

VIRGINIA LAW WEEKLY

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UVA Basketball Takes First National Title: Law Students Share Their Reactions

Sam Pickett '21
News Editor

As the final performance of UVA's 111th Libel Show wrapped up, the cast gathered in the auditorium to watch the final minutes of UVA's game against Purdue on the projector. The game was doubly important for me. Like most law students, I had become an ardent UVA basketball fan throughout the team's incredible run during the regular season and tournament. But Purdue was also my college rival, and I couldn't stand the thought of losing to a team I had grown up hating. As Mamadi Diakite hit the game tying shot to send it into overtime, the entire auditorium exploded into cheers—and thus began Virginia's three game journey to cause heart problems for as many of their fans as possible. While it may have been particularly sweet for me to watch Kyle Guy, a fellow Hoosier who chose to go to Virginia, show the world what Indiana basketball can do, UVA's wild run inspired a wide range of reactions from around the Law School.

There were those who couldn't contain their excitement (or who suffered from said excitement):

"I thought I was gonna die in the crowd and I lost a shoe" – Drew Calamaro '21

"We're going streaking!" – Anonymous 1L

"I was too busy to watch the game and so worked until a few minutes before midnight. I couldn't hear any excitement all evening so I assumed we were losing until, just as I lay down, when everyone in Charlottesville started yelling and shooting fireworks so loudly they sent a police helicopter to hover over my apartment and its open windows. When I finally got to sleep in the wee hours I had a pretty good idea that we'd pulled off a come-from-behind win."—David Ranzini '20

And some people got a little too excited....:

Sources informed the Law Weekly that a girl got so overwhelmed by the excitement

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Defending the Judiciary

Judge Carlton Reeves '89 Receives Jefferson Medal,
Shares His Insights From the Bench



Judge Carlton Reeves '89 speaks to a full auditorium about maintaining the integrity of the judiciary. Photo credit Kolleen Gladden '21.

Jacob Jones '21
Events Editor

This past Thursday, April 11, Judge Carlton Reeves '89 received the Thomas Jefferson Foundation Medal in Law award. Even Dean Goluboff, as fast as she talks, took several minutes to introduce Judge Reeves because of his impressive list of accomplishments and contributions to both the nation and his community in Mississippi, where he is currently a U.S. District Court Judge.

Judge Reeves began by noting that Professor Armacost could take the seat in the front she had previously walked up to but then awkwardly decided not to sit in. He then began his prepared remarks, entitled: "Defending the Judiciary: A Call for Justice, Truth, and Diversity on the Bench." Judge Reeves launched into his speech by acknowledging the awkwardness of a black man being given an award bearing the name of a slaveholder, namely Thomas Jefferson. And not only did Jefferson own slaves, but he also hated the judiciary. One theme of Judge Reeves's speech seemed to be that the mix of racism and hatred of the judiciary was not unique to Jefferson, but was something

that had happened historically and continues today.

Another theme in Judge Reeves's speech was how diversity promotes justice. He explained how justice requires that the truth be found. To get the truth, different perspectives are required. A lack of diverse experiences, he explained, was what led to the decision in *Dred Scott*. Focusing on his home state of Mississippi, Judge Reeves described the beginnings of inclusion in the Reconstruction Era, followed by backlash by white supremacists who used the courts to promote white supremacy and turn a blind eye to hate crimes. When the courts tried to incorporate black experiences again in *Brown v. Board of Education*, there was a second backlash against the judiciary. Each time more diverse perspectives were included, especially black perspectives, justice was promoted but there was a strong backlash.

Judge Reeves's speech would have been in calm waters had he stuck to historical lessons, but I think Judge Reeves felt compelled to call out injustices of the current day, so he applied historical lessons to current day facts. For the courts to be a defender of justice, we must realize that attacks on the judiciary cannot be disentangled from the attacker's views on race, and "we must defend against its poison when speared to-

day, by men of our time." While he did not mention President Trump by name, he didn't have to. Quoting the attacks on the judiciary by Trump was enough for a group of law students and scholars to recognize who he was talking about. Giving his perspective as a black judge who grew up in the newly desegregated South, he expressed how he heard the old calls of "a race-baiting politician, empowered by the falsehood of white supremacy, questioning the judicial temperament of a man solely because of the color of his skin." There were no words minced.

Judge Reeves's speech was a reminder that we cannot be complacent with the facts and circumstances of our times. We have just as much of a duty to fight injustice today as there was a duty to fight injustice in 1967.

In addition to the speech given after receiving the award, the *Law Weekly* had the chance to sit down with Judge Reeves and a group of student leaders for lunch earlier that day. Before the group got food, Judge Reeves had each student introduce themselves, including sharing where they were from and what they hoped to do after graduation. He sought to make the conversation personal to allow for open dialogue between everyone.

Judge Reeves's answers to questions throughout the

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around north grounds



Thumbs sideways to Tiger winning the Masters. Some have been calling it "the greatest comeback in sports history," but did you hear what UVA men's basketball did?



Thumbs up to UVA Alerts for keeping life interesting. In completely unrelated news, ANG has been spotted in the vicinity of . If in vicinity, leave the area and follow fire/police direction. Others, avoid area.



Thumbs up SBA for putting a sponge and soap in the ScoCo kitchen. Now ANG doesn't ever have to leave the law school to shower.



Thumbs sideways to the hooligan 3L that published a Gunners 'N Roses ad on the Law Weekly stands this week. While ANG fully supports rebellion and tomfoolery, there's only room for one source to wreak havoc on these stands.



Thumbs up to the Law School for giving students the day off the Monday after Easter. ANG loves how much the school cares about giving the students to celebrate with friends and family from far distances!



Thumbs up to it raining in Charlottesville this past Friday. ANG loves rainy Fridays. And Mondays. And Thursdays. And every day. Thanks Stephen T. Parr.



Congratulations to Nellie Black '20 and Darrell Getman, law student at William & Mary, on their engagement this weekend!



Thumbs down to this being Law Weekly's last edition for the school year. Where is ANG supposed to get ANG's weekly fix of pizza and laughing at the expense of stressed 1Ls?



Congratulations to Kunchok Dolma '21 whose show, *We Speak NYC*, received a New York Emmy nomination for best instructional programming.



ANG's thoughts go out to those affected by the Notre Dame Cathedral fire. ANG has no jokes, only tears.

A Farewell to the *Virginia Law Weekly's* 3Ls

Kim Hopkin '19
Probs Off Crying About Graduation

The *Law Weekly* has grown to mean so much more than a newspaper to me that it's hard to believe it's only been three years. When I first started coming to the weekly editorial meetings, I remember feeling like everyone possessed impossible levels of knowledge about the school, the law, and the world. Just sitting in the room gave me insight into SCOTUS personalities, NGSL gossip, and modern European politics. I'd like to say that now I'm the older, wiser 3L bestowing knowledge on 1Ls, but it's obvious I learn just as much from them as I did from my 3Ls. (Well, I do explain all the latest Kardashian drama complete with hand-drawn genealogy charts, and I think they can't live without it.)

But seriously, the people I've met through the paper have challenged my world vision, made me laugh until my sides hurt, and changed me into the woman I am today. I've had to say goodbye to two different graduating classes while working on the paper, but I'm just now realizing I have to say goodbye to three this year. I hope they know how much I cherish them. I came for the pizza; I stayed for the family. I hope you've had half the fun reading the paper that we've had making it.

