



VIRGINIA LAW WEEKLY

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

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Online Competition: When Will Students Get Sent Home?

Drew Calamaro '21
Satire Editor

My fellow law students and COVID avoiders,

A storm is coming. A wave of undergrads is on the horizon and there is no end to their numbers in sight. Each vector comes from afar, bringing with them the many strains of COVID-19 (two—some would say two too many) that are spreading throughout the country. Of course, the school administration could choose to NOT do this, thereby protecting the student body and the city of Charlottesville as a whole, but here we are.

As a result, we have a situation where we all KNOW the school will go completely virtual at some point, but we don't know when. Or maybe we do... Here at the *Law Weekly*, we believe everything should be made a game, and, to that end, we are providing a reward to the person who most accurately guesses the date and time at which an email will be sent out that entirely shuts down undergraduate classes.¹ Here are the rules:

Your guess: Go to law-weekly.org and click on the link to the Google survey (you must be logged into your UVA email to access).² You will be required to include your name and email, and others who fill out guesses will be able to see yours as well. You are warned. The tiebreaker, if needed, will be naming who sends out this email.

Deadline: Your answer must be sent by Sunday, Sept. 6, at 11:59 p.m. This is a hard deadline.

Online shutdown event definition: I will personally determine whether the email meets the definition of a full switch to online classes. Even if classes are not entirely online, I think we can agree that if the vast majority of classes become virtual, it counts. But it'll be an "I know it when I see it" situation. Do I believe it should be a democratic pro-

¹ And sending undergrads back to the virtual realm where they belong.

² If you think this sounds like a naked attempt to garner clicks to our highly intuitive and advanced-looking website, then you think correctly. The *Law Weekly* must still drink at the fount of clicks for our affirmation.

Oh, The Places You'll Go!

Law Students Describe Big Law, Public Interest, and RA Summer Experiences



Pictured: Debuting this summer, Kolleen Gladden '21, Sam Pickett '21, and Andrew Teal '22 test out different career paths. Photo Courtesy of Drew Calamaro '21.

Sam Pickett '21
Columns Editor

Summer 2020: The Humanization of Big Law

From the time that you start law school, people tell you all kinds of things about your 2L summer. They talk of luxurious lunches with BigLaw associates; they tell you of weeks of traveling after your program is over; they regale you with tales of work barely done, the adventures to be had, and they remark that all this can be yours, if you simply go through the wringer that is OGI.

Well, I went through the wringer that is OGI. And while I had imagined a summer ~frolicking~ through D.C., life had other plans. So, on July 6, 2020, forty-nine days after I was originally supposed to begin my program, I sat down in my Ivy Garden apartment, alone, and logged onto the firm's server. And there I sat for the next six weeks. To best summarize my experience, I have decided to come up with a list of the positives and negatives of having a ~virtual summer~.

Positive: Partners are human, just like us!

During OGI, you come to fear partners. They are painted as severe people in suits who don't make mistakes and who frown strongly at a misplaced comma in a resume. They are not people; they are lawyers who only think and talk about the law.

But it is simply not possible to think of them that way when they are video chatting from a random room in their home, shooing their children—each of which is in various degrees of undress—out of the room from

the edge of their screen. Perhaps I would have gotten to know the partners through bougie lunches in downtown D.C., but probably not as well as I know them now.

Negative: We did virtual trivia.

I am actually a big fan of trivia—not because I am good at it or because I know a lot of things, but because there may be one basketball-related question that I can answer and feel important. This trivia, however, was run by a teenager (or a man who looked like a teenager) with an iPad, and this teenager did not know how to work Zoom at all. Also, there were no basketball-related questions.

Positive: We did a virtual cocktail night and now I can make a mean daiquiri.

In what was a predictably rousing success, the law firm shipped us various alcoholic materials and had someone teach us how to make cocktails. Now I can make a daiquiri, which people really like.

Negative: We did a virtual paint night and I disproved the notion that everyone can paint if they try.

While the teacher kept reiterating that you "cannot mess this painting up" because "everyone can make it look how they want," I did in fact mess it up. No, I will not elaborate.

Positive: I really do want to be a lawyer.

While law school "teaches" you the law, internships are where you learn whether you actually want to practice law or whether this has all just been an incredibly expensive, stress-

¹ My girlfriend.

ful "passion project." I was lucky enough to be able to do some actual substantive work this summer, where I discovered that I really did enjoy doing real life legal work. Phew, good thing, because I've been saying I want to be a lawyer for a long time.

Neutral: I didn't eat out at cool lunch spots every day.

For my health, it was probably for the best that I didn't eat lunch out every day. But instead, I stayed inside and told myself that I "deserved" dessert on a daily basis. Is that really better? Who knows!

Kolleen's Wild Summer Adventure

It was Russell Baker who once said "Ah, summer, what power Kolleen Gladden '21 Photographer



you have to make us suffer and like it." Perhaps nothing more aptly encapsulates my personal experience with the summer of 2020. It was certainly a rollercoaster of a season, which I think was more or less true for everyone. When Christina Luk '21 asked me to write about my summer experience, I had to pause. It's almost hard to trace when exactly summer began, as my brain may have entered another plane of existence the moment that pass/fail was announced last semester. It is a privilege to have several fond memories of those following months, which were split between long runs, watching

around north grounds



Thumbs down to the sixty-person, maskless, distance-less Darden party this past weekend in the Ivy parking lot. ANG knows Darden students have no real responsibilities other than to look pretty and network, but read the global health crisis in the room.



Thumbs sideways to Darden students not being able to read. ANG wishes ANG could claim such naivety when ANG surreptitiously coughs on gunners.



Thumbs down to the hours at Greenberry's being cut back even further. ANG depends on quad-shot Americanos to give ANG energy, and Mandy's smile to give ANG hope.



Thumbs up to the misting hand sanitizer stations around the Law School. ANG has never known such luxury and can now replace ANG's monthly shower with a daily delicate misting.



Thumbs down to COVID-19 for forcing classes into auditoriums. ANG already struggles in class, but forcing ANG to sit in a seat with poor lighting, no power outlets, and bad lumbar support really kills the vibes.



