



# VIRGINIA LAW WEEKLY

2017, 2018, & 2019 ABA Law Student Division Best Newspaper Award-Winner

A Look  
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## Law School Hosts Symposium on Police Use of Force

Maria Luevano '21  
Staff Editor

This past Friday, UVA Law Faculty sponsored the Use of Force Symposium centered around the 2017 case of a Minneapolis police officer convicted of murder for shooting a 911 caller. The event was presented by the two attorneys who prosecuted the case—Assistant Hennepin County Attorneys Amy Sweasy and Patrick Lofton. Timothy Longo, former Charlottesville Police Chief and Adjunct Professor at the Law School, was also present. Longo was a key advisor to the prosecutors when they were deciding whether or not to prosecute the officer. The case was highly complex and unprecedented for the city of Minneapolis. It raised issues including the rigor and quality of investigations of officer-involved shootings by an outside agency, police training, the use of body-worn cameras, race and immigration, and the challenges of trying a case in an international spotlight. The prosecutors opened by discussing their reasons for making the details of the investigation and trial as public as possible. Their office, with the support of the victim's family, hopes that this transparency will contribute to the national conversation around police use of force and shootings in a meaningful way and induce change in the way these investigations are conducted.

### The Facts

Sweasy and Lofton highlighted a number of facts about this case that made it different from many police shootings that make news headlines. Notably, the victim, Justine Rusczyk, was a white woman who had moved to Minneapolis from Australia. Rusczyk called the police around 11:30 p.m. to report sounds of a woman in danger. Police officer Noor and his partner responded to the scene and did not find anything amiss in the quiet, affluent neighborhood. They parked briefly before leaving the area, when an unknown silhouette appeared next to their car, scaring the two officers. They couldn't tell that the stranger was Justine, who

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# Section Pride Displayed at Dandelion



LLMs take home bronze to international acclaim. Photo Credit Kolleen Gladden '21.

Jacob Jones '21  
Events Editor

Last Saturday, the 1Ls and LLMs gathered at The Park on North Grounds for the event known as Dandelion. The event, which started in 1984 as a calm and respectable parade, has now turned into an amateur rendition of "So You Think You Can Dance" that makes you question whether we really go to a top ten law school. With perfect weather,<sup>1</sup> high spirits, and just the right amount of pizza and beer in their stomachs,<sup>2</sup> the class of 2022 began their attempt to see if they had any hopes for a fallback music career in case any of this "law" stuff doesn't work out.

Section A (plus) set the standard for the rest of the sections that followed.<sup>3</sup> Their dance, set to the tune of "YMCA," had a lot of high-energy pointing and other classic dance moves that don't require a lot of practice beforehand. Section A got plus points for having matching T-shirts, but they really upped their game by bringing a live baby into the dance. While they didn't win,

1 Back in my day (2018), we had to walk a mile in the rain from Ivy, and then dance in the same downpour just so we could be booed by 2Ls and 3Ls. Apparently, this was the first Dandelion in three years where it didn't rain.

2 Thanks, North Grounds Softball League!

3 Eds. Note: the author is biased, given his position as a boyfriend for a PA for Section A. Take his opinions with a grain of salt.

Section A had the most energy and enthusiasm of any section, and could be seen dancing in a circle well after the competition had ended.

Section B was up next, and they brought a lot of low-energy hand clapping. It looked like they forgot what their routine was for a minute, but towards the end they rallied and managed some coordinated dance moves. There was also a cardboard sign about debt, but I still had no idea what was going on. Like most exams that end up as a B, confusion prevailed throughout, but there was enough tying it together that kept this performance in someone's good graces. At least they played *High School Musical*.

Next was Section C, and did they ever "C-eaze"<sup>4</sup> the moment with their spectacular performance. In the middle of their poppin' and "tightly choreographed" dance performance, there were some attempted cheerleader lifts<sup>5</sup> and attempted bribing of the judges with candy. But where they really shined was the all-male dance to "Laffy Taffy," which the judges would later say "emanated sex." Section C clearly came prepared and it showed.

Next, Section D had an interpretive performance of a meme that played out surprisingly well.

4 Get it? Seize? It's not as bad of a joke as Carpe Donut, ok? They based a whole business around that pun.

5 It's a good thing these were only attempted, because 1Ls, beer, and cheerleader stunts on asphalt do not go well together.

The interpretation of "What X thinks I do" for 1Ls showed how friends view them as rich, professors view 1Ls as worshipping them, and 2Ls and 3Ls think they make a lot of Spongebob References.<sup>6</sup> After getting knocked down, they got back up again, and then got knocked down, and so on until they laid crying on the floor. Such is 1L.

Section E, not wanting to be outdone by Section A, doubled the number of babies they brought. With a concept that might have been about relationships in law school, they linked arms and danced in circles to Taylor Swift, and had another great dance set to "All the Single Ladies." Section E had a great performance that will set the standard for the number of babies that should be in performances for years to come.

Section F stood out for having the only copy of Black's Law Dictionary that I've ever actually seen in person. With their snazzy coordinated outfits, IRS jokes, worm dances, and giant "F" flag, Section F gets an honorable mention. Alas, the competition was just too tough, but in an average year they would have placed in at least the top 3.

Section G, probably following the advice their PAs gave them, made their skit about the different parts of law school. Their Disney-themed performance was a standout. First, orientation welcomed the 1L class to "A Whole New World." Then, after

6 "Can I be excused for the rest of my life?"

DANDELION page 2

## around north grounds



Hearts to all affected by 9/11 and the first responders who work to keep us safe. The UVA community will not forget.



