

# VIRGINIA LAW WEEKLY

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

A Look
Inside:

Advice on How to Crush 1L.....2 Learn About the Head Peer Advisors.....2 Virginia Law Review's New Masthead......6

Wednesday, 26 August 2020

The Newspaper of the University of Virginia School of Law Since 1948

# Welcome Letter from the **Editor**

Christina Luk '21 Editor-in-Chief

Hello and thank you for picking up the Virginia Law Weekly! We are the Law School's one and only student newspaper and you are in for a treat. Inside these pages vou will find the heart and soul of the UVA Law community. As Editor-in-Chief, it's my privilege to introduce you to what we're all about and to entice you into our ranks.

Now, in years past, welcome letters have tended to be pretty upbeat and funny but nothing about this year has been ordinary. I mean, we started the year with an entire continent on fire, and no one really expected it to ramp up from there. COVID-19 has forced us all online, impacted our communities, and tested our resilience, kindness, and care for each other. The events of this summer unfolded like a slow-motion fever dream. Disease, death, police brutality, protests, and, of course, the ever-ramping up election. We are buckling in for the second half of an already crazy year.

What an incredible time to attend law school. So much has changed. A look around the Law School reveals a different space. There are stickers on the floors and tables. cameras and plexiglass have been installed in every classroom, and a thousand hand sanitizing stations litter the halls. Folks are wearing masks (or they had better be!) and many of us are online this semester.

The start of the year brings

**Dean Goluboff** 

Volume 73, Number 1

# around north grounds Welcomes Class of 2023



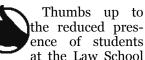
Thumbs up to social distancing. ANG has gone without physical

touch since '86 and is glad to see the practice has finally caught on.



Thumbs down to people who don't cover their nose with their

masks. Put that huge thing away, Squidward. You can take it out when a 747 jet needs to make an emergency landing.



the reduced presence of students at the Law School this semester. That means

there'll be more pizza, Take It Away, and Bellair leftover lunches for ANG, right?



Thumbs down to not having Dandelion this year. ANG invites

students to submit footage of their wild, off-grounds parties in violation of University public health guidelines to ANG because ANG still needs blackmail material for those gunners who decide to run for public office someday.



Thumbs up to Chick-fil-A opening in Barracks Road. Now, ANG

doesn't have to feign an interest in Fed Soc to curb ANG's hate-chicken craving.

VID symptoms on week-



Thumbs sideways to the weekday HOOS Health Check reminders. What if ANG only experiences CO-

Shared Challenges Bond Us



Risa L. Goluboff '00 Dean of UVA Law

To say that we begin this school year at a challenging moment is an understatement. The unprecedented COVID-19 global pandemic continues, and it has ushered in an economic crisis unprecedented in its own right. We are in the middle of a national reckoning with racial injustice. A hotly contested election fast approaches.

As we navigate these challenges together, this year will certainly differ from any that has come before. In your first week of classes, you have already seen many ways in which that is the case. You wear masks, take some or all of your courses online, keep your distance from one another, and watch your professors through Plexiglass. You monitor your health and worry about both your own health and that of others. You are being asked to fulfill obligations to each other and this community that no class before you has had to contemplate. So much remains the same, however. This is your first year of law school, and that means it is the start of an exciting intellectual, personal, and professional journey for each of you. That is, as it always is, a joy to behold. This year will transform you, as the first year of law school always transforms 1L students. The opportunities before vou-both during your time here and in the careers that will follow-are almost limitless. Our faculty, administrators, 2Ls, and 3Ls are eager

to help you begin to take advantage of those opportunities and to find your way around the Law School. I mean that in the literal sense: Note, for example, that there are two Caplin Reading Rooms-the one in the Library and the one off Scott Commons—as well as both a Caplin Pavilion and a Caplin Auditorium. (Mortimer Caplin '40 was an alumnus, a member of the faculty, and a loyal and generous donor.)

I mean it in a figurative sense as well. Our world-class faculty is dedicated to initiating you into the mysteries of the law and bringing their innovative research into their instruction as they do so. Outside of the classroom, fellow students, faculty, and staff offer countless ways for you to connect with each other and dive into our community, both virtually and in small groups. We are here to help you navigate the intellectual challenges ahead of you and identify the aspects of the law and law school-areas of study. service projects, political causes, student organizations, extracurricular activities, research opportunities, career paths-that give you a sense of purpose and belonging and enable you to thrive. We are here to help you find your path and to support you at every step along it. It will not always be easy, for the reasons made (in)famous in popular culture and mythology: required classes and cold calls, oral arguments and journal tryouts and job searches. But it will no doubt be rewarding. This year will prepare you not only for the rest of law school, but for the amazing,

varied, as yet unknown careers that you will each make your own.

You will spend hours each week with your new classmates, over screens and otherwise. Take advantage of opportunities to connect and engage with each other. As I said during orientation, the legal profession is dedicated to testing ideas with argument and persuasion. Lawyers both ask difficult questions and must hear difficult answers. It is not always easy to speak so that others can listen or listen even when the message is hard to hear. It may be even harder to do those things this year, when we are coping with a new normal that feels anything but, engaging in important and difficult conversations about race, and witnessing and par-

everything rushing back—the excitement, the nostalgia, the burning curiosity of whether the snack office will still provide snacks. Old and new students alike, we're grappling with social isolation, missing people closest to us, and deciding on the next stage in our legal career. We're all trying to figure things out. Now is the time for community, solidarity, and laughter. Now is the time for optimism—to say that we will meet each new challenge with grace and perseverance. That we are all here because we were called to something outside of us.

We at the *Law Weekly* are called to "community." When our back is up against a wall, our first impulse is to put pen to paper (fingers to keyboard)

EDITOR page 2

ticipating in that most central of our democratic institutions: voting.

I am confident that we are up to the task. We are a community that cares deeply about each other and makes dialogue across difference a hallmark. We come from different races. religions, nationalities, ethnicities, and cultural and socioeconomic backgrounds. We have had different life experiences and live different identities. We hold different beliefs, attitudes, and interests, and subscribe to a wide range of political views. We each have our own unique hopes and dreams. We bridge these differences with a shared commitment to this community. a shared aspiration that our differences serve as a source

WELCOME 1Ls page 2

ends?

