**Dickman, Mers Win Lile**

**Thornhill Wins Best Oralist**

### 1L, 2L, 3L Experiences: Halloween Roundup

**Ben Stevater ‘22**

Staff Editor

*Hell of a Halloween*

*Though the official pass of Halloween (making it legally Christmastime, pursuant to the controversial landmark decision in *Thanksgiving v. Target*, 456 U.S. 293 (1997)), Friday night was peak ~Spooky Season~ for 1Ls. Before heading to Bar Review and the Gunners’ performance at Bowlan, most of us flooded in droves to a pregame appropriately entitled “Welcome to Hill,” the brainchild of Christina Kelly ’22 and Chance Maginness ’22. Host Marcello Kilani ’22 generously provided the space and set-up support, while FVC was kind enough to sponsor refreshments with a tub of White Claws, a keg, and two vats of punch (see vodka with a splash of some orange color) that proved very effective.

The space itself, largely outdoors, was decked with lights, cobwebs, fake blood, and a roaring bonfire (complete with a Rachel Vaughn ’22) to create the perfect vibe for this spooky soirée.

The best part of it all, however, was the creativity displayed in the costumes—something you never knew who you’d bump into as you both reached for the coveted Black Cherry White Claws. Prison Mike from The Office, fresh off some encounters with the dementors (the worst part of prison, I hear), was there nabbing elves with denim-clad Britney and Justin from the 2001 ANGA Sandra Bullock from *Bird Box* was wandering around blindly, Charles Manson and one of the Cheerleaders were tango-ing to the tunes as Sharon Tate bid adieu to a group of penguins, and some people even discovered their class mates had dressed up as them (@ Bennett Robinson, one of you will not miss your case of Miller Lite behind). Regardless of whether people recognized all the costumes, one thing was clear: Hell was a fun, much needed chance for the 1Ls to relax, especially before the real spookiness of finals season begins.

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**Nate Wundell ‘22**

Staff Editor

*Hushed, tawny whispers echoed throughout the courtroom (aka Caplin Pavilion). “All rise. Oyev, Oyev, Oyev.” The crowd went silent. I tried to stand and partially tripped over my backpack, but re-covered to in time to give each judge a slight head nod that hopefully will win me a clerkship in a couple of years. The tension was palpable, as the competitors mentally ran themselves, for what would be the culmination of years of hard work and preparation leading up to this moment.

The background of the case at issue are as follows: Plaintiff Yasmin Suri brought a class action lawsuit against a social media video service, JusticeConnect. JusticeConnect had developed an application, PrideParent, which was that “an advice-oriented community for same-sex parents,” through which they posted content including advice regarding adoption, IVF, and surrogacy. Suri decided to purchase premium content on the app, which required entering her name, email address, phone number, home address, and credit card information. Nine months before the district court judgment, Suri received an email from JusticeConnect notifying her that all of PrideParent’s premium content subscriptions were victims of a data breach.

While JusticeConnect claimed there was no reason to believe any sensitive information had been mis-used, the company urged its customers to take protective measures. Upon further investigation, Suri also learned that JusticeConnect maintained consumer preference data through PrideParent, which includes unique device identifier information, the user’s location when the app is open, and all specific content the user views. JusticeConnect sold this data to an advertising agency, the Chloe Company, which aggregates the data it receives from several applications and uses it to target advertisements to individual users.

Suri was alarmed and decided to bring action against JusticeConnect, alleging (1) that JusticeConnect acted negligently in connection with the data breach, and (2) that JusticeConnect violated the Video Privacy Protection Act (VPPA) by knowingly disclosing consumer preference data to the Chloe Company.

The District Court for the District of Lile granted Suri’s motion for summary judgment. JusticeConnect then appealed, setting the stage for these advocates to shine.