Thumbs down to the students who use plastic utensils while eating their food in ScoCo. Walk into the cafe and get some real silverware. The plastic ones are ANG's bedding. When you take them, ANG is cold at night. And the planet cries.



Thumbs up to Bachelor in Paradise for almost being over. ANG doesn't have enough brain cells left to be consistently losing this many brain cells so often and can't wait to reclaim ANG's Monday and Tuesday nights. ANG will miss the twice-weekly excuse to get drunk. Not that ANG needs an excuse.



Thumbs down to the unidentified individual food pirates lurking among us. When you take the food without even staying for the education, there's less leftovers for ANG. We all know what happens when ANG gets hangry. 1Ls beware.



Thumbs up to the 1Ls getting groovy and boogie-ing down at Dandelion over the weekend. ANG crawled out under ANG's home, aka the bleachers, for the entertainment. What you lack in talent and good looks, you make up for in enthusiasm.



Thumbs down to not having Lisa around so much lately. Lisa is the one person ANG speaks to in this icy tundra of a law school. With Lisa gone, ANG is almost having a feeling—is this what loneliness is? ANG didn't know ANG enjoyed another human's companionship.



Thumbs up to Maria Andreescu, Bianca Andreescu's mom, for maintaining her RBF even when her daughter won the U.S. Open. ANG respects the commitment to being unimpressed. ANG is similarly unimpressed by ANG's peers so-called "accomplishments" unless they involve brushes with the law or consuming copious amounts of booze.

## DANDELION

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realistic portrayals of 1L professors and networking opportunities set to “I Just Can’t Wait to be King,” the 1Ls defeated existential despair by drinking a beer. Section G gave another great performance that didn’t place solely because of the tough competition.

Section H featured two guys dancing semi-shirtless in front of their section-mates. “And that was it. The whole thing,” reported one witness who preferred to not be named.

Section I pulled out all the stops. And by stops, I mean every generic dance they could think of in the five minutes they spent preparing their dance routine. They did the vintage “step side-to-side and clap,” the classic “hold your nose and pretend to snorkel,” and who could forget the Conga line. I haven’t seen this much enthusiasm for generic dances since white people discovered the Macarena in the 1990s.<sup>7</sup>

Section J, not wanting to be outdone by Section I in the creative dance department, invented a whole new dance where they held out one arm and flipped their palms up and down. Unfortunately, Section J committed the classic Dandelion error of thinking that someone could hear them. I think they were trying to make up their own words to a song, so points for creativity, but then they didn’t even memorize the words and read off pieces of paper, so they broke even.

<sup>7</sup> <https://www.youtube.com/watch?v=p9-6MgMNuTY>.

Really, the blunder is the fault of Section J’s PAs for not letting them know ahead of time how this would work. To their credit, they managed to smile through it all.

Last, and certainly not least, came the international superstars, UVA’s very own LLMs. With the most choreographed performance that was set to the same *High School Musical* song, the LLMs knocked it out of the park. Their pom-poms, which were occasionally dropped, contributed to a performance that will cement this incoming LLM class as the coolest in the history of LLM classes, maybe ever.

In the end, the LLMs placed third, Section D second, and whether through bribery, seduction, or both, Section C took home the gold. While some continued to dance, Section C began the inaugural softball game against the stacked NGLS team, because remember, this whole thing is all about softball. While Section C lost eighteen to two—because that’s the whole point—there was a short movement where Section C was beating the competition one to zero. A moment where a bunch of scrappy underdogs in boat shoes, flip flops, and even a barefoot guy came together and were beating the most stacked team all of UVA Law could put together. And while they didn’t win, they showed a lot of heart and teamwork, which will serve them well in the year to come. The same can be said of all the other sections that performed this year.

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## SYMPOSIUM

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had placed the 911 call. While Noor’s partner reached for his gun, Noor fired out of the car window and struck Justine, who died on scene. The two officers then turned on their body cameras and called for assistance. What happened following the shooting and the way the officers handled the situation was the subject of investigation by both Prosecutors Sweasy and Lofton, as well as the Minnesota Bureau of Criminal Apprehension (BCA).

**The Investigation**

The prosecutors walked through what their investigation found, despite the lack of cooperation from both the Minneapolis Police Department and numerous missteps in the BCA’s own inquiry. Body camera footage from officers on scene proved inconsistencies in witness testimony about whether Noor was interviewed following the shooting and what his partner saw. The BCA did not follow up on these inconsistencies and discounted information that the prosecutors thought may be relevant, such as the fact that one of the victim’s neighbors also called 911 that night to report sounds of a woman screaming. Sweasy and Lofton wonder if this was a missed opportunity to find a possible witness to the shooting, or a way to find the original potential victim that Justine had called 911 about. The BCA also did not thoroughly collect and

maintain evidence, including the officer’s squad car, which was washed and returned to service before the prosecutors could collect evidence. This was the type of practice that led Sweasy and Lofton to work on making changes to the way investigations into police use of force are conducted in the county. They believe that many of the Bureau’s lapses were informed by efforts to continue the status quo and assumptions that were made in favor of the police officers, instead of following potentially inconsistent evidence. Sweasy and Lofton hope to change the attitude around these investigations, and they maintain that just because something has been conducted a certain way for years does not mean it has to continue.

**The Trial**

In addition to the high-profile nature of the case, the trial was complicated by a number of factors. The prosecutors opined that many cases involving police shootings do not go to trial, resulting in a lack of case law on the issue. This meant that the question of whether the officer’s actions were “objectively reasonable at the time of the shooting” was challenging to answer. They were also challenged by Minnesota statutes that made it difficult to determine the appropriate charge in this type of case. They ultimately decided on third degree murder, which uses a “reckless indifference” standard. In the prosecutor’s favor, they also took this opportunity to address the case

as if it “had no limits” and admit any evidence they could. The prosecutors explained how their expert witnesses were not only crucial at trial, but also served as their teachers. Expert witnesses, including then-Chief Longo, helped the prosecutors better understand the issue of police use of force. In the end, Noor was convicted of third-degree murder and received a 150-month sentence. His lawyer has released a statement outlining plans to appeal.