Thumbs up to Dean Groves' silky smooth voice and its rich timbre. Who would have thought that explaining COVID-19 procedures and threatening suspension over the course of an eight-minute video could ever sound so musical?



Thumbs down to Zoom breakout rooms. ANG clearly misinterpreted and was hoping at long last to find an online support group for ANG's chronic, cystic acne. The search continues.



Thumbs sideways to the new pool rules at NGRC. ANG rarely exercises these days, but only keeping the pool open until 10:30 a.m. just confirms it'll be another year until ANG exercises again.

COMPETITION

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cess to determine if the email counts? No. Do you know why? Because I am the one organizing this.

Determination of closeness: I will publish everyone's guesses on a Google Sheets document, which you will be able to access. If the tiebreaker fails to establish a clear winner, we will hold a socially distanced footrace to determine the ultimate champion.

The prize: A Dr. Ho's Humble Pie gift card. I can promise you I did not pay for this, but the *Law Weekly* clearly has Bezos-level deep pockets. Maybe the true prize is the knowledge that at some point, you will be able to walk around Charlottesville without running into an infected undergraduate.

That's it. Good luck, stay safe, and guess away!

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SUMMER

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my roommate Grace Tang '21 play animal crossing, writing papers, and watching Kingdom or battling over Dominion with Grace, Ray Hou '21, and Christina. When May rolled around, I made the difficult decision to leave three of my dear friends to journey back to my hometown of Joplin, Missouri.

After a weeklong detour in the Atlanta suburbs (which, now that I think about it, was the first time I spent any considerable length in a suburb) with Christian Sorensen '21 and his family, I made it back to Joplin and began work. I had the fantastic pleasure of spending the following thirteen weeks working remotely full time for the Federal Public Defenders for the Western District of Missouri. Working with the federal public defenders was incredible. My first task was to create a template for motions for compassionate release under COVID-19, which is essentially a motion requesting an inmate be released or placed in home confinement due to having health problems that would put them at a greater risk of death should they contract the coronavirus. Putting these motions together was possibly my favorite part of the summer. I was also very fortunate to have supervisors who were incredibly accessible throughout the program. When I wanted to learn more about a facet of racial justice work that wasn't explicitly related to my internship, my main supervisor held a town hall with twelve other attorneys just so I could pick

their brains. I am beyond thankful to have worked there.

I'm sure outside of work summer activities looked different for everyone this summer. I spoke to classmates who canceled trips abroad and various ventures that are now discontinued until an undetermined point in the future. In Joplin, a typical summer might look somewhat like this: spending time with my same close-knit group of high school friends, sitting outside of Sonic with half-priced shakes, walking the mall, climbing water towers, and people watching at the infamous Seventh Street Wal-Mart. Due to the lack of initial COVID cases in Joplin, some of those activities were still viable for periods of time, within reason. Certainly one of the best parts of the summer was Christian's arrival in late August. All relationships have their own unique milestones, and I think "voluntarily wants to come to Joplin for a week" has to be a pretty significant one. Although, considering the closest to Southwest Missouri this Atlanta boy had ventured was Illinois, I doubted whether he knew what he was getting himself into. It's safe to say he didn't—our week included, among other things: a car chase, an accidental run-in with a U.S. Marshal while searching for the famed haunted "Joplin Spooklight," floating down Shoal Creek in a duct-taped inflatable raft, my favorite gas station (it sells, among other things, fuzzy dice, cowboy boots, pickled everything, full sets of medieval armor??), and, of course, a trip to the infamous Seventh Street Wal-Mart. As we loaded my car to begin the journey back to

Charlottesville, he mused that he couldn't wait to come back. Now that is a milestone.

We decided to turn the 20ish-hour drive from Joplin to Charlottesville into a multi-day road trip. Among our first stops was New Harmony, Indiana, the most interesting town you've probably never heard of. I only know it exists because I stopped there for gas on my first sojourn to Charlottesville two years ago. It was home to a socialist experiment in the early 1800s, with the intent of becoming a utopian society. The town, with a current population of about 700, has some truly fascinating remains from that time period. Several labyrinths can be found across the town, and I believe New Harmony's logo is one such labyrinth in the shape of a brain. There is a large outdoor temple dedicated to all religions. Additionally, New Harmony has one of the largest collections of undersea fossils. It's a truly interesting visit if you're ever in the area. We also explored Cincinnati, where we found a secluded little vegetarian café (Sitwell's Coffeehouse Act II), which was incredible. The walls were covered in amazing artwork, and their tofu banh mi, dirty chai, and caramel macchiato were all beyond phenomenal.

The final stop was Point Pleasant, West Virginia. Anyone who knows me well knows my love for cryptids and particularly the Mothman. The Mothman is an urban legend associated with this small West Virginian town, where sightings were first reported in the 1960s. The town has a Mothman museum where the history is fully explained, a

coffeehouse that serves adorable (and delicious!) Mothman cookies, and (perhaps my favorite) a life-sized Mothman statue on their main street. If you enjoy cryptids and urban legends as much as I do, Point Pleasant is a must-visit.

There you have it, a glimpse of the highlight reel. I hope you all have a safe semester, and watch out for the moths.

Courts and Coding: My Summer as a Research Assistant

As a rising 2L, I spent this past summer working remotely as a research assistant for Professor Michael Livermore, Andrew Teal '22
Guest Writer



Professor Livermore's research explores multiple fields, from environmental law to computational analysis of the law, and I was one of three research assistants working with him this summer on a few of his ongoing projects. His current research spans a wide range of topics, and I was excited for the opportunity to work with him on projects involving data and law. I have been interested in how emerging technology will potentially disrupt the legal field, and Professor Livermore has explored this idea in depth through a unique combination of his legal expertise and his understanding of data analytics.

Although law students all faced unusual circumstances

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Love in the Time of Corona: Abby and Andrew

Although it's been months, many aspects of our "new normal" continue to present challenges that can be

Ben Stievetar '22
Events Editor



strange and frustrating to face. From sitting next to someone in class to hitting Bar Review, things that once seemed a given feel far away, or at least vastly different behind a mask and six feet apart. We've been forced to connect more creatively in our professional, personal, and—we'll say it, you smokeshows, you—romantic lives. Indeed, like a professor explaining the holding five minutes past the bell, love continues on, so we at the *Law Weekly* thought it would be intriguing, pleasantly distracting, and (dare we say it) heartwarming to hear how couples and singles alike are handling romance in light of all these changes. You've heard of Love in the Time of Cholera, but get ready for Love in the Time of Corona.

