a student must devote to a faculty committee varies significantly depending upon the committee to which the student is appointed. Some committees require no more than a few hours per semester, while others require as much as ten or fifteen hours per week. Most committees meet for one to two hours, two or three times each semester.

Psycho Sam® J.D.?

<table>
<thead>
<tr>
<th>1ST YEAR</th>
<th>2ND YEAR</th>
<th>SO IF I'M NOT IN THE TOP 10%, WHAT CAREER PATH DO I TAKE?</th>
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<tbody>
<tr>
<td>DO GRADES REALLY MATTER?</td>
<td>NO, THEY GO ON LOOKS AND PERSONALITY, STUPID!</td>
<td>Booze, Undergrad Chicks, and American Express Gold...</td>
</tr>
<tr>
<td>Shepard, or Cross-Country Truck Driver</td>
<td>So why did I come to Law School?</td>
<td>...Grief, Debt, and Grief!</td>
</tr>
<tr>
<td>So what are you going to do now that you wasted 3 yrs. at $14,000/yr...</td>
<td>Would you like fries with that?</td>
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see Bobay on pg. 7
Abortion Revisited -- And Very Real

By Greg Castanas

It was a phone call I never expected to get.

A young woman, who I knew only because she had dated some college friends of mine, called me about "something very serious."

She was pregnant. Single. And going to have an abortion.

And she wanted to know if I could go with her to the clinic.

Evidently, the more appropriate man was not around, or didn't want to be around. But that was irrelevant. She wanted to know if I would go with her.

Now, I've spilled a lot of ink and wasted a lot of breath on the abortion "issue" (see "Father's Rights in Abortion: A Rebuttal" in the November 1988 Exordium). But this wasn't an issue. This was a personal, immediate problem. And as little as I wanted to do this, I said yes, I would go with her.

So, on a recent snowy Thursday, I took a day off from classes in order to drive up to Indianapolis and take this young woman to a women's clinic. The cost was going to be $225.00, twenty-five dollars more than she made in a week. I took a couple of my casebooks to read in the waiting room, but my attention was elsewhere. Most of the women in the waiting room were alone, and they were as diverse as a group of Indianapolis women could be.

One was dressed like a biker, in a leather jacket and torn jeans. She had a male friend there. Another was a very collegiate-looking woman, with long brown hair and L.L. Bean shoes. She was alone. There were four other women there, and none of them were accompanied.

My friend's name was called, and she went through a litany of tests, including blood typing and a sonogram to determine how many weeks along she was. After this, she was taken to a private room for "counseling," which consisted of some information on the procedure as well as information on birth control methods.

After this, she returned to the waiting room, where we sat and talked until her name was called again. This time, she disappeared into another part of the building, from which—I was told—she would return after three or four hours. But it wasn't that long.

In fact, it was about fifteen minutes when she reemerged, with a look on her face unlike any I have ever seen in my life. She didn't sit down, but returned to one of the private counseling rooms, where she stayed for another ten minutes. When she left the counseling room, she came over to me, picked up her coat, and said "We can go now. I'll tell you outside."

When we got outside, she told me that the sonogram indicated that she was much farther along in the pregnancy than she thought. In fact, the sonogram indicated sixteen weeks and four days, almost four months, and well into the second trimester. The clinic could not do this abortion.

But more frighteningly, no institution in Indiana would do this abortion. She had been given literature for a couple of out-of-state women's clinics, one in Cincinnati, and one in Louisville, both of which could perform the necessary two-day procedure. For $725.00.

We drove back to her apartment, and she said that her mind had not changed. When we got to her apartment, she asked if I would still be willing to go with her out-of-state for two days. Again I said yes.

Cincinnati was the choice, and it was a Monday-Tuesday procedure. We drove over early Monday morning, and found the clinic in plenty of time, which was lucky, because the clinic would only accept money orders. So we stopped at a bank and converted the cash she had into a money order. Then we went to the clinic, where Thursday's scene was repeated—payment, forms, counseling. Day one was only a few hours, and we went to the very nice hotel which the clinic had booked as part of the fee. My friend slept most of the rest of Monday.