**Lessons Learned**

Sweasy and Lofton ended their presentation with a discussion of what they have reflected on and learned from their experiences investigating and trying this case. Ultimately, transparency around this issue has been liberating for them. It has been important for their office, as well as the victim’s family, that everything possible is made public. They also celebrate that the case has contributed to a noticeable shift in the way that Minnesota conducts investigations into police use of force. In answering a question, Longo emphasized how it has never been more important to conduct these types of investigations regardless of the victim’s identity. He advised that communities need to demand this type of action, for the better of the law enforcement profession.

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# Recap of Supreme Court Recap Event

This past Monday, Professors Julia Mahoney and Michael Gilbert sat in a panel

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alongside Ms. Elizabeth Slattery of the Heritage Foundation to discuss influential opinions from the Supreme Court’s latest term.

Slattery opened the panel, discussing general observations about the last term. She noted that last term will likely be remembered more for Justice Kavanaugh’s hearing and confirmation than any of cases decided. She also noted that twenty-one cases, 29%, were decided five to four, the highest percentage of five-four decisions in a term since 2012. Slattery focused on cases that she deemed “missed opportunities” for conservatives and how they, in her eyes, may negatively impact the country in the future.

First, *American Legion v. American Humanist Assn.*, was an Establishment Clause case about a forty-foot cross in Maryland. While the cross was originally built on private land, the government purchased this land in the 1960s and, in recent years, citizens protested for its removal. In a seven to two decision, the Supreme Court upheld the cross’s constitutionality. The big debate was about the con-

tinuing validity of the Lemon test and what test should be used to decide whether structures like this should be allowed to stay standing on public land. No majority was reached, and instead a plurality with five concurrences resulted. Justices Ginsburg and Sotomayor dissented, suggesting that the cross could be relocated instead of torn down.

Slattery also discussed *Kiser v. Wilkie* and *Gundy v. United States*, two administrative law cases with big implications for the field. In *Kiser*, a veteran sought retroactive post-combat benefits after being initially denied but then later approved for these benefits. The Court refused to overturn *Auer v. Seminole Rock*, a divisive case in administrative law. *Auer* stands for the notion that courts should defer to an agency’s reasonable interpretation of its own ambiguous regulations unless clearly erroneous. While the precedent is highly criticized, Justice Kagan wrote for the five-person majority, reinforcing the decision on *stare decisis* grounds.

*Gundy*, questioning Congress’s ability to delegate its legislative power to other branches of government so long as an “intelligible principle” is stated by Congress to guide those receiving the power, was decided before Justice Kavanaugh was con-

firmed. The Court split five to three affirming that Congress could delegate power to the U.S. Attorney General to decide whether to apply a statute retroactively. Slattery found this decision rocky but expects that the non-delegation doctrine will be questioned again soon once the newly confirmed justices are more established in their roles on the Court.

Professor Gilbert spoke next about districting cases the Court heard this past term, namely *Virginia House of Delegates v. Bethune-Hill* and *Rucho v. Common Cause*. The *Bethune-Hill* case dealt with the Virginia legislature redrawing district lines, which were allegedly drawn in pursuit of unconstitutional racial gerrymandering. The lower courts struck down these districts as unconstitutional, and the Virginia Attorney General eventually stopped appealing the decision. Instead, the Virginia House of Delegates picked up the fight, and the Court addressed the question if this new group of plaintiffs had standing. The majority, in a five to four decision, said no. Ginsburg, writing for the majority, says that the Virginia House of Delegates’ argument for why they were harmed and therefore had standing was not sufficient. The group claimed that, if new lines were drawn, certain people already in office would

not be reelected, harming the House of Delegates in being able to push forward with their duties. In dissent, Alito found this argument persuasive, but this was not enough to convince a majority of the Court to join in favor of the plaintiffs.

*Rucho* concerned partisan gerrymandering, where redistricting is aimed at weakening one political party’s chances of winning and strengthening another. Cases from Maryland and North Carolina were merged together in this single case, where the redistricting was challenged all the way up to the Supreme Court. The Court reached another five-four decision, with Chief Justice Roberts writing in the majority and finding that the case was nonjusticiable. Roberts found that judicially manageable standards weren’t feasible here and, as a result, the Court could not decide on challenges to these types of gerrymandering cases. Kagan dissented, believing that we are better off having the Court pursue an imperfect attempt to resolve the issue than not giving any attempt at all.

Professor Mahoney concluded the panel with a discussion of cases involving government interests in private property. While her time was limited, she focused her discussion on *Knick v. Township of Scott, Pennsylvania*. *Knick* involved an aggrieved

property owner who was upset about the township signing an ordinance saying she had to provide access for the public to a small graveyard contained within her property. A major issue in the case involved whether the property owner could file in federal court—two prior cases, working in conjunction, seemed to bar her from doing so. These prior cases established that 1) a state court must deny a private property owner’s compensation of a government taking before the owner can come to federal court and 2) if the property owner goes to state court and loses, then the federal claim will be barred in federal court because of the Full Faith and Credit Clause (which respects a state court final decision and bars a federal court to redecide on the same issue). Roberts, for the majority, overturned this precedent, deeming it similar to a catch-22 and felt this was an appropriate time to overrule these past decisions.

