Deans Convene Political Dialogue Panel

Turning to the specific issue of controversial speakers being invited to universities, Dean Kendrick urged students to personally reflect whether the speaker has ideas with which they can reasonably disagree, and whether they are morally bound to tolerate the ideas in question or if they are beyond the pale. Free speech, Dean Kendrick concedes, is a complicated doctrine and, on the margins, there are few easy answers to the difficult issues debated in university settings.

Brandonise in Brief: The First Public Confirmation Hearing

Part Two of Confirmation Stories, a continuing Law Weekly series

William Fassuliotis ’19 Guest Columnist

If you can remember back to the confirmation hearings for Judge Kavanaugh before the accusations were made against him, you likely had one of two sets of thoughts. If you were sympathetic to those opposing Kavanaugh, you may have seen Senate Democrats as engaging in principled opposition, seeking as much information as possible about his time on the Starr investigation, the Bush Administration, and as a judge in order to make the case to the American people, like Ted Kennedy and other Democrats did in 1987. If you were sympathetic to those supporting Kavanaugh, you may have seen the People’s Lawyer. The controversy surrounding his nomination can easily be understood by what others wrote about him. To his opponents he was, as Taft wrote to a friend, “a muckraker, an emotionalist for his own purposes, a social- ist, prompted by jealousy, a hypocrite, a man who has certain high ideals in his imagination, but who is utterly unscrupulous in method in reaching them...” His supporters would agree with Justice William Douglas (who would replace Justice Brandeis when he retired), that “the image of Brandeis... was one that frightened the Establishment. Brandeis was a militant crusader for social justice whoever his opponent was.”

Looking Back: Joe Fore with a Mustache! .......................................5

Cat's v. Law Weekly

Cutting, Listening and Engaging across Perspectives,” dealt with the right to free speech, particularly its outer limits, and the complicated issues that can arise regarding controversial speech in a university setting. Dean Kendrick began the discussion with an overview of free-speech law in this country. The United States protects free speech more stringently than anywhere else in the world, and Dean Kendrick highlighted that this expansive right means that speech is controversial, provocative, and even reprehensible should be protected, often on the bases of liberty and equality. However, this does not mean just because an idea is free to be expressed that it ought to be accepted. Dean Kendrick noted that America’s free-speech regime not only welcomes debate and discussion regardless of unpopular arguments, but thrives on it.

1 Dean Groves was observed reading a copy of Virginia Law Weekly before the event began. We hope he liked what he read.

Thumbs down to softball being continually cancelled. Without the excuse to black out at 2 p.m. on a Thursday, ANG is questions whether ANG should have just attended another school.

Thumbs down to the president being basically emailed the VP of the 1L Ang overheard doubting that the 1L who personified as one of three pairs of relatives to sit on the Court. He was the cousin of undoubtedly the best-named Justice to ever don the robe: Lucius Quintus Cincinnatus Lamar II, a Grover Cleveland appointee who also served only five years.

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Thumbs down to SBA President Frances Fuqua for not understanding the requisite seasonal offering of Duck Donuts in order to appease the Basilik of WB. May she do better this Autumn, and may she remain safe in the meantime.

Thumbs up to the British diver suing Elon Musk for defamation. ANG’s suing Musk over his assertion that “ANG is a drunken mess,” but Professor Abraham told ANG, “It has to actually be false,” and “Stop coming to my house in the middle of the night for legal advice.” #bestfriends

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from repercussions. It would be incorrect, she continued, to presuppose that once something is said that, in the name of free speech, no response or critique can be leveled. Instead, the right to exercise free speech invites re

The takeaway from those tweets by a university lecturer, Dean Groves noted, is part of the background of any peer school, and that her hope is that UVA can serve as a model for balancing free speech, engagement, and responsibilities pursued in a university setting.

