



VIRGINIA LAW WEEKLY

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

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First Human Rights Week a Success

Sam Pickett '21
News Editor

In her video message to the UVA Law community, Dean Goluboff introduced the school's first ever Human Rights Week as a "great opportunity to learn about our program and also hear about cutting edge issues in human rights law." And that it was. Over the course of last week, the Human Rights Program, led by the dynamic trio of Alex Karahalios '21, Kunchok Dolma '21, and Rachel Davidson Raycraft '20, presented events on three pressing issues from around the globe: organ harvesting in China, hardships for minorities in India under Prime Minister Modi, and the impact of the United States's "War on Drugs."

On Monday, renowned human rights lawyer Dr. David Matas and UVA Medical School Professor, Dr. Joshua Li, spoke about forced organ harvesting in China. Dr. Matas spoke first and described his experience investigating transplant programs of hundreds of hospitals in China. He drew on media reports, official propaganda, and more in his revealing report on the practice of harvesting organs from minorities in China, particularly Falun Gong practitioners. Hearing Dr. Matas speak was quite the surreal experience, given that he was a 2010 Nobel Peace Prize nominee who helped discover significant evidence of what he has termed the "bloody harvest." His accomplishments are a testament to the fact that one individual really can help change the world. Dr. Li concluded the presentation with important context regarding the minority and subordinated groups in China, including the practices of Falun Gong.

On Wednesday, Professor Neeti Nair and Professor Parhana Ibrahim discussed the difficulties faced by India's religious and ethnic minorities, in particular Indian Muslims, under the recently re-elected Prime Minister Narendra Modi. The main issue discussed was Prime Minister Modi's recent announcement regarding the termination of Article 370 of the Indian Constitution and assertion of power over Kashmir, an area of land heavily disputed between India and Pakistan. The professors did an excellent job, however, of providing the audience with a brief history of the conflict between India and

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All-Star Games End in Controversy



1L all-stars on the field moments before drama goes down. Photo Credit Eleanor Schmalzl '20.

Lena Welch '20
New Media Editor

Sixty first-year UVA Law students took to the diamond in the All-Star softball games at the Park on Wednesday, October 23. The night featured three games, with co-ed rosters for the first two games and an open game featuring the top 1L men in the final game of the night.

Game 1: Home 26, Away 8

The night kicked off with a trouncing of the away team, 26-8, who couldn't find a presence on the mound to stop the home team. With the teams tied 5-5 after the first inning, the home team pulled away with eight runs in the bottom of the second. The home team took advantage of ten walks on the night. Max Baird '22 went 4-for-4 with a home run in the second inning to lead the home team bats. Clair Reiling '22 and Jack Tucker '22 batted second and third in the lineup, respectively, and each reached first base five times. James Harper '22 held down the mound for the home team, and contributed a triple in the second inning.

Marc Kilani '22 doubled as the leadoff batter in the second inning for the away team, and CJ Collins '22 sent him home with a two-run homer, giving the away team a 7-5 lead before the home team stepped up with 21 runs in the final three innings.

Game 2: Away 20, Home 9

In the second game of the night, the away team earned the victory, 20-9. Tallulah Tepper '22 had a standout performance, pitching for the away team gave up just 11 hits and picked up two strikeouts. The away team racked up four runs in the first

inning, including three off a home run by Will Scheffer '22. The home team got one back in the bottom of the first, but the away team took a dominant lead with seven runs in the second. Leon Ebani '22 extended the lead in the third inning for the away team with a three-run homer.

Michael Peña '22 went 3-for-3 on the night for the home team. Trace Larabee '22 pitched for the home team, and had a good hit down the right field line in the fourth inning, but a strong defensive play by Caroline Spadaro '22 kept the home team from scoring. Ebani's miraculous catch in left field in the bottom of the fourth was another defensive highlight for the away team.

"Y'all can keep playing, but let's be clear that's game."

(Controversial) Game 3: Away 21, Home 19

The final game ended in controversy as umpire Ethan Silverman '21 called the third out on a thrown bat (the second thrown bat by the same player, who was warned after the first instance that he would be called out if he threw the bat a second time). The call itself was not contested, but it abruptly stopped a comeback inning for the home team. The home team pled for the game to continue, but members of the away team exited the field, bringing an end to an entertaining game featuring stellar plays and high tensions.

"They left the field like they stole something. Didn't even shake hands. Ian [Jones '22] was probably exhausted after pulling the flop of the century at catcher after the tossed bat allegedly came a little too close to his an-

kles. Phil [Tonseth '22] was just pissed that it was a little too cold to wear a crop top to this game." Nathan Wunderli '22 said.

The home team took the lead after one inning, 4-3. Wunderli pitched the first inning for the home team, picking up a strikeout for the third out, then stepped up to the plate and sent the ball over the fence for the first homer of the game.

The away team took a permanent lead in the second inning after piecing together seven runs in the inning. Bolton Smith '22 homered as the leadoff batter in the second inning, and seven other members of the away team earned hits. The home team cut the deficit to 10-7 with three runs in the bottom of the second.

The third inning featured a pair of solo home runs from Chris Leveroni '22 and Nick Roberti '22 for the away team, while the home team rounded home three times in the bottom of the third. Tonseth picked up back-to-back outs with catches in foul territory, helping to limit the comeback from the home team.

The away team carried their defensive momentum into the fourth inning, preventing the home team from rounding home after picking up another three runs of its own in the top of the fourth.

