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NDLS Update 08/1995

Notre Dame Law School

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NOTRE DAME

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NDLS Update

News from the Notre Dame Law School

Vol. V, No. 1
August 1995

TEX DUTILE
EDITOR

NDLS MOURNS DEATH OF ED MURPHY

Ed Murphy taught more law students at NDLS than any other professor ever. To many of those students, however, he was more than teacher; he was mentor and even legend. That mainstay of NDLS died July 24 at the age of 68.

A graduate of the University of Illinois and an Army Veteran of World War II, Ed came to NDLS in 1957 following his practice of law in Springfield, Illinois. He served as Acting Dean in 1971 and directed the Notre Dame Summer Program in Japan in 1974. He taught and wrote primarily in the area of contracts, authoring both a popular case book, *STUDIES IN CONTRACT LAW*, and *SALES AND CREDIT TRANSACTIONS HANDBOOK*. In addition to his scholarship in commercial law, Ed also drafted a religious text for high-school students entitled *LIFE TO THE FULL* and, with the collaboration of his family, created a series of Saints Collector Cards.

Appointed in 1979 as the John N. Matthews Professor of Law, Ed thus became the first chaired law professor at NDLS. He retired in 1994 after thirty-seven years of service as a professor of contract law and jurisprudence.

Ed was diagnosed with cancer in 1992. The courage, dignity, and strong faith with which he confronted his illness provided a daunting inspiration to all who knew him.

Services were held July 28 at Queen of Peace Catholic Church in Mishawaka. Charlie Rice delivered a eulogy. Ed is survived by his wife Mary Ann, two daughters, seven sons, twenty-two grandchildren, his mother and a brother.

The Notre Dame community has lost a great teacher and scholar, a dedicated family man and a genuine friend.

* * * *

**PRINCETON REVIEW:
NDLS TEACHING FACULTY
FOURTH-BEST IN NATION
AND NDLS
"QUALITY OF LIFE" SEVENTH**

The PRINCETON REVIEW, in its 1995 Edition of "Student Access Guide to the Best Law Schools," ranked the NDLS faculty fourth among law-school teaching faculties in the United States. In the rankings, based upon a survey of 11,000 students, NDLS trailed only the University of Texas, Cornell and the University of Chicago.

The "Guide" rated the "quality of life" for NDLS students as seventh among 161 law schools rated. This ranking factored in student responses regarding the extent of competitiveness among students; their sense of community; and the quality of relationships between students and faculty. (Yale ranked second and Harvard dead last!) NDLS students "are among the most enthusiastically satisfied in the nation."

Finally, the "Guide" placed Notre Dame thirteenth on its "Demand Index." This Index considers not only the number of applicants to each school vis-a-vis that school's number of "slots," but also the rate at which applicants accept offers of admission. (Yale topped the list).

In its discussion of specific law schools, the "Guide" called Notre Dame "a highly regarded law school" and "the home of the nation's oldest and finest Catholic law school." Quoth the "Guide": "Notre Dame's sheer academic strength is undeniable."

* * *

**NDLS FACULTY HONORED AT
PRESIDENT'S DINNER**

Janis Johnston, Law Librarian, received the prestigious Foik Award at the President's Faculty Dinner in June. Janis, who oversaw the integration of a massive 34% increase in law-library holdings in a single year, "helped shape the law library into an accomplished research institute."

Eileen Doran and Barbara Szveda Gasperetti, Associate Professional Specialists in Law and Co-Directors of the Notre Dame Legal Aid Clinic, received Special Presidential Awards. These awards honored their exceptional service to the University.

* * *

**NDLS WELCOMES
NEW FACULTY MEMBERS**

Several new members of the faculty will enrich NDLS this year.

Visiting Professor Teresa Stanton Collett will visit at the Law School during the entire academic year. She comes to Notre Dame from the South Texas College of Law, in Houston, where she has taught since 1990. A distinguished graduate of the University of Oklahoma College of Law, she will teach a section of Property II this fall; in the spring, she will teach a section of Property I and a section of Trusts and Estates.

