



VIRGINIA LAW WEEKLY

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

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Reviewing Fall 2020 Registration: A Hybrid Lottery for Hybrid Learning

Stanley Birch '22
News Editor

In an effort to understand how changes were made to the Law School's course registration process for Fall 2020, the *Law Weekly* examined the administration's communications and reached out to Dean Dugas over email with questions. When asked to sit down with the *Law Weekly*, Assistant Dean for Academic Services and Registrar Jason Dugas replied that it, being a "hectic and busy semester from an operations standpoint," he would agree to answer specific questions emailed to him, but apologized that he was "not going to sit for an interview." A common frustration from students is the wall of administrative rules and statements that are sent out, without any real insight as to how those decisions are made. In an effort to better understand the changes and student frustrations of this process, we asked our questions, received a timely response, and now publish this in hopes of clarifying the timeline and decisions leading up to Fall 2020 registration.

Before proceeding, I would like to thank the administration for working very rapidly to provide a registration system and course offerings, given that the process of setting up courses in the past normally took ten to twelve weeks. With the University's announcement of returning to classes and the new restrictions to in-person learning, that process was condensed into four or five weeks and the speed with which this was handled should be applauded. Dean Dugas—and the *Law Weekly*—would like to thank Law IT, Adam Seid, and Debbie Proffitt for all of their hard work in making Fall 2020 registration possible.

The first apparent change to the Fall 2020 registration process was its postponement. It seems that, while this change in timing was inconvenient and even burdensome, everyone had come to understand there would be a delay. With the University hesitant to commit to a plan "to safeguard

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Space: The Final Legal Frontier

Space Law Expert Meets with Students



Pictured: Professor Koplow discussed Armageddon-like scenarios in space. Bruce Willis did not feature as a possible solution. Photo Courtesy of Drew Calamaro, '21, law.georgetown.edu, and news.sky.com.

Drew Calamaro '21
Satire Editor

On Wednesday, September 30, Professor David Koplow of Georgetown Law spoke with students about space law. Professor Koplow specializes in public international law and national security and is one of the world's foremost experts on space law.

The main topic of Professor Koplow's discussion was asteroid impacts. Professor Koplow said that we are little more prepared than the dinosaurs were for an asteroid impact. There is no way to prevent one, and our infrastructure is not set up to handle a serious impact. This is not an "out there" concern—in 2013, a meteor exploded over the south-west Russian town of Chelyabinsk. It was fifteen-to-twenty meters across and exploded about fifteen miles up in the air. The explosion was the equivalent of 400 to 500 kilotons of TNT—twenty-to-thirty times more powerful than the nuclear weapon detonated at Hiroshima. The blast wave knocked down hundreds of buildings and the debris injured hundreds of people. Many Russians thought it was an American ICBM attack.

Although the damage from the 2013 meteor explosion was minimal, it serves as a warning of what *could* happen if an asteroid were to impact Earth in a more populated region. Every day,

around 100 tons of asteroid dust accrue on Earth from upper atmosphere explosions and other extraterrestrial objects hitting Earth. There are also near-misses all of the time when it comes to asteroids.

There are, however, groups that were formed to start preparing for an asteroid impact. The Space Mission Planning Advisory Group (SMPAG—pronounced "same page") was formed by the UN in part to combat near-Earth objects like asteroids. However, the options available to the international community are limited. They amount to either using an explosive to break apart the asteroid or detonating an explosive next to the asteroid to knock it off course. The first option is undesirable, as the asteroid would, in theory, break up into smaller asteroids, some of which would still hit Earth.

The second option—exploding something next to the asteroid—would heat molecules on its surface to the point where the molecules radiate away, allowing for the asteroid to get knocked off course by the energy of the radiation. Knocking an asteroid off-course may have disastrous results, however, because it may still hit another country.

But fear not—there is a tort regime in place for these scenarios and other space law subjects. Professor Koplow says there are two rules. First, if my spacecraft dam-

ages your spacecraft, and I am at fault, then I am liable. Second, you have absolute liability for harms done to the surface of the Earth, given the ultrahazardous nature of space.