Thumbs down to the stimulus check rules. ANG has not filed taxes

since ANG's ill-fated summer associateship at Dewey, Cheatham, and Howe PLLC in 1983, so ANG was ineligible for any of that sweet, sweet taxpayerfunded cheddar.



Thumbs down to passcode requirements for Zoom class sessions. How is ANG sup-

posed to flash Professional Responsibility if ANG doesn't have access to the class Canvas page?

## VIRGINIA LAW WEEKLY

## WELCOME 1Ls continued from page 1

of humility and strength, empathy and intellectual stimulation. The community of trust and belonging to which we each contribute takes real dedication and effort to maintain, and it is worth every ounce of such effort. It is essential to all we do here and to becoming the exceptional lawyers you are all here to become.

This moment in our nation's history calls out for exceptional lawyers. Lawyers will lead our government, our institutions, our businesses, and our communities through the many changes on the horizon in ways that comport with the core values of our Constitution and our profession. You will follow in the footsteps of a learned profession committed to justice and the rule of law. You will become those lawyers.

As you run through what can seem the gauntlet of 1L year, you will gain new skills, new ways of thinking, and new intellectual resources. You will also make new friends and colleagues, connect with new mentors, and have new experiences that will enrich and transform you. You will become essential members of this community. Through it all, you will find here the joy and humanity that is at the core of UVA Law and that, more than anything, remains very much the same as it always has.

risa.goluboff@law.virginia. edu

## EDITOR continued from page 1

and write. My goal for the paper is to build our community, celebrate our triumphs, discuss room for improvement, and give voices to every member of the Law School. Over this year, I want to introduce you to your classmates and professors, spotlight clubs, inspire laughter and hope, and above all, show that we are a community of thoughtful and caring individuals. That we are unafraid to share our opinions and that we respect all voices, especially those who have had the fewest opportunities to speak.

So, to the 1Ls, welcome to the Law School. In the timehonored tradition of upperclassmen giving unsolicited advice, I urge you to look for joy in your lives. The passions that sustained you before law school will nurture you the next three years. You will find like-minded individuals who share your values-people who will be your dearest friends and fiercest champions. I encourage all of you to grab this school year by its horns. Reach out to people, get virtual coffee, go to office hours, and join a student organization that sparks joy for you. There is no dearth of extracurricular offerings at this Law School. I should know, I've spent the last two years writing about them.

Speaking of extracurriculars, I'd be remiss not to invite each and every one of you to join the *Law Weekly*. We publish once a week, twelve editions per semester, and we welcome new members throughout the year from every class. Historically, we met in Slaughter Hall 279 to edit articles, listen to tunes, and eat free Domino's pizza. In this brave new Corona world, I'm inviting all of you to join us virtually Monday nights at 7 p.m. Please email me if you are interested in joining our mailing list.

If you have a qualm, a passion, a joke (good or bad), or even just the itch to write—we want to hear from you. Please. Regale us with your views on attending class over Zoom, your awkward virtual hallway encounters, or your funniest professor quotes. Are you discontented with a school policy? Do you have an opinion on the upcoming election? Maybe you have a complaint for our widely cited Court of Petty Appeals? We want it all. Get in touch with us at editor@lawweekly.org.

To ensure you never miss an issue of our rip-roaring fun, please register with us at: https://www.lawweekly.org/ register. You can also like our page on Facebook or add us on Instagram or Twitter. We don't have a TikTok yet, but the shenanigans we get up are certainly meme-worthy.

On behalf of the staff of writers and editors at the *Virginia Law Weekly*, good luck and welcome to UVA Law! I can't wait to meet you all!

## cl3eh@virginia.edu

# Tips to Have 1L of a Time!

Like Moses with his Ten Commandments, I am once again coming down from the

Drew Calamaro '21 Satire Editor

mountaintop of debt to provide you with muchneeded advice and encourage-

ment. 1L year is a truly magical time, and the people you meet now will likely become lifelong stepping stones toward success friends. However, this journey is perilous, and it is my duty to light the way for you, as many have done for me.

1. Trust no one.

you? Furthermore, no one is going through the same things you are, and the playing field is definitely *not* equal when the test time is changed at the last minute for the entire class. No, you are the only one who has to bear the severe consequences of such heavy burdens, and it is your duty to complain over Zoom, in your GroupMe, and at home. The act of complaining is a soothing balm to the ears of any future lawyer, and there is no way they will understand your struggle unless you complain. 3. Buy the 1L of a Ride

**book.** You suckers. By all means waste your money—you're more lawyers used their middle initial, p'raps the world would be a more harmonious place.

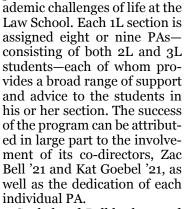
5. Your peer advisors should be treated as your elders, even if they are K-JDs with no real-world experience.

As a Peer Advisor Peer (PAP), I know these people. They are highly trustworthy and are wise in the ways of the law school world.<sup>3</sup> They will provide novel advice such as "you are meant to be here or else you wouldn't be," or "make sure you start outlining, and don't be afraid to reach out to professors." This earthshaking information can make or break your legal career. Far too many of my fellow law students have ignored the advice of their PAs. They are no longer with us.<sup>4</sup>

# Get to Know the Head Peer Advisors!

The Peer Advisor (PA) program at UVA Law exists to Kathryn Querner '22

Executive Editor guide 1L students as they navigate the transition to the personal and ac-



Goebel and Bell both served as PAs for my 1L section and, I might add, provided exceptional support and encouragement. I reached out to them with the hope of learning more about their vision for the PA Program this year.

## Can you tell us a bit about yourself?

Goebel: I was born and raised in Pittsburgh, Pennsylvania as the second oldest of five children. I love to read, garden, play softball, and draw portraits! My favorite Charlottesville pastime is trying new restaurants—if you're looking for a place to eat, I have great recommendations.

Maybe ask your Peer Advisors what you should do with your life—they have plenty of experience.