Professor John M. Finnis, among the foremost natural-law scholars in the world, will teach at NDLS in South Bend during fall semesters; in the spring semesters, he will teach in our London Programme. Professor Finnis holds appointments at Notre Dame

and at Oxford, where he continues as Professor of Law and Legal Philosophy. Professor Finnis earned degrees at the University of Adelaide, in Australia, and at University College, Oxford.

Associate Professor Cathleen Kaveny is a permanent addition to the Law School faculty. She comes to Notre Dame from Ropes & Gray, in Boston, where she has been an associate in the health-law group. She received both her Ph.D. in Ethics and her J.D. from Yale. During her first year, she will teach Contracts I and II, plus another course in the spring semester.

Associate Professor William K. Kelley is also a permanent addition to the Law School faculty. He comes to Notre Dame from six years in private practice, most recently with Sidley & Austin in Washington, D.C. A former law clerk to Chief Justice Warren E. Burger, Professor Kelley graduated from Harvard Law School, where he was a member of the Board of Editors of the HARVARD LAW REVIEW. This fall he will teach Constitutional Law; in the spring he will teach Administrative Law.

Visiting Professor Juan Mendez will teach at the Law School in the spring semester, when he will be a visiting fellow at the Kellogg Institute for International Studies (a part of the University of Notre Dame which specializes in the study of the transition from authoritarian to democratic regimes). Professor Mendez, an Argentinean lawyer with a distinguished record in the international human-rights community, is currently General Counsel for Human Rights Watch.

Associate Professor Elizabeth R. Schiltz, a permanent addition to the Law School faculty, will not begin teaching until the spring semester, after the birth of her

third child. She comes to Notre Dame from Faegre & Benson, in Minneapolis. Professor Schiltz graduated from Columbia Law School, where she was a member of the COLUMBIA LAW REVIEW. In the spring, she will teach Banking and Commercial Paper.

Associate Professor Patrick J. Schiltz, also a permanent addition to the Law School faculty, comes to Notre Dame from a partnership at Faegre & Benson. Prior to his eight years with that firm, he was a law clerk to Justice Antonin Scalia on the Supreme Court of the United States. Professor Schiltz graduated from Harvard Law School, where he was a member of the Board of Editors of the HARVARD LAW REVIEW. In the fall, he will teach a section of Evidence; in the spring, he will teach Sports and Entertainment Law.

Visiting Professor Dinah Shelton will teach at the Law School in the spring semester. She comes to Notre Dame from Santa Clara University School of Law. In addition to her teaching responsibilities at Santa Clara, she is currently serving as an editor for the Yearbook of International Environmental Law. Professor Shelton received her J.D. from Boalt Hall, at the University of California, Berkeley.

Associate Professor Reginald Whitt, O.P., is a permanent addition to the Law School faculty. He comes to Notre Dame from The Catholic University of America, where he has been a J.C.D. candidate. Prior to completing his doctoral studies, he taught at Duke Law School and at the University of Kentucky College of Law. Father Whitt received his J.D. from Duke. He will teach Torts during the 1995-96 academic year.

**CAREER SERVICES OFFICE
ANNOUNCES
NEW ASSOCIATE DIRECTOR**

Kitty Hoye, Director of the Career Services Office, has announced the appointment of a new Associate Director in that office. Greg Rutzen joined the staff on July 31. Greg received both his B.S. and J.D. degrees from the University of Indiana at Bloomington. He has worked in the legal-career-services field for seven years, serving as the Director of Career Services at both Marquette Law School and more recently the University of Colorado School of Law at Boulder. A native of Plymouth, Indiana, Greg and his wife Kathy are excited to return "home" to Northern Indiana. All of us welcome Greg and Kathy to Notre Dame.

**KATIE PAMENTER HONORED
BY ALUMNI ASSOCIATION**

Katie Pamenter, NDLS '95, was honored with the Distinguished Graduate Student Award by the Alumni Association. Called "a dynamo of energy and good spirit," Katie has been a "superb" assistant rector at Fischer Graduate Residences for two years. She organized panel discussions on law matters for undergraduates and law students, tutored first-year law students, created the third-year class video, and served as a staff member and special-projects editor of the LAW REVIEW. She organized the LAW REVIEW banquet and was a member of the graduation planning committee. She teaches CPR, both on and off campus, chairs ND AID I, and received an American Jurisprudence Award, all while maintaining

her position on the Dean's Honor List. Congratulations to Katie on this wonderful award.

