Virginia Law Weekly

Wednesday, 18 October 2017

Domestic Violence Awareness Month

Liesel Schapira '18 (she/her/hers)
Guest Columnist

Legal process is of vital importance for victims of domestic violence. Without a court order of protection (known as a restraining order in some states), victims are often unable to leave their abusers, and a cycle of violence can continue indefinitely. Because victims depend on confusing and lengthy state court processes to escape these dire situations, lawyers are instrumental to their success.

Over the summer I saw firsthand the crucial role of lawyers as advocates for victims of domestic violence. As part of the Courtroom Advocates Program (CAP) in New York, I accompanied a young woman to Bronx Family Court as she filed for an order of protection from her ex-boyfriend. She shared a child and a home with her ex, who refused to move out after their relationship ended. He was both physically and verbally abusive to her.

For this woman, and many others, the only way to move on or to end an abusive cycle is through the court system. She came in to Bronx Family Court because after the most recent incident of physical violence against her, she feared for her safety. She was afraid to return to the shared home, but had to go back to get clothes and supplies for herself and her son. She had no idea the process would take an entire day—nor did she realize that she would need to secure childcare for her adjournment date four days later.

As an advocate, I was trained by CAP's attorneys—those who regularly worked with victims of domestic violence. I was armed with a manual, written by lawyers, describing the process of obtaining an order of protection in this particular court and how to craft a narrative describing the abuse. I was instructed that filing for an order of protection could take all day, and it would require a subsequent court visit a few days later. I also had a list of nearby shelters and non-profit organizations that could loan her clothing and supplies while she was sleeping out in order to stay away from her abuser. We were successful in obtaining a temporary order of protection, but that is only the very first step.

Lawyers are crucial for victims of domestic violence because it is rare that a domestic violence case only involves getting an order of protection. Additional legal questions usually arise, such as the initiation of divorce proceedings, child support or custody issues, immigration issues, and even property issues. Allegations of physical abuse can also lead to a criminal trial. Aside from knowledge of the law however, lawyers are uniquely capable of supporting and lending their voice to victims who proceed in court. Domestic violence victims often stay in abusive relationships because they feel they are without resources—financial or otherwise—to escape. Lawyers educate victims about the legal process so that victims can leave bad situations, and move on with their lives. Lawyers stand by and lend their voice to victims in court, which can ease the re-traumatization that occurs when a victim of domestic violence has to face her abuser and recount upsetting instances of past abuse.

As we consider our future legal careers, including potential pro bono projects or volunteer activities, please keep in mind the enormous impact we can have by assisting victims of domestic violence.

If you are interested in getting involved on grounds this month:

October 16-20: Stop by the Domestic Violence Project's table in Hunton & Williams all week where you can purchase t-shirts, thermoses, and baked goods to raise money for Charlottesville’s Shelter for Help in Emergency, an organization dedicated to assisting local women, men, and children who have been impacted by domestic violence.

October 26 at 11:15am: Attend a presentation on forced marriage, immigration, and domestic violence (Lunch provided; co-sponsored by the Human Rights Program and the Immigration Law Program).

Thumbs down to Harvey Weinstein and to all other men in positions of power who have sexually harassed and assaulted women. And a bigger thumbs down to all the enabling and reward men for doing so, like electing them President.

Thumbs up to ANG and to Trump's fifteen iterations of trying to pronounce "Puerto Rico." ANG hasn't cringed so hard since everyone started trying to use inter alia in class.

Thumbs up to the guy in Florida who got a puppy! ANG was worried about justifying ANG’s daily trip to the new Krispy Kreme. ANG will search no further.

Thumbs down to Putin getting a new puppy. Sorry – PU TIN gets a puppy and ANG doesn’t get one! WHY.

Thumbs side-ways to the 9 days between the end of Fall Break and the Season 2 premiere of Stranger Things. I mean, at least it’s Eleven.

Thumbs down to the kickoff of the job season. ANG is still self-conscious about having taken a cruise ship deckhand ANG’s 1L summer, and having all these mirror games about their futures as big shot partners is more than ANG can handle.
The Court of Petty Appeals is the highest appellate jurisdiction at UVA Law. The Court has the power to review any and all decisions, conflicts, and disputes that are taking place either directly, indirectly, or tangentially, the Law School or its students. The Court is comprised of 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 jm3db@virginia.edu.

