Panel Confronts Enforcement of Civil Rights

Kimberly Hopkin ’19 (shar/hers) Columns Editor

A panel on “Enforcing Civil Rights under the Trump Administration” broached the subject of diversity and minority-focused attorneys together on Friday, September 15 to respond to the events of August 12, in which white supremacist groups clashed with counter-protestors in Emancipation Park resulting in the death of Heather Heyer, to the larger issue of ensuring equal protection under the law for all minorities.

Stuart Delery, a litigation partner at the office of Gibson Dunn & Crutcher LLP, started by reviewing the federal statues within the broader history of Jim Crow laws. “The judicial system’s unwillingness to help the disenfranchised. Putting forward a theory that exclusion of black Americans from the political process was a civil rights violation.” Delery followed a progressive pattern of violence, restrictive voting laws, and a lack of federal enforcement of equal protection. Stuart Delery noted that current events echoed history too much.

As a former Acting Associate General counsel in the Department of Justice under the Obama administration, Mr. Delery brought an informed perspective on the obligation to build federal civil rights policy that will appropriately and vigorously protect minorities. In his words, “the Trump administration has started a wholesale retreat from this responsibility.” He cited the Arpaio pardons, withdrawal of transgender rights in schools, and restrictive voting laws. While acknowledging the allure of believing that we have no more work to do, Mr. Delery closed by saying:

“Seemingly nameless.

Inglorious Batters. While there was some initial back and forth over the lead, Cases Loaded came roaring back to pull off an upset, winning 11-7. Bad News Bearers then had to face off against the #3 seeded team, Section J’s Juvi Daddies. The fact that Bad News Bearers won 14-5 was indicative of the game in general. At 2:00 p.m., Section D’s Do It for the JD managed to best Grand Slamicus win 9-8. Completing the last quarterfinal at 5:00 p.m., Section A’s Accidentally in Law dominated over Section H’s Hoos on First, by shutting them out 7-0 with a stifling defense.

Heading into the semi-finals, Accidentally in Law completed a double-header against Do It for the JD. Ben Reese Gwin stated, “It was all about having fun—until we got to the championship. Then, it was only about winning.” That competitive attitude served the team well as Cases Loaded managed to shut the opposing team out for the next five consecutive innings. Accidentally in Law slugged defensively in the third and fifth innings allowing Cases Loaded to pull ahead 10-6. Feeling the pull of defeat, Accidentally in Law strategically forced the end of the sixth inning to start a seventh inning. After some incredulous pushback from Cases Loaded fans about the decision, the final started at 6:00 p.m.—a double-header for Cases Loaded. In the games leading up, Accidentally in Law adhered to the law’s tournament spirit to play all section members who wanted to play, while Cases Loaded opted for the “best ten players will play” strategy. The atmosphere still elicited the sense that Cases Loaded was an underdog. Playing the first game of the tournament and dressed in mismatched blue shirts compared to Accidentally in Law’s late start time and polished jerseys certainly added to that impression. Accidentally in Law exhibited a strong defense and notable team leadership under the captainship of Eleanor Schmaltz and Peter Dragna. The first inning reflected Accidentally in Law’s strength in the late start, as they pushed ahead with a 6-4 lead. However, as the Cases Loaded team captain Reese Gwin stated, “It was all about having fun—until we got to the championship. Then, it was only about winning.” That competitive attitude served the team well as Cases Loaded managed to shut the opposing team out for the next five consecutive innings. Accidentally in Law slugged defensively in the third and fifth innings allowing Cases Loaded to pull ahead 10-6. 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3 Proud Law Weekly staff member.

4 PSGI regulations restrict stumbles from allowing the start of a new inning more than 55 minutes into the game. Accently in Law denies the allegation.

5 Mostly Section C PAs.
Scheduling a pick-up is extremely easy, so clean out your closets, and maybe your panties too! Clean water, food, and clothing will be critical in the resettlement process.