All the panelists showed an extreme depth of knowledge that I unfortunately can’t articulate as well here as they did on Monday, but their insights into the Court showed that there is a lot of excitement to come and a lot of close decisions to continue to be made.

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# Hoos Pets Are These?

Recently, I've noticed a trend among my peers. Everyone looks a little brighter, a little

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happier. Is it the relief of being a 3L? The joy of being back in Charlottesville, surrounded by beautiful, lovely law students? Or the happiness of not having to put on a suit to go to work anymore? While all of these factors may contribute, I have a different theory: the rise of the 3L pet. Many pet-obsessed law students take advantage of the easier workload in 3L getting a furry friend. 3L is considered the perfect time, since students have less schoolwork (or at least, have a better idea of how to do their schoolwork) but also don't have to deal with the demands of the workplace yet.

With that theory in mind, I wanted to spread this joy across the school, and also distract myself while I wait until Friday to go pick up my own 3L pet (the most adorable little kitten I've ever seen). I spoke to several peers about their furry friends (and one particularly hardworking good boy) and collected some advice for those contemplating getting their own 3L, 2L, or even 1L pet. There are so many cute furry friends to be featured that this article is part one of at least a two-part series. If you have a furry friend to be featured, please send me an email: [tke3ge@virginia.edu](mailto:tke3ge@virginia.edu).

## Brand New 3L Pets Abbey Thornhill and Sully

Abbey got Sully, her mini goldendoodle puppy, last Friday, September 6. According to Abbey, "I've always wanted a dog. Last winter I decided that it was sort of now or never—if I was going to get a dog in the next few years, it should be while I was still in school so I could have the flexibility to come home and hang with the pup during the day between classes. So, I decided it was time to get myself on the waiting list with the hope of the puppy coming home 3L fall!" Since getting Sully, Abbey hasn't really slept much or done any reading, but she's hoping life with Sully will get easier as he gets older. Puppies are definitely a lot of work, so that's something to keep in mind if you're contemplating

following the pet trend. Thus far, Sully's favorite thing to do is play with leaves. For more Sully content, follow him on Instagram: [@sullythemini-dood727](https://www.instagram.com/sullythemini-dood727).

## Jackson Myers and Argo

Jackson and Maddie Roth, Jackson's girlfriend and a graduate student at UVA's Batten School of Public Policy, adopted Argo from the Augusta Regional SPCA on August 9. Jackson said, "I grew up with dogs at home and Maddie had always loved them from afar; our Instagram feeds are both predominantly dog accounts. We knew we wanted a dog, and decided that there would never be a better time to get a puppy than this August, when we both had about three weeks before classes began in order to get the puppy acclimated to us and to start doing training." Jackson also got Argo as a way to encourage himself to care about schoolwork less and give himself a new organizing principle. Jackson said, "Playing with, cuddling with, or even just looking at Argo is like an automatic happiness injection—she is just the cutest, sweetest dog, and every moment I spend with her is better than that moment would have been without her." For anyone contemplating getting a pet, Jackson said, "Getting a dog (since I can't opine on cats or any other kind of pet) can add a ton to your life, but it's also a lot and has to be taken very seriously. That said, 3L is a great time to get a dog, because for most people a lot of the academic pressure is off (so a furry distraction is fine/welcome) but you also still have a flexible schedule so you can be with the dog as much as possible."

## Law School Pets

### Sarah Iacomini, Onyx the Adventure Cat and Norbert the Wolf Dragon

Sarah adopted Onyx the Adventure Cat just before starting law school. Norbert the Wolf Dragon joined their cat family in August. Sarah decided to get her cats for companionship and to support her local animal shelters in Florida. According to Sarah, "Onyx loves watching squirrels visit the bird feeder at Sarah's house and Norbert delights in playing with a piece of packaging paper that came from a shipping box." Since becoming a cat owner, Sarah loves the stress-relieving snuggles provided by

her cats. The biggest difference from pre-pet life, Sarah says, is the way the cats have taken over her photos, videos and conversations. Sarah advises anyone contemplating getting a pet in law school to support their local animal shelters by adopting from there. For more Onyx and Norbert pictures, follow them on Instagram: [@onyx\\_the\\_adventure\\_cat](https://www.instagram.com/onyx_the_adventure_cat) & [@norbert\\_the\\_wolf\\_dragon](https://www.instagram.com/norbert_the_wolf_dragon).

### Ben and Grace Bevilacqua and Baker<sup>1</sup>

Ben and Grace got Baker, a standard poodle, during 2L—the day after their Sooners defeated the Mountaineers (November 24, 2018). Ben and Grace had wanted a dog within the next five years, and decided 2L was the best time to do it. They love Baker's frivolity and curiosity. Ben noted that Baker is particularly good at playing fetch, which is her favorite hobby (particularly in the woods). Ben advised anyone contemplating getting a pet to plan ahead and get the pet sooner rather than later, so they can be trained by next summer. If you want to follow Baker, check out her IG: [@baker.the.standard](https://www.instagram.com/baker.the.standard).

## Pre-Law School Pets

### Jenny Lewis and Millie

Jenny got Millie, a one-hundred-pound Newfoundland/Great Pyrenees, right after college graduation. Jenny always wanted a dog, but her dad was allergic. So, when Jenny realized she wasn't going to live at home anymore, Jenny "made my puppy dreams come true after 22 years of non-dog life." Jenny loves never coming home to an empty house, particularly because Millie is so excited to see her when she gets home. Jenny said, "It's her favorite part of the day (except breakfast. And dinner. And any other time food is available." Life with a pet requires more planning ahead so you can take care of them, and it's more expensive—but way more fun. For anyone contemplating getting a dog, Jenny advises, "It's hard, but you can do it! Get some good friends to be available to pet sit."

