Clinic Students Argue Before Fourth Circuit

Taylor Ellicegi '19

On Tuesday, September 25, 2018, four members of the Appellate Litigation Clinic—Amanda Lineberry '19, Kendall Burchard '19, and Elizabeth “Lizard” Joynes '19—argued two cases before the United States Court of Appeals for the Fourth Circuit. They traveled to Richmond, where the Fourth Circuit heard several cases. I spoke with all four and learned a lot about their experience.

Lineberry and Burchard argued in the case of United States v. Mangum, in which the government is seeking to reverse a judge's decision to vacate a defendant's sentence. The government argued that the judge's decision was based on an incorrect legal principle. Burchard explained, "I was given a substantial amount of uninterrupted time at the beginning of my argument, but otherwise had a very hot bench! In particular, Judge Harris drilled down on one piece of the case. It was the toughest part of the argument, but it also made me feel respected. I felt that she wasn't trying to trip me up or make me feel nervous. Instead, she was trusting me to help her work through the stickiest parts of our case. That was a gift." Burchard had a pretty hot bench as well, with the judges keeping her for an extra four minutes or so with their questions.

Crandall and Joynes argued the case of Battle v. Leidolf, on behalf of Mr. Mangum. According to Crandall, "We argued that the district court erred in dismissing our client's Section 1983 claim as barred by the statute of limitations, because the court failed to consider two of our client's valid reasons for tolling the statute of limitations while he exhausted his administrative remedies." Joynes added, "Our issues on appeal were whether the statute of limitations was tolled either statutorily or equitably such that his complaint would have been timely." Crandall started with a cold bench (no questions from the judges), which she described as "more nerve-wracking" because she "couldn't tell what the judges thought of [her] argument at first." Joynes had a hot bench—she got through her 'road map' without interruption, but Judges Motz and Duncan didn't spare another moment of the next ten minutes after that point.

Both teams invested a lot of time and effort in preparing. Joynes explained, "We read the record and all of the briefs and then Professor Bura [Student Advocate] instructed us to read all of the cases cited in the briefs—that was quite a task. From that point though, we crafted our initial arguments and began meeting. The advice and time given to us by our clinic colleagues, professors, friends, and family was invaluable. We ran our arguments many times over the weeks leading up to our argument, and each time, someone helping us gave us a new perspective on our issues and how to convey our positions. Professors Braga, Mitchell, and Spencer each mentored us, and their input was immeasurably helpful." After finishing reading the record and cases, Crandall "focused on addressing the concerns raised by opposing counsel and finding a simple way to explain our position to the Fourth Circuit. It was a humbling experience. I spoke with all four and learned a lot about their experience.
On Monday, September 24, in the midst of allegations against Supreme Court nominee Brett Kavanaugh, UVA Law pro-

fessors, Professor Coughlin and Kim Ferzan, discussed the historical context and contemporary significance of Dr. Chris-
tine Blasey Ford’s hearing in the Senate Judiciary Committee. Both professors brought their dif-
erent perspectives to the table and shared them with students at UVA Law. The event, titled “Beyond the Mic,” was jam-packed with students who stood against the walls to listen and ask thoughtful questions. Professor Cough-
lin began by discussing her role as an intern with the Anita Hill controversy, which be-
gan shortly after she began legal education. She explained that the implications of the statute of limitation...
Professor Lunch: Professor Deborah Hellman

Law Weekly staff members went to lunch with Professor Deborah Hellman last week, and while it is our job to dig into professors’ lives and backgrounds, she made the lunch especially enjoyable by getting to know us. We covered everything from Dr. Christine Blasey Ford’s testimony to healthcare, to education, to housing policy, and we got pretty close to solving the world’s problems. None of your attending staff members has had her as a professor before, and we are deviated as 2Ls and 3Ls that have been the most practical move—she noted that the job market at the time was “abominable”—she followed her Masters in Philosophy from Columbia University with a PhD in philosophy might not with a switch to law school at Harvard. “I was interested in philosophical questions,” she says, “but I wanted to use it for what matters in the world.” She also considered that, with a law degree, she would have a backup skill set if academia didn’t work out.

Hellman is from New England originally, outside of Boston, and earned her bachelor’s degree at Dartmouth. After obtaining her law degree, she spent several years on the faculty of the University of Maryland School of Law. She and her family lived in Baltimore, which she loves, but they’ve enjoyed living in Charlottesville since she joined the UVA faculty in 2012. “Charlottesville is our home as well. I am a graduate of the College of William and Mary!” Raised at TJ’s alma mater to make fun of the school he “merely” founded, I couldn’t be gladder to be here at UVA Law.

