Welcome Back from SBA President
Jasmine Lee ’20
Guest Writer

Welcome back to a new year and a new semester! I hope you all had relaxing and fun winter breaks. I speak for all of SBA when I say that we are really excited for the events and programming we have in store for you all this semester. Just this week we are leaving the first of what we hope becomes an annual tradition, Coffee with the Dean. This is an informal opportunity for students to talk with Dean Goluboff about the Law School community. A goal of mine during my time as SBA President has always been to foster a UVA Law community that is both transparent and inclusive to all members of the student body. I believe that more opportunities for us to come together, especially with members of the administration, can help facilitate that type of environment.

As the semester progresses, we will be looking to organize more events for the Law School community. SBA, the Student Bar Association, and Barristers (tickets on sale this week!) are two organizations that can bring us together. So you get excited for events like those, be on the lookout for new events from SBA. We are always looking for new ways to enhance the student experience. If you have an idea, please feel free to reach out to me or another member of SBA!

In a few weeks, we will have the opportunity to announce the new SBA board. In my remaining time as President, I hope to continue to get to know as many of you as I can. I will be holding weekly office hours in the SBA office from 12:30-1:30 P.M. Please come by, say hello, and ask questions! I’m also especially happy to talk with anyone who is interested in getting more involved in SBA.

This semester is exciting and enriching for everyone. For my fellow 3Ls, it’s hard to believe we are in our last semester already. It seems like just yesterday we were starting...
Panel Discussion: Does Harvard Discriminate?

This week, the Federalist Society gave UVA law students the opportunity to learn about Students for Fair Admissions v. Harvard from the lead plaintiffs’ attorney, Will Consovoy. Our own Professor George Rutherford expressed his remarks on the case and its future.

The facts: Between 2007 and 2013, Harvard as well as several other top-tier institutions had a remarkably consistent percentage of Asian American students, usually between 15 and 18 percent. Harvard uses several categories to determine the eligibility of candidates, one of which is a personal score, in which Asians scored the lowest among the different admissions categories. Asian Americans often had the highest academic scores and second lowest in the other categories for admission. Adding to the conundrum, the applicant pool is decided in two ways, one of which is administered by alumni, the other by the admissions department. The alumni, who actually met with the prospective students, gave far lower scores for Asian Americans, on average, than their own admissions department, who rarely met with any of the students, gave far lower scores for Asian Americans, leading to their overall lower personal score. As you can imagine, the lower personal scores lead many Asian Americans to be denied admission into Harvard which would otherwise be qualified.

Consovoy argued that there are only two possible explanations (besides discrimination): It is a statistical anomaly or Asian candidates really do have worse personalities than other races. The results were statistically significant, and since we all generally agree that economic status has a more direct effect on race than other races, it seems that Harvard discriminates against Asian Americans. Whether this is a result of racial stereotyping, implicit bias, or something else is not one can be certain of, but in Consovoy’s mind it is a definitely something amiss.

Consovoy argued that a better way to ensure a diverse student body without eliminating race from the equation entirely and instead focus on socioeconomic status as a factor in admissions. Using this model, he says, will create a more diverse campus than affirmative action policies do. Opponents to this argument might limit fund raising by hurting legacies and decrease the black minority representation at Harvard and other schools with similar systems (although the number of other minorities such as Hispanics likely would go way up). Interestingly, although Consovoy and Stanford lawyers for Fair Admissions lost in the District Court, Harvard has since revised a percentage of Asians to around 23 percent and issued warnings against hostile campus applicants in a quiet and other similar steps.