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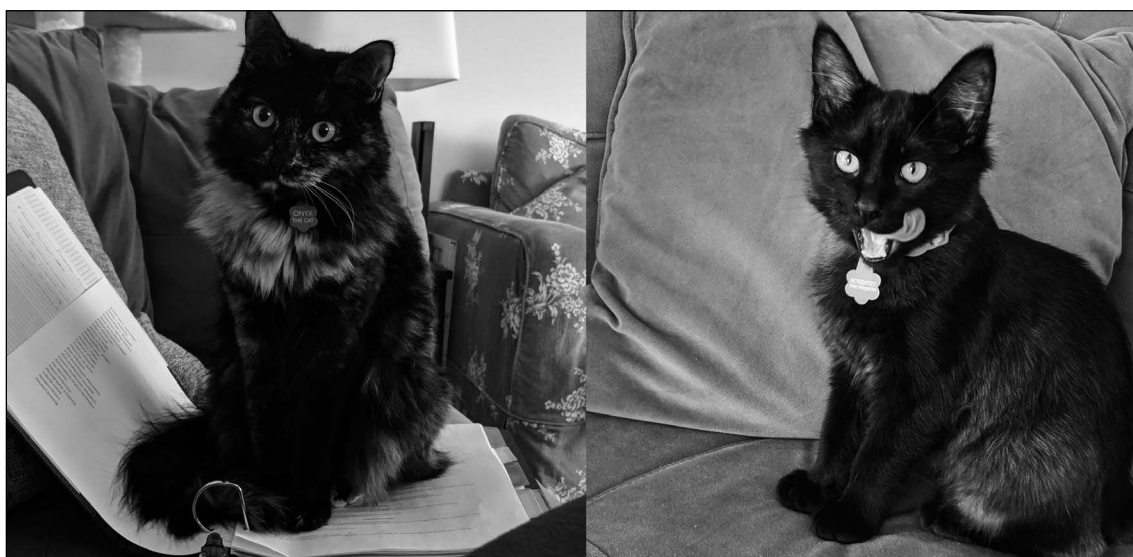
<sup>1</sup> Congratulations to the newlyweds! Grace and Ben, both 3Ls, got married over the summer.



Baker may not make bread, but he makes our spirits rise.



Sully (left) and Millie (right): different in size, but equal in cuteness.



These friendly felines, Onyx and Norbert, have consumed the life (and phone storage space) of Sarah Iacomini '20.



When asked to smile for the camera, Argo responds "P"

# 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

**Mellark et. al v. Everdeen**  
323 U.Va 105 (2019)

ELICEGUI, J., delivered the opinion of the Court, in which SHMAZZLE, C.J., RANZINI, LUK, and SCHMID, J.J. join. CALAMARO, J., filed a dissenting opinion.

JUSTICE ELICEGUI delivered the opinion of the Court.

I

At the beginning of every year, the normally polite, well-mannered, collegial students of UVA Law channel their inner *Hunger Games* fighters and chaos ensues as the barbarians fight to get the best seats. The Administration's statute, U.Va. G. St. § 17-839, describes the School's seat policy as: "We let students pick their own seats." Given the lack of guidance and ambiguity in the statute, this Court will restore order by interpreting the statute against the backdrop of UVA's general rules of collegiality and the common-law understanding of adverse possession. Property rights do not attach to a particular seat until a seating chart is filled out or students become accustomed to the seat over the course of at least three weeks.

II

On September 2, 2019, Peeta Mellark arrived for his 1:00 p.m. Corporations class in SL 289. Mellark discovered that a group of three—Clove, Cato, and Glimmer—had taken Mellark's seat from last class. Since there was not yet a seating chart, Mellark was content to move back a few rows. Mellark picked out a seat and began settling in.

Five minutes later, Mellark had settled in and was enjoying his morning coffee. All of a sudden, an arrow whizzed past Mellark's ear. Mellark jumped clear out of his seat, which ended up being a good thing, because another arrow whizzed underneath him. Mellark looked around, confused and frightened, and caught a

glimpse of Katniss Everdeen's camo-clad figure.

Suddenly, Everdeen dropped down on Mellark's desk from the ceiling. "What?!" Mellark loudly exclaimed. "Excuse me, this is my seat," Everdeen hissed.

"Oh, well there's not a seating chart yet, and other people were in my seat, which is totally

cool. But that means I needed to move," Mellark explained. "I don't think you understand," Everdeen said, her voice getting more menacing. "This is MY seat." Frightened and wanting to avoid confrontation, Mellark got up and moved, giving Everdeen the seat she claimed as her own.

**"The Hunger Games ends now. No more shooting arrows. If you want a particular seat, get to class early and claim the seat." - J. Elicegui**

After class, Mellark drafted a complaint and filed suit against Everdeen in the Court of Petty Problems. Mellark alleged unlawful conversion of property and emotional distress from Everdeen's aggression. At trial, Judge Marlyse Vieira found that Everdeen correctly protected her property from Mellark's attempted unlawful conversion and Everdeen did not engage in unlawful conversion because she had a vested property right in the seat. Judge Vieira also dismissed the emotional distress claim, citing *1L Gunners v. Everyone Else*, 324 U.Va. 22, 24 (2019) ("[E]motional distress is a harm within the risk of attending law school.")

Mellark appeals Judge Vieira's ruling on the property ques-

tion, but does not appeal the emotional distress decision, as it is clearly right as a matter of law under petty precedent.