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Jansen VanderMeulen '19
Dairy Enthusiast

I'll miss a lot of things about the *Law Weekly*, but none more than getting to turn my personal grievances and idiosyncratic opinions into decisions of the Court of Petty Appeals. In my three years at this Law School, I've authored or joined opinions against, among others: (1) people who sit at standing desks; (2) Professor Doran and his incorrect pronunciation of "brooch"; (3) gunners, like eighteen times; (4) PAs who tell comforting lies to 1Ls; (5) Career Services for serving Panera bagels instead of Bodo's; (6) the 1L canon of famous cases; (7) Stephen T. Parr; (8) Paw Re-

Alison Malkowski '19
First Cool Red Head You've Ever Met

I joined the *Law Weekly* in 2017 because Kim Hopkin asked me to carry some pizzas, but I stayed for so many reasons. In the time I've been on this paper,



Hopkin and Malkowski living their best 3L lives. Photo courtesy of Kim Hopkin '19.

we've dealt not just with weekly deadlines and the eternal crisis of how many ANGs about the weather is too many, but with very real, very big questions. How do you respectfully document traumatizing historic events

in your community? How do you navigate the preservation of public dialogue in the face of opinions with which you profoundly disagree? I will be the first to admit that I love jokes more than most things in this world, and I spend the majority of our Monday night editing meetings (well, really all of my time) interrupting other conversations to make them. But all jokes aside, some of the conversations we had as an Ed Board shaped not just my understanding of the Law School community, but my understanding of our obligation to communicate with each other in every community to which we belong.

I did a thing I shouldn't have this semester and scheduled a class that meets some Monday nights. It's an excellent class, but it means I've missed six of *Law Weekly's* editing sessions, and will miss the final editing session during which this article is reviewed. Fortunately, I'm awful at being sentimental anyway. So without looking any of my fellow staff members in the eye in person, I want to say a huge thank you

to everyone who was a part of this paper with me. I learned so much from you. I carried the pizza the first time on a whim, but I came back every week for two more years. The thing speaks for itself.

Katherine Mann '19
Committed Commuter

I've spent my three years of law school as a commuting mom, splitting time between law school and my family. A foot in both worlds has sometimes made me feel not completely a part of either. I've never been to Foxfield, I never made it to Barrister's, and I've been to exactly one bar review. But the *Law Weekly* has been a reliable Monday night second family for me, and the comfort is not just because of pizza. It's the grammar-loving, gossip-sharing, and law school-commiserating friends that have kept me coming back. Thank you all for making my time at UVA feel a little more complete.

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Ali Zablocki '19
Still Promoting Her Cat

As someone who avoids spending time at school whenever possible, *Law Weekly* has been *the* window into happenings at the Law School—good, bad, and ugly (yes, I'm referring to WB's resident snakes). Did the amount of free pizza do good things for my health? Probably not. Is cartooning still on my list of career possibilities for if and when I flee the legal world? God no—although on the plus side, no longer do I wonder "what if" I had pursued art. But did I meet some truly excellent people? Absolutely. I'll miss UVA for sure, but I'll especially miss those magical Monday nights gossiping with ANG!

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Rocky Zablocki
Law Weekly Mas-"cat"

As he moves onward and upward, Rocky—Everyone's Favorite Pawhoo®—thanks *Law Weekly* for the very occasional opportunities it has provided to grow his celebrity and wishes the paper luck in identifying a replacement mascot. [Editor's note: The *Law Weekly* still supports Gary the Toad above all other Paw Review contestants.]



Class of 2019 (and some of their JD/MBA classmates) featured left to right: Anand Jani '20, Katherine Mann '19, Benjamin Lucy '20, Kim Hopkin '19, Ali Zablocki '19, Daniel Grill '19, Jill Rubinger '19, Jansen VanderMeulen '19, "Big Mike" Michael McGuire '19, Julie Dostal '19. Photo credit Kolleen Gladden '19.

view, twice; and (9) 1Ls complaining about lost cookies and coffee. It's been an illustrious, cathartic jurisprudential career, and I don't know where else would have

let me turn constant gripes into pieces read by at least six people.

We've won the ABA Law Student Division's Law School Newspaper Award both years I've been on the paper, and just this week we filed our application to win again. I hope we do, and I hope students realize that this weekly newspaper thing isn't real common and is kind of precious. You may not think the thumbs ups are funny, or you might only read the Faculty Quotes, but most law schools don't have something like this. This is our seventy-first year; I'm sincerely hopeful the paper's still going in 2048 for its hundredth anniversary. Maybe they'll let me write a guest Court of Petty Appeals complaining about age or something.

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Daniel Grill '19
Makes a Mean Burger

I have really enjoyed being part of the Two-Time ABA Award Winning Law Weekly. While I only joined as a 3L, the *Law Weekly* crew has been very welcoming and I have enjoyed meeting up every Monday to edit the piec-

es for the week. Writing articles for the paper has also been quite rewarding. I have never been part of a school newspaper before, and I did not anticipate joining the newspaper when I came to law school, but I have enjoyed writing half-serious half-joking articles about things going on around the Law School and Charlottesville communities. I hope the 1Ls and 2Ls continue to have fun with the paper and build on the great tradition of student journalism at the Law School.

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Jansen VanderMeulen '19 poses as his spirit animal with his latest shooting trophy. Photo courtesy of Jansen VanderMeulen.



Unidentified man (right) and Daniel Grill '19 posing on Halloween 2018. Photo courtesy of Jansen VanderMeulen '19.

The Borking of America: On the Failed Confirmation of Judge Robert Bork

The nomination of Robert H. Bork in 1987 is likely the most famous (or infamous) confirmation battle in the history

Will Fassuliotis '19
Guest Columnist



of the Supreme Court. This is evident in that the failed nominee's name became a verb. No one speaks of "Frank-furting" someone, or "Harlan-ing" another, but Judge Bork was borked, and so never became Justice Bork. The word has even crossed the Atlantic, with the Oxford Dictionary defining "bork" as to "obstruct (someone, especially a candidate for public office) by systematically defaming or vilifying them."

Bork was neither the first nominee to be treated toughly nor even the first in the second half of the twentieth century to be rejected. But something about the Bork nomination was qualitatively different from the confirmation battles that happened before him. People opposed Abe Fortas, Clement Haynsworth, and Harrold Carswell for ideological reasons, yes. But ideology alone could not have sunk the trio. Liberal senators voted against Fortas, and conservative senators voted against Haynsworth and Carswell. There was a sense that if you were a qualified

nominee with no personal baggage, you would be approved. Sure, a minority of Senators would gripe and vote against you, but not in large enough numbers to seriously threaten your chances.

Unlike Fortas and Haynsworth, Judge Bork did not lack personal integrity. Unlike Carswell, Bork was no mediocre candidate. He had a distinguished legal and academic record. He made partner at a major Chicago firm before joining the faculty at Yale Law School in 1962. He was the Solicitor General from 1973 to 1977 under Presidents Nixon and Ford, and he argued over thirty cases at the Supreme Court during that time.¹ His

1 In his capacity as Solicitor General, Bork fired special prosecutor Archibald Cox during the Saturday Night Massacre, in accordance with President Nixon's order. After initial attacks, this did not play too much a role in the hearing after Attorney General Elliot Richardson and Deputy Attorney General William French Smith, who resigned instead of following Nixon's order, defended Bork's action as necessary to prevent the Justice Department from operating without a leader. Bork would later appoint a new special prosecutor, who continued without interference.

his team and the media: 'Weeping may endure for the night, but joy comes in the morning.' Well, joy has finally come to so many of us. Watching this team finally cut down the nets was the single greatest sports moment of my entire life, and I am so proud of Coach Bennett and this team for finally bringing home a championship to Charlottesville. Wahooowa." – Teddy Kristek '19

"Watching it as a Double Hoo at JPJ was super special. The atmosphere was electrifying and it was emotional to finally see the team win the national championship after the struggles of last year and the disappointing performances in the previous tour-

BASKETBALL continued from page 1

ment that she bit a law student. Stuck in the crowd and unable to move, a desperate student decided to chomp down on a nearby elbow—which earned her an involuntary elbow to the face. That's right folks, this is your news editor delivering hard hitting stuff.