The away team pulled away with six runs in the top of the fifth. Tonseth and Kurt Swlander '22 hit consecutive home runs to extend the away team's lead to 19-10, and the away team took advantage of an error in the outfield, a single by Connor Day

SOFTBALL page 6

around north grounds



Thumbs down to PILA hours madness. Grantees swarming on google docs reminds ANG of the time ANG would make seagulls fight over cheetos.



Thumbs up to people who switch the language on the MyLab coffee machines to French. ANG likes to have a cultured feel when pressing the button for hot water, or "eau chaude" as it is known in the lover's tongue.



Thumbs down to The Gunner's show being moved to Friday. ANG heard some nonsense about it "not being their fault" and that "restaurant management required them to move the date of the show," but ANG is the only one who gets to use nonsense as an excuse. #MoveTheShowBackToThursday



Thumbs sideways to SBA's November Mustache Competition. ANG is excited to put the picture of the winner "in the Law Weekly or something," but ANG is not looking forward to ANG's classmates picking remnants of free pizza out of their beards for a month. Honorable mention to Professor Joe Fore's former mustache.



Thumbs up to the fans who who expressed their First Amendment rights by booing at Nationals Park. ANG thinks the next election should be determined by whoever yells the loudest at a sports event. ANG appreciated having a spooky boo-buddy while ANG watched the game from under the bleachers.



Thumbs sideways to 1Ls sassing upperclassmen. While ANG appreciates the attempt to try and tell upperclassmen that they're wrong or don't understand law school, ANG also actually doesn't appreciate that at all. But ANG does love a good self-destructive email!



Thumbs down to the new half season of BoJack Horseman coming out just when the semester is about to get real. ANG doesn't need that kind of existential crisis when ANG is already having ANG's regular finals crisis.

Law Weekly Faculty Lunch Series: Kim Forde-Mazrui

There are many things you wouldn't know about Professor Kim Forde-Mazrui just from

Christina Luk '21
Executive Editor



meeting him. For instance, contrary to popular belief, "Forde-Mazrui" is not a hyphenation of his parents' last names but of his wife's last name "Forde" and his own last name "Mazrui." They decided to hyphenate when they adopted their son. For thirty years, there have been just three Forde-Mazruis in the world, but there might soon be a fourth! Professor KFM's son recently got married and his

husband is thinking of changing his name.

So, because Professor KFM is a mystery and because he is amazing, I made it my mission to grab lunch with him. I flexed my underutilized advocacy skills and invited him to lunch with myself, Grace Tang '21, and Nate Wunderli '22 as part of Law Weekly's faculty lunch series. As we sat down to eat, it became readily apparent that Professor KFM was a fan of the paper and he had come prepared. While I scrambled to come up with questions he hadn't anticipated, we dove into his life at the Law School.

Here at the University of Virginia, Professor KFM is the

Mortimer M. Caplin Professor of Law and the Director of the Center for the Study of Race and Law. Professor KFM joined the faculty in 1996. When we asked what's changed over the last two decades, Professor KFM cited both the building and the role of technology. The Law School used to be just Withers-Brown Hall, but when the Business School "built that palace up the road," the Law School bought what is now Slaughter Hall and effectively doubled its size.

Luckily for all of us, when the school underwent construction to merge the two halls, they also revamped the classrooms. Withers-Brown actually used to be called "Withers High" on account of its tacky, plastic school desks. And in true modern fashion, the school had also installed phone jacks next to every seat so people could connect to the internet via dial up. (The sound of dozens of computers simultaneously connecting to CompuServe haunts me.)

Professor KFM's scholarship is primarily race-related and he's written about child placement, affirmative action, policing, and jury selection. When we asked how his legal interests have evolved over time, he told us that, actually, "I found discussions of race frustrating in law school. I remember, when I joined law review, and my friend asked me what I wanted to write about, I said, 'Anything but race!'"

Looking back, Professor KFM attributes his early frustration to the fact that he "didn't fully agree with either side." Instead, he felt that he had an "outsider's perspective, despite growing up here." He conjectured that perhaps, as an immigrant, he was "less saddled by America's racial history," and therefore more inclined to take competing perspectives seriously.

Professor KFM also felt that his upbringing and background had a big impact on his approach to race. Professor KFM's father was Kenyan, black, and Muslim; his mother is British, white, and raised Christian. For the first few years of his life, Professor KFM lived in Uganda while his father taught political science at Makerere University. In 1971, however, Dictator Idi Amin came to power, and Professor KFM's father, an outspoken opponent of the dictatorship, came under pressure from the university to relocate. The family moved to Palo Alto, California, where Professor KFM's father taught at Stanford for a couple of years, before joining the University of Michigan in Ann Arbor.

There, Professor KFM joked, he spent grades 1-19 in "Ann Arbor public schools," meaning his K-12 education, plus undergrad and law school at the University of Michigan. After law school, Professor KFM clerked for Judge Cornelia G. Kennedy of the U.S. Sixth Circuit Court of Appeals, but he loved Ann Arbor

so much he opted to carpool an hour every day instead of moving to Detroit. When we asked if he'd ever move back to Ann Arbor, Professor KFM assured us that he loves his UVA students too much to go. He's been here twenty-three years and he plans to leave "in a pine box."¹

Lightning Round:

What's your favorite food?

Kuku Wa Kupaka, a Swahili dish much like a coconut flavored chicken curry. My mom makes it.

Favorite restaurant?

Bamboo House.

Pet peeve?

When people won't tell me how they want to be addressed when they have a name that can be shortened.

Favorite show?

Roots, the original 1977 series.

Favorite word?

Equality.

What's a hobby of yours?

