Club Spotlight: National Lawyers Guild

Michael Berdan '22
Staff Editor

When protests for racial justice broke out across the nation after the lynching of George Floyd, lawyers and law students played a critical supporting role in protecting the rights to protest and public action. Lawyers also assisted in organizing and educating. Now, going on five months later, as this uprising continues to surge and resurge in various parts of the United States, protestors and activists are too often restricted, targeted, and arrested, and the glaring need for support from the legal community has not waned.

National Lawyers Guild (NLG), established in 1937, is one of the longest-tenured groups that organizes law students to lend support in moments like these. We are best known for the neon-green hats we wear. Our Legal Observers, who are seemingly omnipresent at the front lines of protests and actions, are NLG volunteers who exactly that: observe. They keep track of the actions of protesters and law enforcement agents, particularly who is arrested, who is not, and under what circumstances. That way, each individual can be connected with bail and defense resources as quickly as possible.

NLG at UVA provides Legal Observer training to prepare students to serve under NLG of Central Virginia. We also present events and discussions around issues of protest, social justice, racial justice, immigrant justice, housing justice, and education. During the pandemic, NLG at UVA has used its voice, resources, and student activism in support of movement to protect the housing of vulnerable populations and to release detainees from the Farmville ICE detention center.

Last year, NLG sponsored a panel at PilA's Shaping Justice conference, called "The Next Phase: Criminalization of Sex Work, which gathered academics and sex workers to discuss the intersection of technology, surveillance, freedom, and work, and the movement for decriminalization. NLG will also be sponsoring a panel this year, on a topic to be announced later in the year. Last November, NLG also presented with the support of Staff Editor Michael Berdan '22.

Supreme Court Summer 2020 Round-Up

Experts Break Down Major Decisions

Dana Lake '23 Guest Writer

Of the sixty-three cases decided by the Supreme Court so far this term, this summer's decisions have contained some of the heaviest hitters. The major cases were broken down in the Federalist Society's Supreme Court Summer Round-Up, which turned out to be one of the most thought-provoking events thus far this semester. Expertly hosted by Vice President for Speakers Chloe Knox '22 and delivered by Professor Julia Mahoney, Professor Dan Ortiz, and Supreme Court Litigator Jeffrey Harris, the Zoom recording proceeded with only one freeze frame and less than ten seconds of someone speaking without unmuting themselves. The recorded session is available through the Federalist Society and this editor encourages you to watch it for the real demand for accountability.

Most Surprising Decision: McCurt v. Oklahoma

Professor Ortiz highlighted this case for the insight it provides into the mind of Justice Neil Gorsuch. Joined by a liberal majority, Justice Gorsuch explained in his opinion that because Congress never formally disestablished the Native American reservation that covers much of Oklahoma, crimes committed by Native American tribal citizens on those lands must be brought in federal court rather than state court. Justice Gorsuch's advocacy for Native American rights in the face of the major impact this ruling has on thousands of already tried cases (and the disapproval of his fellow conservatives) was surprising for most people, who forget Justice Gorsuch is the only true Westerner on the Court.

Most Understated Opinion: Chief v. Washington

Professor Ortiz assured us that if you are going to read an opinion, it might as well be written by Justice Elena Kagan. Her inimitable writing style and penchant for throwing in pop culture references make her opinions an engaging read even when addressing mundane topics. With this opinion, Justice Kagan dove straight into the hot topic of faithless electors. Just in time for this November, the majority found states do indeed have the right to punish members of the Electoral College who do not vote for the candidate that won their state's popular vote. Though faithless electors have yet to sway an election, increased scrutiny of the Electoral College in recent cycles has created a real demand for accountability.

The Court's summer decisions were historic not only for their content, but also for their delivery. With COVID-19 forcing the Court to jump head-first into the 21st century, the public was able to enjoy live-streamed audio arguments for the first time. That brought the joys of unmuting toilet flanges (slate.com points the finger toward Justice Brett Kavanaugh) and listen to the audio of Barr v. American Association of Political Consultants for yourself) and unprecedented involvement from Justice Clarence Thomp- son.

Greater public access to this year's decisions has led to greater interest in the tantalizingly named "shadow docket." Rarely making the front page, the shadow docket refers only to cases the Court submits orders on without taking oral arguments and usually without submitting opinions. In keeping to time, Supreme Court Litigator Harris had only a few moments to present.

Thumbs up to the University-provided accommodation that is just gelified tequila, as far as ANG can tell by smell...and taste. Cheers!

Hurrah for being less than fifty days out from Election Day. Even though ANG is not on the ballot, vote!