## 7. Journals are the most fulfilling use of your time.

We will go over this at the beginning of next semester, but just know that the journal tryouts process is absolutely not arbitrary and capricious. It is certainly not the stupidest exercise I have ever done. You should absolutely do it. The people who run it are competent.

# 8. The administration will always be willing to work with you.

Sometimes it takes over 5,000 signatures for them to do so, but they will certainly provide you with answers. Sometimes those answers lead to more questions, which lead

Bell: Well, I was also born and raised in Pittsburgh, Pennsylvania. I have a lot of family and friends in the city and plan on returning here to practice after graduation. For undergrad, I went to a small university in northwestern Pennsylvania called Edinboro University. It was basically a little snow globe. While I originally intended to go directly to law school after undergrad, I ended up taking two years off and working in higher education before I started at UVA Law.

What prompted you to become a PA? And then, what prompted you to be co-directors of the PA program for this year?

Goebel: I wanted to become a PA because my first semester of law school was, admittedly, very challenging. With the help of my PAs, I made positive changes to my daily routine. Whether I was having a bad day, needed advice, or wanted someone to simply listen, I felt comfortable reaching out to my PAs for assistance. After experiencing firsthand the value of peer mentorship, I knew I wanted to give back to the program that had done so much for me and my growth as a law student. And becoming a Peer Advisor was incredibly rewarding. I loved creat-

HEAD PAs page 5

that others should fear your ambition and motivation. It tells professors that you are here, you are ready to learn, and that you are not going to let disgusting phlegm get in the way of your B+. However, since people can't do jokes right now, I would like to say do not show up to class sick. Unless you have COVID.<sup>8</sup>

That's it. That is literally all you need for 1L. Stay safe, best of luck, and remember that no matter what you do, the ABA will hold it against you as you apply for the bar.

dac6jk@virginia.edu

You are in law school, not trust school. That can be dealt with in Trusts & Estates should you choose to figure out what that is. Law school is all about the acquisition of power and its exertion over others. As such, I suggest you do something to stake your claim in your section, such as joining the SBA. That will really make people respect you, and, hopefully, fear you as well.

2. Complain about anything and everything whenever possible.

Socrates was a gadfly to Sparta (my editors will probably "fact" check me but he wasn't even real so I get to pick),<sup>1</sup> so why shouldn't you be a gadfly to everyone around

1 Ed. Socrates was a real person and he lived in Athens.

here reading this, after all.

4. As stated last year, using your middle initial makes you sound smart, successful, not egotistical, and totally sophisticated.

My position remains the same: Using your middle initial tells people you are smart, you are capable, and that you absolutely do not have an inflated ego. There is truly no better feeling than writing out your middle initial and dotting the period with a flourish of your quill pen. Thomas R. Jefferson did this, so did John H. Hancock, why shouldn't you? Sidenote, the word for someone who does this in German is Backpfeifengesicht, which means "wise beyond comprehension."<sup>2</sup> If only

2 No, it doesn't. It means you have a punchable face. But

### 6. If you aren't understanding how to do law school, just drop out.

The true mark of a lawyer is being brave enough to feel nothing about the sunk cost of time and money and to trust your heart's desires. However, you remember that you don't have a heart, which is why you're taking that BigLaw job, and you end up staying.<sup>5</sup>

you're a gadfly, remember?

3 *See* note 2.

4 They are taking online classes.

5 Shut up. So am I.

to non-answers, but isn't that the true lesson of law school? 9. Never sleep, never ex-

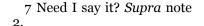
## ercise, and don't eat well.

This is a good time to start practicing your health routine as a lawyer. Plus, it intimidates classmates when you show up to your Zoom classes looking like a "hot mess"<sup>6</sup> and then you tell them you got an A-. No one lies about their grades in law school, and you can always trust what people say in this sphere.<sup>7</sup>

## 10. Do NOT show up to class sick.

I have written in the past that showing up to class sick is the most intimidating thing you can do. It sets the tone

6 Emphasis on the hot.



STOP this from happening? Just do online classes. Kind of a 100% success rate in preventing in-class transmissions. Just a thought.



Pictured: Drew Calamaro, '21, prophetically shares his secrets to ILs. Photo Courtesy of Drew Calamaro, '21.

<sup>8</sup> I certainly won't be there in person. You know how you

# Cancel Suitman: The Break-Up of Call Her Daddy

I am unwell. While CO-VID-19, racial unrest, and the upcoming presidential

Phil Tonseth '22 Production Editor

election has dominated the news media in 2020, an arguably bigger sto-

ry has largely been ignored. As a card-holding member of the "woke" generation, I saw the biggest news story of the year as the endless drama and splintering of the wildly popular podcast *Call Her Daddy*. Luckily, I'm here to provide a breakdown on the breakup, including commentary on the legal issues that drove the two parties apart.

Labeled as "uncensored, real, female locker room talk,"1 the podcast known as Call Her Daddy took the world by storm in 2018. The unabashed hosts, Alexandra (Alex) Cooper and Sofia Franklyn met by chance, struck up a conversation, and were encouraged to create a podcast by those around them. A month after starting their podcast, Dave Portnoy of Barstool Sports bought the podcast and hired the two rising stars as Barstool employees. Their contract was initially for three years

1 https://www.thecut. com/2020/05/call-her-daddy-barstool-sports-drama. html. with the option to renegotiate. When Alex and Sofia began renegotiating in early 2020, though, everything fell apart.

The issue between the podcasters and Barstool Sports was a contract dispute, mainly centering on intellectual property (IP).<sup>2</sup> At the outset, both Alex and Sofia earned salaries bordering \$100,000, which rose to almost \$500,000 following the podcast's meteoric rise. The ladies did not own the intellectual property to their brand, because David Portnoy retained ownership per the initial employment contract. Believing they were underpaid compared to the industry standard, the ladies wanted more and were willing to bet their huge following on it.3

Alex and Sofia didn't negotiate alone. Sofia's long-term boyfriend, Peter Nelson, a.k.a. "Suitman," worked as an HBO Sports executive and claimed to know the market and have "clout." Suitman drafted a list of demands for the initial renegotiating offer

2 If you're reading this, Dean Mahoney, my likely incorrect legal analysis of contracts is in no way a direct reflection of your amazing teaching.