III

With all statutory analysis questions, this Court begins with the text of the statute. However, U.Va. G. St. § 17-839 does not provide much insight.

until a seating chart is filled out. At that point, property rights attach to the student and the student has a cognizable claim should someone else invade the property right. The school has notice that the student has claimed the seat, satisfying the open use requirement. The possession is also notorious because the school loses the right

if someone takes a seat you do not yet own, suck it up and find a different seat. Don't hate the player—hate the game. After a reasonable period of time, consistent occupation establishes adverse possession even without a seating chart.

Justice CALAMARO, dissenting.

My colleague writes of the interaction between Mellark and Everdeen<sup>1</sup> through the lens of a social "faux pas." Yet she forgets that, throughout the history of law school, the greatest minds have always been the ones that commit these social "mistakes" every day. Have not the most successful, greatest law students also been the friendless and socially awkward? Is this even social awkwardness so much as social Darwinism, whereby the strong may take the seats of the weak? Fighting for seats is a time-honored tradition, the game of kings and peasants alike, and should be the main tool by which we choose our seats throughout the semester.<sup>2</sup>

I propose that we cast aside these "castes" of seating charts which have long been a tool for professors to gain even more control over the lives of the plebeians. Instead, we must remember that law school is about intimidation and strength,


1 The law school equivalent of Jane and John Doe.

2 See: Henry VIII, duck duck goose.

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## Faculty Quotes

<b>G. Rutherglen:</b> "From this point on in personal jurisdiction, it's turtles all the way down."	<b>J. Johnston:</b> "It is INCONCEIVABLE that you could be friends with a student in law school."
<b>A. Coughlin:</b> I should get a thermal imaging system—then I could figure out where to buy weed.	<b>T. Nachbar:</b> "We're not math people here. I guess some of us, and I don't like that."
<b>M. Gilbert:</b> "People with abs like that actually aren't that chill."	<b>F. Schauer:</b> "This is not a required class. Most first amendment litigants are miserable people saying miserable things."
<b>R. Buck:</b> "That's okay. Do not panic."	<i>Heard a good faculty quote? Email editor@lawweekly.org</i>



# Virginia Law Weekly

## COLOPHON

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# Tweedledee and Tweedledum: To Binge or Not to Binge?

In the Law Weekly office, controversies result in pointless disagreement between two equally unimportant editors. These are their arguments. \*dum dum!\*

## Pro-Binge

When Netflix started releasing the *Great British Bake-Off*<sup>1</sup> an episode at a time, it was the best thing that ever happened to me. But I don't have to be happy

Lena Welch '20  
New Media Editor



about it.

Binge-watching is among the things I do best in the world. I truly excel. I watched season three of *Stranger Things* three times (plus a re-watch of seasons one and two) in the time it took my friend to watch just the third season.<sup>2</sup> Essentially, I have a specific type of willpower that doesn't allow me to prevent myself from watching television but does allow me to consume a massive amount in a single sitting.

Which brings me to *GBBO*. This show is my life force. It ap-

1 Also known as the *Great British Baking Show* to Americans, but I prefer to call it by its proper acronym (*GBBO*).

2 A quick shout-out to my best friend who does not want me to reveal his identity but who recently watched *Stranger Things*. I had been feeling guilty for letting him go so long without watching it, so I am quite pleased that he is now a fan.

peals to me on multiple levels. The easiest level to identify is as a baker. I live for the flavor combinations and methods. Since watching, I have tried my hand at genoise cakes, laminated pastries, breads, and choux pastries—to varying degrees of success, of course.<sup>3</sup>

The show also appeals to me as a human being. The only other show that taps into my

3 As frequent recipients of their goodies, the *Law Weekly* staff is eternally grateful.

humanity in the same way is *MasterChef Junior*.<sup>4</sup> *GBBO* demonstrates some of the best parts of people—helping others even in the face of competition, creativity when following tradition is the easy way out, and quick-thinking problem-solving when things don't go to plan.

Finally, it appeals to me as a law student with a sometimes unbelievable amount of stress. I turn to *GBBO* during these

4 If you're not watching this show, you are making a mistake.

highly stressful times of my life, and I let the British summer, beautiful bakes, and soulful tone of Selasi's voice wash over me. I fired it up the other day in response to my fellowship-application-clinic-case-start-of-school stress, and saw a notification that new episodes were coming. EPISODES.

Well, I woke up at 3 a.m. last Friday to discover only one episode available and a new episode to come in each of the next

ing a new show.

Lest you gain the impression that I am a complete contrarian, I would just like to state that I do, in fact, love many features of streaming services. Netflix, Hulu, or Amazon Prime are near-ubiquitous fixtures in my apartment. How else can I watch the same episodes of the shows I've watched since high school over and over and over?<sup>8</sup> Being able to watch the same episode of *The Office* for the millionth time is a security blanket of unparalleled comfort. I enjoy streaming services so much that I constantly forget my apartment complex provides cable.<sup>9</sup> But for all of the positives of Netflix, releasing an entire season all at once isn't one of them.

Watching newly released content is much more enjoyable when it is released incrementally. The first reason is my own impatience. It already takes forever to wait for a new season even when you don't binge watch, but you have to wait even longer if you do. The second reason has to do with another shortcoming of mine—there is just no way I can focus on that many episodes in a short amount of time. Most likely, I'll just fall asleep. So—perhaps multiple times—and the Internet abounds with spoilers and hot takes. All this happens, most likely, before I even knew the new season was released.<sup>10</sup> Those who binged the new season have to avoid giving spoilers to their more methodical comrades who have not seen as many episodes. That means we all lose, both bingers and non-bingers alike.

The closest I came to bingeing an entire season was season three of *Santa Clarita Diet*. I blew through it at record pace<sup>11</sup> only to find that the much-awaited season four would never come to pass after Netflix unceremoniously cancelled the show.<sup>12</sup> The lesson I learned from that situation is clear: bingeing only leads to sadness.