After opening remarks by the judges—Judge Jeffrey Howard from the U.S. Court of Appeals for the First Circuit, Judge Alison Nathan for the U.S. District Court for the Southern District of New York, and Judge Andrew Oldham for the U.S. Court of Appeals for the Fifth Circuit—Henry Dickman ’20 calmly told the story to argue for the appellant, JusticeConnect, on the issue of whether a data breach can confer injury in fact.

Dickman argued that the bar to standing is high where there is only a threat to harm, not actual harm. The harm must be “certainly impending” and pose a “substantial risk” to the plaintiff in order to demonstrate injury in fact. In this case, the harm does not meet either of these criteria, Dickman argued. It has been nine months since the breach, and the plaintiffs have not alleged any actual harm or that harm is imminent. There has been plenty of time following the breach to take the necessary steps to counter identity theft (i.e. freezing credit cards and obtaining new ones), so there is little risk of identity theft in the future. Studies show only about 1 in 5 data breaches lead to identity theft. On top of that, Dickman pled with the court to consider the chain of intervening causes between a data breach and identity theft, arguing that there are too many steps in between to consider a data breach “certainly impending harm.”

Throughout his argument, the judges did not hold back as they peppered Dickman with questions, admitting after the argument that one reason for their questioning was “to throw him off.” They seemed especially concerned around north grounds

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**TT**

Thumbs down to Fall Back. ANG’s not worth it to trade an hour of extra sleep for that of SAD. And anyone who thinks otherwise is too bad at negotiating to make it in the legal profession.

Thumbs up to Chipotle for honoring ANG’s “tired law student” costume. ANG is proud that their normal decept look finally was recognized by someone as a positive.

Thumbs down to undergrad student organizations for selling undersized baked goods for oversized prices after Bar Review. It’s a struggle for ANG to bail on a budget while overindulging on underwhelming brownies.

Thumbs up to all of the 1Ls who spent all week-end in the library on their last memo. The bedraggled bathrobe weared showed ANG that ANG is still the bane of student’s existence.

Thumbs up to NGSL playing pranks on conjoinning turf fields. ANG is already unathletic and sports-berient, so alliter play for the wrong team ended up being interference. Boo.

Thumbs sideways to Lori Laughlin. ANG wishes they could’ve ‘jumped into UVA Law on an NGSL scholarship.’

Thumbs down to Popeyes for bringing back the spicy chicken sandwich. ANG has heard it’s swelled-up, but due to 29 being harked up for over an hour, ANG could not get the line for food like ANG does at SBA functions.

Thumbs up to the Nationals’ red and Light fan. If ANG had to pay $50 for two Bud Lights, ANG would hang on for dear life too.
I originally became aware of Combat Obscura through the veteran community. There was a lot of excitement about the documentary because it promised to give an accurate depiction of what it was actually like to be a Marine in Afghanistan. Far too often, documentaries and films create a glamorousized notion of what it is like to be deployed in a combat zone. A part of the glorification is the idea of the professionalism of the armed forces. This only goes to further the disconnect between what the civilians think it is like being deployed and what it is actually like being deployed. I watched the documentary shortly after its release and thought it did a great job accurately depicting what it is like to be deployed in a combat zone, which includes a lot of unprofessional behavior by the soldiers.

It was after watching the documentary that I decided to try and learn more about the Marines in Combat Obscura Laboratories, the production company, to arrange a screening of the film and discuss the situation with the company by the director. As the only prior enlisted Marine at the Law School, I thought it was something I could bring and not have it be construed as in any way unprofessional. Rather, I wanted people to get a raw and unfiltered look, and this documentary provides just that. The synopsis below shows what the film is about.

Synopsis:
“Just out of high school, at the age of 18, Miles Lagoz entered the Marine Corps. He was deployed to Afghanistan where he served as Combat Camera – his unit’s official videographer, tasked with shooting and editing footage for the Corps’ recruiting purposes and historical initiatives. But upon discharging, Lagoz took the footage he and his fellow cameramen shot, and he assembled the ultimate edit of war. The film is an unflinching look at the daily life of Marines in a war zone as told by the soldiers themselves. It is not mere propaganda, but a document that reflects the realities of the deployment, the men and women who make it happen, and the struggles they face doing so.”