3 *Call Her Daddy* is currently the #1 ranked comedy podcast in the United States.

to Portnoy, which included salaries of over a million dollars, a larger share of merchandise revenue, and sole ownership of the intellectual property rights for Alex and Sofia.<sup>4</sup> For his part, Portnoy dug in almost as hard as CO-VID-19 has in America. He did not counter terms in the ladies' initial renegotiation offer.

With negotiations stalled, Suitman shopped the Call *Her Daddy* brand, including Alex's and Sofia's talents, to others in the industry. Knowing this, Portnoy hosted the two and presented his counteroffer to fend off their potential departure and the ensuing legal battle over the IP. Portnoy offered to increase their base salary to \$500,000, raise their share of the merchandise revenue, and gradually transition ownership of the intellectual property of the Call *Her Daddy* brand to the two. Rather than cement a deal, this offer drove Alex and Sofia apart. Sofia and Suitman wanted more.

Alex wanted to make a deal with Barstool, acknowledging that Portnoy's offer was everything the two initially wanted. Through consultation with Suitman, Sofia

4 h t t p s : / / n y p o s t . com/2020/05/23/call-herdaddy-drama-update-alexcooper-to-host-podcast-solo/. kept moving the goalposts of the negotiations, frustrating both Alex and Portnoy. After Sofia threatened Alex with negotiating in bad faith in an attempt to gain access to the IP of *Call Her Daddy*, Alex made a unilateral and lasting decision. The duo would split; their goals were far too divergent to reconcile.

Reaching out to Portnoy, Alex accepted the initial offer and left Sofia out of the fold. Likening the situation to losing an old friend to a new boyfriend, Alex expressed sadness both for herself and "Daddy Gang."5 At that point, Call Her Daddy hadn't recorded a podcast for two months due to the unfolding drama. Alex jumped back into the fray as a "Single Father" on May 27 and has been rolling ever since. In her most recent and eleventh installment as a Single Father, Alex interviewed Miley Cyrus, a.k.a. Hannah Montana, in an absolute banger of an interview.

Needless to say, it's clear who won in these negotiations. Daddy Gang has thrown their full support behind Alex and her personality. Barstool Sports maintains ownership of the *Call Her Daddy* brand until the IP transitions solely to Alex.

5 Avid listeners to the podcast refer to themselves as members of Daddy Gang. Sofia and Suitman? Well, they've been relegated to the influencer blackhole where they belong.

You may ask, why does the dissolution of a podcast matter in a legal sense? Intellectual property is a rapidly rising area of litigation in our current media-conscious environment. Media companies provide the initial exposure to their talent, but the personalities often outstrip that exposure through developing followers on social media. As such, the personalities want ownership of the intellectual property to further capitalize on their brand, without relying on a company as a middle man.<sup>6</sup> As Alex showed through this saga, negotiating in good faith is the proper way to find a middle ground. For the sake of Daddy Gang, let's hope Call Her Daddy and Barstool Sports have a long, successful relationship. The way this situation ultimately played out left Daddy Gang almost as satisfied they would be receiving a "Gluck Gluck 9000."7 Gang Gang.

## pjt5hm@virginia.edu

6 https://www.thecut. com/2020/05/call-her-daddy-barstool-sports-drama. html.

7 If you have to Urban Dictionary this, don't.

# Law Students Super Grateful for Tuition Discount

The UVA Law Board of Lords convened in late August to discuss the possibil-

Michael Berdan '22 Staff Editor

ity of reducing tuition in light of the Law School's limited

services and remote learning format for the fall semester. "Something had to be done," said board member Karen G. Rockefeller '68. "Students had summer employment canceled or limited. Some were unable to return home. Some had families sick, and some were sick themselves. The financial burdens have

Joanne Kennedy '92, expressed regret over the educational product that is being delivered this year.

"UVA Law's tuition is higher than any other public law school on the plan-et," Kennedy noted. "Under typical circumstances, this is justified by the quality of experience. Students at UVA Law receive instruction and mentorship from teaching-focused professors who are at the top of their fields. They attend classes in state-of-the-art facilities, in a community of collegial and social students, in one of the most beautiful parts of the country. This semester, however, they will be attending class through a webcam, probably from home. Their access to the facilities will be strictly limited, and social events will be prohibited. We simply are not delivering the product that was promised to them when they matriculated, so we are honor-bound to reduce tuition accordingly." This received resounding cheers from the rest of the board. Mr. Khan continued, "This isn't to disparage the work of our administration, who have done a marvelous job trying to deliver everything that is possible, safe, and merited given the circumstances. We certainly do not want them pretending things are normal, so neither should we. Charging \$68,500 for UVA Law, On-

line Edition? Would anyone actually pay that? The entire student body would take a leave of absence, and just watch Geis's clips on You-Tube. Or Themis. Or The Great Courses. Man, that guy sure is prolific."

Not everyone in attendance was in favor of a discount on tuition. Chief Undersecretary for Student Subjugation Barron A. Giuliani '63 was seen rolling his eyes throughout the meeting. During a tearful reading of student testimonials about how the pandemic has affected their financial circumstances, Giuliani audibly scoffed, and a tense exchange ensued when other board members asked him to take the proceedings seriously. Giuliani responded curtly, "Nah." Board members pressed him to elaborate, and Giuliani took the position that the school had adequate "avenues of justification" for maintaining the same tuition or even raising it. "I dunno," postulated Giuliani, barely able to talk through surging giggles. "Tell 'em it's actually more expensive to hold school online than in person. Nobody will believe it, it's total nonsense, but are they actually gonna do anything about it? Ha! Please, tell 'em that, it'll be great."

would stand up for students if the school employed such tactics. Giuliani sat back, lit a cigar, knit his fingers across his broad belly, and laughed. "Tell 'em..." he continued, through puffs of smoke and a Cheshire grin, "tell 'em the school's endowment isn't really, actually, all that big, or something."