This week's guests are Abby Porter '22 and Andrew Tynes '22.

Hi Abby and Andrew! Welcome and thanks for kicking us off this semester. Let's start with some basics. How and when did you two meet?

Abby: Hi, Ben! We met

two days before classes started 1L, getting drinks at Sedona with a group of people and then later that week at a party. We spent most of the party talking and became friends. After about a month, we attended another party together as friends, but that night something clicked and there was a clear, natural shift in our friendship toward a relationship. We've been officially together since November!

Ah, all roads and relationships lead to Sedona. Let's talk COVID. What's your relationship been like during it?

Andrew: Back during spring break, we had been out of town visiting her parents and got back to Charlottesville right as the semester shifted online and things were shutting down. We had to decide pretty quickly what our quarantine situation would look like. We decided to stay put here together. We've now spent more of our relationship in quarantine together than not.

Abby: It's been a (successful) trial-by-fire. We had a good number of friends who were here over the summer than enabled us to have some other social outlets, but we spent a ton of time together and learned a lot about each other in the process.

Let's hear it! How would you each describe the other in a word or phrase?

Abby: Andrew is very curious! He loves to experience and explore new things. I've learned and experienced a lot of things with him that I normally may have overlooked on my own. The other night we watched a Fellini movie that he had been wanting to watch. I ended up loving it, but wouldn't have ever thought to watch it had it not been for Andrew.

Andrew: There's a funny metaphor for our relationship that we talk about a lot. I'm like a whale and Abby is like a barnacle. We have a very symbiotic relationship and are dependent on each other, but in different ways. I'm pretty introverted and would say Abby brings out the extrovert in me when it comes to socializing. On the

other hand, Abby is super extroverted, which has obviously been more difficult these past few months. In the absence of those normal social outlets, I think I've been able to be a sounding board and guide as she adapts to this more introverted lifestyle we've all been living.

That's dolphinitely a good metaphor. Let's pivot back to Corona for a second. I bet spending all that time together could have been overwhelming. Did you have any practices in place to keep things running smoothly?

Abby: Yes! I think we're good at sitting together in the same room and doing our own thing, but we would plan out set activities to look

forward to each day. I think the separation of those two things helped keep work hours for work. Communication about COVID risks was also crucial. We both realized that because we were quarantining together we had a mutual responsibility to be smart and safe. We made a habit of always keeping each other in the loop and letting each other know if we were ever uncomfortable with respective personal plans.

Andrew: Meetings, networking calls, and big projects at work were fairly easy to do separately. But when things at work were slow, there was definitely a temptation to socialize with each other or do something impromptu. But, going back to the introvert/extrovert dynamic, I occasionally do need time alone to recharge my batteries. She's the opposite and recharges by being around people. We definitely had to communicate through this difference in personality and practice.

Let's do a lightning round! Best Charlottesville date spot?

Andrew: Ten. Great sushi and vibe. It's shockingly fancy and city-like. I love the rural charm of Charlottesville, but Ten flips that on its head and makes you feel like you've escaped to Manhattan for the night.

Abby: Lampo! Best pizza



Pictured: These two beauties lit up the stage at Barrister's this spring. Photo Courtesy of Andrew Tynes '22.

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Antitrust and Big Tech: The Path to 21st Century Technological Transformation Part 1

Already a year has come and gone since I first happened upon the event “Antitrust in the Digital

Donna Faye Imadi '22
Current Events Editor



Economy” as an eager 1L and was inspired to learn and experience all that the legal profession offers us. Writing my first Virginia Law Weekly piece covering the event, titled “Make Antitrust Cool Again: Antitrust in the Digital Economy,”¹ I recall Professor Hockett’s passion as he sought to convince his audience that 1) antitrust was “cool;” and 2) it was quite a “big deal” in relation to regulating Big Tech. U.S. antitrust laws that form the foundation of our nation’s free-market economy, prohibiting monopolistic conduct and conspiracies in restraint of trade, are governed mainly by the Sherman Act passed in 1890. (Big Tech refers to Google, Facebook, Amazon, and Apple—the pre-eminent tech companies of our time.)

It only took my coverage of this one event to sow the seed of intrigue on how “Big Tech” companies influence the social, economic, and political systems that pervade every facet of our lives. Serendipitously, exactly a year

¹ <https://www.lawweekly.org/front-page/2019/10/2/make-antitrust-cool-again-antitrust-in-the-digital-economy>

has passed since I first learned what the term “antitrust” meant through my reporting. As a 2L, I return, having had the chance to sink my teeth into these issues by working in the Technology Enforcement Division at the Federal Trade Commission (FTC). By way of this experience, I feel inclined to report to you that Professor Hockett’s belief about the promise of a career in antitrust law, as well as how antitrust law relates to Big Tech, is correct. Big Tech’s influence is critically important to our lives and antitrust is at the heart of determining how to usher in our 21st-century technological transformation—a technological transformation which not only affects our economy, but our nation’s fundamental democratic processes, international security, and our shared conception of reality itself.

When the unthinkable descended upon the world by way of COVID-19 in mid-March, many things changed in our personal lives. We were stuck in our homes for weeks on end, longing for the “simplicity” of our former grocery runs or restaurant outings. But, we had great resources at our disposal to match the moment. Resources we have come to regard as our “virtual toolboxes.”

Prior to the pandemic, I had felt trepidation about entering a “virtual reality.” I was disinclined to use all of the “tech tools” at my disposal. In fact, I employed any method possible to avoid down-

loading apps like Venmo or even making purchases online via eBay, Amazon, or Instacart. Yet necessity was the mother of conformity once COVID-19 turned our lives upside down. Many Americans, like myself, who previously did their utmost to avoid being sucked in the digital economy due to concerns about privacy, data, and lack of transparency, were impelled to change course. Paralyzed by the pandemic and stuck at home, we adapted.