Hellman loves teaching 1Ls and her favorite class to teach is Constitutional Law. She approaches it as a language rather than a history and emphasizes that the way we have conversations about issues is important for law students to understand. “The notion of making law versus following law is an unrealistic dichotomy,” she explained. Referring to legal theorist Ronald Dworkin’s chain-novel analogy, she said that judges have to continue the story they’ve received, but they have freedom in how they continue that story. In addition to her academic pursuits, HELLMAN page 6

One Year After August 12: UVA Law Looks Back

By Law Weekly Staff

The University of Virginia and the Charlottesville community marked one year since the August 11 and 12 all-right rallies with a series of events last Thursday and Friday, including a set of panels and speakers hosted in Charlottesville last Thursday and Friday, including a set of panels and speakers hosted in Charlottesville.

Thursday night’s event at the Paramount featured Yale Law School professor James Forman, Jr., author of “Locking Up Our Own: Crime and Punishment in Black America,” a 2018 winner of the Pulitzer Prize. Forman was introduced by University Provost and Executive Vice President Tom Katsouleas, who noted the importance of trying to understand the biases and underlying racism that led to the tragedy of August 11 and 12, 2017. After Katsouleas’s introduction, UVA President Teresa A. Sullivan performed a speech nap about police brutality, leading into Professor Forman’s introduction. Forman grew up in Detroit and Atlanta, coming of age in the tumultuous ’70s and ’80s. He recalled—to begin his discussion of the Civil Rights movement; his mother pointed out that when Roof committed the atrocity, the question was: “What is wrong with this kid?” encapsulating the inability and unwillingness of the American mind to deal with white-on-black violence.

Despite his thorough condemn-
North Grounds Softball League (NGSL) v. Parr

892 UVA. 112 (2018)

Schmalzl, J., delivered the opinion of the unanimous Court.

Yazzoozian, C. J., filed a concurring opinion.

Justice Schmalzl delivered the opinion of the Court.

“Once upon a time, in a land far, far away, the law students of UVA played copious amounts of softball, but alas, fell to bond with classmates, find a good reason to crack open a cold one at 11:30 in the morning, and justify wearing brn tanks in the name of getting an even tan. These facts, as alleged by plaintiffs, depict the scene of UVA Law as it traditionally has been since anyone can remember. After weeks and weeks of rain and mist and, as the weather Char-lottesville has seen since any of us can remember, NGSL has brought it on defen-dent, Stephen T. Parr aka the UVA Law god of weather, to enjoy his powers over the weather and, as they put it, “let us play some damn softball.” Further, NGSL seeks compensatory damages for all the members’10

The Court of Petty Appeals is the highest appellate jurisdiction court at UVa 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 four 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 mjs@virginia.edu.

This Court feels NGSL does a good enough job destroying their own reputation without the help of any third party…” J. Schmalzl

F. Schauer: “I suspect all of you fit into one of two categories: either you have an American Express card or you hope to have an Amex after law school”

Gilbert: “My kid really into Michael Jackson now, which I think is awesome.”

K. Kordana: “Life is nasty, misérable, and short for our many mussels in the courtyard.”

M. Collins: “As Aud is just a really bad Volkswagen.”

G. Rutherford: “All of the law, if you put it, is found in Civil Procedure.”

R. Harmon: “Make Way for the Ducklings is an excellent book, you should read it one day.”

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C. Jaffe: “If you label your evidence ‘smoking gun,’ you should be as disappointed as yourself for reading it.”

B. Armacost: “Okay, NOW I’m ready to talk about chicken salat”

J. Setser: “The prostate gland tends to grow along”

R. Schwergur: “Let’s define bou-gie”

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Cover photo: Pictures by Richard T. Miller

Non-Athletic 1Ls v. NGSL

Stop trying to make softballs. While some members of the law community may appreciate Parr’s attempt at destroying their own reputation, the defendant, Stephen T. Parr aka the UVA Law god of weather, to enjoy his powers over the weather and, as they put it, “let us play some damn softball.” Further, NGSL seeks compensatory damages for all the members10

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As the year began at the Law School, upperclassmen and faculty noticed a striking absence.

Shivani Vashisth ’19, Editor-in-Chief

For the first time in the memory of an current student and many faculty mem-
bers, there was no gentleman who didn’t kick off with a Criminal Law lecture from professor and former dean John C. Jeffries ’73. In stark contrast with previous years, no hustled stu-
dents about Jeffries’s failed first-day cold call made their way through the WB hallways; no savages-yet-courteous quotations with Jeffries’s gentle North Carolina accent filled the Law Weekly’s Faculty Quotes section; and jokes about Justice Anthony Kennedy were widely noted to be at a historic low. Since he became the Univer-
sity’s Senior Vice President for Advancement earlier this year, Jeffries has had a new office in Madison Hall on Main Grounds, far from the old Law Building.

Since beginning his teach-
ing career at UVA Law in 1975, after clerking for Justice Lewis F. Powell, Jr. and serving in the Army, Jeffries has been a stu-
dent favorite. Selected as dean this year in 2001, Jeffries led the initiative to make the Law School financially independent of Main Grounds, giving greater flexibility to the Law School Dean to set financial priorities. This change is part of what newly named President James E. Ryan ’92 to select Jef-
ries as dean of UVA’s School of Law.