Thumbs up to people who advocate for animals during quarantines. Unfortunately, neither Ivy Garden nor the Law School will accept the WB snake as ANG's emotional support animal. Litigation is pending.

Thumbs down to the SBA Food Pantry program. ANG worked for years at perfecting how to scrounge for free food and doesn't appreciate hand outs to all of the new snowflakes.

Thumbs up to the new SBA events "email" for keeping things simple. Why spend time on a poorly formatted email when a GoogleDoc will suffice? ANG welcomes SBA to ANG's level of indolence.

Thumbs down to student sowing their Ivy League banners in the background of their Zoom class. ANG is unimpressed by bragging and unnecessary fluff.

Thumbs up to the professors who are already a week behind because classes are ten minutes shorter. ANG empathizes because ANG also lacks time management skills. ANG also appreciates having a real reason to not do ANG’s readings instead of just sheer laziness.

Thumbs side-ways to Dunde- lion not taking up space this fall. While ANG will miss boo- ling the one section that does a singing skit, ANG will still be getting drunk at The Park and shouting bad advice. We all know ANG’s weekend plans are still the same.

Virginia Law Weekly

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

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How to Build an "Impressive" Book Collection...3

Guest Writer

Dana Lake '23

Guest Writer

Most Underrated Decision: Maine Community Health Options v. United States

Professor Mahoney foresees major ramifications stemming from this decision in the coming years. The Affordable Care Act created risk corridors for insurers, limiting both the losses and gains an insurance company could expect from a particular healthcare plan. The House of Representa- tives turned over in 2014 and Republicans refused to app- propriate money for the deal, resulting in several insurers going bankrupt. The Supreme Court ruled that the United States has an obligation to pay its commitments, and the insurers have a right to seek damages. With the national debt exceeding the US GDP for the first time since World War II, chances are high we will see similar debates over government obligations to pay in the near future.

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

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Maine Community Health Options v. United States

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Love in the Time of Corona: Noah and Bryn

Although it’s been nearly six months, many aspects of our “new normal” continue.

Bryn

I met Noah on Bumble in the spring of 2019 while both here at UVA for undergraduate school. We both moved out, played two-truths-and-a-lie, and the rest is history.

What’s the coronavirus situation been like for you two?

Noah: We initially stayed here in Charlottesville when things went remote in the spring and were basically living together. I had a summer internship up in NOVA, and Bryn also came with me up there. We’ve spent every day together for the past six months, which sounds like a lot on paper, but has been wonderful. It’s brought us much closer and showed us we can live with each other through the good and bad.

Growing closer together has meant we can go on a couple silver lining for a lot of couples I’ve interviewed.

Noah: We’ve had a kitten named Pelapi!

Bryn: We also watched a TON of movies together, including all of Parks and Recreation and Friends.

Noah: We’d take turns every other week picking something we wanted to watch to see her 2010 rom-com How Do You Know, don’t you?

Bryn: We both have our sad that Elle Woods doesn’t read this

Bryn: We can play at that game. Noah’s a red onion because he eats them all the time. He also has many layers.

Noah: I’m pretty sure that’s a quote from Shrek, are we really going to put that in?

Bryn: We’re really going to that in. It’ll be all about the Law School.

Noah: What do you

Bryn: I would say Bryn is very full of life. She brings out the best in people around her.

Bryn: I admire Noah’s dedication, but can put all his energy into what needs to be done, and I’m always amazed by his motivation.

Bryn: No! I want to go to a movie without worrying about that stuff. I’m going to watch Spaceballs.

Bryn: Travel! I want to go skiing in Utah, I think.

Bryn: Paint me a word picture of your favorite memory of the last six months.

Noah: Answer: Early on in our relationship we went out to Gap View Ranch & Kennel in Harrisonburg, Virginia. It’s a golden retriever breeder with dozens of dogs and puppies that you can go and play with. That alone was magical, but afterward we explored Harrisonburg and ended up finding this empty arcade where we just played games with each other for the rest of the afternoon. It was such a pure and fun day and one of the first full days we had spent together as a couple.

Bryn: Last Tuesday, Marlyse Vieira ’22, Christina Luk ’21, and I logged onto Zoom for our first FS21 class. It was such a pure and fun day and one of the first full days we had spent together as a couple.
**Tweedledum and Tweedledum: COVID-19 Reporting Procedures**

In Defense of Noncompliance Reporting

With contributions from Michael Berdan '22

This summer, the University sent a survey to graduate students to determine what students think about policies that were taken to prevent the spread of COVID-19 in the event that the University would potentially put a burden on students to police and enforce University's public health measures. It is one thing to command students to remain in dorms, and another to require that they comply with the University's public health measures, that's wonderful. But not every student is comfortable with that. And think about this scenario: If students are engaging in a kind of behavior, they know they're not complying with University's public health measures, and they are able to think about noncompliance.