For better or worse, our economy was also forced to adapt, markedly impacting fifty-one million Americans who filed for unemployment as of mid-August.² Both producers (workers who are unemployed) and consumers (all of us) thrust to change our habits. On the consumption end, millions of Americans turned to large e-commerce sites such as Amazon for basic commodities (remember the toilet paper catastrophe?). They also turned to Facebook and Google (parent of Youtube), seeking ways to combat the effects of social isolation. Moreover, with over one-hundred million iPhone users in the U.S. alone, we spent an incredible amount of time on our phones/

² <https://www.forbes.com/sites/jackkelly/2020/07/16/51-million-americans-are-unemployedheres-the-story-of-the-job-seekers-behind-the-numbers/#39e611956ac1>

devices—downloading apps that became more influential in shaping our conception of the world around us and ourselves.

Our increasing dependence on these digital platforms only exacerbated their power to construct and influence the realities we were siloed into within our homes. This influence was reflected in monetary third quarter earnings reported on July 31. Amazon reported record revenue and profit increases, doubling profits to a record \$5.2 billion, far exceeding expectations. Apple also reported a 11% increase in quarterly sales due to strong demand for apps, reliance on remote-work devices, and a lower priced iPhone.

But, this might all seem so obvious to you. “Of course, their earnings increased,” you might think. And why should that be an issue? These tech companies provided us great services in an unprecedented era. Could we have imagined enduring such a catastrophic global event as this pandemic without such technological interconnectedness?

You have a point. Being profitable in America is not a crime. Nor is it a crime to “Be Big.” As House Representative Sensenbrenner said in his opening remarks at the investigative hearing before the House Antitrust Subcommittee, on July 29, 2020, which examined the “Dominance of Amazon, Apple, Facebook, and Google.” “Being big is not inherently bad” and “America should reward the suc-

cess of its business.” The nearly five-and-a-half-hour testimony of the CEOs of these companies (Jeff Bezos, Tim Cook, Mark Zuckerberg, and Sundar Pichai) demarcated the progress of a nearly yearlong investigation spearheaded by Chairman Cicil-line (D-RI). He began the hearing reflecting exactly why being “too big” might be a problem, weighed against those benefits of Big Tech. His statements emphasized the consequences of the abuse of these platforms’ market-power (exacerbated by COVID-19), especially in eLearning, e-commerce, social media, and other essential platforms.

Over the course of the next month, I’ll reflect on my recent experiences at the FTC to illuminate how regulation of Big Tech via our nation’s antitrust laws, or statutory authority, may impact our lives. We’ll turn to the recent Antitrust Subcommittee hearing to do this, then to how antitrust in Big Tech intersects with U.S. international security objectives. Lastly, we’ll focus on how Big Tech is regulating our social processes and conceptions of our communities, especially in light of the recent and upcoming elections.

Big Tech is a BIG issue. Let’s get to it.

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CORONA

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in Charlottesville and incredibly cozy.

Favorite memory?

Answer: It’s tempting to pick a big activity or moment, but our favorite times are the little things—sitting on the porch with a glass of wine, drinking coffee, or making new recipes for dinner. There haven’t been a ton of big moments during this summer, but that doesn’t mean that there haven’t been any good ones.

First activity you’ll do or place you’ll go once all social restrictions are lifted?

Answer: On a micro-level, something fun and around a ton of people—maybe axe-throwing at a brewery. On a macro-level, though, we’ve been planning an eventual trip abroad. We’re torn between Peru, Japan, and Italy.

Last question: What is one thing you would want to say, in public, possibly in front of the whole Law School (or at least our readership), to each other?

Andrew: I would say that Abby is a rare type of moral and ethical person. I think in today’s society it’s easy to either go with the flow or to act out of a desire to impress others via performance. I think it’s very rare to make the right decisions for the right reasons. Abby always acts with righteousness. She’s got a clarity of spirit that draws people to her.

Abby: I would say I value how Andrew comes to everything with passion and an opinion—he genuinely cares about what he believes in and isn’t apathetic about anything. He’s got an admirable, stalwart spirit when it comes to his views, and he stands up for what he believes in. I would also say that I’ve learned a lot of things from him. He thinks outside of the box and isn’t really bound by traditional thinking. He’s an excellent ground-up thinker who isn’t satisfied by band-aid solutions. Finally, I would like to formally apologize for preventing him from finishing *The Sopranos* this summer by forcing him to watch *Parks and Rec* every night with me instead.

Many thanks to Andrew and Abby for kicking us off this semester on Love in the Time of Corona! Are you a couple that’s been separated or getting creative during this social isolation period? A single who’s desire to mingle has been curtailed by COVID-19? A platonic friend or member of a family who wants to share how you’ve been making it through this together? Love comes in all shapes and sizes, and we want to hear about it! Email bes4cf@virginia.edu if you or someone you know might like to be featured on Love in the Time of Corona.

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Food Recommendation Corner

Pearl Island Catering and Cafe

While working alone from my apartment this summer,

Leah Deskins '21
Professor Liaison Editor



tucked away from the rest of society, I discovered Pearl Island Catering and Cafe, and I cannot recommend it highly enough.¹ They offer an array of “platters” featuring a meat or vegan protein, kale salad, rice, pigeon peas, plantains, and pikliz (basically Haitian coleslaw). There are also a few other options, but I haven’t tried them yet, so per the Honor Code rules, I won’t make up a review of them here. The platters are reasonably priced, between \$7 and \$15, and can fuel you for between one to two-and-a-half meals. You can either drive to Pearl Island to pick up your order or have it delivered through a third-party app. I’ve only tried jerk chicken as the protein in the platters I’ve ordered, because why change after you’ve found perfection? It’s filling and flavorful (though I’m pretty sure it gives me heartburn). However, my favorite aspect of each platter is, by far, the plantains. I’d previously never liked plantains, but Pearl Island’s are the perfect mix

¹ Except for the heartburn aspect. I do not recommend that.

of crunchy, chewy, and salty, and they taste incredible with the cafe’s aioli. A summer associate classmate commented that she could tell they were good based on how I was eating them, and she made that observation over a WebEx lunch, friends. They’re that good. All in all, I’d give Pearl Island a 9.5/10 (the heartburn, man), and I’d highly recommend it as a fix for your takeout craving.