DEAN LINK HELPS HABITAT

Dean David T. Link was among more than twenty Notre Dame community volunteers assisting in the construction of Habitat for Humanity's 1995 Jimmy Carter Work Project in Los Angeles. An anonymous gift of \$50,000 to the Notre Dame Alumni Association helped to underwrite the project. Dave has worked at several Habitat sites. The Notre Dame volunteers worked among some 2,000 people joining President Jimmy Carter and his wife, Rosalynn, for Habitat's "blitz-building" project to construct houses for twenty families in the Watts area.

Notre Dame's 224 national and international clubs have pioneered the concept of alumni community service. The clubs are committed to encouraging and expanding such efforts by fostering an awareness among alumni of the role of Christian faith in community service; deepening alumni sensitivity to the plight of poor and oppressed people in their communities; suggesting means by which alumni might positively affect their communities; and providing opportunities for prayer and reflection on the meaning of community service.

NDLS AWARDS ITS FIRST J.S.D.

At spring commencement ceremonies, Christine Venter of Bulawago, Zimbabwe, received the first Juridicae Scientiae Doctor (J.S.D.) degree awarded by the University of Notre Dame Law School.

Venter's dissertation, "Africa Meets the West: Reconciling Cultural Rights, Women's Rights and Human Rights in the New South Africa," was directed by Bob Rodes.

An associate professional specialist in the Notre Dame Legal Aid Clinic since 1993, Venter holds advanced law degrees from Notre Dame and the University of Cape Town, from which she earned a bachelor's degree in 1983.

Four other candidates currently are enrolled in Notre Dame's J.S.D. program—Garth Meintjes of South Africa, Toomas Sillaste of Estonia, Vinodh Jaichand of South Africa and Luc Reydamms of Belgium.

**J.S.D. STUDENT AT NDLS
RECEIVES FELLOWSHIP**

Vinodh Jaichand, a doctoral student in the Law School, has been awarded a Peace Scholar Fellowship for the 1995-96 academic year from the U.S. Institute for Peace.

Jaichand will receive a stipend of \$14,000 from the Institute's Jennings Randolph Program for International Peace to continue his dissertation on land rights in his home nation of South Africa.

**LAW SCHOOL HOSTS RECEPTION
AT ABA ANNUAL MEETING**

On August 7, in conjunction with the American Bar Association's annual meeting in Chicago, the Notre Dame Law School and the Notre Dame Law Association hosted a reception. The event took place on the Upper Trading Floor of the Chicago Mercantile Exchange, in the heart of downtown Chicago. The Chicago Mercantile Exchange, headed by NDLS graduate Jack Sandner, is the world's largest marketplace for long-term asset and risk management. Dave Link spoke at the reception.

**CONFERENCE TO FEATURE
NDLS PROFS AND GRADS**

On September 26, in South Bend, and on October 3, in Merrillville, Indiana, the Indiana Continuing Legal Education Forum will sponsor a conference entitled "Juristic Park." Many NDLS personalities will be involved. Judge Jeanne Jourdan, NDLS '75, will chair the event. Participating will be Judge Sandy Brook and Tom Singer, who teach in our Trial Ad Program; Judge Roland Chamblee, Jr., NDLS '77; Eileen Doran; Jim Seckinger; and Eric Smithburn. The conference will bring together experienced judges and practitioners for a discussion of substantive and procedural issues.

NITA TO PRESENT "ADVOCACY TEACHER TRAINING PROGRAM"

On October 13 through 15, the National Institute for Trial Advocacy will present a program entitled "Advocacy Teacher Training Program." Aimed at improving "teaching and critiquing skills," the program will feature five intensive workshops, each focusing on a specific skill. The program is designed specifically for lawyers and law professors interested in learning the NITA teaching method. During the two-and-one-half-day course, young attorneys recruited from the local legal community will perform trial exercises. Program participants will advise the attorneys on how to improve their performance. These critiques will in turn be reviewed by NITA instructors who provide the teacher trainees instructions for improving their assessments. The program will also offer information on developing and implementing one's own advocacy program. The program director is Judge Sandy Brook, an instructor in Notre Dame's Trial Advocacy Program.