Professor Rutherglen, a proponent of affirmative action, offered a different perspective in line with the District Court opinion. Professor Rutherglen expressed his concern about embedding tendencies of discrimination in our high institutions, but he also said that although the results of the personal score and its effect are statistically significant, it was not large enough of a difference for an explicit judgment against Harvard’s policies, because there are other factors at play which could account for the difference. One of these factors is that Asian American students tend to receive worse teacher and guidance counselor recommendations, which may be evidence showing Harvard does not discriminate, but other people who affect admissions have racial biases which in turn affect the final result. Another could have to do with legacies. According to Federal Judge Allison Burroughs’s ruling, of which Professor Rutherglen more or less agrees with, Harvard’s admissions policies may not be perfect, but they are very high quality in promoting excellence and diversity and are enough to pass Constitutional muster. He also noted that this case was lacking key witnesses for the prosecution such as Asian Americans who had test testified that did not get in. Professor Rutherglen concluded by saying that the Supreme Court’s ruling was quite a bit and will be difficult to challenge on appeal.

Ultimately, this case provides an important backdrop to rethink how we as a nation do school admissions’ processes. Should we revert to affirmative action as a way to promote diversity and inclusion? Or should it continue its course and the time has come to move on to some other action as look ing at socio-economic factors, as Consovoy suggests? This question is of crucial importance to determining the future of higher education, creating equality of opportunity in our society, and are questions the Supreme Court has yet to answer.

Feb Club: When Life Gives You a Leap Year, Make Every Day Count

“Life goes by pretty fast. If you don’t stop and look around, you could miss it.”

— Eric Cartman

Look, I get it. We all get it. You call (your airmen) sleepy; you’re a 2L and you’re (air quotes) like, really busy planning your journal’s upcoming symposium on cryptocurrency and the illicit exotic parakeet market, but according to the rules of festive theme parties to make sure that we all survive the next two weeks. Sounds like you could use some fresh air. Also, you’re probably really call your mom back.

Enter: Feb Club—a tradition unlike any other. UVA Law’s oldest customary event series brings together the entire Law School community for a variety of festive theme parties to ensure that we all survive the next two weeks. There’s only one rule for Feb Club activities and that is that all are expected to be in good spirits. Ok, that’s two rules, but no one ever went law school because they’re good at math.

We hope that all students and faculty will join us for this year’s installment—Feb Club: 20/20 Visions. We will make literally almost no promises, with one exception: The camaraderie and community you will experience at this year’s Feb Club is unlike any other. We do not large enough of a difference to make it statistically significant, it was not large enough of a difference to make it statistically significant, but in Consovoy’s mind it is a definitely something amiss.

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The author has provided The Virginia Law Weekly with no historical records or other evidence to corroborate this claim.

If you haven’t been to the national park right next door to us, grab some friends, grab a car, and go! I doubt you’ll regret any of those memories you make this year.

2La, congrats on being half-way done with Law School! It’s been great watching you all grow into true leaders throughout the last semester. Beyond excited to see what else you all will do. ILa, a huge congrats on making it through your first semester! That is without a doubt a great achievement and we know you took time over break to let that sink in. You’ve learned a lot and still, you just getting started. Enjoy spring semes- ter you’ve been looking forward to all semester. It brings it for you!

The editors note that, contrary to the author’s assertion, at Court’s opinion was no TikTok account associated with UVA Feb Club.
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Drew’s Corner: A Chicken Sandwich Review and Absolutely Nothing Else

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Tinker v. Des Moines

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him every single weekday that he was a law student and that, as he attempted to rest, there were those who would never stop. He decided his reasonable expectation of privacy in having an unbothered Winter Break had been violated, so he rolled suit in the Court of Petty Appeals.

The right to privacy during Winter Break provides that students shall be contacted during Winter Break only if a grade has been posted to can homes, just as this right to privacy prevents emails from the administration from being quartered in the email inboxes of innocent students around the country. And the Fourth Amendment’s protection of people in their persons, houses, and effects means that no one should be attacked in their own home by the vicious cyberbullying implicit in the Daily Docket. The right was first articulated in the case of A Few Good Men v. A Few Good Women, 265 U.S., 12, 97 (1915), where the Court found that Winter Break is discrete and insular time period, which should only be trespassed upon if there is a compelling administrative interest. It has since been refined to a set of rules defining when students may be contacted. Students v. UVA Alerts, 365 U. Va. 15, 25 (2016), recognized the relevant determination of how many emails the administration contacts students in the event of an emergency, though it did remand to lower courts for a determination of how many emails the administration contacts students in the event of an emergency. The right is partly unforgiving of emails containing information that is neither relevant nor necessary. The right to privacy during Winter Break is as old as Common Knowledge itself, and is it is one that we found in the penumbra of our Constitution’s most important amendments III and IV. The Third Amendment prevents soldiers from being quartered in America, during the school year, but a tragic reminder of students’ law school demons during the sainted period of Winter Break. The Daily Docket does not inform students of emergencies, so it does provide information about grades or classes. It is an essential and useful tool during the school year, but a tragic reminder of students’ law school demons during the sainted period of Winter Break.

