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Due Process

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Due Process

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The World of New Law: Automated “Teller” Machine Indeed!

Think about the last time you visited an ATM at a bank or convenience store in order to access your account. You probably slid your bank card into the machine, typed your PIN number when prompted and continued with your transaction. Since nothing was out of the ordinary, you continued on with your day as usual.

When you check your bank balance later that evening, you notice that something is wrong. Your checking account balance is empty and your bank has frozen additional transactions. If you chalk this up to a bank error in your favor that will be corrected at the start of the next business day, most likely you will lose out on more than a free \$200.

If this scenario played out in the Greater Boston area prior to January 30, 2010, it is likely that your money was stolen by one of three men recently apprehended by the U.S. Secret Service on charges of ATM fraud. The suspects allegedly used artificial panels, fabricated to precisely mimic the appearance of ATM card readers, equipped with illegal card scanners to capture any information transmitted by the user's debit card. Authorities also found tiny pinhole cameras installed in the bottom of brochure holders, commonly used by banks to promote products, which were situated to record the PIN numbers entered on the keypad by unsuspecting victims. Authorities believe that the three men are responsible for thefts in excess of \$100,000 in Eastern Massachusetts.

Sources: http://www.bankinfosecurity.com/articles.php?art_id=2153; http://www.boston.com/news/local/breaking_news/2010/01/two_more_arrest_1.html

Faculty Spotlight: Professor Gary Monserud

Known to some as “Moncie” or just “Professor” to others, Professor Gary Monserud joined New England Law's faculty in 1987 and has taught a number of classes primarily in the realm of contract law.

“Promise” he said in his deep voice, introducing my 2011 D-2 class to the world of offers and acceptance. I will never forget it. Patiently explaining the basics to a group of kids that didn't know the definition of estoppel, he printed out worksheets, and laughed with everyone as he learned our names by taking our pictures. All 150 of us.

Ratemyprofessor.com tallies 22 independent opinions to calculate his “Overall Quality” as a professor as 4.8 points out of 5. (In the hotness category, he has somehow managed to beat the website's system, coming in at a strong 6 points...). Comments from *Contr100* sum up the general consensus:



A security official demonstrates how thieves hide their equipment in plain site. Similar devices were used the Citizen's Bank locations in Saugus and Quincy. (Photo found on krebsonsecurity.com).

Experts estimate that ATM fraud accounts for about \$1 billion in losses each year, and that roughly 80% of that figure can be attributed to physical tampering with individual ATMs. Brian Krebs, of krebsonsecurity.com, a technology security blog, suggests that common sense is the best defense against ATM fraud. “If you see something that doesn't look right,” Krebs says, “consider going to another machine.” While tampered machines are often difficult to spot, Krebs suggests keeping an eye out for odd protrusions and off-color components before swiping your card. ☐

- Jon Gettle '11



“Three words - TAKE THIS PROFESSOR!! He's fabulously entertaining, helpful, clear, engaging, and loves the work he does. It shows!” I couldn't agree more. ☐

- Julie Franklin '11

Gary Monserud has a B.A. from Wartburg College, a J.D. from the University of South Dakota Law, and an L.L.M. from New York University School of Law. He teaches Contracts, UCC: Sales and Modern Remedies.

Due Process would like to extend a special thanks to this week's guest writers: Erika Kleinschmidt, Bill Lane, Tim Donahue, and Jon Gettle.

1L RANT

Coming into the first year, I expected to be stressed, but sitting in class waiting for your name to be called is like waiting to get on your first upside down roller coaster. Perhaps they should hand out Zoloft or Prozac with your schedules, (because the point is to test and press you, until you hit the breaking point.) Who is supposed to pick you up when you fall, or pass you a paper bag when you're having a panic attack? Your loved ones can't really comprehend the feelings of incompetence and being overwhelmed. So we turn to study groups: our friends at school. But if over 100 people are in the same room for around 3.5 hours, 5 days a week, for two semesters, and told to study together, eat lunch together, play together - chaos erupts! Add in the cold and flu season, and it becomes a whole different ball game. We lean on each other, scream at one another, debate with one another, study together, and learn together. Is it any wonder that peer relationships become more perilous both in and out of the classroom? We are all interested in everyone else's business and it's exhausting. The best part about this 1L's day is turning out the reading lamp, putting away the law book and tucking in to my comfy bed. Sleep, when not filled with tortious nightmares, is often the only solace. □

- Erika Kleinschmid '12

2L RAVE

When it comes to books and academics, I have a love-hate relationship with law school. It's great to be in class and learning about the law, mixing it up with professors and other students. I hate the part where we prove we learned it by filling blue books with IRACs. A few things I like about law school, and about NELB specifically: I like the daily Darwinian affirmation of survival of the fittest that comes with making the Stuart Street Dash. I am convinced we'll all be better lawyers for having learned to anticipate and sidestep hazards. I love the Tam. There, I said it. The barmaid calls you sweetie, there's hardly ever a wait for Buck Hunter, the punching bag machine is well-calibrated, the pickled eggs are from the most recent Roosevelt administration rather than the Teddy Era – all marks of a righteous dive. I love that if you walk toward our clinic office, you pass the city's best tranny bar. And I love that if you walk toward our bookstore, you pass the W condos, whose residents would collapse with the vapors if they knew what was going on in that tranny bar. Mostly, I guess, I love the people at NELB. We're gutting this out together, dodging danger on a Dunkin' run, cracking jokes that sometimes include references to Rule 12(b)(6). And we're cool with all that. φ

- Bill Lane '11

3L RAVE

I would be lying if I said that where I am now is exactly where I thought I would end up. I almost dropped out of college to join the Marines and thought within the first six weeks of law school I would never make it through a full three years. As I sit here now, three months away from graduation and five months away from the bar exam, there are a few key things that led me to being successful and earning a spot in the U.S. Army JAG Corps. I wish I could say I was always studious and applied myself in the classroom, but anyone who knows me would say that is patently false. The three things that made me most successful at New England were: (1) choosing a career I was passionate about; (2) finding someone who invested in me; and (3) learning to tailor my skill set toward the job I wanted. I chose to pursue a career in the JAG Corps pretty much from day one. In my opinion those who serve our country deserve the greatest legal representation in the world. Early on, I set my sights on the JAGC. Throughout my time at NESL, two professors truly took a vested interest in my success. Professors Friedman and Hansen provided me with countless advice and recommendations that aided me in achieving my ultimate goals, and for that I am forever indebted to them. It's also important to know what your employer is looking for in an employee. The Army prides itself on diversity and leadership, so I chose to take an opportunity to coach a youth football team to showcase my abilities as a leader. Knowing what your employer wants allows you to tailor your experiences to make you a more ideal candidate. φ

- Tim Donahue '10

Across:

1. Petition granted.
3. SBA president.
4. Service of _____.
7. Barrister's Ball AKA
8. The converse of comparative. Think torts.
12. _____ in the court!!
15. Civ. Pro. Doctrine
16. Sullivan's partner
18. NESL hot spot.

Down:

2. Academic Writing Fear
4. contract must have
5. Exam Writing Format
6. Common feeling among all students around March.
9. Famous Boston Homeowner
10. Longest serving Supreme
11. Immigration rights case.
13. Civil Claim
14. Promissory _____.
17. kind of possession.
19. Ones Belongings

Answers to the crossword can be found on the Due Process Facebook page.

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