

FERNAND NEVILLE DUTILE

PROFESSIONAL

Professor of Law
University of Notre Dame
Notre Dame, Indiana 46556
Admitted to State of Maine Bar, August 1965

PERSONAL

18517 Spring Mist Court
Married, two children
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South Bend, IN 46637
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EDUCATION

Notre Dame Law School
Notre Dame, Indiana 46556
J.D. (1965)
Assumption College
Worcester, MA
A.B., Philosophy/Economics (1962)

EXPERIENCE

University of Notre Dame Notre Dame, Indiana Chair, Faculty Board on Athletics and NCAA Faculty Athletics Representative	2000-2006
Notre Dame Law School Notre Dame, Indiana Acting Dean Associate Dean Assistant Dean Professor Associate Professor	1971-present 1991-1993 1988-1991; 1993-1999 1976-79 1976-present 1971-76
Catholic University Law School Washington, D.C. Associate Professor Assistant Professor	1969-71 1966-69

United States Department of Justice
Washington, D.C.
Trial Attorney

1965-66

PUBLICATIONS

BOOKS

1989 Supplement to THE ATTORNEY'S GUIDE TO THE SEVENTH CIRCUIT COURT OF APPEALS (Seventh Circuit Bar Association and ATS-CLE, State Bar of Wisconsin 1987) (with many others).

THE ATTORNEY'S GUIDE TO THE SEVENTH CIRCUIT COURT OF APPEALS (Seventh Circuit Bar Association and ATS-CLE, State Bar of Wisconsin 1987) (with many others).

THE PREDICTION OF CRIMINAL VIOLENCE (Charles C Thomas: Springfield, Illinois, 1987) (editor).

SEX, SCHOOLS AND THE LAW (Charles C Thomas: Springfield, Illinois, 1986).

RECHARTING CRIMINAL PROCEDURE: THE SUPREME COURT'S 1983-84 TERM (Harcourt, Brace, Jovanovich: 1984) (with D. Kmiec).

STATE AND CAMPUS: STATE REGULATION OF RELIGIOUSLY AFFILIATED HIGHER EDUCATION (University of Notre Dame Press: Notre Dame and London, 1984) (with E. M. Gaffney).

EARLY CHILDHOOD INTERVENTION AND JUVENILE DELINQUENCY (Lexington Books: Lexington, Mass., 1982) (ed. with Foust and Webster).

LEGAL EDUCATION AND LAWYER COMPETENCY (University of Notre Dame Press: Notre Dame and London, 1981) (editor).

ARTICLES

Disciplinary Versus Academic Sanctions in Higher Education: A Doomed Dichotomy?, 29 *Journal of College and University Law* 619-53 (2003).

Students and Due Process in Higher Education: Of Interests and Procedures, 2 *FLORIDA COASTAL LAW JOURNAL* 243-90 (2001).

A Tribute to a Friend and Colleague: Frank Beytagh, 2 *Florida Coastal Law Journal* 29-30 (2000).

Law and Governance Affecting the Resolution of Academic and Disciplinary Disputes at Scottish Universities: An American Perspective, 8 INDIANA INTERNATIONAL AND COMPARATIVE LAW REVIEW 1-68 (1997).

Law, Governance, and Academic and Disciplinary Decisions in Australian Universities: An American Perspective, 13 ARIZONA JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW 69-116 (1996).

A Catholic University, Maybe; But a Catholic Law School?, pp. 71-83, in THE CHALLENGE AND PROMISE OF A CATHOLIC UNIVERSITY (Notre Dame Press: 1994)(T.M. Hesburgh, C.S.C., ed.)

The Law of Higher Education and the Courts: 1992 in Review, 20 JOURNAL OF COLLEGE AND UNIVERSITY LAW 125-224 (1993).

The Law of Higher Education and the Courts: 1991 in Review, 19 JOURNAL OF COLLEGE AND UNIVERSITY LAW 73-183 (1992).

The Law of Higher Education and the Courts: 1990 in Review, 18 JOURNAL OF COLLEGE AND UNIVERSITY LAW 163-275 (1991).