Szechuan Restaurant

While I am known to be a fairly adventurous—even

Michael Berdan '22
Staff Editor



snobby—eater, I’ll admit that General Tso’s Chicken² is my habitual guilty

² Brought to the United States in the 1970s by famous chef T.T. Wang, GSC is a variation on a dish invented in China decades earlier. When the dish’s original creator, Peng Chang-kuei (former banquet chef for the Chinese government prior to the Communist Revolution) came to NYC and opened his own restaurant, he was angry, because everyone thought he had stolen the name from Wang, and customers were disappointed at how different the dish was (the original is not deep-fried, and its sauce is not sweet). Eventually he caved and started making Wang’s version.

pleasure at Chinese restaurants. Not out of pickiness—I love to go with others and try new dishes—but simply because I find it fun to judge and compare among restaurants. At Szechuan Restaurant, tucked to the side of 29, I get the General Tso’s Chicken extra spicy. The chicken isn’t overbreaded, and it always comes out fresh and blazing hot (the three main criteria for good General Tso’s Chicken). At lunch time, it comes with peppers and onions in a container bursting at the seams accompanied by fried rice and an egg roll, for only \$8 and change.

Ann Yu’s parents have owned and operated the restaurant—working twelve-to-fourteen-hour days, seven days a week—for over thirty years. Ann recently ran a campaign for community support through gift certificates during their pandemic closure—that’s how I found them. They’re now open again for take-out. So call ahead, and Ann’s mom will bring your food out and take payment when you arrive. You might even catch Ann’s dad picking squash or other vegetables from the garden out front to make some of the dishes. He will likely greet you with a big smile.

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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

John Does v. Open Bathroom Doors 73 U.Va 2 (2020)

JONES, J., delivered the opinion of the Court, in which McDERMOTT, QUERNER, CALAMARO, DESKINS, BERDAN, J., and LUK, C.J., join. TONSETH, J. filed a dissenting opinion.

JUSTICE JONES delivered the opinion of the Court.

We've all heard of the open-air office. Great spaces where you can collaborate and be super nosy about your colleagues' lives. But should this nosiness extend to places you normally don't want to smell? This court affirmatively answers the question with a no. Just shut the door.

It is Tuesday. You are sitting in the library by the windows facing the JAG school. You're a 3L, you don't have a care in the world despite the global pandemic,¹ and so you don't notice that you've sat a little too close to the bathroom. All of a sudden, you see a poor 1L walk past you a little too fast. Tragedy is about to strike. Because this 1L has had too much Chipotle. Now you realize it. The bathroom doors have been kept open. You hear it. At first the sound strikes like a polite car horn when someone hasn't noticed a traffic light turned green. But then the noise crescendos. You wonder if you're still hearing the 1L, or if there's a recreation of the Battle of the Somme going on at the JAG school. The Guns of August continue firing until finally, they stop. But it is not over. Just like World War I, the ar-

1 An astute reader might question the veracity of this story based on the fact that a 3L is in the library in August. To which we say: "tongue sticking out with eyes closed emoji."

tillery barrage is followed by noxious gas. A defeated, sad 1L emerges, looking like he wishes his mask covered more of his face. Rumor has it that that 1L switched all his classes entirely online that same day.

Plaintiffs, an entire class of people who suffered just like our poor 1L,² filed suit alleging a violation of their fundamental right to privacy, their right to not be heard,³ and their right to shut the freakin' door, man. This is not the first time

the administration has been reprimanded by this Court for bathroom-related privacy violations. See *Students' Bodies v. The Overbroad Crack in Bathroom Stall Doors*, 223 U. Va 281. (2019).

The defendants make several arguments on appeal. First, they argue that open-air bathrooms are necessary to prevent the spread of disease.

2 No sound that emerges from the bathroom when it shouldn't is too small for a plaintiff to not be included. You might call this the "trickle down" effect.

3 See *Professors Who Cold Call 3Ls v. Feb. Club* (2018) (holding that the right to not be heard is fundamental, and, in the case of 3Ls, a social duty).

However, as my travelers on Oregon Trail so tragically discovered when they died of dysentery, bathrooms on the open road are ineffective at preventing the spread of disease. Next, defendants contend that there have been no real damages inflicted on plaintiffs. While the Court's knowledge of damages is limited (sparkly-sparkly boom-boom means big cash money), we all know from the Supreme Court's virtual hearings what a big deal

of fancy words that the Court doesn't have the energy to pretend it understands now that I'm a 3L.⁵ What is a boogie, some kind of French hat? The dissent also brings up the standing of plaintiffs. But in bathroom-related affairs, standing is not the point. The point, in fact, can be accomplished with no standing at all. Therefore, the requirement of standing is waived.

Never has there been such a traumatic bathroom incident

I became a Petty Justice. So, here we are. Injunctive relief is granted, and the doors must close.

TONSETH, J. dissenting.

As this Court's sole remaining bastion for textualism and the proper administration of the judicial system, I vehemently dissent.

1L *Gunners v. Everyone Else*, 324 U.Va 22 (2019) provides a baseline rule here: 1Ls always lose. There goes over a third of the plaintiffs here. Further, another third of 2L/3Ls aren't attending in person, see *COVID-19 v. Students*, 20 U.Va 20 (2020). This reduces the original class of Plaintiffs to a generous number of three hundred. As this Court has previously ruled, see *Lululemon v. Athleta*, 315 U.Va 18 (2019), law students are too boujee to wear knock-off workout clothes, let alone use a public restroom. It is obvious the majority has ignored the basic prerequisite for having a case on this docket: standing.

JUSTICE JONES, sitting on his ivory throne as a 3L, relies on the first Petty Rule of Civil Procedure: We do what we want, *Law Weekly v. CoPA Copiers* 369 U.Va 96 (2019). Apparently, this arrogance also ignores that the plaintiffs have a legitimate claim. This Court has wisely held that "emotional distress is a harm within the risk of attending law school." 1L *Gunners v. Everyone Else*,

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"But then the noise crescendos. You wonder if you're still hearing the 1L, or if there's a recreation of the Battle of the Somme going on at the JAG school."

a single flush can become.⁴ Finally, defendants muster an equal treatment under the law argument. If plaintiffs' online Zoom counterparts can use the bathroom in the middle of their classes, then clearly the in-person student must take the same open-air approach or the curve will be thrown off. To which we say: Equality does not apply to bathrooms. That's why some bathrooms have urinals and their cakes while others go without.