Giuliani's dissenting voice was overwhelmed by the other board members, who voted 12-1 to extend a lifeline to students by reducing tuition, on an emergency basis, by zero percent. This will save students an estimated \$0.00 each, also cognizable as o Euros or o Albanian Lek. Students went wild with joy and gratitude on Twitter in response to this unprecedented discount. @hoosthatlawyerqt tweeted, "THIS is why I go to this school!

THIS is why I love this community!!!" and @UVAesq2b tweeted, "I didn't know whether to return to school during the pandemic, but UVA really showed they understand where we are, and they really stepped up with this discount." In a break of social distancing protocols, dozens of students met the board members as they came out of Slaughter Hall and hugged them. Tears flowed freely, and board members gave impromptu speeches to the crowd about the weight of responsibility they felt to rise to the occasion and support students. Barron Giuliani was seen speeding away in a silver Maybach, still laughing.

been mounting, and we saw an opportunity to step up and lighten those burdens."

The meeting lasted several hours, with a number of board members standing to express solidarity with the students and Law School under their stewardship. "This is-and will continue to bethe worst economic downturn since the Great Depression... Or is it Recession? One of those two bad ones!" shouted Emeritus Dean Arnold W. Khan '81. "Our students committed to an elite education that would lead them to prosperity in the market. We sold the school to them based in large part on job prospects. If those have materially changed, we must change the amount they are paying."

One board member,

Several board members were aghast at the suggestion and said they themselves mwb4pk@virginia.edu



Pictured: Board Members debate how much to discount fall semester tuition. Photo Courtesy of pixabay.com

# 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 cl3eh@virginia.edu

Students Learning in Person v. UVA Department of Parking and Transportation 73 U.Va 1 (2020)

Re, J., delivered the opinion of the Court, in which TONSETH, WUNDERLI, QUERNER, CALAMARO, DESKINS, BERDAN, J., and LUK, C.J., join.

JUSTICE RE delivered the opinion of the Court.

In these uncertain times,<sup>1</sup> this case requires us to decide whether the district court properly granted summary judgment for a group of students suing the UVA Department of Parking and Transportation (Department) over a \$3 to \$5 per month increase in the parking permit fees. The students argued that, since their ability to be on Grounds has been significantly restricted, this probably violated something they learned in Contracts as 1Ls. While the situation is rapidly evolving,2 in light of this Court's recent decision in Entire Student Body v. School of Law, 72 U.Va. 29 (2020)-which, for reasons passing understanding, established that the Law School can charge students for things it does not pro-

1 All written communications must now begin with the phrase, "In these uncertain [or unprecedented or trying] times." *See, e.g.*, the emails in your inbox from every company that has ever gotten your email address.

2 Written correspondence also must include this phrase. Phrases which notify the reader that the "circumstances/ conditions" are "changing/developing" "quickly/on a daily basis" are also acceptable. *See* Your Inbox, *supra* note 1. vide—we are bound to hold that the district court abused its discretion in granting summary judgment for the students.

During the 2020-2021 academic year, the price of annual parking permits inArgument at 2, Students Learning in Person v. UVA Dep't of Parking and Transp., 68 Parking 2d \_\_\_\_\_ (Parking 2020) ("Seriously? They're still charging people for permits? Obviously, we're going to rule for you guys, but please use your full time. It's been so lonely. I III

In upholding summary judgment, the lower court failed apply our recent precedent in *Entire Student Body v. School of Law.* The *Entire Student Body* Court clearly held that the School can charge students for things it does not

*The issue is not whether the previous case was correctly decided; the issue is whether we want to re-read the previous case. As a general rule, we do not.* "

creased \$3 to \$5 per month. The Department claims that this increase is to "cover the cost of reconfiguring parking lots to ensure that each car can be parked six feet away from other cars, in compliance with new social distancing guidelines." Brief for Respondent at 27. The class of Plaintiffs consists of students taking in-person classes. They argue, among other things, that because many events on Grounds are canceled, there are fewer classes meeting on Grounds, in-person classes will end before Thanksgiving Break, and changing circumstances may require self-isolation, it is unconscionable to charge the full amount, much less increase the fee.

The district court granted summary judgment for the students and the Court of Petty Parking Appeals affirmed. Transcript of Oral never thought I'd miss all the parking ticket disputes."). We granted certiorari and now reverse.

## Π

First, we must assure ourselves of jurisdiction. The Department argued that the amount of the increase is too small to amount to an actual harm. To this we reply: too small? As in, too petty? The Department made a perfectly reasonable argument, but petty disputes are our entire docket. The threshold for actual harm in petty court is pretty generous. See, e.g., Bluebook v. 1Ls, 63 U.Va. 164 (2010) (holding that the editors of the Bluebook could sue a group of 1Ls who "negligently failed to italicize the period after *id*. Or maybe they did italicize it? We don't know what the rule is and refuse to look it up, but fine, they can sue.").

provide. Students argued that because the admissions literature touted the quality of student life at the Law School, which included "opportunities to attend events, make friends, and network" as well as the quality of the academic experience, which included "access to places to study, opportunities go to professors' offices, in-person instruction, [blah, blah, blah]," full tuition was not appropriate. Brief for Petitioners at 3, Entire Student Body, 72 U.Va. 22 No. 20-125. The School, which

spend most of its brief scrupulously avoiding any mention of the fact that students are still being charged full tuition,<sup>3</sup> slipped up briefly and commented on the question at issue. They argued that tuition should not be reduced since in-person and online classes both "offer the same academic content and ability for students to earn credit."<sup>4</sup>

In reaching its holding, the Court relied heavily on "well-meaning gestures" performed by the School to hold that the School can still charge students full tuition. For example, the Court noted that the Dean's Office sent out cards saying that they were "thinking of you during these challenging times" and that at least two professors are still responding to emails and meeting virtually with students to go

3 *See also* every email from the School since May. *Return to Grounds: Information for UVA Law Students*, UNIV. OF VA. SCH. OF L., <u>https://www. law.virginia.edu/protected/</u> <u>coronavirus-student/informa-</u> <u>tion-uva-law-students</u> (last visited Aug. 24, 2020).

