

ANNUAL REPORT OF THE DEAN

1967-68 (1960 E.C.)

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This report, prepared at the close of the 1967-68 academic year, is principally directed to alumni and friends of the Law Faculty in Ethiopia. The advice and assistance of these two groups are essential to our success, and they must be kept informed of what we are doing and the problems we face. What follows is a summary of Faculty accomplishments during the past year and our major needs for the future.

Alumni. One of the most important developments during the year was the founding of an Alumni Association of the Law Faculty. A draft constitution for the Association was prepared by an able committee composed of Abiyu Geleta, Kebede Habte Mariam, Mesfin Fanta, Selamu Bekele and Shimelis Metaferia. Late in the spring, following an alumni luncheon, a group of two hundred alumni approved the constitution in a four-hour meeting at which the draft was debated section by section and some modifications adopted. All degree, diploma and certificate graduates of the Law Faculty are entitled to become members of the new alumni organization, whether resident in Addis Ababa or elsewhere. After approval of the Constitution at the founders' meeting, Abiyu Geleta was elected President of the Association.

Of considerable interest to the Faculty are those alumni who went abroad for further law study. During the year, these included Mebratu Yohannes, who went to McGill University, Montreal, Canada; Eyassu Ayalkebet, Hailu Makonnen and Yacob Haile Mariam, who went to the University of California, Los Angeles; and Alexandra Hamawi, who went to the University of London. Accepted for foreign law study this coming year are Ababiya Abajobir at McGill University; Shimelis Metaferia at the University of Chicago, Chicago, Illinois; Yohannes Heroui at the Institute of Advanced Legal Studies, London; Zeray Habte Sellassie at Ohio State University, Columbus, Ohio; and Zegay Asfaw at the University of Wisconsin, Madison, Wisconsin.

Students. At the opening of the 1967-68 school year, there were enrolled in the Law Faculty 192 degree students, 257 diploma students and 294 certificate students, including 52 new evening LL.B. candidates and 123 certificate students in a new course offered in Harrar. Shortly after the regular school year opened, additional certificate courses, with total initial enrollment of 565 students, were started in Jimma, Asmara and Addis Ababa. Attrition in the first year of new evening courses was about 50 per cent, similar to previous years. Attrition among new day LL.B students was considerably less.

At the close of the academic year, 17 students were granted LL.B. degrees and 99 were granted diplomas. No certificates were given, as no certificate classes were in their final year. Prizes for outstanding academic performance were awarded to the following students: Fasil Nahum, Chancellor's Medal; Billilign Mandefro, best aca-

ademic performance by an LL.B. student; Berhanu Kidane, best academic performance by a diploma student in the English section; Alemayehu Gulelat, best academic performance by a diploma student in the Amharic section; Seifu Tekle Mariam, best legal writing (LL.B.), honorable mention, Billilign Mandefro; Girma Sellassie Araya, most improved student, honorable mention, Eden Fasil and Lemma Gutema; and Seifu Tekle Mariam, James C. N. Paul prize for outstanding extra-curricular contributions.

Ethiopian University Service prior to graduation will continue as a requirement for all day LL.B. candidates in the Faculty of Law, except for the few entitled to exemptions. As in the past, law students will be assigned to legal work, mostly in Government ministries. However, the University has decided that all unexempted degree candidates, ours included, should be sent on service prior to their last year of classroom study and should perform their service outside Addis Ababa and Asmara. Heretofore, law students have gone on service after completing all course requirements for their degrees, and most have worked in the capital. The advantage of the University rule is that students will bring back to their classes the realism and understanding of a year's employment in provincial communities, thereby enriching the subsequent learning experience of themselves and their fellow students. We are gradually phasing into compliance with the University regulation by sending some of our Law III students on service this coming year, along with all of our unexempted Law IV class. The percentage of Law III going on service will be increased over the following two years until the shiftover is complete.