The Law of Higher Education and the Courts: 1989 in Review, 17 JOURNAL OF COLLEGE AND UNIVERSITY LAW 149-242 (1990).

Higher Education and the Courts: 1988 in Review, 16 JOURNAL OF COLLEGE AND UNIVERSITY LAW 201-285 (1989).

The Law of Higher Education and the Courts: 1987, 15 JOURNAL OF COLLEGE AND UNIVERSITY LAW 87-148 (1988).

God And Gays at Georgetown: Observations on Gay Rights Coalition of Georgetown University Law Center v. Georgetown University, 15 JOURNAL OF COLLEGE AND UNIVERSITY LAW, 3-20 (1988).

The Law of Higher Education and the Courts: 1986, 14 JOURNAL OF COLLEGE AND UNIVERSITY LAW 303-357 (1987).

Book Review (William D. Valente, *Education Law: Public and Private*, 2 vols.), 61 NOTRE DAME LAW REVIEW 595-599 (1986).

Corrections: The Tale of Two Bills, 12 NOTRE DAME JOURNAL OF LEGISLATION 54-61 (1985).

What Now for the Insanity Defense?, 58 NOTRE DAME LAW REVIEW 1104-1111 (1983)

(with T. H. Singer).

Introduction (with J. Conley), in *EARLY CHILDHOOD INTERVENTION AND JUVENILE DELINQUENCY* (Lexington, Mass: Lexington Books, 1982) (Dutile, Foust & Webster, eds.).

The Use of Pretrial Silence to Impeach the Defendant's Trial Testimony (accepted for publication by the *INDIANA CRIMINAL LAW REVIEW*)

An Introduction: The Problem of Teaching Lawyer Competency, in *LEGAL EDUCATION AND LAWYER COMPETENCY* (Dutile, ed.).

Freezing the Status Quo in Criminal Investigations: The Melting of Probable Cause and Warrant Requirements, 21 *BOSTON COLLEGE LAW REVIEW* 851-886 (1980).

Book Review (Woodward & Armstrong, *The Brethren*), 55 *NOTRE DAME LAWYER* 627-634 (1980).

The Burden of Proof in Criminal Cases: A Comment on the "Mullaney-Patterson" Doctrine, 55 *NOTRE DAME LAWYER* 380-389 (1980).

Standing to Challenge the Search of a Stolen Automobile, 1 *INDIANA CRIMINAL LAW REVIEW* 6-26 (1980).

Book Review (Jaworski, *Confession and Avoidance*), 55 *NOTRE DAME LAWYER* 316-319 (1979).

Mistake and Impossibility: Arranging a Marriage Between Two Difficult Partners, 74 *NORTHWESTERN UNIVERSITY LAW REVIEW* 166-201 (1979) (with H. Moore).

Promises, Promises: Reflections on the Validity of Immunity Grants to Hostage-Holders, 21 *RES GESTAE* 260-262 (1977).

Aiding and Grading the Grader: The Why and How of Law School Examinations (accepted for publication by the *JOURNAL OF LEGAL EDUCATION*).

Book Review (Murray L. Schwartz, ed., *Law and the American Future*), 36 *THE JURIST* 490-493 (1976).

Book Review, (Marvin Frankel, *Criminal Sentences: Law Without Order*), 34 *THE JURIST* 212 (1974).

Criminal Law and Procedure -- Bringing it Home, 26 *JOURNAL OF LEGAL EDUCATION* 106-112 (1973).

Some Observations on the Supreme Court's Use of Property Concepts in Resolving Fourth Amendment Problems, 21 *CATHOLIC UNIVERSITY LAW REVIEW* 1-34 (1971).

Jury Consideration of Parole, 18 CATHOLIC UNIVERSITY LAW REVIEW 308-334 (1969).

Book Review (Howard James, *Crisis in the Courts*), 29 THE JURIST 250 (1969).

Recent Decision (Trusts-Conflict of Laws), 39 NOTRE DAME LAWYER 614 (1964).

Recent Decision (Confessions), 39 NOTRE DAME LAWYER 214 (1964).