What if you are Bruce Willis trying to save the planet in *Armageddon* and you need to do whatever is necessary to save humanity, including nudge an asteroid so that it hits a country?² If there are treaties in place that prevent this, the UN Security Council (UNSC) could, in theory, supersede those treaties by making its own law. Professor Koplow proposes that the UNSC draft a law that allows countries to do what is necessary to save humanity, thus superseding any treaties that might impede a Bruce Willis mission.


One attendee asked about international cooperation and its prevalence in space. Professor Koplow responded by reiterating that international cooperation is a unique aspect of space, despite some rivalry and potential armed conflict. Russia, for instance, launches missions to the International Space Station for the United States. The Soviet Union and the United States cooperated with one another during the Cold War.


Another attendee asked about space terrorism. Could you make something in


² This was a real scenario in the talk. Incredible.


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around north grounds


 Thumbs up to ScoCo still serving food. Although ANG misses all of the free food in the school, openly flaunting all COVID-19 protocols to keep Mandy's wonderful face around is a risk worth dying for.


 Thumbs down to UVA's security guards actually enforcing the rule of students having to leave the school by 9 p.m. ANG already lost softball this semester, but forcing ANG to sleep outside now that it's chilly? #cruelandunusual


 Thumbs up to all of the 2Ls dropping out of Lile. While ANG was never bold enough to act like ANG could win the competition, ANG applauds all of the 2Ls starting 3LOL a full year early.


 Thumbs down to the aristocracy thinking it is immune to coronavirus and having large gatherings. No, ANG is surprisingly not referring to groups of Darden and Law students here.

 Thumbs up to the new sound system in Caplin Auditorium. Even though ANG still passes on all cold calls, ANG can now hear the professor "sigh" in vain acceptance that they have no power.

 Thumbs down to 2020 for the one-billionth time. ANG struggles to remember the time when the term "super-spreader event" referred to ANG's tripledecker PB&J's.

 Thumbs up to Halloween decorations. They capture ANG's spirit, although ANG will never be as scary as a virtual networking event.

 Thumbs down to the sundown. ANG is mad that it can no longer see when ANG is within six feet of a textbook, to which ANG is highly allergic.

 Thumbs up to spooky szn. Whether its COVID-19, midterms, or the start of cuffing season, ANG is overwhelmed.

¹ Almost a space pun.

REGISTRATION

continued from page 1

the health and safety of the UVA and Charlottesville community,” it is no wonder the community and the administration were unsure what timeline they should anticipate. With the email from President Jim Ryan '92 on June 17, announcing the plans to Return to Grounds and hoping to “provide a measure of clarity,” a few questions were answered, but many, many more were raised. Hoping to clarify and give direction for the Law School, Dean Golubuff sent out an email the next day, one paragraph of which commented on the course schedule. This email mentioned that a tentative course list would be released the following week with a more finalized version of courses “as well as the plan for course registration” to come mid-July. Following up on the promise of Dean Golubuff's email, Dean Dugas emailed the following week to announce that the tentative list of course offerings had been posted on LawWeb, subject to change. All of this was useful information but one piece that would bring stress to students was missing: timing of actual registration.

The first communication to students about the timeline to actually register for classes came mid-July, but it wasn't communicated directly by a Dean. Instead, the first timeline given to stu-

dents came from SBA President Katharine Janes '21 in an email titled “Friday, July 10th SBA Update.” Before sending this email, Janes had been made aware that courses were coming up on SIS, and reached out to Dean Dugas. Dean Dugas provided rough information on the process to Janes, who confirmed and then shared the contents of that information in her email. This Friday afternoon email contained the first direct mention of when registration *should* begin: “[C]ourse registration (i.e. the lottery process) should start toward the end of next week and continue through the end of the month.” Students who didn't read the SBA update on that Friday afternoon would have no way of knowing registration could start a week later.