Filmmaker Statement: “I grew up in Southern California, and you can often hear that your town is the most polluted in the United States. Because of this, I never thought about the environment, until I encountered it in the Marine Corps. When I got discharged from the military, I kept all the footage that was not edited, and it is something I wholeheartedly agree with.”

battle 6th Regiment, the unit Miles was with during the filming, was the unit that rotated out. For these reasons, I am comfortable stating that this is in fact a reflection of Marines serving in combat during this era. Miles Lagoz describes his thoughts process below, and it is something I wholeheartedly agree with.

Filmmaker Statement: “I grew up in the California Sun, and I never thought about the environment, until I encountered it in the Marine Corps. When I got discharged from the military, I kept all the footage that was not edited, and it is something I wholeheartedly agree with.”

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I was also filming the harsh realities of the deployment, and providing an outlet for the veterans that wanted to express themselves. The film is an unflinching look at the quality of life in a war zone, and the struggles they face doing so.”

The film is a reflection of the realities of the deployment, the men and women who make it happen, and the struggles they face doing so.”

The Law School’s annual PILA Auctions are imminent! The PILA Auction will take place on Thursday, November 6th from 6:00 p.m. to 10:00 p.m. in the Capitol Pavilion. The Silent Auction will occur from 9:00 p.m. to midnight at the Omni Charleston Hotel on Saturday, November 9.

I’m going to go out on a limb and ask you all how an auction works. If you don’t, well, Wikipedia exists for a reason.

Let me tell you, folks, this is your opportunity to experience the class, strategy, and mild inconveniences that goes into a traditional live auction. You can also do it while you’re drunk!

The theme of the auction is “How to Save a Life.” It is designed to be tough to make a lame journalistic pun about that one but I’ll give it the old college try. “Auction and Chill?” … Nah, that’s weak. Come on, Will, you can come up with a bad pun. It’s your fourth best talent. “PILA and bill” has a good ring to it, but it’s kind of obvious.

I lied about the Banksy. Obviously.

This is a joke. Do I really think the kind of guy who’s late when it comes to managing my reliquary shipments?

PILA Auction Preview

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Pursuing a career in public interest law can be daunting. For many, the path to pursue big law, the process is structured through OGI, firm events, and statutory requirements. Donna Faini ’22 Staff Editor

Women in Public Service

Women in Public Service is a Women’s Professional Organization that give female students an opportunity to learn how to better understand the challenging process of considering and applying to public jobs. Maria Luevano ’21 Staff Editor

career practices. Contrastingly, for older students, there is great variation among the timelines for applications, potential job interviews, expectations, workloads, and networking opportunities. On Wednesday, October 31, UVA Law students, Virginia Law Women, PLA and ILS hosted an event called Women in Public Service which gave female students an opportunity to learn how to better understand the challenging process of considering and applying to public jobs. Maria Luevano ’21 Staff Editor

On Thursday, October 31, UVA Law’s chapter of If/When/How hosted an event led by Jeryl Hayes, the Movement Building Director of the nationwide organization. In her role, Hayes works with the organization’s network of law students and legal professionals to support and organize reproductive justice within and beyond the legal system. Hayes was introduced to the organization as a law student herself, both as a legal intern and as a chapter leader. From Olivia Rosal ’21, President of If/When/How’s UVA Law chapter: “Our goal with this event was to give students an opportunity to learn about the fundamentals of reproductive justice and to broaden people’s perspectives of the type of issues that represent reproductive justice encompass. We were so excited to host Jeryl, who not only is extremely knowledgeable but also loves talking to law students. We were also thrilled to have her at that attendance.”