4 This sentence is not satire. That's what the University actually said. See *FAQs for Students*, UNIV. OF VA., <u>https://</u> <u>studentsonGrounds.virginia.</u> <u>edu/faqs/students</u> (last visited Aug. 24, 2020).

COPA page 5

# Faculty Quotes

**K. Kordana:** "One of the more annoying features of DC is the people you meet at parties."

**A. Coughlin:** "What happens when you get your lawyer? Your lawyer is going to say 'SHUT YOUR MOUTH' and hand you a nice business card that says 'SHUT YOUR MOUTH."

**M. Collins:** "Traynor was an absolute genius. Whether a good genius or an evil genius, **A. Bamzai:** "Did you find the readings confusing? Well, bad news... this is basically the rest of the semester."

**M. Gilbert:** "There's a partisan debate in law school, with one side saying 'we NEVER use legislative history' and the other side saying 'we ALWAYS use it' — it's all a charade!"

Heard a good professor quote? Email editor@lawweekly.org



The Altenon.	Kathryn Querner '22 Executive Editor		we'll have to wait for the end of the semester to see."			
Michael Schmid '21	Phil Tonseth '22	Jacob Jones '21				
Managing Editor	Production Editor	Features Editor				
Samuel Pickett '21	Will Palmer '21	Drew Calamaro '21	THE REAL PROPERTY AND A DECIMAL OF THE REAL PROPERT			
Columns Editor	Special Projects Editor	Satire Editor				
Kolleen Gladden '21	Raphael Cho '21	Grace Tang '21				
Photographer	Cartoonist-in-Chief	Foreign Correspondent				
Ben Stievater '22	Leah Deskins '21	Donna-Faye Imadi '22	<b>EARDER ONLINE</b>			
Events Editor	Professor Liaison Editor	Current Events Editor				
Nate Wunderli '22	<b>Bill Re '21</b>	Amy Pan '22	TOMINOS COM			
Sports Editor	Historian	Lifestyle Editor				
Stanley Birch '22	<b>Marlyse Vieira '22</b>	Will McDermott '22	E Station of the state of the s			
News Editor	New Media Editor	Development Editor				

Published weekly on Wednesday except during holiday and examination periods and serving the Law School community at the University of Virginia, the Virginia Law Weekly (ISSN 0042-661X) is not an official publication of the University and does not necessarily express the views of the University. Any article appearing herein may be reproduced provided that credit is given to both the Virginia Law Weekly and the author of the article. Advanced written permission of the Virginia Law Weekly is also required for reproduction of any cartoon or illustration.

> Virginia Law Weekly 580 Massie Road University of Virginia School of Law Charlottesville, Virginia 22903-1789

Phone: 434.812.3229 editor@lawweekly.org www.lawweekly.org

**EDITORIAL POLICY:** The Virginia Law Weekly publishes letters and columns of interest to the Law School and the legal community at large. Views expressed in such submissions are those of the author(s) and not necessarily those of the Law Weekly or the Editorial Board. Letters from organizations must bear the name, signature, and title of the person authorizing the submission. All letters and columns must either be submitted in hardcopy bearing a handwritten signature along with an electronic version, or be mailed from the author's e-mail account. Submissions must be received by 12 p.m. Sunday before publication and must be in accordance with the submission guidelines. Letters and/or columns over 1200 words may not be accepted. The Editorial Board reserves the right to edit all submissions for length, grammar, and clarity. Although every effort is made to publish all materials meeting our guidelines, we regret that not all submissions received can be published.



## COPA

## continued from page 4

over exams. Entire Student Body, 72 U.Va. at 30.

Moreover, the Court reached its holding in spite of the fact that the School implicitly acknowledged that it does not only offer academic credit to its students. The record showed that the Administration rejected a proposal from Student Records to redesign the admissions brochure. Student Records said, "Since the only real purpose of law school is to test whether students can navigate labyrinthine requirements from our office, the admissions brochure should just be an 8.5 x 11 sheet of plain white paper saying, 'If you successfully figure out how to register for all the classes you need to graduate, you will get a J.D.' To figure out when applications are due, complete the following eighty-seven-step scavenger hunt. Step one can be found here [highlighted screenshot]."

In this case, the students argued that Entire Student Body should be overturned. But we are bound by stare decisis. This Court's formulation of that doctrine is clear: The issue is not whether the previous case was correctly decided; the issue is whether we want to re-read the previous case. As a general rule, we do not. 1Ls Writing LRW Memos v. Library, 71 U.Va. 42 (2019) ("Yes, we know we were wrong to say the library

didn't have to stay open 24/7 the day before LRW memos are due, but please stop bringing it up."). It does ing relationships with 1Ls and not matter that it was a divided court.<sup>5</sup> Because Entire helping others work through Student Body is controlling, obstacles. I loved the PA prothe Department is within its gram so much that applying authority to charge students to become a co-head PA was a for things not being provided no-brainer. as long as it has performed

\*\*\*

"well-meaning gestures."

We remand this case for further proceedings to determine whether the Department made the sort of "wellmeaning gestures" which would satisfy the standard set by this Court in Entire Student Body.

It is so ordered.

wdr3mq@virginia.edu

5 A dissent joined by several justices stated, "What the actual f\*\*\*! Of course we shouldn't be getting charged full price! The same credit is being offered?? Are you f\*\*\*ing kidding me?? That wouldn't pass even the most forgiving sniff-test for complete and utter b\*\*\*s\*\*t!! Has everyone completely lost their f\*\*\*ing minds?? I respectfully dissent." Entire Student Body, 72 U.Va. at 31.

## VIRGINIA LAW WEEKLY

Bell: Like I said earlier, I

worked in higher education for

two years before law school.

In this role, I mentored and

worked with undergraduate

students in a variety of roles.

I know that coming to law

school was the right choice for

me, but since leaving that job,

I felt like something was miss-

ing. Becoming a PA, and sub-

sequently co-head PA, helped

me fill that void and get back

to doing something I'm pas-

sionate about: mentoring oth-

What have been some

challenges of adapting the

PA program to the Law

School's new COVID pro-

have not needed to make dras-

tic changes to the PA program

due to accessible video-call

technology like FaceTime and

Zoom. Rather than hosting in-

person social events, we are

encouraging PAs to connect

with their advisees virtually.