There were also Double Hoos who had the pleasure of reliving their undergrad days and realizing their long-held dreams of winning a national championship:

"After UVA's utterly heartbreaking loss to Syracuse in 2016, Tony Bennett told



Law Weekly photographer Kolleen Gladden '21 captures the crowd present at the Scott Stadium celebration.

1978 book, *The Antitrust Paradox*, revolutionized antitrust law. Retired Chief Justice Burger said there was no one with better qualifications than Judge Bork.

But most important to his confirmation chances, Robert Bork was a leading proponent of originalism. Only the late Justice Antonin Scalia rivaled Bork's early importance in developing and evangelizing the method of constitutional interpretation. His method is best explained by his opening statement to the Senate Judiciary Committee: "The judge's responsibility is to discern how the framers' values, defined in the context of the world they knew, apply in the world we know. If a judge abandons intention as his guide, there is no law available to him, and he begins to legislate a social agenda for the American people. That goes well beyond his legitimate power." No penumbras, no emanations.

It was for this reason—his originalism and judicial restraint—that President Ronald Reagan selected him to replace the retiring Lewis Powell. Justice Powell was the Justice Kennedy of his time, in that he was the median swing vote. More often than not, he voted in a "conservative" manner. But not always, especially not in cases involving social issues. He voted to eliminate abor-

tion bans in *Roe v. Wade*,² and consistently defended *Roe* and the right to access abortion in subsequent cases. Regents of the *Univ. of Cal. v. Bakke*³ was a rare "4-1-4" opinion. Four justices believed both racial quotas and affirmative actions were legal, while four justices believed neither were legal. Like King Solomon, Powell split the difference. Powell was the "1." Writing solely for himself, he ruled that racial quotas were illegal, while affirmative action was not. In the end, he had five justices in favor of the judgement of the opinion, though not the same set of five justices.

The counter-revolution that Nixon promised never emerged. Reagan, who shared many of the same criticisms of the Court, this time only compounded with abortion and affirmative action, would not make the same mistake. Bork was no Harry Blackmun; he was no Powell. He would vote, in the eyes of the conservative movement, the correct way—every time.

Bork's philosophy was not lost on Reagan's opponents. For the very same reasons Reagan lauded Bork, his opponents derided him and his "extremist views." The Bork hearings

2 410 U.S. 113 (1973).

3 438 U.S. 265 (1978).

making those three throws in the Final Four game, surrounded by my classmates is truly a memory I will never forget from my time in law school...I have been a huge UVA basketball fan for years, so I loved seeing so many of my friends also cheering them on, wearing the gear. I think at a lot of grad school people find themselves less invested in the larger school community compared to their undergrad, so seeing how much interest there was

popularized the idea of a nominee being "outside the mainstream" of legal jurisprudence. Opponents likewise knew what replacing Powell with Bork would mean for the Supreme Court's jurisprudence. Senator Ted Kennedy's vivid painting of "Robert Bork's America" was the most memorable moment of the confirmation battle. Speaking on the floor of the Senate, Kennedy warned that "Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police could break down citizens' doors in midnight raids, schoolchildren could not be taught about evolution, writers and artists would be censored at the whim of government, and the doors of the federal courts would be shut on the fingers of millions of citizens for whom the judiciary is often the only protector of the individual rights that are the heart of our democracy."⁴

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4 The speech was captured on C-SPAN, available at <<https://www.c-span.org/video/?45973-1/robert-borks-america>>. Kennedy's speech begins at 25:35, this excerpt starts at 27:36. It is worth lis-

in watching UVA win the national championship was incredibly special. I hadn't realized until I got home and was watching highlights [that] I never even saw the ending of the game. Once it was clear UVA had won, Boylan was already celebrating and cheering and living it up!" Jasmine Lee '20

And there were those who may have rooted against the Hoos, but were going to end up winners ei-

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A group of Hoos join in the Saturday celebration for the men's basketball team. Photo credit Kolleen Gladden '21.

LAW WEEKLY FEATURE: Court of Petty Appeals

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 mes5hf@virginia.edu.

In re Game of Thrones
323 U.Va 9 (2019)

ELICEGUI, J., delivered the opinion of the Court, in which SHMAZZLE, VANDERMEULEN, RANZINI, LUK, and SCHMID, JJ. join.

JUSTICE ELICEGUI delivered the opinion of the Court.

*** Warning: Game of Thrones spoilers potentially ahead; insider references certainly ahead. Read at your own risk. This disclosure insulates the Court from liability should anyone be unhappy with a spoiler.

Plaintiff Hannah Dryer ’20 brings suit against Breanna Green ’20. Dryer alleges that Green breached an implied-in-fact contract by asking too many questions and being a bad guest during a Game of Thrones watch party. After careful consideration, the Court agrees that Green breached the contract. The Court awards compensatory damages and gives an injunction outlining the etiquette of television watching.

I
Game of Thrones has been called the “last great water-cooler fodder.” I mean, really, who can remember the last time we were all so invested in a show and had to wait a whole week to find out what happened in the next episode? And we got to talk it over with each other while we waited? Given the magnitude of such a cultural phenomenon, it is only natural that several claims would arise out of such a show. For the sake of efficiency, the Court has consolidated two Game of Thrones appeals and will dispense with both at once.

The plaintiff, Hannah Dryer ’20, brings suit against Breanna Green ’20, seeking both compensatory and injunctive relief. Dryer alleges that Green breached an

implied-in-fact contract to be a good Game of Thrones watching buddy, causing her severe emotional distress and disappointment. Dryer wants to make Green pay her for this harm. She also seeks an injunction to ban Green from her apartment for future episodes, to prevent

“'Watch' does not imply asking questions, talking, or sharing theories—particularly in a show that does not have commercial breaks.” - J. Elicegui

harm from occurring again.
On Friday, April 12, Dryer woke up around 5 a.m. because she was too excited to sleep. Three days until Game of Thrones! She had been waiting 592 days for this moment and there was so much to be done before her watch party on Sunday night. Dryer began transforming her Pavilion one-bedroom apartment into Winterfell to really set the scene. Dryer spent the weekend decorating and cooking the perfect Game of Thrones-themed snacks—including greyscale cream puffs—printing out Game of Thrones brackets, making her selections, and managing the fantasy league as League Commissioner.

After days of prepping, the day finally arrived. Dryer welcomed thirteen of her sectionmates into Winterfell/her Pavilion apartment. Dryer and her sectionmates snacked and made their fantasy selections until 8:58 rolled around. At 8:58, Dryer refreshed HBO Go and started screaming.

Season 8 was finally available! At that same moment, George Woods ’21, looked up from his phone, where he was reading the section GroupMe. “Breanna Green just texted that she’ll be a little late, but she’s on her way from Ivy. She asked if we could wait to start.” “Umm,

sure, I guess,” Dryer responded, looking crestfallen. “Tell her to hurry, though. She only gets a three-minute grace period before we start.”
Six minutes later, Green had still not arrived. Dryer made the executive decision to begin the episode—she had already given Green double the grace period she had originally promised, and people really need to show more respect around such a sacred event. Nine minutes after that, Green rushed into the room. “What’d I miss, guys? Omg is Jon about to ride a dragon? Has Cersi killed anyone yet? Why does Bran look so angsty?”

Dryer gritted her teeth but didn’t say anything. Green proceeded to ask fifteen questions in a row,¹ spilled

1 Just ask John Legend how annoying that is. He gently encouraged the Lady of the Manor, Chrissy Teigen, to not watch Game of Thrones because she asks too many questions.

cream puff crumbs on Dryer’s carpet, and started talking about her theories of the identity of the Prince who was Promised. Finally, Dryer had enough: “Breanna, I can’t take this anymore! Either shut up, and clean up your mess, or get out of my apartment!” Green refused

vite. Therefore, Green had a right to be at the party and that right continues through future episodes. Dryer appealed, and we granted certiorari to adjudicate proper Game of Thrones watching behavior.