Tuesday's procedure would be a little longer, and different. As we approached the clinic from the sidewalk, two anti-choice protesters were on the side-walk. A man wore a sandwich board bearing the word "Abortion? Murder?" The woman tried to run up to my friend as she approached the door: "Can I talk to you? I just want to talk to you for a minute about your baby." I stepped in between them and let my friend go in the door unaccosted. The couple left about ten minutes later. By the time we left Cincinnati that afternoon, the procedure had been done, successfully.

The intervening time has given me pause for reflection. Do I still take a pro-choice stand? Damn right I do, but it's a lot harder for me now to talk about it in terms of political process, balancing tests, and legislative enactments. Now I think about my friend's life, and how it could have changed if this procedure was not available. Perhaps she would have felt compelled to bear it to term. If she had kept it, she basically would have been a welfare mother with no possibility ever of going to college (her dream, eventually). Or, perhaps, she would have resorted to an attempt at self-abortion.

That, I don't even want to imagine.

But the other thing that sticks in my mind was the woman who ran up to my friend on Tuesday. Her intent was to show my friend that her decision was wrong. And in a microsecond, I realized what has been wrong with the anti-choice movement all along. They don't trust or respect women. My friend made a hard choice to direct her life, a choice made with information and emotion. It is superfluous to say that it wasn't easy. And after all of that, two morons who had never met her thought they had some business telling my friend how wrong she was, because she was a woman, and she couldn't be trusted to come to a proper decision.

I didn't write this because I want to broadcast my personal life on these pages. I write this as a man, a man who will never see abortion as just a topic for debate ever again. I'm not special, but I understand now in a way that I never understood before. Perhaps the dialogue we have about abortion in the future can capture this understanding.
IU Attends Faculty Job Fair
By Brian Lehrer

As interview season winds down for students, prospective faculty members are just beginning theirs.

On November 3 and 4, the Association of American Law Schools will hold its annual job fair in Washington, D.C. "The convention is mostly for rook­ies," said Associate Dean Terry Bethel, chairman of the IU School of Law's hiring committee. "It's an opportunity for us to see a lot of people in a relatively short period of time who are new to law teaching."

Seven members of the IU faculty, including Bethel and Dean Bryant Garth, will attend the conference in order to seek new blood.

Bethel said the hiring process is similar to the on-campus interview system that law students endure each fall. "We look for the same sorts of intangible factors that firms look for in law students," Bethel said. "You have to ask yourself if this is a person that you want to spend the next 20 or 30 years next door to."

Bethel said each law school prescreens candidates and then interviews those that survive the initial cut. IU got about 700 resumes from the ALS and the committee will interview only 24 of those candidates at the conference. "It's very hard to pick out people to interview," Bethel said, "and you inevitably miss good people."

If the committee likes a candidate, it will invite him or her back to IU for a "call back." The interviewee then has to give a presentation to the entire faculty on a paper he or she is working on, or an interesting case he or she has been involved in. In addition, the candidate meets with each member of the faculty, ranging in groups of two to four at a time, for a personal interview.

Bethel said the process is incredibly competitive, and IU is extremely selective. "Last year we gave two offers and they both went somewhere else. Since we are competing among the top law schools, we have to expect this to happen once in a while."

The conference is not the only way IU hires. According to Bethel, the school gets about 200 additional letters a year from people who do not attend the conference.

"Almost everyone we've hired has participated in the conference at one time or another, but we don't necessarily hire them as a result of the conference."

Visiting Professor Lynne Henderson, for example, was hired as a result of a talk she gave as a guest speaker at the Law School last year. "I gave a talk at the school, and then I was offered a return visit for a series of interviews," she said. Henderson said she went to the hiring convention "way back when," an experience she jokingly referred to as a "meat market."