Dean Kendrick emailed four days later “with some academic information in advance of course registration,” but still without mention of an actual or prospective timeline. Two hours later, Student Records and Dean Dugas added the following to clarify the timeline: “As Vice Dean Kendrick explained in her recent email, you will soon be starting the enrollment process for fall 2020 courses, and I will be sending more detailed instructions about that process separately very soon.”

Students ultimately received a timeline of registration directly from the administration when those detailed instructions came

the following night with the important subject line: “Enrollment Process Details & Instructions - Starts Friday 7/17 @ 10:00am.” Student Records Office announced registration's start thirty-six hours and twenty-five minutes before it was to begin. This compressed timeline stressed many, sent shockwaves through GroupMe chats, and went unnoticed by students who would not check their emails until the next morning, giving them even less time to prepare.

Many students anticipated a rapid turnaround and made themselves available to coordinate their new schedule, but this would not be like any prior registration. In addition to announcing the imminent lottery start-date, this short notice email also explained a number of “new aspects” about the new registration process that Dean Dugas likened to LSAT logic games. These “new aspects” represented a complete change of the lottery system groupings pursuant to which students have registered for years and are laid out, in plain language, as part of UVA Law Academic Policies IV(G).¹ Dean Dugas explained that without the University's finalized Spring 2021 plans, courses could not be registered or confirmed for the spring, removing the option of dividing based on graduation requirements,

¹ <https://www.law.virginia.edu/policies/vi-courses-and-course-enrollment-1#vig>

which typically spans the full year. It was determined that maintaining the registration process along the traditional lines “would [have made it] very difficult to implement students' preferences for in person or online only in that system,” thus the adjustment to lottery split.

One of students' main concerns with the fall registration process is with how changes were communicated and how that communication limited students' opportunity to hold administrative action accountable. Registration and academic policies may be waived (if waivable) by the Assistant Dean for Academic Services, and “[a]ppeal of any decision by an assistant dean may be made only to the faculty/student Academic Review Committee.” If anyone took issue with this policy change, they would have only had thirty-six hours² to complete an appeal. After that time period, they may as well try to unring a bell.

The goals of the policy changes were to provide the best system that would handle digital and hybrid learning. Several students took issue with this change, and many felt overwhelmed with the short timeline. On the other hand, given everything

² When asked to confirm that this was the first notice given to the student body about the policy change, Dean Dugas did not provide a clear answer that indicated any other date notice was given.

happening over the summer, many students were simply relieved to be able to register but, going forward, hope for clearer communication upfront. Students want to be kept in the loop about the administration's decision-making process and would appreciate firmer timelines. Keeping students in the dark only brought frustration where there could otherwise have been understanding and acceptance in a summer fraught with uncertainty.

As Spring 2021 approaches and the world around us continues to be in flux, the administration is hard at work planning for the upcoming registration period. Dean Dugas appreciates “that students have been, and continue to be, patient and understanding about the uniqueness of the situation.” The timeline that Dean Dugas felt comfortable sharing with us was that he hoped “to know the University's spring plans by late October . . . [and he] expect[s] that the lotteries will start in early November.” The spring process will follow the same lottery split as Fall 2020, “to meet the needs/preferences of instructors and students.” So as the end of this month and Spooky Szn™ loom closer, keep your masks up and an eye on your inbox, as COVID and registration could lurk around any corner.

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Love in the Time of Corona: Megan and Parker

Although it's been nearly six months, many aspects of Ben Stieveter '22

Events Editor

our “new normal” continue to present challenges that can be 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 Megan Ong '22 and her boyfriend Parker Gardner, a Physics Ph.D. candidate at Rice University.

Hi Megan and Parker! Welcome to Love in the Time of Corona. Let's get some background. How did you meet and how long have you two been together?