NEWS FROM THE LAW LIBRARY

Roger Jacobs took part in the regular quarterly meeting of the Council of the American Bar Association's Section of Legal Education and Admissions to the Bar. This meeting, hosted by Joseph Bellacosa, Judge of the New York Court of Appeals and Chair of the Council, was held in the historic and tradition-filled courtroom of that court.

Lucy Payne and her daughter, Joni, hosted an exchange student from Germany. Anya Gubitz attends the Austrian school Joni visited last year. Anya enjoyed her day at Notre Dame. She found the library staff friendly and the campus beautiful, and particularly enjoyed reading German language newspapers on LEXIS•NEXIS.

Lucy journeyed to Cleveland as part of the Ohio Regional Association of Law Libraries Executive Board on May 1. She attended the Michigan Association of Law Libraries Annual Meeting in Lansing on May 5. The meeting focused on using technology and showcased former WESTLAW rep to NDLS, John Barker, Jr., now with Ice, Miller, Donadio & Ryan in Indianapolis.

Lucy advised the Andrews University James White Library Reference Department on its legal collection on June 6. She attended the CALI-LEXIS•NEXIS Electronic Authoring Workshop on June 7-8 in Chicago. While in Chicago, she saw several recent NDLS grads studying for the Illinois bar.

Joseph Rosenfeld made a presentation at the CALI conference in Chicago.

Michael J. Slinger, formerly a member of the NDLS Library faculty, has accepted a post as Director of the Law Library at Cleveland Marshall Law School. For the past five years, Mike has served as

Director of the Law Library at Suffolk University Law School.

NEWS FROM THE CENTER FOR CIVIL & HUMAN RIGHTS

On June 9 Toomas Sillaste of Tartu University, Estonia, successfully defended his dissertation, entitled "Protection of Minorities in the Baltic States," which he submitted in partial fulfillment of the requirements of the J.S.D. degree.

The Dissertation Committee, consisting of Professor Sabrina McCarthy (Dissertation Advisor), Professor Sharon O'Brien (Chair, Department of Government and International Relations), and Professor Raimo Vayrynen (Director, Institute for Peace Studies), voted unanimously to approve the dissertation and its defense and to commend Toomas Sillaste to the Committee on Graduate Studies of the Notre Dame Law School.

NEWS FROM THE FACULTY

Foundation Press has offered Matt Barrett a contract to co-author a new edition of its casebook, ACCOUNTING FOR LAWYERS. Matt will work on the project with David R. Herwitz, a chaired professor at Harvard Law School and the sole author of the 1980 edition. The book has evolved from the first-ever casebook on accounting for law students, originally published in 1948. Matt plans to use the manuscript for the new edition the next time he teaches Accounting for Lawyers, probably next fall.

Frank and Nancy Booker welcomed their sixth grandchild (Patrick), born to their daughter Elizabeth Lyon on April 21.

Nancy's mother, Mrs. Annette Murphy, died on June 24 in Florida at the age of 85.

The United States Supreme Court cited Bob Blakey's article, *The Rule of Announcement and Unlawful Entry*, 112 U. PA. L. REV. 499 (1964), twice in its recent opinion in *Wilson v. Arkansas*. Bob's comment: "And it's not even about RICO!"

Jack "Chief" Broderick, Professor Emeritus at NDLS, participated in a Seminar entitled, "Pending Issues in Industrial Relations," held June 2 at Saint Mary's College. The Seminar was jointly sponsored by Saint Mary's College, NDLS, and Unions and Management.

On June 28, Tex Dutile gave a talk, entitled "The Death Penalty in the United States," to the faculty of the School of Law at the University of Queensland, in Brisbane, Australia.

On July 18, Tex delivered a lecture, entitled "The United States Constitution and Criminal Punishment," to a group of students at the University of Queensland.

Tex will spend the Spring semester in the London Programme.

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Barbara Fick earned an "Honorable Mention" in the Dispute Resolution Simulation Contest sponsored by Willamette University's Center for Dispute Resolution.