The dissent uses a bunch

4 For an in-depth discussion of who flushed (Justice Breyer), see Ashley Feinberg, Investigation: I Think I Know Which Justice Flushed, SLATE, May 8, 2020. <https://slate.com/news-and-politics/2020/05/toilet-flush-supreme-court-livestream.html>.

since the time I was in kindergarten and the bathroom door broke, locking me in.⁶ On that day, I swore to never let something like that happen again if

5 Nor does the Court have the energy to maintain consistent pronoun use when referring to myself.

6 This is a true story. The fire department had to come and everything.

Faculty Quotes

C. Hwang: "I want to be a torts professor but there are already three guys named George who teach that."

C. Nicoletti: "Maybe that's the theme for this class: you steal a lot, and it comes out okay."

S. Ballenger: "You won't find that in the case law. Well, sometimes you can. If you squint."


A. Coughlin: "Who's using thermal imagers? I'm gonna start using them so I know

where to go buy weed!!"

T. Nachbar: "Some people get stuck in the laundry detergent aisle for 40 minutes. Never happened to me."

G. Rutherglen: "Guess what? We're not going to recognize a foreign judgement procured by bribery."

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



Virginia Law Weekly

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SIGN UP

FREE KINDNESS WITH EVERY ORDER

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324 U.Va. 22, 24 (2019).

Ignoring these otherwise rather important procedural aspects, this case is correctly decided on the merits. The Law School’s open-door policy, applying only to bathroom entrances, yet not bathroom stalls or the administration’s offices, is both arbitrary and capricious. If I learned anything from having to trudge through Justice Scalia’s numerous dissents in Con Law, it is that the role of the judiciary isn’t to make policy. However, this decision is based on sheer decency. A right to privacy may be contentious, but law students already struggle enough under pressure. See *1Ls v. Flex Exams*, 309 U.Va. 73 (2020), granting an injunction against virtual proctors on 1L spring exams, although the exams were pass/fail, due to the likelihood 1Ls would clam up worse than they do when trying to talk about anything other than law school to friends back home. It would be inhumane to allow the administration to inflict more pressure on students, especially when performance and relaxation is critical here.

Butt because I can dissent, I do.

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Can You Tell Which Tech Tips Are Legit?

As the University of Virginia heralds a new era of hybrid learning, the administration is Sam Pickett '21
Columns Editor



doing its best to prepare students and professors for the challenges of balancing Zoom and in-person learning. They have created the “Great Lawhoo Bake Off” and “UVA Law Pets” Facebook pages to help students feel more connected, and an “Online at UVA Law” page to help students adjust to online learning.

In addition to those efforts, the administration did its best to give technology tips to a group of Millennials and Gen-Zers who have been using computers practically their whole lives. As a one-semester Zoom School of Law veteran and one of many students who just completed a summer internship online, I thought I could offer some advice as well. But I didn’t want to do this alone. So, I enlisted several of the group chats I am in to provide UVA Law’s best and brightest with some important tech tips™.

Let’s see if you can tell the difference between the tech tips I gathered, and those that the UVA Law administration so generously provided to us. No cheating.

1. When you are unmuted, people can hear you. When your camera is on, people can

see you.

2. To help keep background noise to a minimum, mute your microphone when you aren’t speaking.

3. Limit distractions to make it easier to focus on the meeting at hand.

4. If your computer, or other technology, does not work, try turning it off and then back on.

5. Wear clothes rather than pajamas.

6. Keep your camera on, unless you need to take a break, but remember that you are on camera.

7. Don’t eat during class and avoid other distracting activities.

8. If clicking something doesn’t work, try clicking the other mouse button. If the other mouse button doesn’t work, try the first one again.

9. If your Internet stops working, make sure the modem is still plugged in. If the modem is not plugged in, you will not be able to connect to your WiFi.

10. When attending classes that are hybrid, use headphones to help you hear better.

11. If you cannot hear the professor, turn up the volume on your computer.

12. If your computer cannot maintain its charge during the entire class, buy a new laptop.

13. Prevent your computer from dying by keeping it charged.

14. Manage your time by arriving to an online class a few minutes before it starts.

15. Do not bring the comput-

er to the bathroom with you. This will help avoid uncomfortable situations and is generally more hygienic.

16. Remember, people can see you and the area behind you when you are on camera.

17. Make sure you have Internet access. If you don’t have access to the Internet, you will not be able to use Zoom.

So, there you have it, folks. We here at the Law Weekly certainly do our best to help keep you prepared as possible for this transition to online classes. Check the end of the article for the Answer Key.

If you correctly identified the fake tips, congratulations! If you didn’t, then please send me an email to confirm that I am as clever as I think I am. Don’t send me an email if you got them all correct, though. That doesn’t help my self-esteem.

In the meantime, I wish you

all the best of luck navigating a semester of hybrid classes. If you have other clever tech tips, don’t forget to share!

shp8dz@virginia.edu

Answer Key: (R= Real UVA Tip; F= Fake Tip)

(1) F; (2) R, from “Zoom Etiquette for Students”; (3) R, from “Zoom Etiquette for Students”; (4) F; (5) R, from “Online at UVA Law”; (6) R, from “Zoom Etiquette for Students”; (7) R, from “Zoom Etiquette for Students”; (8) F; (9) F; (10) R, from “Online at UVA Law”; (11) R, reported by a student; (12) R, from the mock hybrid class; (13) F; (14) R, from “Zoom Etiquette for Students”; (15) F; (16) R, from “Zoom Etiquette for Students”; (17) F

Zoom Etiquette for Students



- MUTE YOUR MICROPHONE.**
To help keep background noise to a minimum, mute your microphone when you are not speaking. When your microphone is not muted, avoid making additional noise, such as by shuffling papers.
- TURN ON YOUR VIDEO, BUT REMEMBER YOU ARE ON CAMERA.**
Professors want to see a face with reactions, and not a picture. But don’t eat during class, and avoid other distracting activities.
- POSITION YOUR CAMERA PROPERLY.**
Place your web camera in a stable position and focused at eye level. Remember, people can see you and the area behind you. Consider a neutral virtual background.