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Lena has an agonizing week-long wait to see these friendly British faces in a new episode. Photo credit Mark Bourdillon.

## HOT BENCH



Jordin Dickerson '20

### What are you most excited about being back?

Being back so I can finish, and seeing all of my friends.

### Do you have any 3Lol goals?

To finish the Monticello Wine Trail.

### Where did you grow up?

Fayetteville, North Carolina.

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

Leonardo DeCaprio, because he's beautiful and cares about climate change.

### What did you think about the Game of Thrones ending?

Terrible. Very disappointing. They should've just ended it at the Battle of Winterfell.

### Where is your favorite place to vacation?

The beach, generally. As long as there's water and a place to lay down, and a beverage (alcoholic?) I'm happy.

### What's something you wish you'd known about law school before coming to UVA Law?

I had no lawyers in my family, so I really feel like I didn't know anything. I wish I knew first year would be the hardest academically speaking.

### Have the other years been harder in different ways?

I'm much busier now, but class is much easier, so it's a balance.

### Would you have done anything differently if you knew what you wished you'd knew?

I wouldn't have taken four exams second semester and now have a strong policy to not take more than two exams in any one semester.

### If you could live anywhere, where would it be?

Italy, because I love pasta, pizza, and wine. Plus, in the afternoon, everything closes for a nap. What more could you want?

### What's your least favorite sound?

Whining, whether it's a kid or an adult. I hate whining.

### What is the best concert you have ever been to?

J Cole, in Fayetteville, at the end of his 2014 Forest Hills Drive album. That was the address where he lived in Fayetteville. He brought Drake and Jay-Z along, it was awesome.

### What's your favorite

### thing to do in Charlottesville?

Go to Brazos!

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

I'd open a pro bono legal office and practice there.

Peter Dragna: Wow, really? I hope you never win.

Jordin: Okay I'd pay off my student debt and go on vacation too. But I'd still want to work, I didn't do all this schooling to not do something with it.

### If you had Matrix-like learning, what would you learn?

Foreign languages. Ideally all of them.

### If you could be in the Olympics, which sport would you compete in?

Race walking. It is the funniest thing, the rules are so strict and it's awesome to watch.

### What are you looking forward to after you graduate?

I guess actually practicing. I like being in court, which I knew after this summer, and you don't really get to do that in law school.

### What are you going to miss most about law school?

I'm going to miss talking with my friends at the ScoCo table. And glaring at people who take it without understanding that it's OUR table.

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nine weeks.<sup>5</sup> The outrage! What is this? Television?

Now, you may be saying, "Lena, I thought you were watching in response to stress." And you're right. For that reason, this is the best thing to happen to me. New bakers, new challenges, expanding the universe that I love, and in measured doses that better fit with school's current demands on my time. But consuming the new season in one sitting and compromising other areas of my life was my mistake to make, Netflix!

## Anti-Binge

I may be in my twenties, but in many ways I feel adrift from the trends of my generation.

Michael Schmid '21  
Production Editor



I'm not on social media. I am currently reading an autobiography of Art Garfunkel.<sup>6</sup> The last movie I watched starred Cary Grant and Audrey Hepburn.<sup>7</sup> So, it might make sense to readers that I've never understood the appeal of binge-

5 The release corresponds with the release in the U.K., which is another reason why this is one of the best things to happen to me, but again, not happy. I'm a horrible, disgusting, spoiled, instant-gratification-seeking garbage person, and I want my show now!

6 *What Is It All but Luminous?*, Knopf (2017).

7 *Charade* (1963), directed by Stanley Donen.