**Law Weekly Feature: Court of Petty Appeals**

**Anonymous (Whiny) 3L v. Court of Petty Appeals, and justices thereof, in their official capacity, but especially Chief Justice Gooden and Justice VanderMeulen**

18 UVA. 642 (2017)

VANDERMEULEN, J., for the Court, next opinion joined by GOLDMAN, C.J. and ZABLOCKI, J.

This case comes before this Court as part of our ongoing effort to quell an anonymous, whiny 3L, seeking (1) damages against the Court of two opinions for our so-called failure to publish regular decisions or (2) an injunction requiring the Court to publish a best-of-compilation of the Court’s best opinions. This Court won’t.

1. See Rule of Petty Procedure 8(a): “If someone’s gonna join his dad as a UVa Law student, if they could go UVa ASW[4] where they would go...” When I asked people [at the Law School], they weren’t as excited to attend. His mind changed his mind during his time in private litigation, and almost came to UVa for the Law School. Plaintiff is, to no one’s surprise, wrong on both fronts.

2. First, the Court will dispense with the plaintiff’s complaint. After he LIED TO THE LAW SCHOOL about Duck Donuts? GlendonDonuts2017? NeverForget

4. As if we could write any more of these damn opinions even if we wanted to.

5. Isn’t this roughly your thesis, Professor Perzan?

6. Yeah yeah, Professor Abraham, we know “actual malice” doesn’t mean “ill will.” Must you continue to remind the Court of its inferiority? Wasn’t our C in Torts II enough?

7. Probably, we say, because we can’t actually remember anything Professor White said about Times, Geoz, or defamation law generally. Something something “public figure.”

8. Remember that one?

**Lunch with Joby Ryan: The Original New Shiny Thing**

It’s hard to find a more enthusiastic law partner than Joby Ryan, Development Officer for the UVA Law School Foundation. Some Law Weekly Staff were lucky enough to catch up with Ryan over lunch and ask him about his time at the Law School, his litigation experience, and why he chose to come back to UVA Law.

Ryan loved his time as a student at UVA Law. He had always been drawn to UVA and almost came to UVA for undergrad like his sister did. Instead, he went to Harvard and earned his A.B. in Government. Ryan was in love with studying in Boston for law school, but changed his mind during Admitted Students Weekend (ASW), “Everyone seemed to fit here,” he recalled. When he talked to prospective students at other law schools, they weren’t as excited to attend. His mind was made up when he returned to UVA after talking students a simple question.

“When I asked people [at the UVA Accepted Students Weekend] if they would go if they could go anywhere, they said Virginia.” So, he decided to take the deal as a UVA Law graduate.

Ryan certainly didn’t regret that choice. After law school, he was given the learning opportunities at UVA Law as “an embarrassment of riches.” The class that best prepared him for the future was his Socratic-style 1L Contracts class taught by Professor Kraus. "His favorite was a course called "Biology and the Law." It brought up new issues that Ryan had never fully considered before including parental rights over inseminated eggs. Ryan tradition is actually Feb Club. He said, "It's something unique in private litigation, but I always felt isolated by the type of work lawyers do in actual practice. So, after his first year he joined the recruiting team and got the chance to get out of his office to talk to people.

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Virginia Law Women

Starting in college and extending far beyond,1 allow me to make up for some lost those who run. Last spring, VLW and Women in Policy welcomed founder and CEO team have specifically tailored Elect Her’s curriculum to help an enthusiastic audience networking, fundraising, and campaigning. After a campaign simulation, we’ll hear from a panel of those who have done it—Delegate Marcia Price, Commonwealth’s Attorney Shannon Taylor, Future Majority Project Director at the Republican State Leadership Committee Neri Martinez, and Delegate Lashrus Reid. We’ll offer a first-hand account on what it’s like to run for office and what it means to serve the public. The panelists will focus on what it is like to run for office as a woman—not as a member of a particular political party. This is a bipartisan event intended for everyone, regardless of political persuasion, sex, gender identity, race, ethnicity, religion, or other classification. When will there be enough women in Congress and in other elected offices? To borrow from Justice Ginsburg’s refined wisdom: “When I’m sometimes asked why women will there be enough [women on the Supreme Court] and I say, ‘When there are nine,’ people are shocked. But there’d been nine men, and nobody’s ever raised a question about that.” You look like a politician, and we’d love to see you run. Get your name on the ballot. Join us on Saturday. Check in for Elect Her starts at 12:30 PM on Saturday, October 21 in Caplin Pavilion. Events begin sharply at 1 PM. Programming concludes at 4, with a wine and cheese reception to follow. Please see Elect Her event or Law Street Journal to RSVP.