- SET YOUR ZOOM NAME AND PICTURE.**
Set your zoom name to your actual name, and add a professional picture.
- LIMIT DISTRACTIONS.**
Make it easier to focus on the meeting by turning off notifications, closing or minimizing apps, and muting your smartphone.
- MANAGE YOUR TIME.**
Just like in person, be ready to join class a couple minutes before. This gives you time to test your microphone and camera.

Pictured: The official rules for Zoom Etiquette. Photo Courtesy of law.virginia.edu

HOT BENCH



Lisa A. Napier
Snack Office Queen

Hi Lisa! Welcome to Hot Bench! For all our readers who might not know, Lisa holds court in the Student Affairs Office a.k.a. the Snack Office and is the friendly face of Student Affairs. Lisa, can you tell us a little about yourself?

Sure! I’ve been an employee of the University for thirty-two years and all but six of those years I’ve been at the Law School. My first job at the School was in Admissions. I worked there for four years and then I moved to Student Affairs. This was way back when we had only one building.

That’s right! The Law School used to be just Withers-Brown Hall. Was there a dedicated office for Student Affairs back then?

Yes, there was. The Office has really evolved over the

years. Dean Harmon was my first Student Affairs Dean; she did a lot with student needs and she actually started the Peer Advisor Program. Just thinking about how that has evolved and grown . . . when we started, there were only twenty Peer Advisors.

When I first started, we dealt a lot with supporting students. Dean Harmon, at the time, had a degree in education and counseling, so she worked with in-house counseling and we worked a lot with people who had needs. We did a small amount with organization type things—at that point, if there was funding, we were not in control of that funding. But now, we have grown! Dr. Gibson is part of our team, and Kate and Dean Davies do a lot of academic counseling. Having the team come together, that was great.

What are some changes you’ve seen in the thirty-two years you’ve worked here?

I think, each year, we always see a difference in each one of the student classes. The difference in personality is just amazing. That’s always a change. And the technology at the school—going from where we started—oh my gosh, what is email? Back then we had two people in IT and when we got our first departmental email, wow. I think the technology is amazing and the [new] building.

In your own work, has that changed or shifted throughout the years?

Oh yeah, when I started, I wasn’t sitting in the same office as the Dean, so when we moved and got the open floor plan, I began to engage more with students. I used to be behind a wall and a little sliding window—like a dentist’s office!

So, colloquially, we all know the Student Affairs Office as the Snack Office. When did that start?

I think when Dean Davies came. At first we had some candy and then we realized it was a great way to get students engaged. Hopefully, we’ll still have people come in even if there are no snacks.

No snacks this year? :(
Yes, for safety, there will be no snacks this year. We miss it! We miss seeing everybody in that capacity.

What is your favorite thing about the Student Affairs Office?

Of course it’s the students—I love helping out any way I can and I love working with you guys.

Let’s do a lightning round!

Favorite place in Charlottesville?

C’ville Coffee—Toan and his wife own it and I love them.

Where is somewhere you haven’t been but would like to go?

You know, I’ve never been out west to Wyoming or Montana.

One song to play in the background of your life. What would you pick?

My go-tos are my Bon Jovi songs. I loved the big hair bands. “Living on a Prayer”—love it!

Pet peeve?

Okay, this will be funny [for Dean Davies]. I have this thing about when people call Dean Davies “Sarah.” It’s a respect thing. Not showing respect is one of my pet peeves.

Favorite phrase?

Bless your heart.

That can go different ways!

That’s true. Mine usually goes the good way.

What do you like to read?

I like mysteries.

If you could make one rule that everyone had to follow, what would it be?

Be kind to one another.

Where did you grow up?

I grew up local—lived all my life twenty-five miles south of here in Scottsville, Virginia. I grew up on a dairy farm. We lived in a very rural area, I came from a humble background—it was a treat for me to come to Charlottesville. We had wide open playing fields [in Scottsville], it was great. I still live in the area: my husband and I—and Sable, the dog (she’s a four year old Charcoal Lab).

Growing up, what did you want to be?

I wanted to be a teacher. At that time, scholarships weren’t as generous. I had what I needed but no extra—that’s why I went to associate’s college and got my degree in business administration instead.

What’s something most people wouldn’t know about you?

I was an active EMT. My husband and I ran a rescue squad in Scottsville for twelve years. I’m still certified in the state of Virginia, because you never know what might happen. I was motivated because of my brother; he passed of a massive heart attack at thirty-two. And we didn’t have a squad in our rural area. I decided then that that’s what I wanted to do. And then I got hooked and became an adrenaline junkie.

What’s your favorite thing about the Law School?

I think the close-knit—ness—not just of the students, but the faculty and staff. We’re like a big family and I really love that. I’ve always felt that here.

As our parting shot, what would you like to tell all the students?

We wish you all the very best. Stay safe during all this and I hope to see each and everyone of you very soon. Just stop by and say hello!

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SUMMER

continued from page 2

this summer, Professor Livermore did a great job planning an interesting and productive summer for his research assistants. On top of typical email updates, Professor Livermore held a weekly Zoom meeting with all of the research assistants at the same time. We spent this time getting feedback on our independent projects while also hearing about what each research assistant was working on. Professor Livermore was careful to only assign projects that we each found interesting, so we all worked on a variety of topics.

While I did work on more typical research assistant projects this summer, a large part of my summer was unconventional: Instead of legal research, I spent most of my time writing code. I've been interested in computer programming as a hobby, and Professor Livermore needed assistance with a project involving data and Python scripting. With assistance from both Professor Livermore's colleagues at Dartmouth and Jon Ashley, head of UVA Law's Legal Data Lab, I created datasets for statistical analysis, and I assisted in setting up a model to measure the influence of court opinions.

The main project I worked on aims to measure the influence of appellate opinions on one another over time. While court opinions usually cite preceding opinions that

impact their rationale or decision, this project goes beyond citations and explores the actual text of opinions to measure each opinion's influence. Using a statistical model that incorporates regressions and dynamic topic modelling, text from court opinions can be analyzed to show how the language used in those court opinions is evolving over time. As new opinions are written in different areas of the law, the way these opinions discuss a topic will impact the writing of future opinions. The model observes this semantic evolution to determine an opinion's overall influence measurement. The project explores changes in opinion language at the appellate level, and this estimation of influence can be compared to the citations courts themselves point to as being influential. This process will hopefully shed light on how courts interact with and are persuaded by opinions of the past.