II
After careful analysis, we conclude that Dryer had an implied in-fact-contract that Green breached with her conduct. Dryer extended an invitation to her section to “watch” Game of Thrones at her apartment. The word “watch” implies paying attention, listening, and taking in content as it is shown on the screen. “Watch” does not imply asking questions, talking, or sharing theories—particularly in a show that does not have commercial breaks.

We can only conclude that by extending an invitation only to “watch” and not “discuss” Game of Thrones, Dryer intended for her friends to observe the show without commentary. As courts often say in a fancy Latin phrase that this Court can’t remember, the inclusion of one implies exclusions of others. If Dryer wanted annoying commentary, she would have asked for it. Green accepted Dryer’s contract by coming

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Faculty Quotes

A. Bamzai: “You probably have to get into the milk economy to find that out.”

B. Sachs: “If you rely on this as legal advice and later sue my practice, I’ll kill you.”

L. Kendrick: “I freaking love content-based discrimination.”

S. Prakash: “They’re in deep doodoo, to use a legal term.”

A. Hayashi: “I don’t know if there’s any property in Cincinnati worth \$6.9 million.”


K. Ferzan: “My Charizard’s gonna kick your Caterpie’s butt, dude.”

J. H. Verkerke: “This, evidently, is a photo of a black hole. Cool, but it’s really blurry! Can’t you do better, it cost like a billion dollars to make that picture! ... Looks like something I took of the sun, shaking my hands.”

J. Mahoney: “You look disturbed, and that’s good because I want you to have a moral compass.”

A. Hayashi: “There’s no morality here, we’re just measuring income!”

J. Johnston: “I only tried smoking once, at a dude ranch in 4th grade. My brother ratted me out, so I pounded him.”



Virginia Law Weekly

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Winter Is Here: The *Law Weekly* Reviews Season Opener of GoT

As I'm sure you're aware, the final season of everyone's favorite medieval butchery simulator/incest normalizer, *Game of Thrones*, premiered on Sunday after a two-year hiatus. My reactions are below.



Spoiler Free Review: It was fine. Why are you reading this if you haven't seen it yet? If I said it was terrible, would you just give up on a show you've been watching for seven seasons? Sheesh. Stand for *something*, people.

Spoiler Inclusive Review, aka the Good Stuff: The new opening sequence is great—the broken Wall and visual representation of the Army of the Dead marching south was a neat update, and the interior details of the Winterfell Crypts and the throne room in King's Landing helped to drive home how the story has very much narrowed into those two key locations.

Winterfell: The showrunners are very pleased with themselves for discovering the concept of circular storytelling. Dany and Sansa start off on the wrong foot, as expected (more manufactured Winterfell drama? Fun!). Bran "pulls a Bran" and interrupts to tell Dany that

one of her "children" is now a zombie dragon. Jon takes the news that his "little brother" is now a human version of Google (well, probably more like Bing, because he's only occasionally helpful) quite well, considering. The interplay between Tyrion, Varys, and my man-crush, Davos, is delightful, as always—although Tyrion telling testicle jokes seems like low-hanging fruit (pun semi-intended) and reflects how his character seems to have lost some of his edge over the last few seasons. We used to think he was the cleverest man in the world...but then the show got ahead of the books.

Speaking of the cleverest person in the world, Sansa has been establishing herself as quite the power player. This is a good thing, because otherwise her character arc would have been more of a straight line of horrible suffering, and we don't watch *Thrones* to remind ourselves of real life. That said, I was hoping for a better reunion between her and Tyrion; it felt like their conversation was cut short. This is true for a majority of the reunions in the premiere—all are well acted and at least somewhat satisfying, but it feels like the showrunners made them all go by quickly so as to not overstuff the episode. The thing is, we've been watching this show for god knows how long now, and we want to see a bunch of super long conversations with characters catching up because we're

invested in those characters. As long as we're talking reunions, the weapon that Arya requests from Gendry is interesting. I'm sure that "Chekhov's dragon-glass spear" will come into play in a future episode. I'm hoping for more scenes between her and the Hound later on in the season—they've always been one of my favorite pairings on the show.

Jon and Dany's dragon-riding date was cute, but pretty cheesy—although not quite as ham-fisted as Varys saying "nothing lasts" while looking at the two of them. Ominous!

It was good to see Sam again—John Bradley's acting in his scenes was incredible, especially his distinct reactions to hearing of his father's and brother's deaths (RIP Dickon). Because the Winterfell crypts aren't in compliance with the ADA, Bran makes Sam tell Jon the truth about his parentage. The conversation was actually slightly less awkward than expected, thanks to a convenient opportunity for Sam to segue into a discussion of kingship, and it was amusing that Jon's first reaction was "Ned wasn't a liar!" instead of

"Wow, we should *not* have traveled north by boat!" Sam's question to Jon about whether Dany would give up her crown to save her people was a highlight of the episode—it very effectively set up what is sure to be a difficult conversation, although I suspect

that they'll sidestep the issue with a marriage proposal, which might help to placate the irritatingly flighty northern lords. But we all know how weddings go in Westeros...

Things picked up a bit in the final scenes. Besides Jon learning the truth about his heritage, we got a horrifying scene up at Last Hearth (yeah, I looked up the name of the Umber castle) and a Michael Scott-level awkward moment with Jaime and Bran. Those whacky White Walkers and their craft projects! I'm sure they do well on the Seven Kingdoms' version of Etsy.

King's Landing: Ah, this crew of scumbags! And they're hatching nefarious plots! Color me surprised. Euron is an interesting villain when he's not being really, really creepy—but I guess that kind of thing sort of plays with Cersei. She's displeased that he didn't bring her any elephants, because the whole CGI budget went towards dragons (I wonder how many reviewers are making that joke?). More interestingly, she's clearly drinking wine after bedding Euron—something she was careful to avoid when talking to Tyrion about her "pregnancy" last season.

Qyburn makes an interesting proposal to Bronn and, because it's HBO, we get a face full of T&A at the beginning of that scene. Someday the Lannisters will stop cucking Bronn with

their schemes, but not today. That said, if you think Bronn is actually going to murder Tyrion with a crossbow, I've got a bridge to sell you. Oh, and that ginger Lannister soldier that Bronn's female companions were talking about that got his face burned off and now has no eyelids? Turns out that was Ed Sheeran's character. I am delighted to say that I'm not kidding about that.

Theon's rescue of Yara was predictable, but cool. If it hadn't happened, the only gore we would have gotten this episode is a zombified eight-year-old pinned to a wall, and that's not HBO. This way we also got a gratuitous closeup of a bisected face! As an aside, Theon looks like he rips top cheddar with the savage lax flow he's got going on. Lettuce like you read about.

The Verdict:

This was a pretty traditional GoT premiere: lots of table-setting, with a couple big moments to hook us for the next episode. Pros: the new credits sequence was great, there were some genuinely funny moments, and the actors all gave great performances during the various reunion sequences/awkward crypt discussions. Cons: some of the scenes felt artificially shortened, and the way Jon and Dany's relationship is being handled feels a bit clumsy. Tyrion's newfound gullibility is irritating. And there were only six murders.

7/10 Heads on Pikes (extra .5 for immolating Ed Sheeran)

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HOT BENCH



Alison Malkowski '19

Have you ever had a nickname?

My sister calls me AlPal. Other people have called me Malkovich, Squeaks, Al, Lindsay, and Person. At this point, I just think no one knows my name.

Where did you grow up?

Funfax, Virginia.

What is your favorite word?

Listen.

What's the best meal you've ever had?