Reflecting both the quality of our students and the shortage of trained lawyers in the Government, this past semester we had far more requests for service students than could be filled. After considerable negotiation and regretful disappointment of some ministries and agencies, final EUS assignments for the coming year are these: Chilalo Agricultural Development Unit—Tesfaye Berhane; Ethiopian Electric Light and Power Authority—Essayas Haile Mariam; Ministry of Finance—Alemseged Tesfai, Gedle Ammanuel Kidane Mariam, Girma Selassie Araya and Tesfa Ayana; Ministry of Justice—Aberra Degu, Alemu Fokion, Amha Tsiyon Domenico, Eden Fasil, Eyassu Imnetu, Fisseha Yimer, Gideon Agegn, Girma Haile Gebriel, Hailu Chernet, Johannes Habte Sellassie, Kebede Worke, Kife Lemma, Weredewold Woldie and Yoseph Gebre Egziabher; Ministry of Land Reform—Alemante Gebre Sellassie and Bililign Mandefro; and Ministry of Mines—Alemayehu Seifu Zawdie and Tesfaye Chemer.

Student extracurricular activities remained much the same as last year. In several of our publication ventures, notably the Journal of Ethiopian Law and the Consolidation of Ethiopian Laws, student translation work continued to be essential. Student editors also aided materially in case selection and the many miscellaneous functions required in putting out the Journal. On their own, students published "The Balance and the Sword," the annual Law Faculty yearbook. For a variety of reasons, the Law Student Association was less active than usual, but it did sponsor several social evenings and lectures, as well as the television program, "You are the Judge," and helped collect additional funds for Law House.

Staff. The teaching staff during the year consisted of twenty teachers on the full-time staff for LL.B. and English diploma classes and eighteen additional teachers on the part-time staff for Amharic diploma and certificate classes. Of paramount significance was the appointment of three Ethiopians to next year's full-time staff: Fasil Nahum, Semereab Michael and Worku Tafara. All three are high-ranking

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graduates of our Law Faculty and next year will teach both degree and sub-degree courses. These are the first Ethiopians to join the full-time teaching faculty. Others will be appointed in the near future so that within a few years it is expected that most of the full-time teaching staff will be Ethiopian.

Some new courses have been added to the teaching obligations of the full-time staff. New LL.B. courses this past year were Introduction to Private Law (Law I), Revolutions and Constitutional Change in History (Law I), Employment Relations Law (Law III and IV elective), Evidence (Law III), Taxation (Law IV elective), Transnational Transactions (Law IV elective), International Organizations (Law IV elective) and Urban Problems and Local Government (Law IV elective). Approved for next year are these new LL.B. courses: Government contracts (Law III elective), The Legal Profession in Ethiopia (Law IV), Agricultural Land Reform (Law IV elective), Law of Natural Resources (Law IV elective), Legal Analysis (Law IV elective) and Islamic Law (Law IV elective). Also, this coming year, Administrative Law and Advanced Penal Law II (Disposition of Offenders) will be new diploma offerings.

In addition to teaching, the full-time staff has done a substantial amount of research and writing, helped administer the many activities that the law school is engaged in, and participated in important but time consuming University committee work. A brief review of but some of the non-teaching work of this staff is as follows:

James C. N. Paul. Is the Academic Vice President of the University, but remains a member of the Law Faculty; has been a most helpful adviser and counselor to the Law School all year and somehow found time to see through the printers Volume I of his book on Ethiopian constitutional development and to substantially complete Volume II.

Richard Cummings. Took over as principal Faculty editor of the Journal in the latter part of the year, prepared supplemental international law teaching materials and has several articles under way.

Harrison Dunning. Assistant Dean in charge of physical plant, non-teaching staff and miscellaneous problems; Chairman of the Curriculum Committee; member, University Faculty Council; completed an article on comparative eminent domain law and supervised our old Ethiopian judgments project.

William Ewing. Chairman of the Law School's Student Relations Committee, key member of the University Student Affairs Committee, in charge of the Consolidation of Ethiopian Laws project.

Stanley Fisher. Chairman of the Research and Publication Committee; supervisor of the lexicon project; by the close of the year had in the hands of the printer the manuscript for his comprehensive book, Cases and Materials on the Ethiopian Law of Criminal Procedure.

Jean-Denis Gagnon. Completed teaching materials on labor law and on extra-contractual liability, is working on several labor law articles.

Frank Horowitz. Peace Corps volunteer who came to us following a year of secondary school teaching in Ethiopian schools. Did considerable tutorial work on student writing assignments, gave special tutoring to students on academic probation, assisted Mr. Marshall in student advisory work and helped in Law House fund raising.

Mechthild Immenkotter. Continued in residence during the first semester on a grant from the German Government to complete her book on Ethiopian commercial law.