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Despite UVA Law’s reputation for being the most relaxed of the “Three Law Schools,” there remain some who seek to student law school-induced anxiety, no matter the time of year. Given the insistence of the administration in disturbing students’ substantive due process right to privacy during Winter Break, the court will restore order by condemning its actions and defining when and how students may be contacted during breaks from school.

On January 6, 2020, plaintiff Lay Z. Boi woke up at 2 p.m., excited for another day of doing absolutely nothing and trying to pretend he had never made the questionable decision to attend law school. And yet, as he rolled over to check his phone, he saw the familiar e-mail notification entitled “Daily Docket.” This edition showed one of Boi’s classmates, Johnny Brady, smiling outside his room, a testament to his most recent success and attributing it to “not sleeping until 2 p.m.” Boi felt as seen as a lady of the house who had decided to take a bath on a day when the heat of which was detectable with an infrared heat sensor. Boi knew he was in trouble. Despite his attempts to forget the trauma of fall semester, the Daily Docket reminded him every single weekday that he was a law student and that as he attempted to rest there were those who would never stop. --J. Pickett

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**Faculty Quotes**

T. Nachbar: “When I say ‘fun’ as a lawyer, I mean more time spent with your friends than with your work.”

M. Schwartzman: “It happens to me in the soup aisle. It might happen to you somewhere else."

M. Gilbert: “When you get smacked on the road, we pay to scrape em up. It’s all law and economics.”

M. Collins: “I realize that’s an impossible hypothetical, why would someone in California ever go to Florida?”

G. Rutherford: “The law journal is an entry into doctrinal insanity.”

J. Seetar: “Some orangutan was adjudged a person and released from the zoo. I don’t think I would probably move to the Netherlands.”

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

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**Virginia Law Weekly**

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Don’t worry, current 1Ls, it’s going to be great! See, e.g., Class of 2010 v. 2016-2017 Peer Advisors (2019) (collecting comforting Peer Advisors Class of 2019 v. 2016-2017 stress, were consumed with OGI publication, one petty rant entirely blank.

To my knowledge, at least two recent alerts were that “Bice House reported in the year 2000, where we had been cleared.”

5 The site is careful to say that there is a “probability” that vaccines are the cause of what looks like every disease under the sun. https://centshealthdefense.org/news/getting-the-measles-in-modern-day-america-not-nearly-as-dangerous-as-portrayed/

Some of you may die

I can say the alphabet backwards in less than 2 seconds. (verified)

You are about to get into a car, what comes on as your sound track?

Can you say something in Chinese?

What is a superstition you believe in or still believe in?

What is something you want to do or try this year?

What do you do to re-lax?

What is a favorite food, or comfort food?

What is your favorite place to travel to?

Our fun fact is that some - thing from Texas chocolate sheet cake to cream puffs. One day, we made home - made biscuits with honey - butter glaze and a quiche. While baking, there’s one friend who wants to eat more than he wants to bake and another guy who samples everything, so we have to make double what we bring to class.

Favorite book read?

My all-time favorite is The Alchemist; I was surprised by the ending, and the story line really resonated with me. It’s really inspiring.

Secret Hidden Talent?

Other than baking?

What is your birthday song?

What part of it would be

Here’s my favorite Chinese dish is biang-biang noodles). Is it okay, Conrad,” they didn’t come on as your sound track?

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Cartoon By Raphael

Kobe (kō-ˈbē): an emphatic phrase used to denote confidence and skill before shooting a basket.