Dean Groves chose to highlight a few examples of controversial speech on Grounds about a decade ago, another involved an incendiary tweet by a university lecturer. Dean Groves stated his belief that the takeaway from those incidents is that the best way to engage with ideas that are un

to freedom. The evolution of supreme-court confirmation hearings—public, extensive, and with testi


5 https://fas.org/sgp/crs/misc/R135225.pdf ("Supreme Court Nominations, 1789 to 2017: Actions by the Senate, the Judiciary Committee, and the President")


comy by proponent and opponent—was pioneered in response to Brandeis' nomination. Both proponents and opponents were unsure whether the nomination would succeed, and both hoped to use the hearing to persuade undecided Sena
tors. The first hearing was called to order on February 9, 1916, the first of 19 days of hearings, by far the most of any justice. A subcommittee consisting of five members of the Senate Judiciary Com
mittee heard testimony from 43 witnesses. Opponents testified that his conduct was unprofessional and unethical, that his character unfit, and that his testimony would not—
could not—be impartial as a Justice. His supporters defended him, however, as unfounded attacks by the privileged interests. The hearing discussed years of Brandeis' cases, litigation, and opinions or dissents in favor of freedom of speech, a right of privacy, and other deci
sions that helped, in his view, put "the small man" on a lev
el playing field. He was not, however, a doctrinaire lib
eral. He decried "the curse of bigness," and the twin evils of both big business and big government. He was perhaps the biggest proponent of Jef
fersonianism since Jefferson himself. He popularized the description of states as "laboratories of democracy," and joined decisions striking down parts of the New Deal he thought centralized too much power in the hands of the federal government. He believed that business and government needed to be small enough that the com
nents in dissent would succeed, and his neighbors could join together and have control over their own destinies.

If you have any ques

- Twitter: @ms3ru@virginia.edu

3 In Muller v. Oregon, the Court unanimously upheld an Oregon law limiting the work day for women in facto
ries to 10 hours.
I became involved with Virginia Law Women (VLW) not to be confused with Virginia Law Women Today because I wanted to help strengthen our organization. I think it is important to have a credible organization and to further integrate women into the legal profession. As Vice President, I am working on improving our institutional culture and reinforcing our organizational structure. I appreciate how VLW envisions and executes its goals through building camaraderie, resources, mentorship, and professional development opportunities while bringing light to gender equality issues at the college's behest. We seek to make our events accessible and interesting to our members. We have added guides covering professional development, recruitment, and networking, fun activities in Charlottesville, and more. Our website also gives us a platform to reach out to our online outreach. We are members of VLW, an important organization that celebrates the range of views among women. President Mary Hughes stated in her 2018 address: “the range of views among single women, to appeal to such a large audience, is why we are here.” We seek to make our events accessible and interesting to our members. We have added guides covering professional development, recruitment, and networking, fun activities in Charlottesville, and more. Our website also gives us a platform to reach out to our online outreach. We are members of VLW, an important organization that celebrates the range of views among women. President Mary Hughes stated in her 2018 address: “the range of views among single women, to appeal to such a large audience, is why we are here.”

This year, we have revitalized our website to make it more user-friendly for all of our members. We have added guides covering professional development, recruitment, and networking, fun activities in Charlottesville, and more. Our website also gives us a platform to reach out to our online outreach. We are members of VLW, an important organization that celebrates the range of views among women. President Mary Hughes stated in her 2018 address: “the range of views among single women, to appeal to such a large audience, is why we are here.”

Each week, the Law Weekly showcases a Law School affinity group in a feature called “Spotlight.” Our goal is to give leaders a regular platform to share their thoughts on events, resources, and opportunities in the Virginia Law community and share their diverse perspectives. If you or your organization would like to be featured, please send an email to editor@lawweekly.org.

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A Proposal to Give Diversity Its Full Meaning at UVA Law
Jacob William Roth ’19
Diversity has two parts. The first is getting people of different backgrounds, beliefs, and values to have the same conversation. The second is learning from the beliefs, values, and practices that make people different from us. This does not mean we must agree or refuse to acknowledge our differences. It means understanding differing views so that we disagree with them well.

UVA Law has focused on the community's ability to accept diverse people. But diverse people bring with them diverse ideas, information, and community's ability to understand and learn from those ideas is what gives diversity its meaning. The promise and premise of diversity is not only that of a benefit to all available to all those who have not had them previously, it is also that of an opportunity to those who would otherwise not have encountered another.

My experience provides an illustration of the difference between the two parts of diversity. I am an increasingly observant person who has lived with a Jewish identity for my entire life and take pride in the cultural and religious traditions that I observe each week. But when my views and values were mischaracterized, mocked, or dismissed, I found that these perceptions made me feel very much like a member of the minority. It was not until I made the conscious decision to study the history of Jewish culture and religion in depth that I truly understood why and how my views were not as they first appeared to us. It goes without saying that we should not be laughed out of court if he did not understand the other side’s views in its full strength prior to disputing it. Our natural instinct is to exhibit and support our ideas, but not for what we declare to be really important, like abortion, war, racism, or inequality.