Michael Kindred. Assistant Dean until the end of the first semester, Secretary of the Executive Committee of the Faculty Council, translated for publication two important civil law articles, preparing an article on rights of minors.

Lawrence Knowles. Chairman of the Law House Committee, completed revised teaching materials on Legal Process and an article on the Ethiopian legal profession.

George Krzeczunowicz. Completed two articles on civil code problems; on leave second semester working on his treatise, Ethiopian Law of Extra-Contractual Obligations.

John Marshall. Assistant Dean, beginning the second semester, in charge of student counselling, registration, admission and the extension program. Member, University Faculty Council. Preparing teaching materials for administrative law and also taxation. Has several articles in preparation.

Paul McCarthy. Publications business manager. Completed article on De Facto Business Organizations in Ethiopia, included in this issue.

Paul Ponjaert. Assistant to Dr. Vanderlinden in the documentation and bibliographical work of our Center for African Legal Development.

Peter Sand. Chairman of the Library Committee. Completed a series of articles on Ethiopian law, and is working on teaching materials for the Ethiopian law of successions and family law and a manual on Ethiopian law of successions.

Norman Singer. Formal or informal faculty adviser on all student activities; worked on several field research projects of a legal-anthropological nature; has three monographs on Ethiopian legal institutions completed or near completion.

Zacharias Sundstrom. Completed a three-volume set of teaching materials on Transnational Transactions.

Peter Strauss. Held primary responsibility for the Journal of Ethiopian Law during most of the year; editor of the new English edition of the Fetha Negast, soon to be published; completed a supplement to our penal law teaching materials; has a major article under way on penal law; working on a decision theory article with Michael Topping; Chairman of the New Appointments and Promotions Committee; Chairman of the Honor Board.

Michael Topping. Prepared a monograph, Introduction to Roman Law; working on a decision theory article with Peter Strauss and on a study of Ethiopian insurance law.

Jacques Vanderlinden. Director of the Center for African Legal Development. Has under way monographs on the Ethiopian Law of Persons, Ethiopian Law of Marriage, and Ethiopian Legal History.

Since the inception of the extension program, we have been most fortunate in our part-time certificate and diploma staff, a dedicated group that has added teaching duties to already busy and exhausting schedules. Particular commendation goes to our provincial teachers: Getahun Damte in Harrar, Berhanu Bayih and Judge

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Kassa Beyene in Asmara and Ababiya Abajobir in Jimma. These men have not only started new programs this year, but have had to be responsible for considerable administration as well. Much missed will be Ababiya Abajobir who is going abroad for special study. He did a remarkable job in Jimma and has shown the great intellectual and professional potential of provincial extension courses.

Special mention should be made of two staff members whose contributions during the year were particularly notable: Mrs. George Krzeczunowicz, who took over as Administrative Assistant and Registrar, ably performing difficult and often frustrating jobs; and Mrs. Joseph Grunfeld, an experienced lawyer, who was of invaluable help in preparation of the Consolidation of Ethiopian Laws.

Eight members of the full-time teaching staff completed their work with us at the end of the year and returned home; four will continue teaching law: Peter Sand at McGill University, Stanley Fisher and Paul McCarthy at Boston University and Lawrence Knowles at the University of Louisville. Peter Strauss will be on the staff of the Solicitor General of the United States; Jean-Denis Gagnon will be in Montreal private practice; Norman Singer in advanced graduate work at Harvard University; and Frank Horowitz will be completing his law studies at the University of California, Los Angeles. In addition Alan Butler, our librarian, left to become head librarian at Chung Chi College, Hong Kong.

Foreign Funding. Establishing a new law faculty of high quality is a tremendously expensive endeavor. Financial help from foreign governments and foundations has greatly assisted Haile Sellassie I University in being able to create the kind of high level Law Faculty that it now has. The largest single donor has been the Ford Foundation, a benefactor that has just made another large grant to the Law Faculty supplementing the Foundation's major grant of several years ago. The new allocation of funds is to be spent during the academic years 1968-69 and 1969-70. For our foreign assistance, we are most grateful.