Ping-pong. I play every day with my wife in our driveway. I'm actually very good despite having very poor eyesight. It's because my vision is very bad in

¹ But maybe Dean Goluboff should give him a raise juuuust to be sure.

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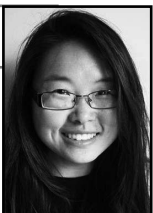


Professor KFM poses with his rescue dog, Jolie, ping-pong paddle, and t-shirt celebrating his favorite song, "Let It Be." Photo courtesy KFM.

Exclusive Interview with David Leitch '85 General Counsel of Bank of America

The University of Virginia School of Law had the pleasure of welcoming Da-

Grace Tang '21
Lifestyle Editor



vid Leitch '85, Global General Counsel for BoA, to North

Christina Luk '21
Executive Editor



Grounds last week. Leitch is in Charlottesville to visit BoA branches in the region to discuss talk with local management. On October 21, the Virginia Law & Business Society held a Q&A moderated by Professor George Geis, with whom Leitch discussed his extensive experiences working at the nexus of global commerce and law. A podcast can be found online on SoundCloud, courtesy of UVA Law.

We at the paper took this opportunity to snag an exclusive *Law Weekly* interview with Leitch. Managing Editor Christina Luk '21 and Lifestyle Editor Grace Tang '21 had the opportunity to sit down in ScoCo to chat with Leitch about his impressive and wide-ranging career path, his love for Charlottesville, his memories of the Law School, and his advice for current students.

Leitch fondly reminisced

about his days at UVA Law and his 1L professors Emerson Spies, John Jeffries, and John Robinson. When asked if he played softball at UVA, he told *Law Weekly*, "I did, I didn't realize I had a choice! Softball was a very important activity then, and it's taken on more prominence since my time here." When Leitch was a student, law firm interviews were scheduled throughout the semester, and there would inevitably be students who attended interviews in their softball uniforms or softball games in their suits! Given this and UVA's stellar softball reputation, it's no wonder everyone asks us about softball during interviews. Leitch gave us additional insight into another softball tradition, the 1L Dandelion Kick-off, which had its origin in the first softball opening parade while Leitch was in school, called the Dandelion Parade. Leitch found the inaugural parade particularly memorable because George Rennick, a popular automobile salesman who starred in funny commercials, was the parade's grand marshal.

Leitch grew up in the suburbs of Philadelphia and attended Duke University for undergrad before arriving at UVA Law, where he pursued a course of study dedicated to litigation. Leitch spoke at length about the many doors UVA Law opened for him,

including clerkship opportunities. For example, just two days after Leitch graduated from the Law School, he drove up to D.C. to interview with then Justice Rehnquist. Far from having any expectations, Leitch said, he felt privileged to have met Justice Rehnquist and said it was a great opportunity to see the Supreme Court from behind the curtain. When his mom received a call the next day from Justice Rehnquist's assistant, Leitch wondered if he had forgotten his umbrella in the office. The news was in fact much better. "It was all so fast," recalls Leitch. "I graduated on Saturday, interviewed Monday, and by Tuesday I had the job."

When it comes to his long and interesting career, Leitch commented that he had "a number of different jobs, each rewarding in different ways," which is certainly true. After leaving law school, he clerked for Federal Circuit Judge Wilkinson '72 in Charlottesville and Chief Justice Rehnquist on the Supreme Court in D.C. before working at what is now Hogan Lovells LLP. Afterwards, Leitch worked at the Department of Justice alongside UVA professors Barbara Armacost, John Duffy, and John Harrison. While practicing as an appellate lawyer at Hogan, Leitch worked alongside John Roberts, now Chief Justice of the

Supreme Court.

Throughout our interview, Leitch emphasized flexibility and he advised students to be patient and keep an open mind in their careers. "While you don't need to take every opportunity presented, consider reasonable 'stretch' opportunities." When he graduated from law school at the age of twenty-four, Leitch was set on litigation and wanted to be a federal judge. "I was a young man in a hurry. But take the long view, let things unfold, and really dedicate yourself to what's in front of you." In his ca-

reer, Leitch worked in many legal fields, and he always dedicated time to master his current role. "I didn't think I would end up in-house, but I was fortunate to work with people who have helped me develop those skills. I was intentional in terms of being open to opportunity, and you never know where it leads."

Being open to opportunity paid off for Leitch in 2001. "After working as an appellate lawyer for the better part of a decade, I wanted to try something new," said Leitch. When the opportu-

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David Leitch '85 sat down for a conversation with two *Law Weekly* editors while he was in Charlottesville. Photo courtesy bankofamerica.com.

HUMAN RIGHTS WEEK

continued from page 1

Pakistan and the steady progression of Indian Hindu nationalism over time. They emphasized the fact that Islamophobia is not a new force in India, but that the nationalist rhetoric of Prime Minister Modi and influence of social media has allowed it to become even more latent. The presentation was followed by thoughtful questions from the audience, ranging from the practice of reservations in schools to the role of civil society organizations in a possible solution.