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Spelling must be subject to . . . the evolving standards of orthographical decency that mark the progress of a maturing newspaper. . . .

—VanderMeulen, C.J.

The Court of Petty Appeals is the highest appellate jurisdiction court at U.Va. Law. The Court has the power to review any and all decisions, conflicts, and disputes that arise involving, either directly, indirectly, or tangentially, the Law School or its students. The Court comprises nine associate justices and one Chief Justice. Opinions shall be released periodically and only in the official court reporter: the Virginia Law Weekly. Please email a brief summary of any and all conflicts to jmv5s@virginia.edu.

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EDITORIAL POLICY: The Virginia Law Weekly publishes letters and columns of interest to the Law School and the legal community at large. The Law Weekly reserves the right to edit all materials for length, grammar, and style. Although every effort is made to publish all materials meeting our guidelines, we regret that not all submissions received can be published. All letters and columns must either be submitted to the editor by handwritten signature along with an electronic version, or be mailed from the author’s email account. Submissions must be received by 12 p.m. Sunday before publication and must be in accordance with the submission guidelines. Letters and columns over 1200 words will not be accepted. The Editorial Board reserves the right to edit all submissions for length, grammar, and style.
still had to render “old” as “olde” and, of course, I usually say “can” for “knew” even when I think makes sense at this precise moment in which I type.

My colleague Justice Hopkin notes that the University of North Carolina at Chapel Hill uses “UVa.” That’s all fine and dandy in the Carolinas, but none of us has ever picked up a copy of “Blackstone’s Commentaries” and we don’t really like the undergrads. See, e.g., Mc-Ref, 12 U. Va. L. Rev. 101 (2002) (“GET THEM, OUT OF HERE.”). In fact, the undergrad newspaper’s continuing use of “UVa” persuades us that the change to “UVA” is even more overdue.

We hold that the standards of orthographical decency have evolved: This newspaper shall henceforth render the University of Virginia’s nickname as “UVA.” It is so ordered.

Justice Hopkin, with whom Justice Lambert joins and Justice Janci joins in part, dissenting.

When the Court received this complaint, some initial confusion. After all, people that work with, love, cherish, my family away from home, suddenly wanted to capitalize the “a”? I didn’t know so much of the Court could live with being so blatantly wrong.

The Court cannot be the only people in a position of power, I dissent with full consideration of the importance of the outcome. The question is should the Court’s rules of procedure for publications to refer to the University of Virginia as “UVA”? The Court did task its clerks researching the issue, asked to come up with the times. As Justice Douglas might say, “Out of the closet with the times we ever think makes sense at this precise moment in which I type.”

I respectfully dissent. Justice Janci, dissenting.

If you join my colleague Justice Hopkin’s dissent except as it pertains to my beloved University of Georgia, I write separately to note the Court’s impotence in this tumultuous age. The Court should know, in the din of this School, the Law Weekly is a whisper in an infamy. Like all of us and everyone who ever lived, this misguided decision will soon be forgotten.

I am technically correct: the best kind of correct, and the only kind of correct for an abbreviation for a publication of our repute. I recommend Tang and her fellow CATS go other Law Review.

LOOKING BACK: 70 Years of the Law Weekly

An Unwelome Reminder of Our Unpreparedness

Know anything about local rules? Chambers procedures? Vendor-neutral citation? Clarity in your appendix to the briefs? If not, you will soon. Clinical experience is probably the best way to become acquainted with the nuts and bolts of law and the law firm will likely assume you already know. Library News, “Re- al world,” Virginia Law Weekly, Friday, September 30, 2005, I’m confused—you seem to tell me that my law practice will not revolve around assessing Fourteen Point Five Point Five claims and the implied warranty of habitability?

Which Do You Prefer: #JoeForesBeard or #JoeForesStache?

For the gentlemen of the law school, start a mustache growing competition. The men from Section H engaged in such a facial chal- lenge last year with a wide array of results. The prolif- eration of Inigo Montoyas, musketeers, and Harley Da- vidson joyriders around the law school will bring well- comes smiles to all.” Lauren Kapisky ‘10, ‘Winter Blues: A Preparedness Guide,’ Virginia Law Weekly, Friday, November 10, 2000, This is a plea to Professor Fore and the Law School community-at-large: please bring back the Inigo Montoya inspired mustaches.