Hayes focused her discussion around the framework of reproductive justice and how the organization uses for its reproductive justice work. Hayes explained that eighteen black women developed the reproductive justice movement in Chicago in 1934 and were influenced by both human rights and social justice work. They did not have to consider their needs within the civil rights or second wave feminist movements as the focus was on reproductive rights. When/When continues their work and believes it is impossible to separate reproductive justice without thinking about racial justice. The organization is committed to centering people of color. This relationship is embodied in their vision of “an essential transformation of the systems and institutions that perpetuate reproductive injustice to those that realize justice, and a future where all people can self-determine their reproductive lives free from discrimination, coercion, or violence.” For them, racial justice is reproductive justice and both are working to ensure that legal rights are accessible to all people.

Hayes further explained that the goal of reproductive justice movement is about more than reproduction—it includes the reproductive rights of children, the right not to have children, and the right to parent the children one has in a safe and healthy environment. In pursuing these goals, many of whom intend to pursue a public interest career immediately after law school, attended the panel titled “Starting Strong: Beginning Your Career in the Public Sector.” The panel consisted of four women who are in various public sector careers.

After each of the panelists introduced themselves and gave a brief overview of their career paths, they were asked a series of questions relating to choosing careers, rearing their young, and advice that they would give to students hoping to follow in their footsteps.

Claire Blumenson ’11, co-founder and Executive Director of Social Justice Program (SJP), introduced herself first. SJP is a non-profit that provides legal assistance for Ohio’s older students with disabilities. When asked how current students can network within the public sector, Blumenson advised the panel attendees to reach out to two or three legal organizations each week to set up a 20-minute phone call. Blumenson emphasized that this is a great way to learn about various public interest-related career paths and also make connections with people in the industry. Additionally, Blumenson encouraged students looking to learn more about potential public interest careers to check out Equal Justice Works website, which sorts fellowships into their areas of practice.

Sarah Buckley ’14 then spoke about her work as a trial attorney in the Defense Section of the Environmental Compliance and Resources Division (ENRD) at the U.S. Department of Justice. Buckley works extensively on defensive cases under various environmental statutes. She explained that there is no value from the perspective of a judicial clerk, as she felt that her experience allowed her the opportunity to narrow her legal interests. That is, she explained that the work on one side of the bar, Cassie Powell, works as a staff attorney at the Legal Aid Justice Center’s Children’s Program. Her interests include public interest and education as a legal aid and Equal Justice Works website.

Megan Mers ’20 was next up to the plate, arguing for JusticeParent’s seat on the second issue of whether PrideParent’s selling of device identification codes to the Chloé Company for use in advertising is in violation of the VPPA and whether a company can be liable for releasing potentially embarrassing information to keep her from her main points. She noted that insurance litigation is in violation of the VPPA. PrideParent’s sale of data breach arises.

In fact, the very purpose for which the Chloé Company was for its eventual use in targeted advertising, releasing potentially embarrassing information to keep her from her main points. She noted that insurance litigation is in violation of the VPPA. PrideParent’s sale of data breach arises.

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LILE continued from page 3

the individuals. Why should the recipient of the information not matter but the ordinary person standard apply, when PrideParent knew full well, or at least should have known, the capacity of the company it was sending the information to?

Mers answered that making this kind of information P.I.I. is essentially rendering almost all information P.I.I. just because somebody can trace it back to you. Her example was that Apple can trace a zip code and the movie Legally Blonde back to individuals, but clearly that is not P.I.I. protected under the statute. Thus, the ordinary person standard is the only standard that makes sense in this case, and basing on the recipient or another standard would be overly broad and render too much information P.I.I., contrary to the intentions of the legislature.

Last of all to argue for the appellee was the 2019 Lile Moot Court Oral Advocacy champion Abby Thornhill ‘20. Contrary to Mers, Thornhill thought the court should construe the meaning of the VPPA broadly and look at what the statute is trying to prevent generally. The purpose of the VPPA, she contends, is to prevent companies from releasing information that can later be traced back to an individual. It does not matter what an ordinary person can or cannot do with the information, but what the recipient of the information can do with it. Chloe’s very business model is to take this kind of information, aggregate it, and use it to target individuals for advertising. Justice Conner knew full well how Chloe has the capability to trace it back to their customers. In addition, Justice Conner could have asked for consent from its customers to sell their information, which is a policy many current companies implement, but they did not.