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Faculty Quotes

J. Hylton: “Is anyone here from Connecticut and versed in pronunciation of Connecticut surnames?”

K. Ferzan: “I don’t even know how to drop acid.”

F. Schauer: “Is anyone versed in pronunciation of Connecticut surnames?”

G. Geis: “No! You can’t crush a butterfly!”

J. Mahoney: “If you say you’re going to law school, you often get tenure.”

K. Abraham: “I don’t want to be a Francophile about this.”

T. Heytens: “My sister’s getting married. It’s her second. But it’s good.”

Heard a good professor quote? Email editor@lawweekly.org
I discovered the joy of food trucks when I moved to Portland, Oregon for college, and I have always been an ardent fan ever since. Food is incredibly tied to memory, with certain foods vividly evoking a moment or experience. I have one simple taste. I have always found food trucks to be particularly brilliant creators of this type of recollection, and I could draw you a map of all the trucks I ate at. Given my long-standing love of food trucks, I decided to review some of the trucks that Charlottesville has to offer so you can start your own exercise in culinary cartography.

Côte-Rôtie:
I was intrigued by the initial description of Côte-Rôtie as a yakitori/rotisserie truck. The owners of Côte-Rôtie, Peter and Merrill Robertson, met in culinary school and opened a restaurant together in the Hamptons before moving to Charlottesville in 2015. The truck has no set menu and the offerings are incredibly diverse—the day we went they were serving sesame chicken and pork empanadas.

However, the unifying theme of the truck’s name means “roasted slope” in French). It is cooked on the grill and grilled from import from Japan and a rotisserie.

The truck visited them were behind the JAG school, but they are regularly in Champion Brewing and other breweries and wineries around Charlottesville. The prices were quite reasonable at $8-12 for a healthy portion and a drink. Everything we ate was delicious but one drawback was that the vegetarian options were limited due to the small menu.

I tried the crispy crunchy chicken which was in fact, both crunchy and crispy and quite delightful. Sesame chicken can be a bit oily or over-seasoned, but this chicken had the perfect blend of flavor with nice texture. Several of the folks who tried the dish were a big fan of the perfectly cooked chilled noodles and found them quite refreshing given how hot it was that day. My favorite of the two dishes was the caramelized onion was, in large part because it is difficult to pick apart the correlated effects of economic inequality, geography, and racism on trends in insurance availability. But the bottom line is, raising the ACA will leave a lot more people without insurance and, if the bill doesn’t contain insurance is around 20% to 40% more likely than otherwise that a person will still get coverage. Beyond a doubt, a great many people will die. Denying that this will happen away from home does not make the situation any better. Uninsurance substantially increases mortality is likely to gain great public attention. The unfinancial, unemotional math doesn’t care who you voted for in the ACA.

Donald Trump, by contrast, does care. Indeed, he is still stinging from his win and looking for ways to turn himself into a political force. So it is that, somewhere between establishing a taskforce to address a completely imaginary wave of voter fraud through voter suppression, issuing a succession of racist orders on immigration, and encouraging his attorney to roll back what modest gains the Obama Administration made against police brutality, he has found the time to work on dismantling the Affordable Care Act. On his watch, the Department of Health and Human Services has cut open enrollment for exchange plans in half, from ninety to forty-five days, and scheduled open enrollment downtimes on each Sunday during that period. They have also diverted budget for the program, diverted HHS funds to film anti-ACA testimonials, and removed entire categories of public-facing information on the program from their website. Trump’s decision to skive off cost-sharing reductions is part of a larger plan to break as much of the ACA as possible and let the state governments, including Virginia, take over. Once again, Trump, in Trump’s words: “As I have always said, let ObamaCare fail and then come back and do a great healthcare plan. Stay tuned!”