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Jimmy Gurule published "The Money Laundering Control Act of 1986: Creating a New Federal Offense or Merely Affording Federal Prosecutors An Alternative Means of Punishing Specified Unlawful Activity?," in the AMERICAN CRIMINAL LAW REVIEW.

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William Hoye, supervising attorney at the Notre Dame Legal Aid Clinic since 1993, has been appointed the University's associate vice president and counsel. Bill has taught classes in ethics and dispute resolution in the Notre Dame Law School and serves as faculty co-editor of THE JOURNAL OF COLLEGE AND UNIVERSITY LAW.

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Janis Johnston will teach in the London Programme during the Fall Term.

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Doug Kmiec authored CEASE-FIRE ON THE FAMILY: A FAMILY HANDBOOK FOR VIRTUE, a publication of the Orestes Brownson Society in Notre Dame, Indiana.

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On August 15, Dave Link spoke at a "Tuesday Night Symposium" at the University Club. His topic: "How To Create a University."

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Terry Phelps published "The Power of Persuasion," in the UNIVERSITY OF CINCINNATI LAW REVIEW.

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In Pierrefitte, France (just outside of Paris) on May 11 a new grandson, Joel Wilson Seytre, was born to Tom and Nancy Shaffer, courtesy of their daughter Mary. Tom and Nancy spent two weeks following the birth in France to provide early greetings.

Nancy Shaffer's mother, Lillian Berdine, died on April 23 at the age of 85 in Colorado Springs. The funeral Mass took place in the very church in which she was baptized eighty-five years ago.

Tom Shaffer published "The Church and The Law," in RADICAL CHRISTIAN AND EXEMPLARY LAWYER, a book edited by A.W. McThenia.

Tom also published "Should a Christian Lawyer Serve the Guilty?" in the GEORGIA LAW REVIEW.

Edward L. Shaffer, son of Tom and Nancy, married the former Megan Maynard on July 7 in the Log Chapel on campus. The bride was graduated from Marian High School in Birmingham, Michigan, and Loyola University. Ed was graduated from Lexington, Virginia, High School and Boston College. Both are employed by St. Benedict School in Chicago, she as a teacher and he as athletic director and director of recruiting.

Christine Venter published "The New South African Constitution: facing the challenges of women's rights and cultural rights in post-apartheid South Africa," in the JOURNAL OF LEGISLATION.

On October 6, at the Westin Hotel in Indianapolis, Sandy Brook and Tom Singer, both of whom teach in our Trial Ad Program, will present a program entitled "Mastering the Indiana Rules of Evidence." Sponsored by NITA, the one-day workshop will present a "unique hands-on learning experience that combines lectures, demonstrations, video trial vignettes, and discussion."

NEWS FROM THE ALUMNI

Earlier this year, the INDIANA LAWYER published a story featuring the legal career of Edward N. Kalamaros, NDLS '59. The title: "Times may have changed, but the work ethic of Ed Kalamaros hasn't."

Arthur H. Abel, NDLS '85 and Assistant General Counsel of the U.S. Equal Opportunity Commission, died on March 4. He graduated from Drew University, where he studied chemistry and physics, was made an academic assistant and tutor. He won the Arnold S. Boxer Memorial Prize in Physics. While at Drew, he placed on the Dean's List all four years and was a member

of the varsity fencing team. Awarded a National Science Foundation Fellowship, he engaged in theoretical nuclear studies at the State University of New York at Stony Brook.

At NDLS, he became a member of the LAW REVIEW and editor of the JOURNAL OF LEGISLATION. In his will, Arthur made provision for the universities he attended and for the LAW REVIEW. Admitted to the Bar of Minnesota, he became an associate of Faegre & Benson in Minneapolis.

Dennis Barnes, NDLS '94, has become associated with Rawle & Henderson, in Philadelphia.

John R. Blakey, NDLS '92, married Christina Marie Saracino at Sacred Heart Basilica on July 15. John is the son of Bob and Elaine Blakey. Both bride and groom have undergraduate degrees from Notre Dame. She is a student at American Music & Dramatic Academy in New York City. Jack has joined the Insurance Litigation Group at Vedder, Price, Kaufman & Kammholz in Chicago.