The week concluded on Thursday with an event on the global war on drugs with Sanho Tree from the Institute for Policy Studies and Teresa García Castro from the Washington Office on Latin America (WOLA). Tree presented first on the development of counternarcotic efforts throughout the last fifty years. He preached the futility of trying to stop the war on drugs by targeting suppliers, citing the innovative nature of drug cartels, who use everything from submarines to underground tunnels to traffic their product. He similarly condemned the interdiction of drugs because it would raise demand while lowering supply—meaning drug dealers would turn to more potent, more compact drugs like fentanyl to supplement their supply. His message, therefore, was that the “War on Drugs” had forced the drug economy to develop at a lightning pace, which had made it almost impossible to shut down with militarization and prosecution. García Castro then stepped in to present the impact of the war on drugs on the demand side, describing the

nity to gain management experience became available as General Counsel of the Federal Aviation Administration (FAA), Leitch took the role. Shortly afterward, 9/11 occurred and Leitch found himself at the center of a national crisis over aviation and safety. Leitch’s work at the FAA led to contacts that helped him find his next job. After eighteen months at the FAA, in 2002, Leitch became Deputy White House Counsel with an office in the West Wing. “It was an incredible opportunity,” recalls Leitch, “and through those experiences, I was offered a position as GC for the Ford Motor Company where I worked for ten years.” Four years ago, Leitch took over his current role as General Counsel at Bank of America.

Throughout his career in and out of public and private practice, Leitch has found writing to be one of the most important skills, translating across a variety of legal and non-legal positions. “Developing the ability to communicate clearly and concisely to lawyers and non-lawyers through accurate and clear written word is vital. Good legal writing is not about being formal. But whether it is a brief or email, you need to make sure to be understood.” A reputation for integrity and candor is critical as well. “Be careful not to shade the truth to serve your client’s needs, building a reputation takes a long time so you should guard it carefully.”

For students interested

impact of the war on drugs on female incarceration and sharing shocking data on the dramatic growth in female incarceration over the past few years in Latin America.

The first Human Rights Week in UVA Law history was a massive success. The widely attended events, expert panelists, and continuous presence of cheerful International Human Rights co-director Camilo Sánchez showed off exactly what UVA has to offer: An engaged student body, access to some of the most interesting people in the world, and a dedicated faculty. Having been to almost every human rights event (weirdest flex ever, I know) since my arrival at this school, it has been a joy to see the school continue to invest in international human rights and the increasing popularity of the topic. In summarizing the week, Co-Student Coordinator of the Human Rights Program Karahalios said, “As part of our goal this year to increase our presence on campus, Professor Camilo Sánchez had the wonderful idea of putting on an inaugural Human Rights Week. The programming, attendance, and feedback from the Law School community far surpassed our expectations. We are very grateful to our speakers for putting so much thought and effort into their engagements and to the Law School community for joining us in our endeavor to educate ourselves on a diversity of issues present around the world today.” Couldn’t have said it better myself.

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in working in-house, Leitch recommends developing relationships with clients and in-house lawyers. “It sounds obvious, but sometimes, we can be insulated from the actual people on the other side of the table. You should work for people who let you get to know the people you work for and not just the problems.” This is also a great way to learn what it is really like to work at the corporation.

Since this is *Law Weekly*, we had to take a page out of Hot Bench and ask Leitch a series of lightning round questions. We learned that Leitch’s favorite food is usually related to the last country he visited. At the time, Leitch was craving Thai food, because he had a local Thai cooking class with his wife and daughter on his last trip. The next destination on Leitch’s bucket list is South Africa, and London is his favorite city outside of the US for its culture, arts, and history.

In Charlottesville, Leitch recommends the Virginian down on The Corner. He met his wife in Charlottesville and they had some great meals there. Additionally, Blue Moon Diner and Millers Downtown are also local favorites still around today.

For podcast listeners, Leitch recommended Malcolm Gladwell’s podcast Revisionist History, especially the episode discussing the history of the timing requirement on the LSAT exam. For novel readers, he recommends *In Hoffa’s Shadow* by

Bearing Witness: Why We Needed an Exhibit on Lynching

The lyrics to the song “Strange Fruit” make a point

Eli Jones ’21
Guest Writer



of contrasting the beauty of natural scenery and the grotesque violence that results after a lynching. This juxtaposition is stark, describing the sweet smell of magnolia flowers blending into the smell of burning flesh. The song is grotesque, disturbing, and haunting, which is exactly why it is such an effective tribute to the crime against humanity that is lynching. Unless an accurate image of such a horrifically violent act is conjured in someone’s head, the concept loses all meaning.

This was exactly what that the Black Law Students Association felt last week as the President of the United States compared his possible impeachment to a lynching on his Twitter account.¹ As students who study the law—and by extension American society and culture over the years—such a comparison was both immensely striking and distressing. We knew such a comparison was nei-

1 https://twitter.com/realDonaldTrump/status/1186611272231636992?ref_src.

Jack Goldsmith, who used to teach at UVA Law, or anything by Hampton Sides.

In the fashion of a true UVA Law alum, Leitch was humble, kind, and generous in his advice. He spoke softly and was warm and approachable. He told us he had read last week’s *Law Weekly* and that he hoped he would be able to pick up another edition before he left Charlottesville. During our interview with Leitch, he talked about a wide range of topics ranging from his experiences at UVA, to his professors, to Jim Ryan’s book, all the way to stories about how final exams used to be taken on typewriters. The common thread tying together each topic is how much Leitch values and appreciates the Law School. It’s clear that Leitch is a big UVA Law fan and that he thoroughly enjoyed being back on Grounds.

When asked what he wanted to tell students at the Law School, Leitch had a simple message, “Savor every moment being at the Law School, and don’t forget to make relationships that will last a lifetime.”

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ther accurate to the nature of lynching itself, nor sensitive to the atrocities endured. When discussing the matter in our office, our Firm Relations Chair, Nicole Banton ’21, pointed out that some people don’t really know what a lynching looks like.