Library and Documentation. Library holdings continue to grow. Including books on order, the Law Faculty collection consists of about 15,000 volumes and, in addition, we currently are receiving 300 periodicals. In order to house new acquisitions expected during the next two years, library space is being expanded by enclosure of the portico area on the west side of the main law building. A major supplement to the library's holdings will be the great collection of microfiched comparative African legal materials, both legislation and articles, now being assembled by the Law Faculty's Center for African Legal Development, largely financed by the Belgian Government, and under the able directorship of Dr. Jacques Vanderlinden. Toward the close of the year, the first microfiche duplications were made and delivered to the Law Faculty, starting what will be a regular flow of such documentation. The Center has been concentrating on the collection of materials from 1946 to date; but with additional funds just obtained, it will soon expand its acquisitions to include materials back to 1900. An extensive bibliography of books, articles and other documentation on African law is also being prepared by the Center, and the first installment of this bibliography was published a few months ago.

Law House. During the first semester, construction began on Law House, our student residence hall and meeting center made possible by generous contributions of hundred of individuals and organizations. The start of building was delayed somewhat and costs increased by a last minute relocation of our structure required by a determination to run a large sewer line through our original site. Law House is situated on the main University campus several hundred metres from our classroom buildings. Completion is scheduled for shortly after school reopens this next

semester. The Law Faculty is deeply appreciative of the many gifts from our friends that are enabling this much-needed structure to be built. It is the first university building in Ethiopia to be financed by public subscription. We plan that Law House will not only be a residence for our students, but also an important center for professional gatherings of Ethiopian lawyers, judges and law students.

Needs and Problems. One of the educational success stories of modern Africa has been this Law Faculty. In only five years, a law school has been established that is as good as any on the continent. But as with every institution, the Law Faculty has needs and problems that must be frankly recognized and worried over if we are to progress or even hold our own. Smug satisfaction with accomplishments of the past and complacency toward threats of the future can only mean deterioration and inevitable drift into mediocrity. The difficulties we face must be recognized and our alumni and friends outside the University should be made aware of them, for educational progress in modern Ethiopia requires understanding and help from many sources. This is especially true of a professional school.

In my view, among the more important problems and needs of the Law Faculty are these:

1. Transition to a predominantly Ethiopian full-time teaching staff. To develop such a staff of high quality and vitality is our major problem in the immediate future. I am confident that Ethiopians of high intellectual potential can be attracted to our teaching staff. But converting beginners of promise into top flight teachers and scholars is more difficult. Our new Ethiopian teachers should be given assistance and encouragement: adequate salaries and rank, opportunities for foreign study when needed, prompt promotion when earned, teaching loads light enough to make writing and research possible, and assurance of publication for writing that merits it. Ultimately, however, much will depend on the degree of commitment of the Ethiopian teachers themselves. It is they who must perform. Others can only provide opportunities.

2. More degree students. Ethiopia, to a greater extent than any other major country in Africa, desperately needs more well-trained lawyers and judges. Our sub-degree programs are a helpful stop-gap panacea but not a solution. There must be a greater output of well-qualified LL.B. graduates. However, our Law Faculty is not doing enough to fill this need because we do not have a sufficient number of degree students. Yet we now are equipped to handle at least double our present LL.B. enrollment without impairing the quality of our education. More students of ability want to enter the Law Faculty than we are permitted to take under present University quota restrictions. Improvement in this situation is dependent on such factors as manpower-allocation studies more realistically reflecting the contribution of and need for law-trained personnel; a higher University quota of students for the Law Faculty; and in the long run, a much larger University enrollment, thus providing a greater pool of students from which we and other faculties may draw.

3. More research and writing on high priority Ethiopian problems. Our Faculty has done a good job in preparing course teaching materials, particularly for code courses. In my opinion we should now start giving increased attention to basic research on the legal problems of Ethiopia, with special stress on the role of law in accelerating development. This is a difficult assignment and one requiring interdisciplinary competence and cooperation. It also should entail more consideration of comparative law of developing countries—of the ways that other nations with comparable problems have used law as a development tool. The tasks are hard ones; but if done well, the pay-off for Ethiopia should be great.

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4. Curricular improvement. We have a fairly broad and satisfactory LL.B. curriculum, but I think it can be improved. It is unduly heavy on private law subjects and does not concentrate enough on crucial Ethiopian problems. A serious difficulty is lack of available data on the effects of existing laws and the probable implications of recommendations to improve these laws. There is relatively little accurate and systematic writing about the way Ethiopian society operates that can be used to evaluate the needs of the legal order. Thus curricular improvement is dependent in part on more research and writing of the kind mentioned in the paragraph just above, research and writing by both legal scholars and social scientists. At the certificate and diploma levels, special curricular difficulties exist because we need to think through more carefully what we are trying to accomplish with these programs and then what courses and course coverage can best achieve our objectives. In particular, renewed attention should be given to what distinctions there should be between certificate and diploma offerings and the kinds of students each should attract. The demand for sub-degree extension law study in Ethiopia is tremendous, and we have a functioning system almost unique in the world. We must make sure that we are getting the best possible results from these efforts.