HONORS and SERVICE

2008 McCafferty Award (for “distinguished service to the University of Notre Dame, the Notre Dame Law School and [its] Students”)	
Louis Dion, A.A., Outstanding Achievement Award, presented by Alumni Association of Assumption College	2007
Presidential Award, University of Notre Dame	2006
Special Presidential Award, University of Notre Dame	1982
Honorary Notre Dame Monogram	2006
Notre Dame Faculty Award	2004
James E. Armstrong Award (bestowed on Notre Dame graduate/employee for “outstanding services” to the University)	2001
Distinguished Professor Award, Notre Dame Law School	1982
Distinguished Faculty Member, Catholic University of America Law School	1970-1971
Member, Academic Council	1974-1993; 1994-1999
Fellow, National Association of College and University Attorneys	Since 1994
Biographee, WHO’S WHO IN AMERICA	
Founder and Editor, <i>NDLS Update</i> (Law School Newsletter)	1991-2000
Chief Draftsman, <i>Law School ABA Self-Study</i>	1995
Member, ABA Self-Study Committee	2000-2001
Member, Indiana Criminal Law Study Commission (Gubernatorial appointment)	1989-1996
Member, Drafting Committee, Academic Articles	1995
Member, Subcommittee on Academic Integrity, NCAA Self-Assessment Committee	1995
Member, Editorial Board, Education and the Law (United Kingdom)	Since 1996
Member, Editorial Board, Notre Dame Press	1995-1999
Faculty Editor, <i>The Journal of College and University Law</i>	1986-94
Advisory Member, Editorial Board, <i>Journal of College and University Law</i>	Since 1995
Chair, Law School Committee on Faculty Status	1995
Member, Faculty Board on Athletics	1991-98, 2000-present
Member, Board of Directors, Indiana Continuing Legal Education Forum (ICLEF)	Since 1991
Member, (<i>ex officio</i>), American Law Institute	1991-93
Member, Academic Mission Committee, Colloquy	

for the Year 2000	1992
Member, Committee on Priorities and Commitments for Excellence	1982
Member, Committee on University Priorities	1982
Member, Promotions Committee (formerly Appointments and Promotions committee)	1974-95
Co-Director, Notre Dame London Law Programme	Spring, 1991
Faculty member, Notre Dame London Law Programme	Fall 1994; Spring 1996
University Committee on Research, Scholarship and Infrastructure	1994
Member (<i>ex officio</i>), Provost's Advisory Committee	1991-92
Member (elected), Provost's Advisory Committee	1996-98
Member, Executive Committee of the Academic Council	1982-1991
Member, Board of Directors, Indiana Lawyers Commission	1975-88
Member, Faculty Advisory Committee on Presidential Succession	1981, 1986
Member, Provost Search Committee	1981, 1995
Dean Search Committee, Law School	1998-1999
University Chairman, United Way Campaign	1985
Member, Board of Directors Legal Services Program of Northern Indiana	1975-1983
Co-principal, Ford Foundation Grant: State Regulation of Religiously Affiliated Higher Education	1980-81
Member, Board of Directors, South Bend Work Release Center	1973-75
(Many other University and Law School Committees)	

TEACHING AND RESEARCH PROGRAMS

Florida Coastal School of Law (scholar-in-residence)	Spring 2000
University of Aberdeen, Scotland (senior visiting fellow)	Summer, 1996
University of Queensland, Australia (visiting scholar)	Summer, 1995
Stetson Law School (visiting scholar)	Spring, 1993
Loyola Law School, Los Angeles, California	Summers, 1985, 1986
AALS Law Teaching Clinic, Sacramento, California	Summer, 1977
Notre Dame Law School	Summer, 1976
Notre Dame London Law Programme	Summers, 1974, 1975
Catholic University Law School	Summers, 1972, 1973

COURSES TAUGHT

Law of Education
Criminal Law
Criminal Procedure

Administration of Criminal Justice
Problems in Criminal Procedure
Problems in Criminal Law
Property
The American Legal System
Professional Responsibility