Thornhill argued that although the VPPA does not explicitly mention the type of information relevant to this case since it was enacted before this sort of technology existed, the legislature made the statute to protect personal customer information from being released, which is exactly what happened here. Notwithstanding the facts and circumstances that lead to the adoption of the statute were different than the case at issue, the main purpose of the statute remains the same: Protect individuals from companies misusing their personal information.

After the main arguments were presented and Mers gave her closing arguments, Conner reflected the appellate for the appellant, the judges deliberated on the facts and decide the outcome. Relief washed over both teams, as they finally let themselves relax and take in years of hard work, oral arguments, and lengthy briefs. The teams embraced each other and shook hands with the opposing counsel. The hard part was over, but the result had yet to be determined.

“All rise.” I don’t know why that phrase gives me the chills every time. The judges reentered the room, this time to a much more relaxed audience. The judges praised the oral advocacy skills of all the competitors, also complimenting their legal briefs and how well they handled the tough questions the judges posed. After the judges each gave a short speech congratulating the competitors, they announced the winners: Megan Mers and Henry Dickman on behalf of the appellants won the argument on both counts, and Abbey Thornhill won the award for best oral advocate. The teams once again came together, and the crowd offered its congratulations and appreciation for what was a remarkable competition.

Thornhill, talking to the Law Weekly about the competition, said: “The results of the finals were obviously disappointing, but I can honestly say that the decision to compete in Lile, and the decision to compete with Katherine, were the best two decisions I have made in all of law school. I had the opportunity to improve and test my skills as an advocate, but I also got to do it with my best friend. It took a lot of stress-eating chocolate from the snack room, but it was an experience I would not trade for the world.” Whisenhunt echoed her partner, telling the Law Weekly that “[p]articipating in a competition that spans more than a year takes a tremendous amount of work, but it was worth the effort. I learned a lot about appellate advocacy, thought through the process. We competed against excellent teams in every round. I am grateful to the organizers of the competition, the judges who volunteered their time, and the students who helped us with practice moots. I am particularly thankful for Abby, who not only is an incredible moot court partner, but also one of my best friends.”

Henry Dickman also thanked those who helped along the way, saying: “One of my favorite aspects of this competition was the chance to build strong friendships with the many people who prepared us for the real event. We’re really grateful to those people for volunteering so much of their time; we certainly wouldn’t have been ready for the judges without them.” Mers commented, “I learned so much from Lile, primarily from our mooters and from Henry. The competition was incredibly rewarding—in no small part because of the amazing friends who helped us prepare day after day.” The court of Law is now adjourned until next year, and the Law Weekly can’t wait to see what is to come.

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Faculty Quotes

T. Nachbar: “I am, for whatever reason, not authorized to practice medicine in this state.”

M. Gilbert: “Does the word ‘high’ attach to ‘misdeemeanor?’ A high misdemeanor just sounds like a minor drug crime.”

D. Howard: “Even if you’re a judge with life tenure, you still have to live with your neighbors.”

G. Rutherford: “Regarding having to teach Semtech, which is six of the World Series, this class is being taught under protest.”

A. Woolhandler: “I’ve been freaked out all my life.”

F. Schauer: “There are probably a few dorm room trashers in this room.”

Would match watch party with the clinic professors, an hour of live music by Panic! At the District Court, and a portrait-painting session with the esteemed Manal Cheema. I would be remiss to not mention the pies. There are not one but three fantastic opportunities available at the auction for you to pull the classic pie in the face gag on Will McDermott ’22, Dominique Fenton ’21, and/or Justin Ammott ’20. If you’ve ever wanted to mash a room-temperature dessert food into a grown man’s face, I guess this is your chance, so go get ‘em, champ.