To address this issue, we decided to create a pop-up exhibit, held in a classroom every morning for three hours a day, three days straight. The finished exhibit, Lynching: An Exhibit on Racial Terror, featured photographs and information on eight separate incidents of lynching, as well as physical artifacts and an electronic interactive map that showed the location of every recorded racial lynching in the United States. The main drive of the exhibit was to provide an educational forum to learn about the widespread practice of lynching in American history and foster a culture that holds individuals accountable for misrepresentations.

The exhibit aimed to be shocking and, we dare say, upsetting. As a society, we can decry comparisons to lynching or talk at length about how awful racism is, but it’s not often that we actually face the blunt reality of what these regimes look like. When you see photographs of women and children laughing at a burning

body as if they are watching a sporting event or when you see a souvenir postcard of a lynching jokingly call the man people burned alive “the barbecue we had yesterday,” there is a new level of horror that people feel towards something from which they initially may have felt a great deal of distance.

The legacy of racism and dehumanization of Black people is not something to be invoked lightly, which is why BLSA worked to address the need for this exhibit. I use the word need intentionally, because regardless of what political stripe we fall into, this history is important. Not only important, but vital. As aspiring lawyers, if we cannot look at the full reality of our past, we will never fully be able to adequately address the challenges of today and tomorrow.

This observation is without a doubt the biggest takeaway we wanted people to have from the exhibit. Although President Trump’s tweet was the impetus of this exhibit, this was not about politics or impeachment. This was about Bennie Simons, Laura and L.D. Nelson, Jesse Washington, John Henry James, Emmett Till, and the thousands more who fell victim to the murderous rage of the lynch mob. Thou-

BEARING WITNESS page 6

Things That Spook Me On Halloween

Hohoho, Halloween is around the corner and I’m already sleep deprived! As

Drew Calamaro ’21
Satire Editor



someone who just stayed up all night for no reason while being highly unproductive, I am just going to slap together some things that scare me and get to my 800-word minimum this fine Monday morning so I can turn in my article to the Editor-in-Chief who I fear above all else¹ and, ultimately, go to sleep. So here are some things that scare me, and **they should scare you too.**²

1 See Figure 1.

2 Non-sleep deprived Drew disclaims any and all liability for hurt feelings that sleep-deprived Drew has caused. This, of course, is sleep-deprived Drew writing this disclaimer,

The thought of speaking to an undergrad on Halloween this Thursday.

I know a lot of you are little K-JDs, but for anyone who has been out of undergrad for a year or more, or anyone who decided they wanted some real life experience (like by trying to take a day off to go to the dentist and the doctor on a Wednesday), the thought of having a conversation with an undergrad, let alone speak to one, gives me the chills. As someone who prides himself on his ability to converse, words escape me when I meet a 20-year-old. They live in a fantasyland, one where you aren’t in a direct zero-sum competition with everyone your age, and you can eat an entire Domino’s pizza along with a D.P. Dough calzone and not gain weight. I would single out the undergrads for

but it should hold up.

SPOOKY page 5

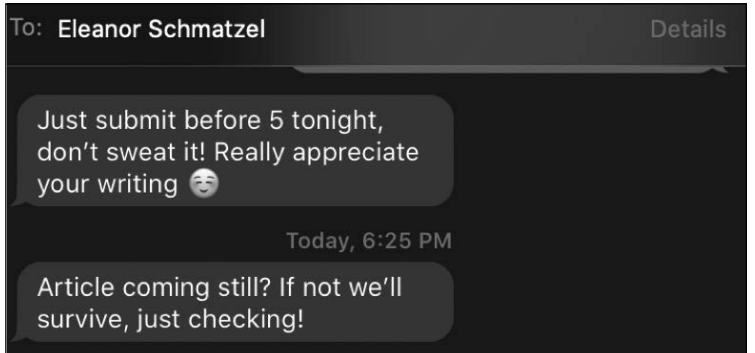


Figure 1: A chilling berating doled out by our Editor-in-Chief. The article made it at 6:55 PM. From the text archives of Drew Calamaro ’21.

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

Tonseth v. LUKE
369 U.Va 33 (2019)

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

CHIEF JUSTICE SHMAZZLE delivered the opinion of the Court.

Introduction

Once upon a time, in a world not so long ago, there was peace.¹ 3 at 3 was actually held at a bar named 3, Crozet Pizza was the best biker bar in Virginia, and The Virginian was true to its roots and traditions. This world has slowly deteriorated, and the last straw has come upon us. Despite ordering an injunction against the renaming of the original 3 at 3 hotspot and ordering damages for every biker who no longer felt at home at what is now Crozet Pizza, both of which failed miserably,² this Court is here to try once more to right the wrongs of The Corner. What has gone wrong at The Virginian is nearly unspeakable, but it is the order of this Court to try and right the pettiest wrongs of this esteemed university.

Summary of the Facts

Plaintiff law students brought this case several weeks ago, complaining about the new policy that The Virginian (nicknamed Virg (now nicknamed Less Fun Virg (further nicknamed LfV for short))) has ordered to be followed for the rest of eternity. Sometime in the last few weeks, an accident—a tort, if you will (although members of this Court and 98% of attorneys still aren’t sure what a tort even is)—occurred at what was then known as Virg. Apparently, some un-

dergrad (we’ll call him “Loser Undergrad who ‘K’an’t hang in a bar Engineer (hereinafter, LUKE))³ was enjoying too many libations and hopped up on a Virg table. Anyone who has been to Virg knows this is not only acceptable but strongly encouraged during late night festivities, so friends of said undergrad gladly welcomed him to the overcrowded, sweaty, and dirty tabletop where unsuspecting visitors likely let