The University has indicated that it would like students to encourage other students to comply with public health measures in the event that they see their peers behaving in ways that are noncompliant. However, the University does not require students to encourage their peers about noncompliance. Let's get to the books you should choose. Make sure you have something on your shelf that shows how independent and self-sufficient you are. If you want to be subtle, yet also completely original, get that book about the guy who died in the woods (I forget the title). You can go to the library with something better like Walden.

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**The Humble Bookshelf; or, How to Give Others the False Impression That You're an Interesting Person**

Every respectable adult knows that obvious displays of material goods are Will Strickland '21

Special Projects Editor

the best way to make a good impression on casual visitors. However, one of the best available options for this most nebulous of pursuits has been increasingly overlooked in the modern day – a well-chosen bookshelf. Set aside, for a moment, your plun- dered sarcophagi and crude lifelike porcelain dolls and look, instead, to what you can accomplish with but a few pieces of wood and some carefully selected books. 1

Your bookshelf, once acquired, should be placed in an easy line of sight to the entrance of your room and filled with a variety of impressive tomes. Bigger books are better, unless the spine looks stupid, in which case get something else.

Now, before we begin, you should keep in mind that if your bookshelf is a darkened room, it is classier than Oak, and hides beer stains better.

1 Darker woods are super- ior when it comes to bookselfs. If your shelf is oak, for example, it is classier than Oak, and hides beer stains better.

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1 Darker woods are superior when it comes to bookselfs. If your shelf is oak, for example, it is classier than Oak, and hides beer stains better.
It was Friday, September 4, 2020 and Jeg McJones was determined that she wasn’t going to take Labor Day off, though she was disappointed. She was excited about the extra day, which would give everyone a paid day off and return to the bench for the first time since she sued the global pandemic that persists to this day.

Today I descended from the Ivory Tower to place an injunction on UVA Law students performing labor on Labor Day.

I. Facts

It was Friday, September 4, 2020 and Jeg McJones was looking forward to the weekend. She was excited about the extra day off, though she was disappointed that she wasn’t going to be able to wear white anytime (it’s her favorite color). Jeg was talking with another law student, Christina, about the long weekend. Christina informed her that there was no long weekend— we don’t get Labor Day off at UVA.

1. Of note is that coronavirus is currently acting in defiance of an injunction imposed by this Court in Coronavirus (Luna v. Tiller) or Coronavirus (El Virus Menos Fino). We are waiting for you to finally perish, COVID-19.

2. This is a lazy Labor Day joke, but go with it.

Jeg was shocked. How? I mean, she labors, right? Not in the traditional sense of the word, but many would agree that sitting on her phone in the library with a book open, pretending to be productive for two hours, is, in fact, work. Dismayed by this injustice, Jeg decided to file suit in the District of Labor Appeals. She seeks an injunction against labor on Labor Day, which I modified to “Labor, Generally” since it sounded better.

III. Textualist Argument

While there is no law that explicitly says workers must be productive for two hours, is, with a book open, pretending to work, I guess you will all stay afloat. I guess you will all work so hard every day just to declare it a right for law students.

IV. Substantive Due Process Right Not to Labor

I don’t remember much about Civ Pro. That is not the fault of my professor, Dean Goloboff, but instead the fault of Con Law, which, to be quite honest, is made up entirely of lies.

I do, however, remember there being a connection between substantive due process and history. And here is some history: Labor Day has existed for a long time and yet the Law School has not celebrated it. I don’t know if I can claim to be surprised given that UVA just started giving us MLK Jr. Day last year (2019-2020) and is only now critically examining the racist legacy of Henry Malcolm Wilkins, the namesake of Wilkins Hall. Regardless, there is a history of no labor on Labor Day and that is enough for me just to have to nominate me to the Supreme Court so I can work my real magic.

V. Conclusion

I have seen enough through both my textualist and SPD analysis to declare an injunction against UVA Law students performing labor on Labor Day. Instead, they must spend the day relaxing or doing something besides schoolwork. And to those who wish to use the day to get ahead, I encourage you to get a personality and/or a hobby.

Towards, J. dissenting, in which J. Q. Jones joins.