My family ordered from my favorite Peruvian chicken place on the day I had my wisdom teeth removed. I was so upset, I ate half a chicken with just my front teeth out of spite. I don't know that it was my best meal but it was certainly memorable.

If you could meet one celebrity, who would it be and why?

Both of the Lindsay Lohans

in *The Parent Trap*. I'm worried about her. On a more serious note, probably Haley Fitzgerald (dancer) or Daniel Sloss (comedian).

What's your favorite hobby to avoid the stress of law school?

British panel shows, baking, and dancing.

Do you have a favorite dance class to take?

Candace Brown at Broadway Dance Center, Bo Park at Peridance, or any class at House of Movement. Also, Chris Martin (of Choreo Cookies, not Coldplay) came to UVA to give a workshop last year. It was the fourth class in a row on one day and the Saturday before final exams, but I stayed even though I was about to pass out because I adore him. I did so terribly. It was still amazing.

What is your favorite job that you've had as a dancer?

I was hired for this music video that filmed at an abandoned mansion in Yonkers. It was a huge production and the most professional set I've ever been on. The singer kept having meltdowns because he couldn't do the dance moves that no one asked him to do.

What did you have for breakfast this morning?

If it's Sunday, I had three breakfasts because breakfast is the best. If it's Wednesday, I guarantee that I did not have time before my 10 a.m. class. If you are in my 10 a.m. class, you can probably tell that this

is true.

Blueberries or strawberries?

I ordered a Magic Bullet blender with my bar prep gift card and I can't stop making smoothies. I will not choose.

What is the best concert you have ever been to?

Christine Malkowski's marching band competition in 2002. It was during the D.C. sniper era, so the competition was held indoors on a basketball court. It was chaos and I loved it.

What's the worst sleep schedule you've ever had?

I was badly nocturnal in undergrad. I had a 4 a.m. "regular" omelette order with the breakfast staff and friends kept posting photos of me asleep on public couches.

If you won the lottery, what would you do with it?

Tell no one.

What advice would you have given 1L you?

Stop drawing cartoons in the margins of your casebook because you will be too embarrassed to return the rental at the end of the semester.

What will you miss most about Charlottesville?

The trees. Also, Duck Donuts. Also, a lot of people.

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BASKETBALL continued from page 3

ther way:

"I attend Texas Tech for undergrad, so I was actively rooting against UVA in the national championship. Although I'm disappointed that my Red Raiders fell just short, I'm glad that my fellow Hoos got to celebrate the big win. Still, I watched in anguish as we lost the game as a bunch of rowdy UVA fans were going crazy about the win." – Arjun Ogale '21

A special shout out must also be given to our school's incredible SBA. UVA's run to the title happened remarkably quickly and SBA reacted accordingly, delivering an incredible experience to the school's grateful students. SBA President Jasmine Lee was eager to give credit where it was due. "I cannot

sing the praises of the executive team and all of SBA enough over their help with executing these two events. Everything happened so fast and we hadn't done anything like this before, but everyone stepped up to make both watch parties a success. Our hope is that we created an unforgettable memory for the school."

All in all, it was an amazing tournament run for the Cavaliers and a fitting end for a team that just last year became the first #1 seed in the NCAA tournament history to lose in the first round. Following that infamous game, Kyle Guy changed his Twitter avi to a picture of him bent over, head down in defeat after the loss. After leading his team to a redeeming run, I think it's safe to say that Guy can change his picture.

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Letters to the Editor

Letters of interest to the Law School community may be sent to editor@lawweekly.org. Letters may be published at the discretion of the Editorial Board and are subject to editing for grammar, style, and clarity, but not content or viewpoint. The Law Weekly does not necessarily endorse the content or viewpoint of any letter herein published.

Last week the Law Weekly published “Impeachment Stories: Congressman Gerald Ford’s Attempt to Remove Justice William O. Douglas” written by Will Fassuliotis ’19. This Letter to the Editor was submitted in response to that article.

Professor George Rutherglen

It was with some amusement and more distress that I read the column by Will Fassuliotis published by the *Law Weekly* on April 10. It concerns Justice Douglas, “a rank partisan” according to your columnist. He should be careful, since his rank partisanship is on open display in his column, not to mention his ignorance of constitutional law. Perhaps “Wild Will,” to paraphrase the title of a biography of Justice Douglas, can tell me how Douglas’s best-known opinion, *Griswold v. Connecticut*, recognizing a right to contraception and providing the foundation for the modern law of reproductive and sexual freedom, was an exercise in “rank partisanship.” Very few states, and certainly not Connecticut, favored reproductive rights in 1965 when the decision was handed down. Wild Will’s rank partisanship seems to lie with the Christian, Trump, and Republican right at this moment, not the historical context in which Justice Douglas acted. Beware of whom you accuse, Wild Will, because those accusations fit you all too well.

I am, I admit, a former law clerk of Justice Douglas, and Justice Stewart, and Justice Stevens. You might count me biased in this respect, but you have to understand that Justice Douglas did not curry favor with his clerks. On the contrary, he criticized all of us in the most unsparing terms. And it was for failure to respect individual rights, not for failure to toe the line of whatever party might be in power. Since Wild Will tells stories on Justice Stevens’s swearing-in ceremony and Justice Douglas’s encounter with Justice Whittaker, I have to disagree. Justice Douglas had suffered from the massive stroke that would eventually kill him when Justice Stevens was sworn in. I know, because I was there. I would not, myself, expect a dying man to offer comments with the most equanimity at the end of his career and of his life. In any event, Justice Stevens never mentioned any such conversation between Justice Douglas and President Ford to me, and I have had several occasions to talk with him about Douglas’s work on the Court just before he retired. As for Justice Whittaker, he was notoriously indecisive, and as I was told by Justice Stewart, who was given Whittaker’s copies of U.S. Reports for his chambers, Whittaker had underlined every line in those volumes. How would you like to purchase a used casebook with underlining on every line? I take this fact to confirm Whittaker’s indecisiveness and the

need he felt to accept help from Douglas.

Wild Will has made Justice Douglas into an anti-Christ of what must be resisted in American law today. A look back at what Douglas stood for, what he wrote, and which of his opinions have become foundational will lead any unbiased reader to the opposite conclusion. He set the terms for debate over constitutional issues today, from sexual rights to the commerce clause. If that’s “rank partisanship,” I’m sure Wild Will wants the justices he favors to accomplish as much.

Be careful what you criticize, Wild Will, because you seem to be criticizing yourself.

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While the Law Weekly normally does not release Letters to the Editor in advance of publication, the Law Weekly wanted to offer the graduating 3L a chance to respond as this is the Law Weekly’s last issue of the semester. His response follows.

Will Fassuliotis ’19
a.k.a. “Wild Will”

Justice Douglas is a controversial figure. Just as with the other controversial figures I have written about, I tried to cover him with a respectful tone but, when necessary, a critical one as well. Sometimes the words do not come across exactly as I

intended. Professor Rutherglen takes objection to my use of “rank partisan” to describe Douglas. One thing I admire about Justice Douglas was his one-man crusade to end the Vietnam War. He spoke out in public and wrote article after article against it. His efforts culminated in *Holtzman v. Schlesinger*, 414 U.S. 1316 (1973) where, acting on his own capacity as a Circuit Justice, he issued an injunction on the United States Airforce from bombing targets in Cambodia. Douglas, despite being an early supporter of intervention in Vietnam, rightly came to believe that the Vietnam War was a bloody waste of American lives. Douglas did not complain behind the scenes, but did everything in his power to end the war, up to and including this unprecedented judicial interference in the President’s war powers.

Soon after he issued the injunction, the other eight Justices swiftly overruled him and his injunction, ending any judicial oversight of the Vietnam War. In a very narrow way, Professor Rutherglen is correct that “partisan” was a poor choice of words; Justices Brennan and Marshall, also Democrats, also judicial liberals, did not join him. But this episode undoubtedly shows that Douglas was an ideologue (perhaps a “rank ideologue”), willing to use any method to get the end result he desired, whether the Constitution or law plausibly permitted that result. Again, I found that admirable in this context.