Bethel said he is not certain if IU will hire anyone this year. "We have enough people to cover the basic course load," he said. "Hiring is risky, and we want to minimize this risk."
November Events

**Wednesday, November 8**
Law School/SPEA Joint Degree Information Meeting
12:00 p.m. Rm. 121

**Thursday, November 9**
Job Search Meeting - 1Ls (M. K. Moody)
4:00 p.m. Rm. 123

**Friday, November 10**
Job Search Meeting - 1Ls (M. K. Moody)
12:00 p.m. Rm. 123
Board of Visitors - On Campus
12:00-5:00 p.m Rm. 214

**Saturday, November 11**
Board of Visitors - On Campus
8:00 a.m.-noon Rm. 214

**Monday, November 13**
Fraternity Meeting - P.D.P.
6:00-8:00 p.m. Rm. 123

**Wednesday, November 15**
Exam-taking lecture for 1Ls (D. Gjerdingen)
12:00 p.m. Rm. 123
American Immigration Lawyers Association
3:00-5:00 p.m. Rm. 121

**Thursday, November 16**
Student Panel on Exam-taking
(Peer advisors & Women’s Caucus)
12:00 p.m. Rm. 123

**Saturday, November 18**
Minority Law Day
9:00 a.m.-2:30 p.m

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The Exordium

Bobay from pg. 4

As future community, state, and national leaders, committee participation provides law students the opportunity to develop and exercise leadership skills before we encounter the “real world.” The experience likewise affords a behind the scenes view of our school. By no means should our legal education be limited to coursework. Committee participation is an excellent vehicle for broadening the scope of that education.

...
BLSA Talent Show is a Hit
By Tim Dismond

On Friday, the 20th of October, around half past six, the fun began. A good number of students, and even one faculty member, displayed their “talent” before a large and energetic crowd at Bear’s Place. Some acts were good, and some were arguably not-so-good. Therefore, the standard of “talent” was subjectivised and left to the discretion of the judges (Professors Robel, Schornhorst, and Pratter).

The judges’ job was relatively easy. There was only one act that was “gonged” (Karen E. Hodge, the MC of the show was gonged on several occasions but her talent did not constitute an act). Unsurprisingly, a group of 1L’s won the most gongable act, and received a rubber chicken as consolation. A group of 3L’s entitled “Two Guys With Blue Eyes and One Without” sang two songs—“I Did It My Way” and “Let’s Get Drunk and Sue”—and won the best singer award.

The winner of the 1989 BLSA Talent Show was unquestionably Tony Rose (3L). Tony humored the crowd with his impersonation of Prof. Conkle and a “hands-off” approach to understanding Johnson and Murphy for a fifth grade sex education class. To ice the cake, Tony stole the show with his unique “Stubbs v. City of Rochester” rap. Not only did he keep beat and rhyme, but he analyzed the case as well.

At the conclusion of the show, Dean Fromm performed his traditional act of singing, dancing, and playing the accordian. And this year, he was in rare form. His polka was outstanding, and the crowd loved him. In appreciation, Dean Fromm was given the “Life Time Achievement Award” and a place guaranteed for next year’s show.

BLSA thanks all those who participated in the Gong Show. Look forward to BLSA’s upcoming symposium in February.

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Book Theft from pg. 1

theft problem and encouraging students to take precautions. He also encourages students to be observant and to report any thefts that do occur. Even so, some students feel that additional steps need to be taken to prevent the problem from occurring in the future. Suggestions have included posters warning students of possible theft, locked boxes at each carrel for personal property, tighter security in the library, or closing the law library to non-law students.

Dean Fromm mentioned that tighter security involves many considerations. The library may not have a large enough staff to implement further security measures. Increasing the size of the library staff would probably mean an increase in the expenses of the library. Closing the library to non-law students also has consequences. It could mean shutting out non-law students who have a valid reason to be there. The library is useful to other students who have classes that are law related. Law library director Coleen Pauwels is currently evaluating options aimed at alleviating the theft problem.

Closing the law library to non-law students is an alternative that focuses on the thief being a non-law student.

“I think most of us would prefer to think it’s not a law student, since we’re all on friendly terms and spend so much time together. It would be shocking to think that one of my classmates was a thief,” said one student about the thefts.

Others felt that although it was not a pleasant thought, the thief could be a law student. Law students have the most access to and are most familiar with the library. Even so, the “law student/thief” profile does not have much appeal.

Greg Castanias, 3L, explained, “It’s probably a non-law student, since only an idiot would jeopardize her or his chances of sitting for the Bar exam by committing felonies.”

Even though there have been no reported thefts in the last four weeks, Dean Fromm still urges students to use caution concerning their property in the library.

Jeanne Hamilton, speaking from experience, said, “The extra time it takes to walk to your locker is worth the inconvenience of having to get a loan to cover new books.”