Again, as this Court’s sole remaining bastion of actual textualism and the proper administration of the judicial system, I vehemently dissent. I did not think that during my tenure on this Court I would have to work to protect the forgotten hard workers at this Law School, but here I am.

Through his analysis of substantive due process, Justice Pickett makes up an entirely new “Fundamental Right.” It seems mighty rich, especially from the pricey ivory Tower he rules from, that Justice Pickett issues an injunction against labor while he pays to attend school. It is almost as if he simply assumes that


6 But did he? Still waiting for the Supreme Court to release the full list.

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Faculty Quotes

R. Verkerke: “Sometimes, even stupid people should be protected against fundamentally dishonest people.”

M. Gilbert: “I’m trying to remember what I learned from Miss Frizzle.”

M. Schwartzman: “If you go up 29, it’s like between Best Buy and Stonehenge.”

M. Collins: “I teach this case first, because I understand it, and I teach the other one second, because, to this day, I still don’t understand what the hell they’re talking about.”

J. Harrison: “You took Civ Pro with Caleb Nelson and so you learned everything. I took Civ Pro with Caleb Nelson and so I learned nothing.”

G. Rutherford: “Most war criminals know we are just not happy with them.”

Heard a good professor quote? Email editor@lawweekly.org
HI Jake! Welcome to Hot Bench! Let’s start with any easy question and have our readers get to know you better. Where are you from?

I’m from a small town called Old Tappan in the northeastern corner of New Jersey.

Are you taking classes here in Charlottesville?

Yes, I am taking classes at the University of Virginia, and I am also working as the Business Director at the Hot Bench.

What’s something you know now that you would tell yourself coming into Law School?

I think it’s important to know that the legal field is vast and diverse. Before coming to law school, I thought I knew a lot about the law, but there is so much more to learn. It’s important to stay open-minded and to be willing to learn from others.

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

I hope to make a positive impact on society and use my legal education to help those who are less fortunate. I want to be able to help people and make a difference in their lives.

Let’s do a lightning round.

I have a soft-spot for vegan food. I enjoy working in the affordable housing field. I am a big fan of the Jewish Law Students Association, and I am involved with the Environmental Law Journal.

What is your favorite TV show or movie?

One of my favorite TV shows is The Office. It’s a classic and it always puts me in a good mood.

What is the one thing that you think you would do differently if you could go back in time and redo your application?

I think I would be more confident in my application. I was a bit too谦虚 in my application and I wish I had been more aggressive in highlighting my strengths.

What is the one thing you want to do before you graduate?

I want to make a positive impact on society and help those who are less fortunate. I want to be able to help people and make a difference in their lives.

What is the one thing you think you will regret not doing in law school?

I think I will regret not taking more classes in different areas including English, history and biology. I think it’s important to have a well-rounded education in these areas.

What is the one thing you think you will regret not doing in your career?

I think I will regret not having more diverse experiences. I want to be able to learn from different perspectives and to understand the world from different points of view.

What is the one thing you think you will regret not doing in your personal life?

I think I will regret not traveling more. I want to see more of the world and experience different cultures.

What is the one thing you think you will regret not doing in your community?

I think I will regret not being more involved in civic organizations. I want to be able to make a positive impact on my community and help those who are less fortunate.

What is the one thing you think you will regret not doing in your life?

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The Back Page

The Back Page

continued from page 2

couple.

That sounds...golden. Let's pivot back to coronavirus. How did you keep things running smoothly with all the time spent together?

Noah: I actually worked in person at my internship, so during working hours we had a built-in period of time to do our own thing. Otherwise, we just fell into established roles after a while for our “new life” and things pretty much ran themselves. Bryn would make the popcorn, and I would clean the pot. We got pretty in sync.

Bryn: We also went for a lot of walks in the evening after Noah came home from work, which we got good communicating about. Once or twice, I caught him just lying on the bed in his suit staring at the ceiling.

Now That’s What I Call Law School, Noah. 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?

Bryn: It’s kind of cliché, but Noah has been my rock during this uncertain time. I’m particularly stressed during this uncertain time. But Noah has been my rock serving as a shoulder to cry on during the highs and lows of law school so far and is always so patient and supportive even when I’m not at my best or most fun. I love you, Bryn.

I swear I’m not crying; I’m just chopping onions! Many thanks to Noah and Bryn for joining us on Love in the Time of Corona and sharing their coronavirus experience. 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 bes.44f@virginia.edu if you or someone you know might like to be featured on Love in the Time of Corona.

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bes.44f@virginia.edu

Love

SUDOKU

SUDOKU

Cartoon By Raphael