Morally, it was the right thing to do. But was it the right thing for an Associate Justice of the Supreme Court to do? Justice Douglas rarely let such considerations constrain him.

I strive to present a balanced view of the Justices and events I write about. Not a single Justice to ever sit on the Court—from Chief Justice John Jay to Justice Brett Kavanaugh—is without vice or virtue. One person’s landmark case is another person’s abdication of the Constitution. The very cases that Professor Rutherglen holds up as exemplary were in no small measure why Representative Ford and other conservatives wanted to oust Douglas. To not include that is to do a disservice to those who do not know the context of the time. Like any writer, I am limited to the historical record as I find it. As I tried to stress, Douglas, more so than any other modern Justice, has a mythology surrounding him. Piercing the myth is complicated.

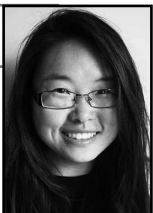
At the beginning of the school year, I said to the *Law Weekly* Editor-in-Chief, “I have a lot of stories I want to tell and no one to tell them to. Can I write something for the paper?” I hope they have been informative. But more so, as with any piece of history, I hope you, the reader, have read my work with a skeptical eye, and were encouraged to find out more for yourself.

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Best of Charlottesville in the Not-So-Expert Opinion of a 1L Foodie

Since moving to Charlottesville nine months ago, I have been tirelessly hunting for the

Grace Tang ’21
Lifestyle Editor



best eats in the surrounding area. My Instagram stories document the lengthy extent of my “research” (shameless plug: go to Instagram @foodventures_with_grace for photos and Charlottesville food reviews). In fact, so great was my enthusiasm and passion for delicious noms that the *Law Weekly* created the Lifestyle Editor position so I could share the joy with the Law School community.

The list below reflects the best of Charlottesville in several categories of food and drinks. If you feel differently or have other recommendations, please reach out so I can pass on the insider knowledge in future *Law Weekly* features!

****Note:** Chicken Sandwiches are not featured as they have been extensively researched by our own Drew Calamaro in prior editions of the *Virginia Law Weekly*. **

Pizza – Lampo

Lampo is a Charlottesville classic for Neapolitan pizza. Not sure what to choose? The classic Margherita is always a great option, although you can’t go wrong with any of the choices. Lampo offers a re-

ally interesting scissor pizza cutter, which I have not seen anywhere else before, and cutting my own delicious slice of pizza always makes me feel accomplished. Pro tip: Go during lunch or a non-busy weekday. The restaurant is very small and they don’t do take out or reservations. This is also great place to take your professors out to lunch!

Appetizers + Catering – Feast!

If you are a fan of decadent deviled eggs, smoked salmon on cucumbers, and fancy finger foods (who isn’t?) then Feast! is the perfect place to grab catering. My personal favorites are the fresh fruit platters, cheese boards, and Shabooboos (delicious pickled peppers stuffed with cheese). I’m especially impressed with how pretty and elegant the presentation is since, after all, eyes (and cameras) eat first.

Thai – Monsoon Siam

I went to Monsoon Siam four times in ten days after discovering the restaurant for the first time. Enough said. Special mention to Geneva Torsilieri Hardesty ’19 for introducing me to the life changing deliciousness that is Monsoon Siam. After bringing friends to the tiny Thai phenomenon, they described their meals as “life changing” and “insanely good.” My personal favorites include anything with duck, Kao

Soi, Kapow Crispy Pork Belly and Shrimp, and the clay pot noodles. Pro tip: The house Thai iced tea is delicious, and their mango sticky rice is the star of the show—a must order for dessert.

Sushi and Bowls – Now and Zen

Now and Zen offers a cozy Japanese dining experience with an extensive menu. The restaurant is small and only opens for dinner. The food is beautifully presented and there is something on the menu for everyone. My roommate, who is vegan, raves about their Green Giant roll. I really like their Dragon roll, which is shaped like an actual dragon, and the Aburi salmon roll (torched salmon) with the perfect kick of spiciness to round out the richness of the fresh salmon. Pro tip: If you are feeling rice bowls, their chirashidon (mixed sashimi) bowl and Unagi-don (eel) are among the restaurant’s most popular items.

Chicken – Al Carbon Chicken (Peruvian Roast Chicken)

Al Carbon is an absolute gem. The star of the show is their juicy Peruvian chicken, seasoned and roasted to perfection. The restaurant itself is very cozy with plenty of seating. The restaurant offers a number of house-made sauces, many of them with a kick of spice, which

I highly recommend. Pro tip: Order a combo to try some of their interesting sides like cactus, yucca fries, fried plantains, and grilled jalapeños.

Ramen – Lemongrass (Limited Availability)

I think Lemongrass on The Corner offers the best ramen in town. As a ramen connoisseur, I feel that theirs is the most traditional and authentic. However, the restaurant only offers ramen on the weekends between 12 p.m. and 5 p.m. so make sure to go during that time. The traditional tonkotsu ramen is my go-to. Pro tip: If you have a sweet tooth, I recommend their deep-fried matcha ice cream, which is garnished whipped cream and

jam.

Winery/Cidery Day Tours

A day trip to drink wine and admire the views? Count. Me. In. The numerous cideries, breweries, and wineries are a special feature of the Charlottesville area. Pro tip: Book a tour when parents or friends are visiting Charlottesville. There are a number of agencies who conduct these tours, and it’s a great way to spend a beautiful day out in the vineyards. I recommend King Family Vineyards or Pippin Hill.

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Chirashi-don from Now and Zen. Photo courtesy of Grace Tang ’21.

Appellate Litigation Clinic Update

Students in the Clinic Updated the Law Weekly on What They Have Been Up To

Brian Diliberto '19
Guest Writer

The Appellate Litigation Clinic has been one of the highlights of my law school career. Having the opportunity to work side-by-side with Professor Stephen Braga has been an incredibly rewarding experience. Working with the clinic to develop the legal strategies for a variety of federal appeals is something any aspiring attorney would be fortunate to experience as a student.

The clinic inherits a variety of cases at different stages of litigation and students get involved in all aspects of the appeals process. I am currently working on a direct criminal appeal in the Sixth Circuit involving a series of complicated financial transactions. However, at the end of the day the case boils down to what the fair administration of justice should look like, and in particular, what rights a criminal defendant arguing *pro se* is entitled to under the Sixth Amendment. The case involves an issue of first impression, and the thought that I could have an impact on how federal law is interpreted in the future is an exciting prospect.

The clinic has taught me many practical lessons in the practice of law. In law school, we are typically given a manageable set of facts and law to work with, but the clinic is a nice reminder that practicing law in the real world is not so kind. Going through a lengthy trial court record and trying to figure out what went wrong and why requires a com-

pletely different approach that can only be understood through this type of experiential learning. The experience is heightened by the knowledge that the outcome of our case will have an enormous impact on our client's life. It is this knowledge that keeps me motivated and which acts as a constant reminder of the important responsibility we have been given. It is an incredibly humbling experience to have as a law student and is the single most rewarding experience I have had at UVA Law.

I came to law school because I wanted to help people solve complex problems with innovative solutions. Having the opportunity to engage in developing and executing a legal strategy for a high stakes federal appeal has been a profoundly positive experience. By the end of the year, I will have co-authored two federal appeals briefs and argued on behalf of our client in the Sixth Circuit. The clinic has been an invaluable experience and I have no doubt that the many lessons I have learned will follow me throughout my career. It is difficult to overstate the unique academic and professional opportunity that the Appellate Litigation Clinic offers to students and I encourage anyone with an interest in appellate work to seriously consider participating.