Online meetings and social

events will help keep everyone

safe while enabling online-

only students to connect to

the UVA Law community from

afar. Also, PAs have always

used texting, email, and phone

calls to speak with their 1Ls.

We chose a diverse and im-

pressive group of individuals

Goebel: Fortunately, we

tocols?

**HEAD PAs** 

to serve as PAs this year, and we are confident that PAs will continued from page 2 be creative in connecting with

#### first-year students. What changes are hoping to make to the PA program this year?

Bell: The biggest change we're making this year is to the small section program. In the past, small sections were a way to make connections within a section. Every month, a PA would be paired with a handful of 1Ls to work with. While this allowed for plenty of cross-section pairings, the frequent changing of small sections made it tough for 1Ls and PAs to form solid connections. This year PAs will have a handful of 1Ls assigned to their small section for about eight weeks at a time, instead of only a month.

In selecting PAs for this year, what qualities did you look for? And what role(s) do you see the PAs serving for their 1Ls?

Goebel: When selecting students for the PA program, we are never looking for a particular type of person. We wanted to select a diverse group of individuals with different skill sets, qualities, and backgrounds. In my mind, a successful PA devotes time to their advisees, offers sound advice when prompted, and makes a genuine effort to connect with their mentees.

Do you have any advice for the 1Ls?

Goebel: To every 1L, you are impressive and deserve to be here at UVA Law! Imposter syndrome is very real, but try not to let feelings of self-

doubt prevent you from enjoying your time here. There is also no "right" way to be a law student and get through law school. Everyone learns, studies, and strategizes differently.

Bell: Stay connected with those non-law school friends! At the end of a long study session, you're going to want, and sometimes need, to decompress and gossip with someone about literally anything other than law. If you get too insulated in the Law School community, you might find you don't have these people to reach out to. Personally, I FaceTime a non-law school friend at least a few times a week to talk about politics, pop culture, or just things going on in our lives. Obviously, you can find law school students with similar interests that you can decompress with, but just knowing that the person on the other end of the conversation isn't going to try to sneak in a law school joke is relaxing in and of itself. Sometimes, you have to be able to fully unplug.

Many thanks to Zac and Kat for sharing their thoughts on the PA program this year! The transition to law school can be challenging, but the advice and mentorship of each PA serves to ease this transition for many 1L students.

> kmq8vf@virqinia.edu Kat's Contact Info: kmg8nk@virginia.edu (412) 480-3503 Zac's Contact Info: zmb9du@virginia.edu (412) 980-3312

one thing coming into law

focus on my strengths and what

I enjoy instead of on what ev-

eryone else was doing and to do

the best that I can do. I would

tell myself to try to do that. To

develop strengths and invest

my time in projects that I'm

Did you know in 1L that

Not at all. When I was starting

law school, I didn't even know

that I was going to join VLW. Kendell Burchard '19, Manal

Cheema '20, and Chelsea Scism

'19, and many more superwom-

en at UVA became my mentors.

They were so invested in my

success and development, and

you wanted to get involved

passionate about.

with VLW?

The advice that I got was to

school, what would it be?

HOT BENCH

Nicole Banton '21 President of Virginia Law Women

Hi Nicole! Thanks for coming on the first Hot Bench of the year, where we get to know people from the UVA Law community.

We'll be doing our flagship events, including Women in Public Service, Women in Big Law, and our Student-Faculty Dinner Series, virtually this year. We're planning to hold regular community building events (organized by VLW's VP, Donna Faye Imadi '22) and professional development events. The events will be on Monday or Wednesday, and we'll alternate each week so people with different schedules can participate. In a virtual world, relationship building is key. VLW board members are very passionate about building community and making sure everyone stays connected.

The Board hopes to expand inclusion and allyship within VLW. We're gathering resources for VLW's website, and we'll be doing a donation drive to support a non-profit that supports women of color. We're also expanding VLW's public service programming, working on a spring public service event. Another great event in the works is a virtual office hour with the Founder and CEO of PracticePro, Niki Khoshzamir. PracticePro partners with top law firms to offer coaching, recruiting, training for diverse 1LS. I am grateful for the women on VLW's Executive Board, their creativity, and their enthusiasm! They are all hardworking, conscientious, and talented.

I'm from Silver Spring, Maryland. I grew up in DC area, and I've lived all over the East Coast–DC, New York, Boston.

### In addition to traveling around the States, you've also been around the world. What are your favorite places?

I would say Jamaica, Italy, and Spain. Jamaica, because my mom is from there, and I have a lot of great memories with family there. Italy, because I studied abroad there twice. I lived with a host family and loved them. Spain, same scenario, stayed with a host family and really bonded with them. They called me their American daughter.

So, when did you start thinking about law school?

especially want to help other people of color because the industry is not built for us and we need to forge a path. It's not just about my career. There are so many people in the legal industry pipeline. It's important to think about our collective future.

#### Let's do a lightning round!

## **Favorite food?**

That's a hard one. I'm a huge foodie. Probably cheese, cheese on anything. Also, mediterranean food broadly and Jamaican food.

### Favorite place in Charlottesville?

Again a hard one! I think the BLSA office.

#### How was your summer?

It was a fulfilling summer. I volunteered for the Virginia Poverty Law Center's Eviction Helpline while social distancing in May. Then I worked at Hogan Lovells for eight weeks and returned to K&L Gates this month.

#### Are you excited to begin your 3L year?

I am so excited! This year is not what anyone pictured, but we're all making the best of it. I've been very happy to meet 1Ls at the summer and orientation events for Virginia Law Women over Zoom.

Yessss, as VLW President, please give us the scoop. What are some of the organization's plans for the year?

Sounds like you have a great year planned for VLW! Let's back up a little bit and learn more about you. Where are you from?

I thought that I wanted to do a PhD actually. But I considered the academic job market and the opportunity cost. And also, I thought I would have more of an impact as an attorney. In my life, I've seen a lot of harms fall through gaps in the law and how people suffer for it. I hoped that, as an attorney, I could do something about that and help more people by understanding the law.