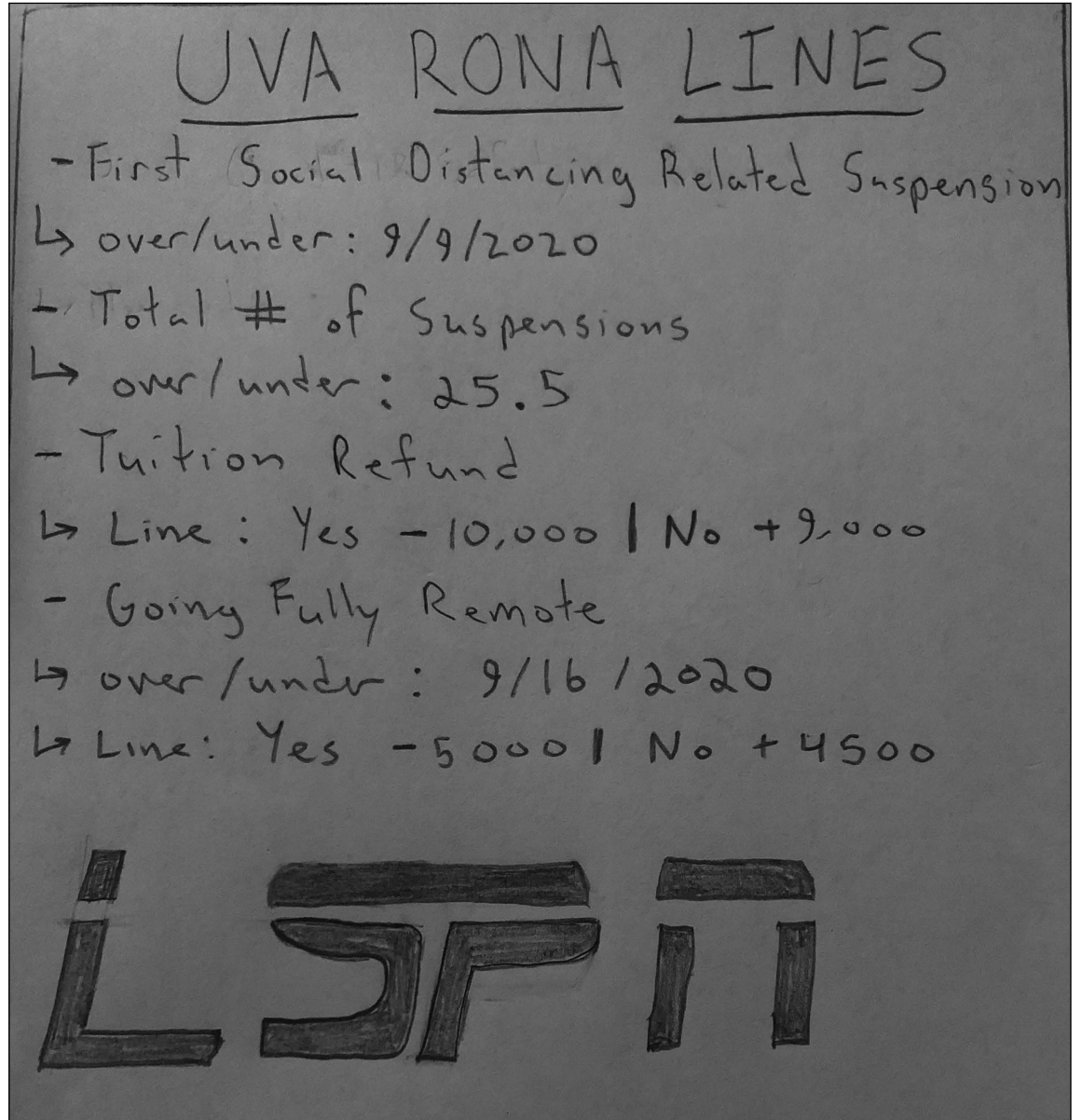
I am grateful for the opportunity to have worked with Professor Livermore this summer, and I am continuing to work with him on the influence project into the fall semester.

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keg3ar@virginia.edu

at5gn@virginia.edu

Cartoon By Raphael



THE DOCKET	TIME	EVENT	LOCATION	COST	FOOD?	
	WEDNESDAY - September 2					
	17:00 - 18:00	DVP Pro Bono Training with C'Ville Commonwealths Attorney' Office	Zoom	Free	☹	
	18:00	Beer Tasting	Beer Run Brewery	Free	Available for Purchase	
	THURSDAY - September 3					
	17:00 - 18:30	VLFGP Gen. Body Meeting/Mentorship Kick-off	Zoom	Free	☹	
	19:00 - 20:00	ACS General Body Meeting	Zoom	Free	☹	
	FRIDAY - September 4					
	12:30 - 13:30	VLFGP Kick-Off Panel	Zoom	Free	☹	
	15:30 - 16:30	Innocence Project Pro Bono Clinic Info Meeting	Zoom	Free	☹	
17:00 - 18:00	APALSA General Meeting	Zoom	Free	☹		
18:00 - 21:00	Richelle Claiborne and Good Waffles & Co.	Chisholm Vineyards at Adventure Farm	Free	Available for Purchase		
SATURDAY - September 5						
12:00	Vineyard Walk	Grace Estate Winery	\$35	Available for Purchase		
MONDAY - September 7						
19:00 - 20:00	Extramural Moot Court Info Session	Zoom	Free	☹		
19:00 - 20:00	Law Weekly - Editor's Meeting	Zoom	Free	BYOP		
Tuesday - September 8						
11:30 - 12:30	STM Weekly P&P	Zoom	Free	☹		
15:00 - 16:00	Health Law Association General Body Meeting	Zoom	Free	☹		
18:00 - 19:15	Supreme Court Round-up	Zoom	Free	BYOCFA		
19:00 - 20:00	CARE General Body Meeting	Zoom	Free	☹		

SUDOKU

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7		2					1	
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			1		2			

Solution

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