The Complaint

Plaintiffs contest that this new policy is despicable, inappropriate, and “straight up bogus.” They contend that LfV does not have proper ownership of the tabletops, since students have adversely possessed these for, like, a long time. Consequently, they argue this action by the bar is not meritorious and unenforceable. They further demand a preliminary

in bright pink pastel shorts). Further, the lower court found possession exclusive—recognizing plaintiffs as a group in pursuit of a common goal and, for purposes of adverse possession, allowed them to stand as one exclusive unit. Finally, the court below found that possession had occurred for the full relevant statutory period (“a long time,” as claimed in the complaint, sufficed). However, the court ruled against plain-

The first definition of hostile that appears on Google is “unfriendly, antagonistic.” The definition goes on to define synonyms of hostile, which include both “aggressive” and “belligerent.” This Justice has not yet completed her legislation class, nor has she learned much up to this point,⁵ but she does vaguely recall some ability to look at a dictionary definition and, if it seems like one word or phrase somewhere supports the interpretation a judge desires to find, then she can selectively use such word or phrase to advance her own preconceived notions of what is the “right” outcome.⁶ Here, I find it hard to believe that anyone could describe students out on a Saturday night on a Virg table as anything but aggressive and belligerent, and hereby find the lower court’s determination clearly erroneous.

Next, regarding the uninterrupted nature of the alleged adverse possession: While it is true, as Judge Jones points out, that students are not constantly on the tables to show their claim of the property, must one *always* be in a place one is adversely possessing? Or is the relevant time frame more narrowly defined? Here, plaintiffs don’t contend to have

5 Through the complete fault of her own @Professor_Gilbert you’re great and we don’t deserve you.

6 #JudicialActivism at its finest.

COPA page 6

“Not sure how much more obvious claimed possession gets than a bunch of kids from NOVA belting out ‘Country Roads’ while stomping their wannabe cowboy boots (aka Sperrys) in bright pink pastel shorts.” - C.J. Shmazzle

their food sit just a few hours earlier. Tragically, these welcoming undergrads had no idea that they were welcoming the demise of all they had ever known.

Once LUKE joined his fellow undergrads on the table, he promptly committed the greatest party foul this Court has ever seen. While the details are a bit hazy (the members of this Court hear that happens when you indulge too heavily in libations, but obviously wouldn’t know as sophisticated law students who can actually handle their liquor⁴), one fact is clear: LUKE fell off the table. LUKE was injured and Virg shortly thereafter became LfV. This formerly fun bar did the unthinkable: It banned late night Corner visitors from dancing on the tables.

injunction requiring LfV to revert back to its former state (aka Virg) by allowing students back on the tops of tables. Finally, plaintiffs assert that LUKE should pay for the harm that he caused students by having to wait even longer in line to get into LfV (no table dancing = more floor space taken up = grumpy bouncers) and must pay such damages by purchasing drinks for everyone at the bar on Halloween.

Analysis

To win a claim of adverse possession, claimants must prove that their possession was open and notorious, exclusive, hostile, for the required statutory period, and continuous and uninterrupted. The lower court judge, Judge Jones, found that the alleged possession was clearly open and notorious (not sure how much more obvious claimed possession gets than a bunch of kids from NOVA belting out “Country Roads” while stomping their wannabe cowboy boots (aka Sperrys)

tiffs for insufficient evidence regarding the hostility of possession and proof of possession being truly uninterrupted in the relevant sense.

While this Court respects Judge Jones and his attempt to correctly interpret the law of our jurisdiction, we hereby correct some clearly erroneous findings determined below. The alleged adverse possession was both hostile and uninterrupted in the relevant sense in this Court’s eyes; it follows that the lower court decision must be reversed and the case must be remanded for further decisions as consistent with the rest of this opinion.

Faculty Quotes

C. Jaffe: “You know what is worse than grading student papers? Nothing.”

G. Rutherglen: “With long legal experience otherwise known as cultural brainwashing, I don’t find this puzzling at all.”

M. Collins: “If we try to learn the rule of hearsay holistically, we will all collectively fail.”

D. Oliar: “Happy Birthday to You” is actually in the

public domain. So all of you can go to the Rotunda and sing ‘Happy Birthday’ to your sweetie-poo.”

M. Gilbert: “We’re all friends here. I don’t need a coat to...establish my authority?”

T. Nachbar: “I don’t like people to sit there. It makes me uncomfortable.”

Have a good professor quote? Email editor@law-weekly.org!

Virginia Law Weekly

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On Monday, the First-Year Council hosted a Halloween Carnival for the families of UVA Law students and faculty — and apparently for small dogs and all other creatures that decided to show up that day. Photo credit Kolleen Gladden '21.



SPOOKY

continued from page 3

having less substance than the pizza, but there are plenty of uninteresting people in this school to fit that bill as well. It really isn't about them, but more about me,³ and my aversion of revisiting my own past. Or it's that we're all too drunk to talk coherently at Biltmore at midnight.

The fact that we still act like “Gunners n Roses” isn't a horrible band name.

I am not commenting on their ability as musicians, I am commenting on a pun I would use ironically to get people to groan in pain. I truly hope this band name is tongue-in-cheek, because the thought that I go to a school that thinks it is a “cool” name is too much to bear. In America, we place value on the vocal minority, and by God I will be the extremist voice on this topic. If it is still meant to be ironically bad, then bravo you got me, “Gunners.” But the proportion of people in law school who neither understand puns nor understand irony⁴ if it hit them in the face causes me to worry greatly on this topic.

I feel nothing when I think about Thanksgiving.