Parker: Hey Ben! Megan and I met seven years ago during our freshman year at Dartmouth. Before freshmen matriculate, most come up the summer before fall to get used to the area and to meet people. Those who come from farther locations will often stay until school begins, which was the boat Megan was in. My family was living in Hanover, so I was also in town. We first met at a soccer game and got to recognize each other a few more times since there were so few people on campus at that time. A few weeks later we kissed at a party, started going on dates around town, and the rest is history.

I don't know if I'm more impressed by the length or brains of this relationship. What has the Corona situation been like for you two?

Megan: We're long distance, obviously, so back in the spring I had planned to go visit him in Houston and was really excited to spend a full week with him. We got a little more than we bargained for though when classes went online! I decided to stay in Houston, and it was incredible. We spent three months there, then went to visit my family for three months, then spent some time in Charlottesville until Parker had to go back to Houston in August.

That's a big adjustment to go from long distance to with each other for ~six months! Were there any hiccups in adjusting?

Megan: I was initially worried there might be some growing pains because we'd never lived together—I mean, I had no idea if he was even the type of person to make his bed every morning or do his dishes promptly! But those worries were very quickly dispelled and, honestly, the past six months have been some of the best of my life. Coronavirus has been such a blessing in disguise for us. I will say though, it can be tough to focus in a small space when you're with someone you love! We've both been working a bit better ever since Parker went back to Houston.

Parker: Agreed, except that Megan knew I was a bed-maker from college! On my end, I was really eager to make our situation ideal. I got her a desk in my apartment so she would have a place to focus and work, and we planned a lot of outings when possible and safe. It honestly felt like a vacation to some degree at the beginning, but as coronavirus got more serious, it was tough for Megan to be away from her family. Her mom is a doctor and was going into the ICU, so that was worrisome, and we were concerned that state borders might close. There was also the natural stress of living in a pandemic and both being stressed out students, but we're pretty transparent people.

Let's get ~fun~, where would your dream quarantine location be and why?

Parker: For me, a nice house

in Charlottesville with plenty of space. Two offices, a bedroom, full kitchen, living room—the works. Maybe on Old Garth Road or Barracks. We drive around and look sometimes.

Megan: For me, I think it would be his parents' guest cabin in Wyoming. It's the perfect balance of being on vacation with family and being alone at the same time with your own space. Since Parker had a roommate and we were then with my family, it sometimes felt like we were never quite at home by ourselves during the spring and summer.

What's your “thing”?

Megan: We like to make really long, extravagant dinners

that go for hours. It's so fun to make it and eat super late into the night. Over quarantine we made some killer risotto and chicken a few times.

The key is to keep stirring till that wrist falls off. Hit me with your favorite memory together as a couple.

Megan: When we graduated college, we used some money we had saved to bike from Germany to Italy. We carried everything on our bikes and slept in little tiny hotels along the way. It was really incredible.

That may be the most idyllic thing I've heard

LOVE page 6



Pictured: Megan and Parker, either doing jumping jacks, or saying “I love you this much!” TBD. Photo Courtesy of Megan Ong '22.

Professor-Led Panel Unpacks the Potential National Security Threats Posed by TikTok

In recent months, TikTok, the popular Chinese video creation and sharing

Mason Pazhwak '23
Staff Editor



platform, has gained notoriety in a unique and largely unprecedented way: as a national security threat to the United States. As it faces removal from US app stores by order of the President, it has drawn attention to broader concerns about information handled by Chinese-owned telecommunications and technology companies, particularly because of the potential for their forced compliance with the aims of the authoritarian Chinese Communist Party. On Tuesday, September 29, the Federalist Society at the University of Virginia School of Law hosted a Zoom webinar to examine four questions regarding these concerns: 1) Why has US government determined that TikTok poses a national security threat; 2) what is US government doing about it; 3) what are the legal frameworks through which the US is acting; and 4) what might lie ahead. Moderated by Professor Ashley Deeks, the Director of UVA's National Security Law Center, the panel featured two guest speakers. The first was Charles Flint,

the Chief of Staff of US Senator Marsha Blackburn of Tennessee, who advises the Senator on a range of issues including foreign threats, data privacy, and content moderation on social media platforms. The second was Sarah Harris, a partner in Williams & Connolly's Supreme Court and Appellate Practice and a former Deputy Assistant Attorney General in the Office of Legal Counsel at the United States Department of Justice. Harris is responsible for advising the executive branch on legal issues, including those related to national security. A full recording of the event, which this editor highly recommends watching, is available on the YouTube channel of The Federalist Society at UVA Law.¹ For those short on time, a few highlights of each speaker's main points will be given here.