8 An episode of *Psych* that I've seen a million times is playing in the background as I write.

9 But it's standard def basic cable, so really what's the point?

10 See above: I don't have social media.

11 It was probably like one week, but... it's all relative.

12 Don't even get me started on that decision...

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continued from page 4

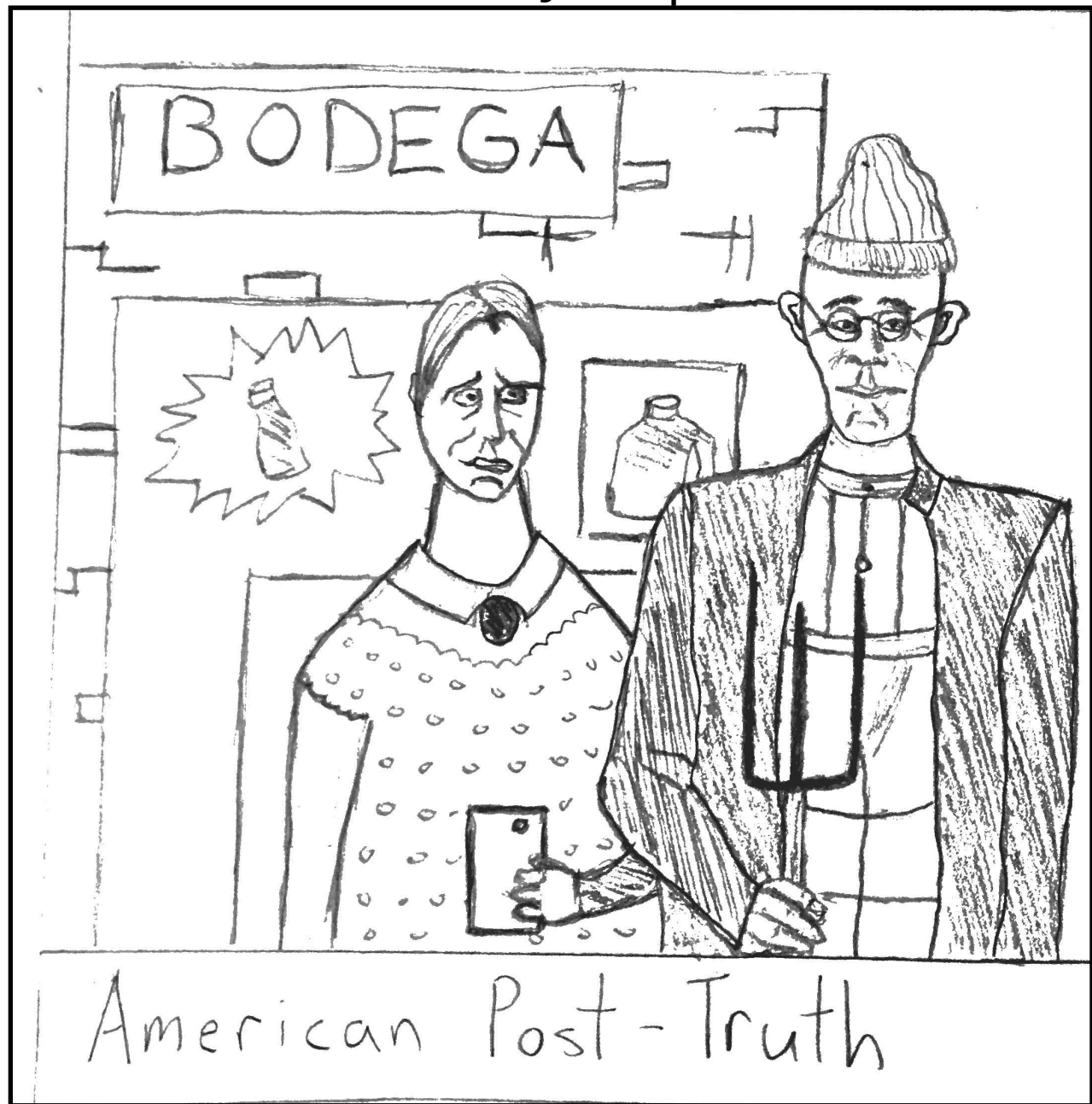
and that if someone comes in with a knitted wool vest over a button-down shirt, he is clearly the smartest and most accomplished student and must be allowed to take whichever seat suits him. So it was with our ancestors, so it must be now. It is our human nature to fight, be it with clubs and pitchforks, or with passive-aggressive looks at the person who is sitting where we feel that we ought to. We must therefore be allowed to duke it out in whatever manner is necessary to achieve seating tranquility. The time for “seating socialism”™ is long gone—the time for seating altercations, be they verbal or just angry mutters under breaths, is here.

The majority should be prepared to reckon with the grave consequences of their actions today. Law students are people who throw off the bonds of social structure, who decide to cut in line because life is *theirs* for the taking, who go to class sick because herd immunity be damned.<sup>3</sup> We deserve to prove our worth to our families not just in the field of finals, or the field of softball, but also in the field of seating arrangements. Only by knowing who is the best at sitting will the black holes that are our hearts be filled with self-esteem and meaning.

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<sup>3</sup> RIP cabin crew and norovirus.

Cartoon By Raphael



THE DOCKET

TIME	EVENT	LOCATION	COST	FOOD?
<b>WEDNESDAY – September 11</b>				
11:30 – 12:30	National Lawyers Guild Welcome Meeting	WB 128	Free	Provided
12:00 – 13:00	Immigration Law Program Meet and Greet	WB 129	Free	Provided
13:00 – 14:00	How to Land a Judicial Internship	WB 152	Free	---
<b>THURSDAY – September 12</b>				
11:30 – 13:00	Careers and Internships with JAG Corps	Purcell	Free	Provided w/ Symplicity RSVP by 9/10
12:00 – 13:30	ACS General Body Meeting	WB 101	Free	Provided
17:00 – 19:00	Virginia Law Women Faculty Wine and Cheese	Caplin Pavilion	Free	Our sources say wine and cheese will most likely be served
17:00 – 19:00	Street Law Interest Meeting	WB 126	Free	Provided
<b>FRIDAY – September 13</b>				
12:00 – 13:30	Virginia Law Women General Body Meeting	WB 152	Free	Provided
17:15 – 17:45	LPS Information Session	SL 258	Free	Pizza social to follow
19:00 – 20:30	Sen. Jeff Flake Lecture: Searching for the Better Angels of Our Nature	Rotunda Dome Room	Free	---
<b>SATURDAY – September 14</b>				
9:00 – 17:00	Constitution Day Celebration	James Madison's Montpelier	Free	Available
10:00 – 11:00	The Science of Athletic Performance	Alumni Hall	Free, RSVP required	---
19:30	Football: Virginia vs. Florida State	Scott Stadium	Free w/ student ID	Unparalleled stadium food
<b>SUNDAY – September 15</b>				
14:00	Women's Field Hockey: Virginia vs. Yale	Turf Field	Free	---
13:00 – 15:30	Batesville Jazz Collective	The Batesville Market	\$10	---
13:00 – 15:00	Legal Observer Training	WB 126	Free	---
<b>MONDAY – September 16</b>				
11:30 – 12:30	SBA Professors and Pastries Social	Purcell	Free	Coffee and pastries
11:30 – 12:30	VELLA General Body Meeting	WB 128	Free	Provided
12:30 – 13:30	West Coast Wahoos General Body Meeting	WB 154	Free	Provided
13:15 – 14:30	Food Rules: Snack and Chat	WB 121	Free	Kosher and halal certified light food provided
<b>TUESDAY – September 17</b>				
15:45 – 17:00	International Programs Information Session	TBD	Free	---

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