³ Keep in mind this is what it has always been.

⁴ Read: self-awareness.

ing.

I don't feel much of anything these days. But Thanksgiving used to be my jam (literally—cranberry). Nowadays, I am too busy and my family is too far away for me to feel sentimental about it. Did you know that all pumpkin in pumpkin cans is actually made out of squash but the FDA allows manufacturers to list it as pumpkin anyways? As if Thanksgiving couldn't be built off of any more lies. But ultimately, I don't care, because I am too busy to care, and possibly too sleep deprived. Does this mean that in the future, when I have kids, that I'll be an absent father who is too busy lawyering around to be there for the holidays? At the moment, I can only assume so. But at least I will have done it for them... surely they'll realize it someday? I am spooked.

Most times I eat candy from the student affairs office, I am disappointed.

Except for Twix on a good day. And maybe Peanut M&Ms. If you're not a fan of at least one of those two things, then you're an untrustworthy person. Also Almond Joys. If you choose regular M&Ms over Peanut M&Ms you should fail the bar. Plain and simple. No lawyer worth their salt (or in this case, sugar! Ha ahhh!) is offering regular M&Ms to people or their loved ones that were diagnosed with mesothelioma. Always look for the offices with Peanut M&Ms—that's how you know you're at a high-quality establishment.

The Law School, despite being progressive on many things, has no parental leave policy.

Sure, you can take a leave of absence, and sure I don't know how a parental leave policy would work in the real world at Law School, but I find this to be interesting. Also, like Thanksgiving, I don't care since my hypothetical children are used to my absence. They should just be grateful for all I provide them, including my occasional presence.

Overall, I think that if you feel the same way as me, you should be scared about where your life is going. Essentially, you're someone who hates young people and well-meaning cover bands, eats only 3 types of candy, doesn't care for the holidays, and is doing this all without the safety net of a parental leave policy. The bright side is that you can dress up as Ebenezer Scrooge on Thursday and it'll all make sense.

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HOT BENCH



Jolena Zabel '21

Where did you grow up?

A small town on the Mississippi called Hastings, Minnesota.

What did you do this summer?

I was a law clerk at the Hennepin County Attorney's Office (HCAO) in downtown Minneapolis. One thing that attracted me to the program is the fact that Minnesota gives rising 2Ls student practice licenses. The program is also filled with incredible mentors and chances to get feedback. These opportunities really helped me grow both in and out of the courtroom this summer.

We heard you had the opportunity to help with a case before the Minnesota Supreme Court. Can you tell us more about that experience?

This summer I helped write the respondent's brief for a criminal case on appeal to the Minnesota Supreme Court. It was a statutory interpretation question involving a lot

of grammar. I really enjoyed diving into it and ended up winning a law clerk competition by presenting on its main issue. After the brief was filed, my supervising attorney asked if I would like to return to “second-chair” the argument.

I agreed and came back a few days before the argument in early October. I participated in preparation meetings with other attorneys, talked through the case with the supervising attorney, and got to observe how he prepared for the argument. The night before the argument, it finally clicked that the justices would be questioning arguments for which I was responsible and I would be trying to help someone respond in real time. I felt some nerves, but my supervising attorney and everyone at HCAO were incredibly supportive throughout the process. I also felt really prepared for the experience from Professor Ruth Buck's Legal Research and Writing class, Criminal Law with Professor Josh Bowers, and Criminal Procedure with Professor Rachel Harmon.

At the argument itself, I sat at counsel's table with my supervising attorney. I felt energized being so physically and intellectually close to the proceedings. Adding to the excitement, the Minnesota Supreme Court chose to hear this case on the road, so the argument was in front of around 900 high schoolers in rural Minnesota. After the argument finished, the justices took their robes off and returned to the auditorium stage to answer questions from the students (just not about the case, of course!). I don't know

if other state supreme courts have similar programs, but it was really neat.

What are you involved in around the Law School?

I'm grateful to be a Co-Chair of Feminist Legal Forum (FLF), a Law in Public Service Fellow and board member, a PILA board member, and a Productions Editor for VJIL. I also love participating in JLSA and First-Generation Professionals. Shout-out to my Legal Research & Writing 1Ls too!

What are you going to be doing this summer?

I'm crossing the pond to work for Latham & Watkins in London.

FLF seems to be really taking off. Can you talk more about the organization and some cool projects you've done with them?

FLF is dedicated to advancing feminist discussion, lawyering, and awareness at the Law School. Already this fall, we held a fundraiser for a local reproductive justice organization, organized a joint response to sexual assault allegations against Justice Kavanaugh, and co-sponsored events with over a half-dozen student organizations. We're also really proud of our revamped weekly emails and have received lovely feedback. Reach out to myself or my co-chair, Eliza Schultz '21, to get on the list! We have a few themed potlucks coming up this November (open to anyone in the Law School community) and plan to host a feminist lawyering workshop

and book club this spring.

Now, time for some more fun ones:

What is your favorite thing about Minnesota?

I'm so glad you asked! Minnesotans, but the lakes are a close second.

What is your favorite word?

If I had to pick? Coven.

Backstreet boys or *NY-SYNC?

Neither, sorry! For a variety of reasons, I basically missed all pop culture of the late 1990s/early 2000s. I actually just learned after Googling this question that “Bye Bye Bye” and “I Want It That Way” are not by the same group. My bad.

Favorite fall activity?

Talking about foliage ad nauseum.

What are your seven wonders of the Law School?

In no particular order: The big trees out front, especially this time of year.

Public service community.

Cow painting in Withers-Brown. It reminds me of home!