1. Holmes, Frank, “We Looked into the Effects of Hurricane Harvey and Here is What We Found,” Forbes, 09.05.17.
2. Id.
3. Id.
5. Yesterday I watched the baseball game and it was the first and last time I haven't talked through a movie. I like to imagine we would do some splits, kick some palm trees, and maybe get in a workout.
6. What's something you wish you'd known about law school before coming to UVa? How do you feel about a date?
7. What's the longest you've gone without sleep and why? I got eight hours a night, baby.
8. What was the first and last time I haven't talked through a movie. I like to imagine we would do some splits, kick some palm trees, and maybe get in a workout.
9. What's the longest you've gone without sleep and why? I got eight hours a night, baby.
11. Have you ever had a nickname? What? My nickname is Sia, and my friends call me Sia.
13. Where did you grow up? I grew up in Clearwater, Florida. It's a beach town out of Tampa Bay.
14. If the Law School had yearbook awards, what would you want to win? Teacher's Pet, gotta get those Letters of Rec. The ability to always make myself the center of attention.
15. If you could know one thing about your future, what would it be? I'd like to know which of my classmates will be the president that appoints me to my ship.
16. Backstreet Boys or *NSYNC? On advice of counsel, I would like to utilize my fifth amendment right against self-incrimination.
17. If you were a superhero, what would your superpower be? I would want to be invisible.
The Sad Decline of Nelson Mandela’s Party

Due to the incompetence of the editorial board, the full version of this article was truncated in our September 13 edition. As such, we have decided to print it again in its entirety.

In April of this year, South African President Jacob Zuma survived a vote of no confidence in the National Assembly, the lowest point in the Parliament of South Africa. Mr. Zuma is no stranger to votes of no confidence; he has now survived eight since his election to the presidency in 2009. Throughout his political career, Mr. Zuma has been dogged by an unceasing stream of allegations of impropriety and corruption. Claims including ones of rape, arms dealing, and use of taxpayer money for home improvements, and illegal business collaboration with the shadowy Gupta brothers. 2 A few weeks prior to his election in 2009, pro-Zuma Party voters cast 786 counts of corruption against Mr. Zuma.

South Africa’s presidency goes from being occupied by the ANC (African National Congress) to my house and scraped the dross from my family. Our house remains, at least partially, as the hurricane was beginning its landfall in the US. We didn’t get much sleep that night. The next day, we were glued to the television, watching the twice-ha"
Co-located for social, political, and cultural purposes, Lambda Student Association (“GLLSA”) was founded in 1984, for gay and lesbian students. Shortly after its founding, GLLSA began bringing speakers to the law school to discuss challenges faced by gay and lesbian students and others. In 1986, the organization took a more active role in educating the law school community about the crisis through an awareness campaign entitled “HIV and AIDS in Central Virginia: A Legal and Medical Perspective.” At that time, HIV and AIDS were viewed as an urban disease.

Speakers at the conference brought the AIDS crisis home to rural Virginia by focusing on the effects of the AIDS crisis throughout Virginia. Today Lambda hosts multiple events on issues facing the LGBTQ+ community. In the coming months, we plan to host a panel discussion in conjunction with Virginia Employers Laboratory of the Law School (VELLA) on the Seventh Circuit’s decision that employment discrimination based on sexual orientation violates Title VII of the Civil Rights Act. Lambda also plans several events focused on transgender issues and freedom of religion as it impacts LGBTQ+ rights.

Alumni of GLLSA recall the pre-law school days and the sense of community where you can be yourself and truly be yourself. GLLSA appears to have changed its name to Lambda Law Alliance sometime in the early 2000’s, the first reference to Lambda in the Law Weekly is from April 2001. One of the Greek lowercase a (lambda) was chosen as the symbol for the Gay Activist Alliance in 1969. The GAA literature explained that the lambda symbol represented ‘a complete change of energy—that moment or span of time witnessed to as productive activity’ in the notation of chemistry and physics. Since then lambda has been adopted broadly as a symbol of the LGBTQ+ community.

The name change from GLLSA to Lambda reflected the increasing “exchange of energy” throughout the organization and the increasing diversity of the membership with students across the LGBTQ+ spectrum including transgender, gender non-conforming, queer, bisexual, and questioning students. Lambda also reflects the changing mission of the organization and the changing state of LGTBQ+ rights in America.

While Lambda continues much of the work GLLSA was founded to do, the mission has grown significantly. Lambda serves as an important educational conduit for its members and the legal community. Lambda also strives to be more inclusive of individuals with marginalized identities and aims to bring all voices to the walls of the law school.