5. An active and meaningful alumni association. Now that the new Association has been formed, it needs to be made useful, for a mere paper organization is of no value. We have hopes that it will begin to assume some of the functions of a bar association or law society, focusing attention on professional problems, developing standards of conduct for bench and bar and creating a sense of professional identity on the part of those who are law trained. Regular and frequent meetings are essential. Conceivably the Association could work cooperatively with the Faculty in preparing and distributing to lawyers a series of short manuals and monographs on Ethiopian law. Through group meetings and individual advisory sessions, the Association might also be of help in easing the transition of our students from academic life to the realities of the professional world.

¹⁹⁶² 6. A satisfactory physical plant. We now occupy a set of buildings that are shoddy, poorly maintained and ill-suited to a well-functioning law school. For the next few years we can get by with what we have, but plans should soon be made for a new building that will comfortably house under one roof all classrooms and offices, as well as a library attractive for study and large enough to accommodate anticipated growth in holdings. We are crowded now, but conditions will become much worse as enrollment grows and the library expands. Crucial to any new law school structure is inclusion of the full law library in that structure, and this library should be controlled by the Law Faculty.

7. Fruitful ties with the outside world. I see some danger that over the next decade the Law Faculty may become unduly narrow in its professional concerns and increasingly isolated from intellectual and educational developments outside Ethiopia. This is a big country and such is the tendency of professional schools in big countries as they become locally staffed. The Faculty should concentrate heavily on Ethiopian institutions and problems, but if it becomes too inner-directed and parochial the education it offers will suffer. A proper balance should be maintained, and the Ethiopian staff should retain familiarity with relevant laws, legal literature and legal personalities abroad—particularly those in other African countries. This will enrich our teachers' knowledge and broaden their frame of reference for more creatively analyzing the Ethiopian legal scene. It will also make them intellectually and pedagogically more alert and exciting, and enable Ethiopia to contribute its fair share to international scholarship.

መግለጫ ።

የሚከተሉት ፡ ዘጠኝ ፡ ነገሮች ፡ ወይም ፡ ጉዳዮች ፡ በኢትዮጵያ ፡ ንጉሠ ነገሥት ፡ መንግሥት ፡ ጠቅላይና ፡ ከፍተኛ ፡ ፍርድ ፡ ቤቶች ፡ የተወሰኑ ፡ ናቸው ። የአማርኛው ፡ ፍርድ ፡ መደበኛ ፡ (አፊሻል) ፡ ስለሆነ ፡ ከእንግልዝኛው ፡ ቀድሞ ፡ ይገኛል ። በኢትዮጵያውያንና ፡ በውጭ ፡ አገር ፡ ዳኞች ፡ መካካል ፡ ስለተወሰኑ ፡ ጉዳዮች ፡ በአማርኛና ፡ በእንግሊዝኛ ፡ ሁለት ፡ ልዩ ፡ ልዩ ፡ አስተያየቶች ፡ መጻፋቸውን ፡ ማስተዋል ፡ አስፈላጊ ፡ ነው ። እነዚህም ፡ አስተያየቶች ፡ አንዱ ፡ ካንዱ ፡ የተተረጎሙ ፡ አይደሉም ። እያንዳንዱ ፡ ፍርድ ፡ ራሱን ፡ የቻለ ፡ ቢሆንም ፡ በዳኞች ፡ መካካል ፡ ስለ ፡ ሥረ ፡ ነገሩና ፡ ስለ ፡ መጨረሻው ፡ ውሳኔ ፡ ስምምነት ፡ አለ ።