Some Things Never Change

In general, the Admin- istration has taken a much

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more active role in both se-
lecting and scheduling the activities for the [Admitted Students] weekend. The Administration has justi-
ﬁed this shift in control by openly stating that they are concerned with improving the school’s prime recruit-
ing experience, despite all objective criteria indicat-
ing an overwhelming suc-
cess of U.Va.’s Admitted Students Weekend. In par-
ticular, responses by some prospective students who have turned down U.Va., because they were turned off by the ‘fraternity’ or ‘old-boy’ atmosphere of U.Va. Law have prompted the administration to add more balance to what some perceive as a weekend of events heavy with drink-
ing and socialization. “Alex Benjamin ’03, “Admitted Students Weekend: A Case of False Light Deﬁamation?” Virginia Law Weekly, Fri-
day, September 27, 2002. I was amazed to learn that SRA used to plan AWS and wanted to share that little tidbit, I think it’s for the best that we now have to hide our frat-boy ten-
dencies until softball season rolls around, though.

A Blast from the Po-

tential Past

“VLW will continue its story...”

VLW also intends to recruit from Virginia colleges for the Admitted Students Weekend. The orga-


RIP Foxﬁeld

To paraphrase the old adage: Some Law School events are born great, some become great over time, and some have greatness thrust upon them. This Sunday is Foxﬁeld, a Law School event which is truly great for all three of those reasons,” Vanguard of De-
mocracy, Virginia Law Weekly, Friday, September 27, 1996. “I’m very sorry to the 1Ls, who will not get to experience this great event. I’m even sorrier for my fel-

low 2Ls, who will not get to beneﬁt from the food and drinks the 1Ls provide. This new Foxﬁeld event has a lot to live up to, but the name gives me hope re-

ally a great pun and bonus points to whoever came up with it. --- tkc93@virginia.edu

Software Scores:

Section 1 ’19 over DDD 16-3
CRG over VLW 9-1
Rip’s Rangers/Section A over Docket Like It’s Hot/Sec-

tion D ’21: 10-9
F Bombers/Section F ’21 over Justice RBIs/Section J ’21: 8-7

Week 2

Habeas Purpsose/Section H over Justice RBIs/Section J 18:1

Softball Scores:

VLW will continue its story for the Equal Rights Amendment. Unless there is an extension of the ratiﬁ-
cation deadline by Congress, ‘our efforts will be redou-
tbled this year in pushing for ratification,’ Hughes says. VLW also intends to recruit top undergraduate women from Virginia colleges for the Law School. The organi-
zation is planning a panel discussion by professionals in October on the subject of two-career marriages.”

The endless saga of the spreadsheet is over. Our student. --- tkc93@virginia.edu

WVLTY WHOLE

Tuesday, September 26

11:30 – 12:30: Lambda: What I Wish I’d Known As A 1L: Tips for Academic Success Purcell Free


17:15: Leading the State: UVA’s Attorneys General Caplin Pavilion Free

Wednesday, September 26

11:30 – 12:30: Predication: Justice Kennedy Distinguished, Destructive, or Discredited? Caplin Pavilion Free

12:00 – 13:00: Law & Public Service Pizza Social Purdue Free

12:00 – 13:00: What Every Lawyer Should Know About Client Relationship MB 152 Free


16:00 – 18:00: Charlottesville ft. James Formal A Free ‘Lunch’

19:30 – 21:00: What I Wish I’d Known As A 1L: Tips for Academic Success Purcell Free

Thursday, September 27

11:30 – 12:30: Predication: Justice Kennedy Distinguished, Destructive, or Discredited? Caplin Pavilion Free

12:00 – 13:00: Law & Public Service Pizza Social Purdue Free

12:00 – 13:00: What Every Lawyer Should Know About Client Relationship MB 152 Free


16:00 – 18:00: Charlottesville ft. James Formal A Free ‘Lunch’

19:30 – 21:00: What I Wish I’d Known As A 1L: Tips for Academic Success Purcell Free

Friday, September 28

11:00 – 12:00: Emancipation in History and Memory Rotunda, North Free

18:30 – 18:00: Charlottesville Symphony: Sibelius’s Di Old Cabell Hall Free w/ pre-registration

19:00: Film: Como nosvies pas Naf Hall 101 Free w/ pre-registration

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