GLLSA alumni in the late 1980’s did not feel comfortable putting their association or anything relating to their sexual orientation on applications to law firms. So while they were out at the law school (or at least to their peers in GLLSA), they went back into the closet when the job hunt began. Fortunately, the legal community today is much more accepting and encouraging of LGBTQ+ students.

In the early days, GLLSA had 15-20 members, none of whom were alumni. Today the UVa Law LGBTQ+ community has over fifty out individuals. This is a testament to the support of the law school community that more and more law students feel comfortable being themselves.

In the early days of GLLSA, Lambda was organized by gay and lesbian students. As an LGBTQ+ person going through the first stages of the coming-out process, one reveals the most intimate parts of themselves with their significant other in order to be able to support our LGTBQ+ students, both as they come out through coming-out processes and after they are out. It is important to understand that in the coming-out process, you have entrusted with you this information it is your duty to keep it confidential. It is their decision to come out on their own schedule, not anyone else’s.

Today, much like the early days of GLSLLA, Lambda serves as an important role for LGTBQ+ individuals to gather and be themselves. Alumni of Lambda have also come to play an important social function, giving them a “safe space” to let their hair down with people who had similar experiences. This not only is a mission of Lambda today. While the world is more supportive of LGBTQ+ individuals than it was when GLLSA was founded, coming out still can be a scary process and it helps to have a readily identifiable community where you can go and be who you are.

Lambda Law Alliance strives to bring the UVa Law LGBTQ+ community to the notice and view of the UVa Law LGBTQ+ community. Much like Lambda in the early days of GLLSA, Lambda is planning programming to help our allies understand that we can support LGBTQ+ individuals. As an LGBTQ+ person going through the first stages of the coming-out process, one reveals the most intimate parts of themselves with their significant other in order to be able to support our LGTBQ+ students, both as they come out through coming-out processes and after they are out. It is important to understand that in the coming-out process, you have entrusted with you this information it is your duty to keep it confidential. It is their decision to come out on their own schedule, not anyone else’s.

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**SAFETY TIPS: USE BEAR SPRAY AND ANGRY THE BEAR**

As humidity levels drop and the air starts to cool, black bear activity in your area may increase. Bear spray is easiest to use when you're in a natural state of alertness, so now is the time to perfect your techniques.

Photo courtesy of www.bearageddonnews.com

1. **BEAR SAFETY TIPS: USE BEAR SPRAY AND ANGRY THE BEAR**

   - **SAFETY TIP 1:** Have a plan and practice it with your bear spray. You should be able to deploy it in a matter of seconds, even if you are startled. Make sure you know where your spray is located and how to use it properly. Bear spray is the most effective tool to deter a charging bear.
   - **SAFETY TIP 2:** Always wear a bear spray harness or pole in bear country. Bear spray is usually used in self-defense, so it's important to have it readily accessible. You should also carry a bear spray carrier or a similar device to hold the spray canister.
   - **SAFETY TIP 3:** Know the types of bears you may encounter. There are two main types of bears: black bears and grizzly bears. Black bears are more common in North America, while grizzly bears are found in the western United States and Canada.
   - **SAFETY TIP 4:** Be observant and make yourself known. Bears are easily startled by sudden noises or movements, so it's important to make your presence known by making noise or using bear spray. Bears are not as likely to approach a group of people as they are likely to attack a single individual.
   - **SAFETY TIP 5:** Avoid stored items. Bears are attracted to human food and other scented items, so it's important to store food and other scented items securely.
   - **SAFETY TIP 6:** Use bear spray in self-defense. If you are attacked by a bear, use bear spray to deter the bear from attacking you. Bear spray is a non-lethal option for protecting yourself.
   - **SAFETY TIP 7:** Be prepared to escape. If you are attacked by a bear, your goal should be to escape as quickly and as far as possible. If you can't escape, try to protect yourself by creating a barrier between you and the bear.