Alicia Penn '19
Guest Writer

On January 31, 2019, Marie Hanewinkel '19 and I traveled

to Richmond to argue in front of the Fourth Circuit for one of the appellate litigation clinic cases, *Haynes v. Waste Connections*. Marie, Thomas Howard '19, and I all worked on the briefs filed in the case this fall. It's a fact-intensive race discrimination case, but at the heart of the case is the fact that Mr. Haynes was fired for a minor infraction for which white employees had not been terminated. He brought his case *pro se* in the United States District Court for the District of South Carolina. But the District Court disposed of his case by granting summary judgment. We didn't have to argue that Mr. Haynes would win on his claim; we just had to convince the court that there was enough evidence to survive summary judgment, that he deserved his day in court, which he did. The case is a pretty straightforward employment discrimination claim under the pretext framework. The courts have made it abundantly clear that the standard for plaintiffs is supposed to be an easy one to overcome, yet the District Court granted summary judgment in Mr. Haynes's case when it shouldn't have. An opinion on the case is expected this spring.

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REEVES

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lunch conveyed a real sense of hope and optimism for the judiciary system now and in the future. Julian Kritz '20 asked if he was optimistic about America's future; Reeves said yes. He articulated the importance of remaining optimistic; if we aren't, then we can fall into satisfaction, and he stressed that we can't be satisfied with where we are. Jake Rush '20 followed up, asking Reeves what the role of hope, optimism, and empathy should have in sentencing decisions. Reeves responded, saying these things "should invade every judge's decision." He continued by discussing the importance of finding hope, optimism, and empathy in the state court system given how much those courts handle criminal matters. Reeves also stressed this point: "We need to see humanity in every person who comes before us. Treat them like the person you love the most."

Manal Cheema '20 asked Reeves his thoughts on the criticism he receives for writing his opinions "too simply." Reeves responded, saying he wants even the youngest reader to be able to understand. In Reeves's view, judges should make sure everyday people can have access to understand and appreciate the opinion. By staying away from legal jargon and unnecessary complexities, he gets closer to that end.

Civil Rights Act of 1964. During the hearings, he renounced his work, but this played into his portrayal as an opponent of equal rights for African Americans. This was a studied effort by opponents. As Senator Biden explained, "Every time I could get him to recant, I won. People don't believe in recantations." But he was more than willing to defend his views, including an extended colloquy with Senator Biden about whether the constitution included a right to privacy (Bork argued it did not).

While Supreme Court hearings were first televised in 1981, Bork's hearing was the first to get sustained play on television. People did not just read Ted Kennedy's excoriation of Bork in the paper, they *heard and saw* him excoriate Bork on TV. Bork's professorial manner did not help him either. Tom Shales of the Washington Post wrote that Bork came off as "cold-hearted" and "condescending," a man who "looked and talked like a man who would throw the book at you"—⁷ When asked by a sympathetic senator why he wanted to be on the Supreme Court, he answered it would be "an intellectual feast," which only played into the perception that he did not care about people.

Bork lost the battle of public opinion, and he lost in the Senate. The Senate voted against confirmation, 42 in favor (forty Republicans plus two Democrats), 58 against (fifty-two Democrats joined by six Republicans). Bork and the

While several more questions about Reeves's jurisprudence and opinions on serious matters were asked, 3L students Lindsay Fisher '19 and Teddy Kristek '19 questioned Reeves on his advice for graduating 3Ls and on what has changed at UVA since his time here as a student. Reeves's advice to those nearing graduation: "Approach [the next chapter] with vigor." He told the story of how he ended up going into private practice, which taught him to never say never to opportunity and to not burn bridges with the people you meet along the way. Regarding what has changed most at UVA, Reeves commended UVA's leadership. Reeves discussed how favorably he viewed the leaders at the university, including Dean Goluboff, Dean Kendrick, President Ryan, and soon-to-be Provost Magill. Reeves described Dean Goluboff as the person able to bring the Law School into this century, and said the university is "being led by the appropriate people at this moment in time."

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BORK

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The battle lines were drawn. The balance of the court was up for grabs.

We should first back up, however, to place Bork's nomination in context. Reagan had already added two Justices to the Court. In his first year as President, he nominated Sandra Day O'Connor, fulfilling a campaign promise to nominate the first female justice to the Supreme Court. O'Connor was confirmed 99-0. In 1986, only a year before the Bork nomination, Reagan sought to replace the retiring Chief Justice Burger by promoting Justice William Rehnquist, and then selecting Judge Antonin Scalia to fill Rehnquist's open spot. Rehnquist faced some opposition, but, per the old paradigm, was confirmed by a comfortable margin of 65 (forty-nine Republicans plus sixteen Democrats) to 33 (thirty-one Democrats plus two Republicans). Scalia faced no opposition, and was approved 98-0.

What was the difference? Liberal opponents focused their firepower on Rehnquist, but were unable to convince the center-left to join them. Concentrating on Rehnquist, they mostly left Scalia alone. Scalia's ethnicity as an Italian-American, the first to sit on the Supreme Court, helped him as well. Democratic Governor Mario Cuomo, also an Italian-American, supported his nomination despite their ideological differences.

tening to.

By the time of Bork's nomination, Republicans would no longer control the Senate. Now, instead of Senator Strom Thurmond as Chairman of the Senate Judiciary Committee, Senator Joe Biden would wield the gavel as he prepared to run for President in 1988. But Democratic control did not doom Bork—Ford, Nixon, and Eisenhower were successful even as the opposing party controlled the Senate—though it did decrease the margin of error. But most importantly, the Supreme Court was not up for grabs in the same way Powell's retirement made so clear. Rehnquist replaced Burger, and Scalia replaced Rehnquist. This barely moved the court rightwards, if at all. Bork, unequivocally and undoubtedly, would.

Two-and-a-half-months after his nomination, the Senate held its first hearing for Judge Bork. During that time, Bork faced the first sustained media campaign against a nominee, including an advertisement narrated by Gregory Peck—Atticus Finch himself—echoing Senator Kennedy's⁵. But Bork's confirmation hearing is not remembered only for the vitriol. Judge Bork, unlike every Justice to come before him, did not shirk questions when asked about his constitutional and legal philosophy.⁶

⁵ The commercial is available on YouTube, "1987 Robert Bork TV ad, narrated by Gregory Peck," <<https://www.youtube.com/watch?v=NpFe1olkF3Y>>.

⁶ The Bork Hearings: Highlights from the Most Contro-

In 1997, then-Professor Kagan said the Bork hearing was "the best thing that happened, ever happened, to constitutional democracy." Bork sparred with senators, debating the whole gamut of original intent, questions of precedent, liberty and the bill of rights, privacy, equal protection, and many other issues.

While a "masterclass" in Constitutional law, Bork was ultimately unsuccessful in convincing senators on the fence that he was indeed not "out of the mainstream." The two-and-half month campaign took its toll. Neither the Reagan Administration nor other supporters responded in kind—they believed Bork's brilliance would shine during the hearing and convince the necessary number of senators. Bork's long history, however, would hurt him in the proceedings.

Opponents presented Bork with some of his controversial writings and asked him to explain them. For some, he backtracked, saying he either changed his mind over time or that some works were intentionally provocative in his capacity as a professor. Where once he denigrated precedent, he discovered a newly found respect for it during the hearing. To take one example, Bork wrote an article in the New Republic in 1963 criticizing the public accommodations requirements of what became the

versial Judicial Confirmation Battle in U.S. History. Ralph Shaffer condenses the voluminous transcript into a readable book about the questions asked and answered.

⁷ The Bork Turnoff, October 9, 1987.