The event began with Flint, who came down firmly on the conclusion that TikTok is a threat situated within a broader Chinese strategy, while also discussing counterarguments. He first pointed out that even if there are debates over whether TikTok is presently turning over data to the Chinese gov-

1 <https://www.youtube.com/watch?v=VUT6ZmqT8m0&feature=youtu.be>

ernment, its attorneys have maintained the legal right for it to do so in the future, establishing data sharing as a persistent possibility. This judgment prompted an analysis of what China could do with what may seem to be innocuous user information of people seemingly insignificant to the Chinese state. Flint emphasized that it is not the present but the future that people should be worried about. Should China become interested in a particular US citizen, it could take disparate data points that are harmless individually and aggregate them into a comprehensive profile that includes personality traits, relationships, and preferences, providing complex profiles that could make the subject susceptible to manipulation. Flint then positioned this supposition within the larger Chinese outlook, which views war as a long-term, often non-kinetic activity within a doctrine of "strategic encirclement," or subtle action in pursuit of power. He emphasized that the Chinese state's almost unlimited power over its companies has made them key elements in its strategy. Flint's examination of TikTok, how it could be used, and the aims of the country using it, makes a persuasive argument that the company

poses a national security threat.

Next, Harris highlighted the challenge that Flint's conclusion poses to the US government. Harris introduced the Committee on Foreign Investment in the United States (CFIUS) and the International Emergency Economic Powers Act (IEEPA), discussing their legal foundations, how they function, and their potential limitations. She then described how they have been used recently in regard to TikTok. For example, she explained how CFIUS, which reviews transactions by foreign entities attempting to merge with or acquire US companies, recently conducted a retroactive review of TikTok that became the basis for the Trump Administration's widely publicized demand that TikTok operate as or under a US-owned entity or face a ban. She then provided analysis on IEEPA, which gives the President emergency powers to regulate the property of foreign entities that are subject to US jurisdiction. The act has been used to order a stop to downloads of TikTok and could be used to disable functionalities of the app. Next, she delved into the legal responses that these actions have prompted by TikTok and many of its users.

Harris discussed in particular a significant action in the US District Court for the District of Columbia, where a judge granted an injunction against the government's IEEPA action to stop app downloads. She also articulated other legal questions regarding the First Amendment, due process, and a non-delegation challenge that have been raised against the government as part of the TikTok action. Harris concluded with a discussion of several potential resolutions to the dispute, from changing political winds altering government priorities to the acquisition of TikTok by a US entity. TikTok continues to have implications for the larger issue of judicial constraints on presidential power, demonstrating the broad secondary effects of the TikTok question.

The session concluded with an almost thirty-five-minute-long question-and-answer session moderated by Professor Deeks, who read questions submitted by audience members via the chat. The discussion here was wide ranging and will not be summarized, but both panelists continued to provide deep insight on the strategic and legal issues introduced above, bringing to

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Special "Reprint" of the SBA Letter to President Ryan Requesting a COVID-19 Policy Exemption

The following is a "reprint" of the SBA letter sent to the university administration on September 23, 2020,

Drew Calamaro '21
Satire Editor



asking for an exemption from the new COVID-19 policies. This is a near word for word reproduction of the actual letter and absolutely nothing has been changed whatsoever.