8. What’s something you wish you’d known about law school before coming here?

Jeffries explained to us that as dean of the Law School, the University fundraising units, like the University’s Senior Vice President for Advancement, are responsible for meeting its financial obligations, which includes endowments. “We have a very active program of soliciting endowment commitments,” he said, noting that one of the money goals this year is to grow the endowment by 5 percent of the total fund. That is, the new, $5 billion campaign is responsible for meeting its endowments, professorships, and facilities.

11. If you could live anywhere, where would it be?

Jeffries answered emphatically that he does. “I like dealing with the students and young people,” he told us, contrasting his students with the donors he now deals with. “Most of the people who are rich are also old.” Elaborat-
ing on this point, Jeffries mentioned his special fondness for UVA Law’s one-of-a-kind student body. “I know exactly how each of us is special,” Jeffries said. “Each of us is special in their eyes.”

18. What’s the longest you’ve gone without sleep and why?

Jeffries answered that the law school debt is “more than 50 percent of the total fund.” The new, $5 billion campaign creates a special focus on meeting endowment commitments, he said, noting that one of the money goals this year is to grow the endowment by 5 percent of the total fund.

20. If you had Ma-
rix-like learning, what would you learn?

Jeffries answered that he would learn the Establishment Clause in the law. “Tell ‘em I missing ‘em.”

In a week in which the School of Law had an ambitious fundraising goal, Jeffries was also out fundraising, but it was a different kind of fundraising. Jeffries taught us, in addition to being a beloved faculty member, he is also a beloved law professor. As a law professor, Jeffries answered emphatically that he does. “I like dealing with the students and young people,” he told us, contrasting his students with the donors he now deals with. “Most of the people who are rich are also old.” Elaborat-
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13. What’s the best gift you’ve ever received?

If you could meet someone, who would it be?

Piyanka Chopra because she’s living my childhood dream of marryng Nick Jonas.

17. If you could make one rule change to the law, what would it be?

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22. What are the 7 wonders of the law world?

The study rooms on the first floor of Slaughter, Ev-

25. If the Law School had yearbook awards, what would you win?

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32. Which is the best meal you’ve ever had?

A friend’s mom makes the best pizza I’ve ever tasted be-

51. If you could meet someone, who would it be?

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CLINIC continued from page 2
feels helpful to a judge rather than defensive. Also, remember to breathe," according to Crandall, "I’d recommend that students view the experience as a conversation rather than an argument. Certainly, you want to bring the judges to your way of thinking and advocate zealously on behalf of your client, but the most effective way to do that is often to let the judges’ concerns shape the conversation. It won’t matter how eloquent you are if you leave the judges with significant unanswered questions. Oral argument is your one opportunity to interface directly with the decisionmakers, so make the most of it. Mooting your argument with a variety of people will also help you become more flexible in how you approach the argument, because everyone zeroes in on different issues and details." Joynes said, "The most helpful preparation for me was to get as many different perspectives as possible on my argument, set my expectations, and go in with confidence. Most of all, before I approached the podium, Professor Illarga passed me a note that said, ‘have fun!’"

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HELLMAN continued from page 3
she serves the Law School by chairing the Faculty Appointment Committee.

We solicited Hellman’s student and career advice as well, and she did not disappoint. She encouraged students to think of their career “not as the next step” over the long term. Whatever your long-term goal may be, “you don’t have to get there immediately,” she said. Younger students who don’t have families yet are particularly able to find positions that allow them to slow down or speed up to get where they want to be. She said it’s important to consider that you will have a long life and a long career, and you don’t have to be in a hurry. "A meandering path is okay,” she said. As for general life advice, she emphasized the importance of learning to drive a stick shift, and being able to parallel park.

While her position on the Faculty Appointment Committee is keeping her course load light this year, Hellman has taught Contracts, Bioethics, Jurisprudence, and Con Law II in past years. We are hopeful that next year she’ll be back to teaching upper-level classes so that you all can enjoy her warm personality and enthusiasm for teaching. And TLS who have her in the Spring: take advantage of the SBA professor lunch reimbursement program. You’ll have a lovely time.

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**SUDOKU**

Cartoon By Kurtis

**THE DOCKET**

**VI R G I N I A  L A W W EE K LY**

**Wednesday, 3 October 2018**

**Softball Scores:**

Legal E’s/Section E '21 over Rip's Rangers/
Section A '21 12-8

Justice RBIs/Section J '21 over Bam's I's/Section I '21 8-7

Habeas Porpoise Section H '21 over F Bombers/Section F '21

Green Machine over See No Evil Guerinot
Evil/Section E '19 16-15

Sermon on the Mound over ACS via forfeiture for lack of numbers

Docket Like It's Hot/Section D '21 over C's and Desist/Section C '21 21-5

**Cartoon By Kurtis**

**SUDOKU**

**Solution**