COPA

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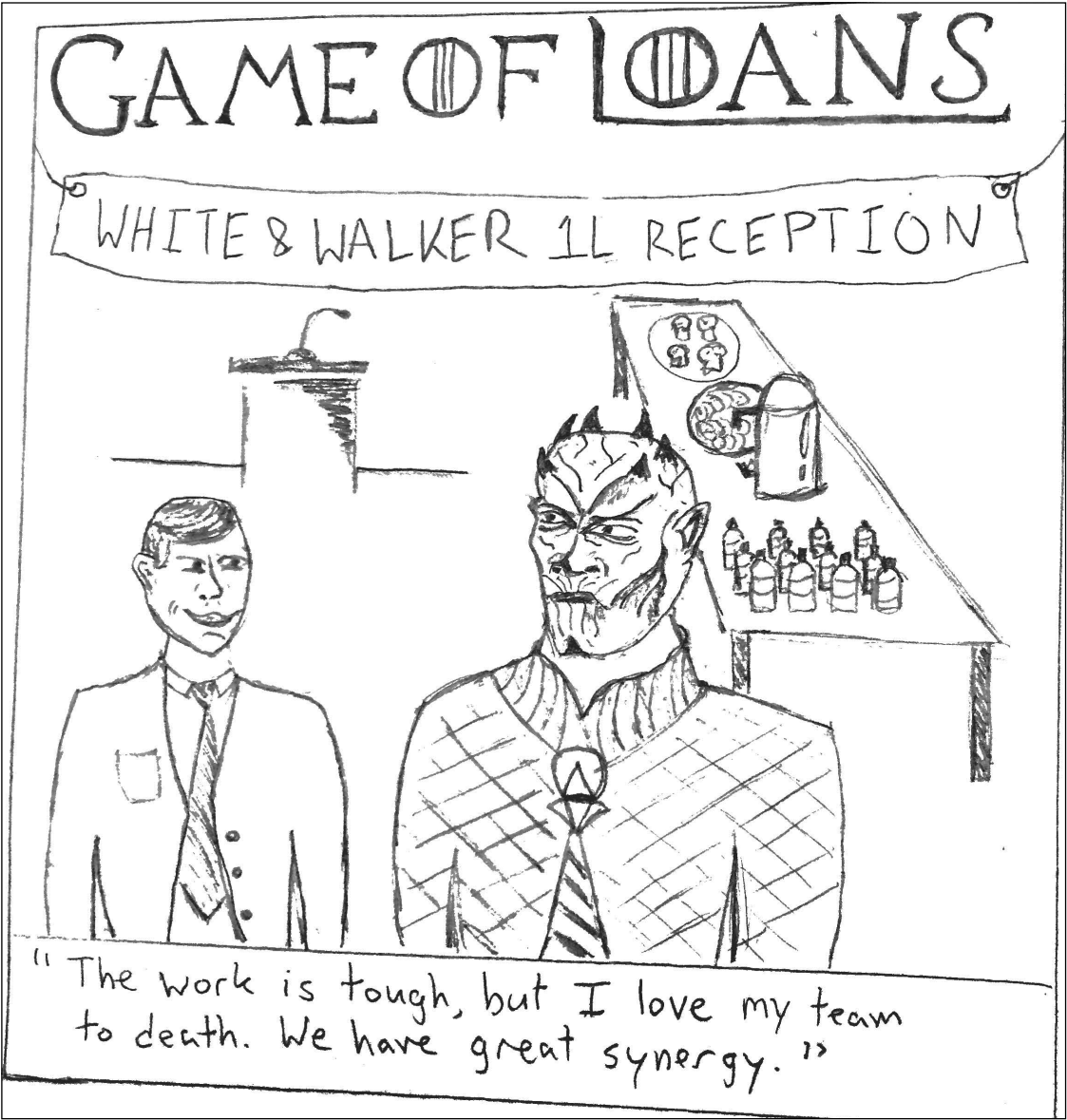
to the watch party. The mutual promises provided by both (a place to watch Game of Thrones; friends to watch it with) constituted the consideration for the contract. Because Green breached a contract, this Court must give a remedy. As law school taught us, rights are useless if no one is around to enforce them. Under considerations of fairness and mercy, this Court will award Dryer will damages to make up for the harm she has suffered. Green needs to make Dryer a batch of cookies and apologize. However, under the doctrine of mercy that Daenerys of the House Targaryen, the First of Her Name, The Unburnt, Queen of the Andals, the Rhoynar and the First Men, Queen of Meereen, Khaleesi of the Great Grass Sea, Protector

of the Realm, Lady Regent of the Seven Kingdoms, Breaker of Chains and Mother of Dragons, doesn't really seem to get, this Court will not award an injunction banning Green from Dryer's watch party. Green deserves a second chance. Besides, Dryer already extended the invitation, so no takesie-backsies. Instead, this Court will award an injunction with conditions for next watch party: Green will either arrive on time or not ask what she missed; Green will withhold sharing all theories until after the show; and Green will tweet any questions she has instead of asking them. It is better to scream into the void than annoy the people around you.

It is so ordered.

tke3ge@virginia.edu

Cartoon By Raphael



Week 6 Softball Scores

Fairly Odd Patents over Bearly Legal 16-7

Fairly Odd Patents over Docket Like It's Hot 15-7

THE DOCKET	TIME	EVENT	LOCATION	COST	FOOD?
	WEDNESDAY – April 17				
	12:30	West Coast Wahoos OGI and OTIP Panel	WB 126	Free	----
	17:15	Career Services Intro to OGI and Summer Job Tips	WB 152	Free	----
	17:30 – 20:30	Climate Change and Viniculture	Purcell	Free	----
	THURSDAY – April 18				
	11:30	1L Clerkship Kickoff	SL 278	Free	----
	18:00	Baseball: Virginia vs. Florida State	Disharoon Park	Free with student ID	----
	FRIDAY – April 19				
	12:00	A Conversation with Doug Bouton '10, President and COO of Halo Top Creamery	Purcell	Free	Ice cream
	17:30	Fridays After Five: We Are Star Children	Sprint Pavilion	Free	----
	SATURDAY – April 20				
	10:30 – 13:30	Law Families Easter Egg Hunt	Spies Garden	Free	Whatever is in the eggs.. if you can find 'em
	12:00	Women's Lacrosse: Virginia vs. Virginia Tech	Klöckner Stadium	Free with student ID	----
	13:00	Baseball: Virginia vs. Florida State	Disharoon Park	Free with student ID	----
	13:00	Softball: Virginia vs. Notre Dame	The Park	Free	----
	15:00	Men's Lacrosse: Virginia vs. Marist	Klöckner Stadium	Free with student ID	----
	SUNDAY – April 21				
	13:00	Local violinist and fiddle player: Patrick Keese	Pippin Hill Vineyards	Free	----
	15:00 – 17:00	Yoga for Earth Week: Connecting to the Earth Within	UVA Garden 1	Free	----
	MONDAY – April 22				
	17:00	Design as Protest: Interventions Towards Racial, Social, and Cultural Equity	Campbell Hall	Free	----
	18:00	Greenbrier Global Artists Exhibition & Reception	Fralin Museum of Art at UVA	Free	----
	TUESDAY – April 23				
	15:45	Real World Finances: Home Buying and Renting with Professor Alex Johnson	WB 128	10% at closing, with a 30-year mortgage	Light refreshments
	20:00	UVA Drama presents: The 25 th Annual Putnam County Spelling Bee	Culbreth Theater	\$10 students	----

SUDOKU

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Solution

7	4	9	6	3	5	9	1	8
3	5	8	1	9	7	4	9	6
6	9	1	8	4	7	5	3	2
8	3	7	4	6	1	4	5	9
5	6	7	9	8	4	3	7	1
4	1	9	7	5	3	6	8	7
1	4	6	5	7	8	7	9	3
9	7	5	3	1	6	8	4	9
7	8	3	4	9	1	6	5	2