**REVIEW**

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**FREE**

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**SEEK**

- **SEEK AVOIDANCE**

   - **SEEK AVOIDANCE TIP 1:** Learn about bear behavior and how to identify different types of bear. Bears are easily startled, so it's important to make your presence known by making noise or using bear spray. Bears are not as likely to approach a group of people as they are likely to attack a single individual.
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**AVOID**

- **AVOID STORED ITEMS**

   - **AVOID STORED ITEMS TIP 1:** Store food and other scented items securely to prevent bears from accessing them. Bears are attracted to human food and other scented items, so it's important to store food and other scented items securely.
   - **AVOID STORED ITEMS TIP 2:** Use bear spray in self-defense. If you are attacked by a bear, use bear spray to deter the bear from attacking you. Bear spray is a non-lethal option for protecting yourself.
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**PREPARE**

- **PREPARE FOR THE WORST**

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arguing students to push for a more perfect union and to remember that current events can be separated from the past.

Chantale Fiebig, of counsel at the law firm of Gibson Dunn & Crutcher LLP, brought a uniquely personal viewpoint to the discussion by sharing her experiences as an African American attending UVa as an undergraduate. Born in Central Africa, Ms. Fiebig shared her belief that America’s history is the experi- ence’s disbelieving upon learning about the enslavement and subsequent disenfran- chisement of black Americans when they first moved to the United States. Ms. Fiebig felt disconnected from the weight other black Americans had to bear until she attended UVa. During an orientation event, she re- called how the university played country rock mu- sic on the front lawn and rap music on the back lawn promoting a de facto segre- gation of students. To this day, she wonders why they couldn’t just “turn off the music, and let people talk.” During her first experience at a protest, Ms. Fiebig re- calls being marginalized by another student insist- ing that the protestors were protesting being black by wearing black; they were actually protesting a homo- phobic line in “The Good Ole Song.” She denounced those who hide behind ex- cuses of history and tradi- tion because they often fail to see that the history itself is what feels so oppressive. To fight against this, Ms. Fiebig advises lawyers to stay vigilant and to “be audacious.” When discussing career options, she remind- ed the audience that private sector lawyers still have oppor- tunities to contribute through pro bono work and choosing to take civil rights cases.

Angela Ciolfi, Director of Litigation and Advocacy at the Legal Aid Justice Cen- ter and UVa Law alumna, addressed what the August 12 rally meant and what it changes. Ms. Ciolfi contend- ed that it may have started a discussion, but that rac- ism was present before and is still present today. Citing multiple statistics, in- cluding the fact that black Americans are stopped and frisked by police nine times more often than white Americans and that 6.04 percent of government con- tracts in the local area go to female, veteran, or minority owned companies, Ms. Ci-olfi challenged the audience to seek structural change at the state level. Although charity and passion are im- portant, she implored the audience to understand the need for a strategy when confronting systemic injus- tice. Ms. Ciolfi also remind- ed the audience that change is not about politics; it’s about reaching across the spectrum to build the right policies.

The final panelist, James Hingeley, a public defender for Albemarle County and elected member of the ex- ecutive committee of the American-Charlottesville NAACP, started his remarks by commemorating the 67th anniversary of Gregory Swanson enjoining as the first African-American UVa Law student. After recount- ing the UVa Law faculty’s unanimous support through Swanson’s court battle, Mr. Hingeley called Mr. Swan- son a hero and urged the audience to remember his legacy. Then, Mr. Hingeley pivoted his speech towards the August 12 rally and the ways the legal system could have been used to procure a better outcome. Following the July 8 protest, Charlottes- ville was inundated with requests to silence the white supremacist group by deny- ing their protesting permit. Recognizing the hateful message this group perpetu- ated, Mr. Hingeley said the city did a poor job of com- municating to its citizens that the First Amendment still allowed this speech. Rather than even insisting it was a negative consequence, Mr. Hingeley urged the au- dience to understand and celebrate the power of the First Amendment in com- batting inequality. He felt that focusing on the expres- sion the white supremacist groups would espouse in- stead of the high amount of violent threats leading up to the August 12 rally was the reason the city was enjoined from moving the protest to an area that could have been controlled better. For this reason, he pushed the importance of commu- nicating and giving weight to the proper arguments in this type of legal work. He urged the audience to use non-violent tactics and cel- ebrate the First Amendment even when it seems like an assault on our values.

**SUDOKU**

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