### What kind of impact do you hope to have as a lawyer?

I've been saying since 1L that I want to work at a firm, but I want to do as much pro bono as possible. I'm not sure how many people I can help, but I hope to help as many people as I can. I want to work for survivors of domestic violence, which I was able to do a bit this summer. I

#### Anti-Stress Hobby?

My pets. I have a dog and a cat who might be a miniature panther, I don't know. I adopted him from the SPCA, and my family is not convinced he's not at least part panther.

#### Favorite word?

Victory! That's what my name means. (Ancient Greek: Νίκη or Nike.)

What's one movie that	
left an impression on you?	
I watched Becoming this	
summer for a virtual movie	
night with my mom, and I just	
Michelle Obama is a badass.	1
Do you have a favorite	
animal?	
I at's as with down Dow't tall	

Let's go with dogs. Don't tell my cat.

If you could tell yourself

they gave me the support and the drive to get involved. They extended a hand and helped me up the ladder. I wasn't even going to run for Vice President. but women in the organization reached out and really advocated for me. Because of them, I ended up running, and I was surprised to win.

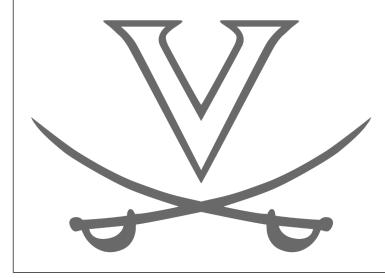
What I've learned firsthand is that women in the organization are genuinely here for each other. We have members who are passionate, creative, and talented. I've already met many 1Ls who are excited to get involved. VLW's first general body meeting will be in mid-September, and new members can run for 1L representative positions.

nb3bt@virginia.edu

# **DICTA RETURNS**

The Virginia Law Weekly is pleased to announce that the DICTA column, a staple of the *Law Weekly* for many decades, will be returning to the paper. DICTA will feature overviews of, musings about, and recent developments in Law School professors' scholarship, as well as their views about current events and happenings in the law—all in 800 words or less. The *Law Weekly* is excited to reintroduce DICTA and hopes that it will provide an outlet for professors to share their research and thoughts with the student body (and Law School community more broadly), a vehicle for students to learn more about the Law School's faculty, and a way for students to gain exposure to interesting legal topics not already covered in the Law School's 1L civil procedure classes.

Professors interested in submitting a piece are invited to contact the Professor Liaison Editor, Leah Deskins (lcd4ew@virginia.edu).



Membership & Inclusion Editor

JESSICA E. FEINBERG Articles Development Editors

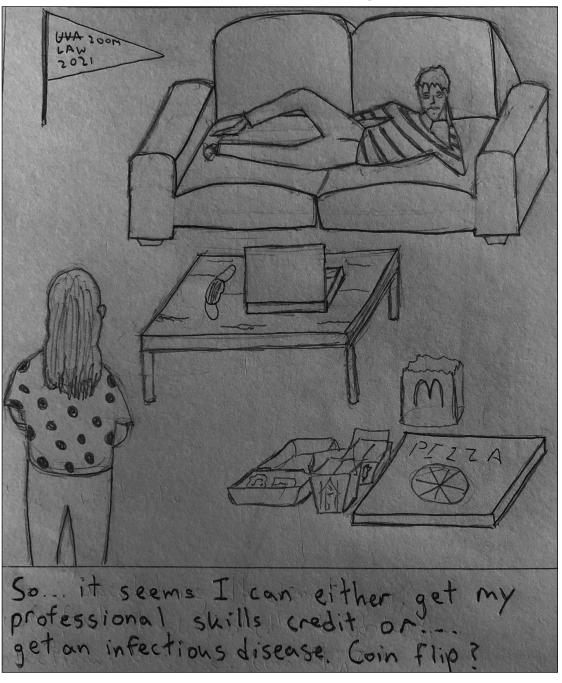
MIHIR KHETARPAL

AVERY C. RASMUSSEN

Articles Editors

ANDREW Y. EBRAHEM NOAH W. FITZGEREL ALEXANDER N. HELDMAN

# Cartoon By Raphael



## **SUDOKU**

4					8			
	8			1		6	3	
2			9		6	4	5	
9	2				7			
			1		4			
			5				2	6
	9	2	7		1			5
	6	4		3			1	
		-						

# VIRGINIA LAW REVIEW

## MANAGING BOARD

Editor-in-Chief ARJUN P. OGALE

Managing Editor ERIN B. EDWARDS

Assistant Managing Editor KAYLEN E. STRENCH

Notes & Comments Development Editor ANNA CECILE PEPPER

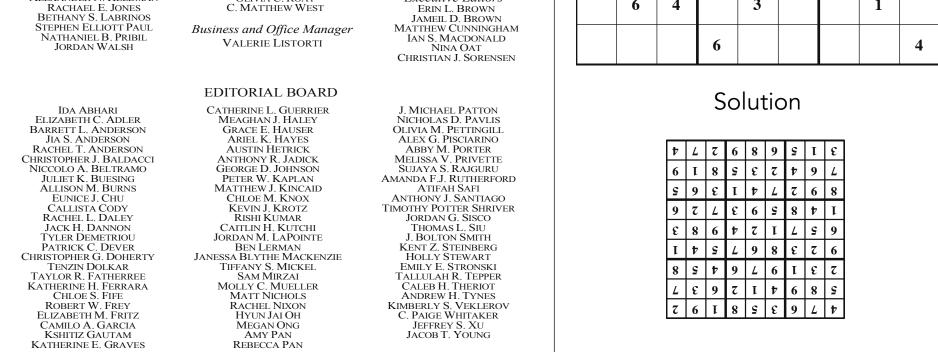
Notes & Comments Editors ANDREW E. KINTNER JONAH T. PANIKAR OLIVIA C. ROAT C. MATTHEW WEST

Online Development Editor KATHARINE M. JANES

Online Editors Jehanne C. McCullough W. Jackson Vallar

Lead Executive Editor HANNAH LYONS

> Executive Editors ERIN L. BROWN JAMEIL D. BROWN



Published Eight Times a Year by Law Students of the University of Virginia