So, this Thursday and Saturday, get dressed to the nines, have yourself a reasonable number of adult beverages, and enjoy a quintessential first-world-experience: Spending money on things you don’t really need, then putting yourself on the back because it was a good cause. Maybe you can even tweet about it.

4 Eds.: Seriously, go follow her on Twitter @mcheezyart and you’ll be bidding top dol-

Other stories from the Virginia Law Weekly

Taylor Eliegeui ’20 Features Editor

D. Howard

T. Nachbar

M. Gilbert

D. Howard

G. Rutherford

A. Woolhandler

F. Schauer

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

PILA continued from page 2

— Carter H. Smith
Nicole Agama '21

Hey Nicole, thanks for coming to Hot Bench! We heard you were born in Hollywood, Fla. Why was your favorite thing about Canada?

The solo panelistemployed at a nonprofit, Jennifer Nelson '11 works as an attorney for the Reboxing Committee for Public Service, continues page 3

panelist Lisa Lorish '08 represents clients on everything from DUI and minor possession to capital murder, more often on the appellate stage than at trials. Lorish graduated from the Law School in 2008, at which point she became an associate at Sullivan and Cromwell. In 2011, she joined the Charlottesville office of McGuireWoods as a commercial litigator and worked there until beginning her current role in 2014. Lorish recommended students hoping to go into public service be aware of how easy it can be to lose comfort with inertia and “golden handcuffs” of firm practice and be ready to pursuit opportunity that comes along, as flexibility can be crucial to getting hired.

Representing the prosecuto-

ral side of criminal practice, Kristin O’Malley ’05 is the Deputy

Criminal Chief and Chief of the Southern Division at the United States Attorney’s Office for the District of Maryland. O’Malley has been at the USAO for twenty years, prior to which she worked at Latham and Watkins. O’Malley suggested that students hoping to eventually enter public service choose a firm with an open system of choosing projects, as not to be pigeonholed into a specific, nontransferable legal area. The one panelist employed at a nonprofit, Jennifer Nelson ’11 works as an attorney for the Reboxing Committee for Public Service, continues page 3

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goals, H/When/How works to dismantle discriminatory systems and institutions and create equitable policies and practices in their place. One general way they hope to achieve this is to ensure that everyone has the same level of access to healthcare and healthcare coverage. Hayes then encouraged the audience to consider our own privileges and in turn our own oppressions, related to factors such as race, gender, status (such as immigration status), economics, and more. She explained that in doing so, it will be easier to determine when working in reproductive justice whether to “speak up” and share your unique perspective or ensure that your identity and experience is being represented, or whether to “listen” and use your platform to represent, or whether to struggle to speak on the topic. Hayes also implored that working in reproductive justice is multi-dimensional and that there is no one-size fits all solution to the many issues they hope to address. If/When/How’s next event at the Law School will be held on Thursday, November 7 at 1 p.m. and will be a discussion around the June Medical Services v. Gee case which the Supreme Court recently granted cert. The case involves a Louisiana abortion law and that could have a big impact on the future of reproductive rights. H/When/How is bringing together a panel of experts for a discussion about the case and the work that lawyers are doing to challenge laws that limit abortion access. Speakers include Amy Hagstrom Miller, CEO of Whole Woman’s Health; Heather Shumaker, Senior Counsel for Reproductive Rights and Health at the National Women’s Law Center; Pepis Rodriguez, Litigation Counsel at the Lawyering Project; and Kimmia Forouzan, H/When/How Reproductive Justice Legal Fellow at the National Asian Pacific American Women’s Forum.

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many law students start pondering questions of the future, considerations of practicality that conflict with our passions may be the guiding force of our decision making. Baker later said, “so often in law but also everywhere else there are all of these unnecessary lines about doing good in the world and who gets to have the moral authority. She says, “It’s a false choice that pigeon-holes us.” Baker closed her remarks to a roaring round of applause saying, “As I see it, anyone can save the world.”

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