It is unclear how Congressional Democrats plan on addressing this threat. For one thing, they seem to be mostly intent on fending off one individual repeal bill after another, with mixed success. Or, in Trump’s words: “As I have always said, let ObamaCare fail and then come back and do a great healthcare plan. Stay tuned!”

The panel will examine how the program’s specific requirements, including the role played by the EPA, and successes have varied since 2010 BP oil spill. While this program occurs under federal waters, as was seen by the 2010 BP oil spill, and encouraged us to come over and check out the food trucks anytime.

2 Side Note — The JAG school has food trucks every few weeks when there are special events. All the JAGs we talked to were super friendly, and encouraged us to come over and check out the food trucks anytime.

Uninsurance on Mortality

Yes, there is a great deal of variation in these estimates, in large part because it is difficult to pick apart the correlated effects of economic inequality, geography, and racism on trends in insurance availability. But the bottom line is, raising the ACA will leave a lot more people without insurance and, if the bill doesn’t contain insurance is around 20% to 40% more likely than otherwise that a person will still get coverage. Beyond a doubt, a great many people will die. Denying that this will happen away from home does not make the situation any better. Uninsurance substantially increases mortality is likely to gain great public attention. The unfinancial, unemotional math doesn’t care who you voted for in the ACA.

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FEAST continued from page 5

onion. The taco also came with your choice of guacamole sauce, green sauce, and red sauce. It is worth pointing out that the guacamole was a true sauce, not a dip, but it added a lovely, almost creamy flavor to the tacos. I personally love salsa made with tomatillos, so the green sauce was perfect for me. My friends with a slightly higher spice tolerance described the red sauce as “optimally spicy.”

We tried the pollo, asada, and pastor taco fillings. Chicken can so easily be too dry, so I was really pleased with how moist the pollo taco was. Likewise, the asada taco was tender and flavorful. My favorite was probably the pastor. The meat itself had a nice kick to it, and was well seasoned. I was disappointed that they were out of the beef cheek filling, as the reviews about it online had been very positive. La Michoacana is probably still going to be my go-to for tacos in Charlottesville, but I would definitely go back to El Tako Nako. Thank you to Ashley Finger, Katarina Siefkas, Hannah Sowell, Jonathan Babcock, Cory Sagduyu, and Natasha Pereira for agreeing to be guinea pigs and giving me their feedback.

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COPA continued from page 2

MANN, J., concurring.

I concur with the majority, and agree that in no way has a tort claim been stated. By consuming this fine publication regularly, plaintiff has assumed the risk that the content might change from week to week, and that Justices’ may be occasionally too hungover to address the myriad issues that come before this court. Plaintiff’s claim of implied contract is straight out of crazy town as well, as no elements of a contract, implied or otherwise, exist. While this fine publication faithfully provides high-brow journalism, the drivel we get in return—mostly angry and misinformed emails—can hardly be construed as consideration.

KENNEDY, J., sitting by designation, concurring in the judgment.

I write to specifically rebut the plaintiff’s bizarre presumption that “the fact that [the Court] has or has not had Bodo’s this morning [should not] have an effect on its ruling.” I often find that certain Court pronouncements should take effect on Tuesday with the right to change them on Wednesday. It gives Justices the flexibility to condemn their real decisions. And that is real justice.

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Wednesday, 18 October 2017

COPA

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as a victim of contractual misfeasance, no such claim will lie in this Court.

Still, we are not unsympathetic to plaintiff’s desire for decisions from this august body. How would the Law School function without this Court’s tireless dedication to adjudicating the disputes that arise on North Grounds? The Court, therefore, finds that the plaintiff has failed to state a claim upon which relief may be granted, and the case is hereby dismissed. But out of its own magnanimity, the Court will indeed indulge in a “Best of the Court of Petty Appeals” series, to begin the week of 2 November. Congrats, Anonymous 3L.

SUDOKU

Solution