Jack received his J.D. from Notre Dame Law School in 1992 and a Certificate of Fine Arts from the London Academy of Music and Dramatic Art in 1989. Prior to joining Vedder Price, he clerked for Judge William J. Zloch, NDLS '74, United States District Court, Southern District of Florida, and performed research in connection with a legislative writing project proposing changes to the Federal Criminal Code regarding mens-rea standards.

Mary Ann Boulac, NDLS '83, has announced the establishment of her Law Office at 400 Plaza Building in South Bend.

Kelly A. Daly, NDLS '89, has become a partner in the firm of Morrison & Hecker.

Warren (Bud) Deahl, NDLS '44 and "Of Counsel" at Barnes & Thornburg, was featured May 10 in an article in the TRIBUNE BUSINESS WEEKLY.

John Dunn, NDLS '93, and his wife Nadine welcomed a new daughter, Katherine Rose, on July 6th.

Patrick Emmerling, NDLS '93 and an attorney with Cohen, Swados, Wright, Hanafin, Bradford & Brett in Buffalo, was married on June 11.

Kevin E. Griffith, NDLS '86, has been named a Partner in the firm of Porter, Wright, Morris & Arthur in Columbus, Ohio. He will continue his labor and employment law practice.

On August 11, the investiture of Jeanine Nemesi LaVille, NDLS '78, as Judge of the 61st District Court took place in the Hall of Justice in Grand Rapids, Michigan. A reception followed.

The Rev. Orlando Prosperi, NDLS '53, died August 16 in Pittsburgh. In its obituary, the PITTSBURGH POST-GAZETTE labeled him "priest, champion of the down-trodden." Father Prosperi served with the Marines during World War II and, after earning his law degree, returned to Westmoreland County, in Pennsylvania, where he established himself as a first-class defense attorney.

According to the newspaper, he was "charming and captivating, without fear, a champion of the downtrodden who would work tirelessly, a vivid story teller and a man whose reputation probably was part fact, part fiction." Appointed a divorce master to settle divorce cases, Fr. Prosperi engendered chaos by refusing to grant any divorces; ultimately, the court ceased appointing him to such cases.

He was a frequent visitor to Italy, where he and some friends maintained a law office. It was there that he began studying for the priesthood and, at age 50, was ordained a priest by the Bishop of Sardenia. He served as a canon lawyer for the Vatican and as a legal consultant for various religious groups.

Tom Quarles, NDLS '74 and General Counsel for R.R. Donnelley & Sons, was featured in an article in the June issue of the ILLINOIS LEGAL TIMES.

Michael W. Salsieder, NDLS '78, has been appointed Vice-President, General Counsel and Secretary of Harnisch Feger Corporation in Milwaukee. The company manufactures surface-mining and material-handling equipment.

David E. Walsh, NDLS '70 and Senior Vice-President of Sun Bank in Orlando, Florida, died May 25. Services were held in St. Luke Catholic Church in Indianapolis.

NEWS FROM THE STAFF

July 25 was the last day of Rosie Kincaid's service to the Notre Dame Law School. After nine years at Notre Dame, Rosie has left the Law School to begin work at Barnes & Thornburg. Everyone here thanks her for her service and friendship and wishes her all the best.

MISCELLANY

Several members of the faculty and staff were quoted recently in various publications, including Kitty Hoyer, concerning the job outlook for law-school

grads, in the INDIANA LAWYER; Con Kellenberg, with regard to environmental law, in the INDIANA LAWYER; Doug Kmiec, in connection with the Supreme Court's decision in *Rosenberger v. Rector and Visitors of University of Virginia*, in the CHRONICLE OF HIGHER EDUCATION; Judge Jeanne Jourdan, in an article featuring the program she began last year to change children's attitudes about gun violence, in the INDIANA LAWYER; and Judge Ripple, in an interview with the INDIANA LAWYER.

FROM OUR AMBIGUITY DEPARTMENT

Memo from the Dean's Office at University of Queensland Law School: "We are fortunate to have Tex Dutille visiting us a short time."

CHUCKLE DU MOIS

Grammarian on her deathbed: "I am dying, or I will soon die; both forms are used."