የኢትዮጵያ ፡ የሕግ ፡ መጽሔት ፡ ለሕግ ፡ ባለሙያዎች ፡ ሁሉ ፡ የሚያስፈልግ ፡ ምሁራዊ ፡ እትም ፡ ነው ። ፍርዶች ፡ በመጽሔቱ ፡ ውስጥ ፡ የሚታተሙት ፡ በመጽሔቱ ፡ ቦርድ ፡ አባሎችና ፡ በአዘጋጃዎቹ ፡ አስተያየት ፡ አስፈላጊ ፡ የሕግ ፡ ጭብጦችን ፡ ያነግሉ ፡ ተብለው ፡ የሚገመቱትን ፡ ውሳኔዎች ፡ ለሕግ ፡ ባለሙያዎች ፡ ለማቅረብ ፡ ነው ።

አንድ ፡ የፍርድ ፡ ጉዳይ ፡ እንዲታተም ፡ በሚመረጥበት ፡ ጊዜ ፡ የመጽሔቱ ቦርድ ፡ አባሎች ፡ እና ፡ አዘጋጃዎቹ ፡ ፍርዱ ፡ የፍጹምነት ፡ መልክ ፡ አለው ፡ የሚል ፡ አሳብ ፡ የማስተጋባት ፡ ፍላጎት ፡ የላቸውም ። ቢሆንም ፡ የፍርድ ፡ አሳቡ ፡ መልካምነት ፡ ፍርዱን ፡ በመጽሔቱ ፡ ውስጥ ፡ ለመታተም ፡ ከሚያስችሉት ፡ ሁኔታዎች ፡ ውስጥ ፡ ከፍተኛውን ፡ ደረጃ ፡ የያዘ ፡ ነው ። በአንድ ፡ የቦርዱ ፡ አባል ፡ ወይም ፡ በአንድ ፡ የመጽሔቱ ፡ አዘጋጅ ፡ አስተያየት ፡ አንድ ፡ ፍርድ ፡ በአንድ ፡ በኩል ፡ አስፈላጊ ፡ የሆነ የሕግ ፡ ጭብጥ ፡ የሚያነሳ ፡ በሌላው ፡ በኩል ፡ ደግሞ ፡ የሚያከራክር ፡ ሆኖ ፡ የተገኘ ፡ እንደሆነ ፡ ወይም ፡ በጭብጡ ፡ ላይ ፡ ፍርድ ፡ ቤቱ ፡ ከሰጠው ፡ ውሳኔ ፡ ለየት ፡ ያለ ፡ የሚደገፍ ፡ አሳብ ፡ ሊኖር ፡ የሚችል ፡ ከሆነ ፡ ይህንን ፡ የሚያስረዳ ፡ ማስታወሻ ፡ ይሰጣል ። ይሁንና ፡ በየደረጃው ፡ የሚገኙ ፡ የሕግ ፡ ባለሙያዎች ፡ በመጽሔቱ ፡ ውስጥ ፡ ታትሞ ፡ በሚገኘው ፡ በእያንዳንዱ ፡ ፍርድ ፡ ላይ ፡ የተለያዩ ፡ አስተያየት ፡ ሊኖራቸው ስለሚችል ፡ የዚህ ፡ ዓይነቱ ፡ ማስታወሻ ፡ በማይሰጥበት ፡ ጊዜ ፡ የተሰጠው ፡ ውሳኔ ፡ የፍጹምነት ፡ መልክ ፡ አለው ፡ ብሎ ፡ መቀበል ፡ ተገቢ ፡ አይደለም ።

የቦርዱ ፡ አባሎችና ፡ የመጽሔቱ ፡ አዘጋጃዎች ፡

REPORTS

The following are nine cases decided by the Supreme Imperial and the High Courts of Ethiopia. The Amharic judgment is official and always precedes the English. It is important to note that in those cases heard before mixed benches of both Ethiopian and foreign judges, two separate opinions are written, one in Amharic and one in English. These opinions are not translations of one another, but are independent judgments based upon common agreement among the judges as to the principles and final outcome of the case.

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In selecting a particular judgment for publication, the Board and Editors do not wish to convey the impression that the judgment is definitive on any proposition for which it may stand although the quality of the decision is always an important consideration in determining whether it should be included in the Journal. When in the opinion of a Board Member or an Editor, a judgment is of interest and raises an important issue of law but there is reason to believe that aspects of the decision are contestable or that the result reached by the court is not clearly the only supportable conclusion, a note on the case is often included. The absence of such a note is not however to be interpreted as indicating complete finality on the issues raised in the case, as it is expected that members of the profession on all levels may hold differing opinions on the merits of any judgment published herein.

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