Every single outdoor study space.

Fruit snacks from Student Affairs.

Gambini Study Room. The natural light is amazing.

The people, of course!

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COPA

continued from page 4

the right to dance on a Virg table at 2 p.m. on a Sunday afternoon; rather, they claim ownership when night life is at its peak—mainly the week-ends after 10 p.m. Under this narrower definition of time, clearly plaintiffs would prevail as uninterruptedly possessing the relevant property given the long-standing tradition of table dancing that predates you, me, and this Court as a whole. While this Court doesn’t find Judge Jones clearly erred in his finding, we also subscribe to our well-known Rule 1 of Petty Procedure: “We do what we want.” Therefore, we overrule the lower court and find all the elements of adverse possession met.

Conclusion

This Court vacates the lower court judgment and remands the case for further decision of the case on the merits. We strongly urge the lower-court judge to remember the angry mob that will come for him should he rule against the students, and also recognize that he will be overruled on appeal to this Court if he doesn’t grant an injunction and damages as requested in the original complaint.

IT IS SO ORDERED.

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SOFTBALL

continued from page 1

’22, and a sacrifice fly from Leve-roni for a 21-10 lead heading into the final frame.

The home team stepped up to the challenge, piecing together nine runs before the fateful call. The home team started with the top of the lineup as Paul Koltz ’22 tripled to left center, setting the tone for the inning. Wunderli sent him home with a double, and Niko Orfanedes ’22 cleared the bases with the two-run homer. With two outs, five more members of the home team crossed the plate, including two off a home run from Koltz. Trailing by two, with a runner on first, Silverman called the final out as the tossed bat hit Jones in his already injured ankle.

Despite the abrupt ending to the game, the open All-Star game featured impressive performances by the top 1L men. For the away team, Swalander hit for the cycle, changed from his Converse to cleats during the game, and showed off his stellar arm from left center field. For the home team, Wunderli notched a pair of home runs in consecutive appearances at the plate.

According to one NGSL source, the aftermath of the 1L All-Star games has been “entertaining.” Certainly, the All-Star games were entertaining for all who attended.

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KFM

continued from page 2

the center, but my peripheral vision is actually okay.

Has your eyesight always been bad?

Well, I became legally blind when I was ten. It’s genetic, but it was triggered by chickenpox. It’s affected both my older brothers as well as they got older.

As a scholar, how do you deal with being legally blind?

Technology helps. While I was in law school, I would listen to my textbooks on audio cassette through headphones. My classmates would ask, wow, how do you have time to listen to music, and I would say, music? I’m listening to contracts! Nowadays, I use a talking computer and phone.

What’s your least favorite sound?

A loud lawnmower while I’m playing ping-pong.

What’s your favorite song and why?

“Let It Be” by The Beatles. It helps me feel at peace.

What is a hill you would die on?

Olives are the worst and so are IPAs. They’re bitter!

What do you do for fun?

Watch Sci-fi. I’ve seen every Star Trek series. I also love The Twilight Zone.

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Cartoon By Raphael



BEARING WITNESS

continued from page 3

sands of Black bodies were denied their due process and convicted in the court of public opinion for offending the false notion of white supremacy.

Our country bears the burden of this legacy. Just as every person lays claim to the wonderful and powerful strides towards freedom and justice this nation makes, we each have an obligation to lay claim to the weight of the shameful portions of

America’s past that lay on our shared identity. If there is one thing BLSA wants people to remember from our exhibit on lynching, it is to accept the need to reconcile the two.

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THE DOCKET

TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY – October 30				
12:00 – 13:00	Environmental Law Career Panel	WB 104	Free	Lunch provided
12:00 – 13:45	Winter Pro Bono Orientation Session	WB 154	Free	---
17:15 – 19:00	Women in Public Service Event	Multiple Locations	Free	Reception to follow
THURSDAY – October 31				
9:00 – 13:00	BLSA: Bahamas Feminine Hygiene Products Fundraiser	Hunton Andrews Kurth Hallway	Free	---
11:50 – 13:00	Impeachment, Bribery, and Corruption	Caplin Pavilion	Free	Provided
13:00 – 14:00	Reproductive Justice 101	Purcell	Free	Provided
17:00 – 21:00	Jericho Brown Poetry Reading	Harrison Institute and Small Collections Library	Free	---
18:00 – 19:30	Holocaust Expropriated Art Recover Act: Are Courts Misinterpreting Its Purpose?	WB 126	Free	---
FRIDAY – November 1				
12:00 – 12:45	Winter Break Pro Bono Orientation Session	WB 154	Free	---
14:00 – 20:30	Rotunda Planetarium Launch	Rotunda Dome Room	Free	---
15:00 – 17:00	“Combat Obscura” Documentary Screening and Director Q&A	WB 154	Free	Provided
SATURDAY – November 2				
13:00 – 17:15	Met Live in HD: Manon	Paramount Theater	\$18 for students	---
20:00 – 21:30	Bridge Quintet Fall Concert	Old Cabell Hall	Free for students who reserve in advance	---
SUNDAY – November 3				
13:00 – 16:00	Gina Sobel concert	Pippin Hill Vineyards	Free	---
MONDAY – November 4				
11:45 – 13:30	Kirkland & Ellis Private Equity Presentation	WB 102	Free	Provided
19:30	Hippo Campus	Jefferson Theater	Starts at \$26	---
TUESDAY – November 5				
13:30 – 14:30	JD/MA in Legal History Information Session	WB 121	Free	---
19:00 – 21:30	Latin Guitar Night	The Bebedero	Free	---

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