Hi Jimmy,

Look, we know this is a pandemic. We get it. We are leaders, too. We are, in fact, the Student Body Association—the most important legislative body at the UVA Law School. We have a president, a vice president, multiple senators, the whole nine yards. We understand leadership and how important it is to say the right things, since people listen to us. But . . . c'mon, Jim. Jimmy. Jimbo—let's do away with pretenses. Give us a break. We know you didn't actually mean to include us in your little "SEC-045 policy changes" or whatever. We're special—enlightened, in fact. We're future lawyers. Just do us a favor and give us a break here. We'll even give you some reasons below, but honestly, all that you need to know is that we are special, we are different, and that for those reasons, we should get

an exemption.

1. We have long-distance relationships that are so different from, like, any relationship you can imagine.

Honestly, you just don't get it. We have *relationships*. And not just relationships—these are hotter and heavier than you can possibly fathom, Jim. Clintons-at-Yale-Law-hot, Jim. Do you know what it's like to not see the love of your LIFE for more than two weeks? Do you know how hard it is to go to our parents' beach house and not post an Instagram story with them since they're from out of town because that would be a violation of these new rules? We don't think you do, James.

Look, other people may have relationships—even important relationships—that are affected by this virus. But other people aren't *US*. And *US* is what we are talking about here. We have people who have been dating for six, maybe even seven whole months. This type of love is meant to be out in the open and on social media. We can't. Do. That. With these new restrictions. For *two whole weeks*. Do you know how *fragile* a relationship of that length is? If we can't even see the person we're dating *in person*, how are they supposed to remember we even exist? They aren't. You're killing this beautiful flower

of a relationship in the name of "public safety" and "being a part of the Charlottesville community whether we like it or not." These are things that pale in comparison with the relationship we have, and we will *not* let the spread of COVID-19 in the university community affect *our* ability to post *our* relationships on Instagram without fear of repercussions.

2. We are smart.

Jim, let's get real here—we're smart. Like, super smart. There is just no way that we're going to catch COVID. Sure, some of us will go to the bars once in a while, and those people will stop by to say "hi" or to watch a football game.¹ But most COVID cases are with the undergrads, and COVID knows it needs to stay there. Our minds are our most potent weapon, and COVID knows that. That is why we are writing this letter in the first place—because we know it will NOT look entitled, and it will absolutely NOT backfire, oh, say, ten days later, when we get an email about more cases in the Law School community.

The fact of the matter is, Jim, our brains separate us out from the Charlottesville

1 Hi, author Drew here. This is how you know it's satire. Ninety percent of SBA members do not watch football. Carry on.

community and the University of Virginia community. You see, we get all of the benefits of tacking a top eight (8) law school name onto our resumes, but we don't *actually* care about the city or the University. You see, this is meant for career advancement alone. The name doesn't matter so much as the benefit we derive from it. You see that? You SEE that? Then *why* are we being limited by this new social distancing policy? It makes our lives harder, and the last time we checked, University of Virginia School of Sacrificing Two Weeks of Social Activities For the Greater Good of the Community doesn't have a good ring to it. Do. Better.

3. Your communication policies clearly show we have been blindsided and are the true victims here.

James, we had no idea this was a possibility. How could we? Being smart doesn't mean that we are "all-seeing." Plus, you *know* we don't have common sense, because we go to law school. Don't you realize that making us watch a video that is NOT on TikTok is tantamount to torture? When we regale the hardships of the past to our future grandchildren, we may not even have the heart to tell them that you told us about this new two-week policy over VIDEO. Imagine the horror on the children's faces when they realize that you didn't tell us

everything you were *thinking* about doing via email at all times. That is your legacy. We, the SBA, and almost certainly the greater Law School community,² have been victimized by your lack of communication. We, therefore, wag our finger at you and expect to see you crawl back to us with a well-written apology over email.

We thank you for your time and consideration of these proposals. We appreciate your leadership during these difficult times, and we look forward to partnering with you to create a safe environment for all students.³

Sincerely,

The Student Bar Association, who have great brains and want to show everyone that, too.

dac6jk@virginia.edu

2 Jeb Bush to reader: Please laugh.

3 This last bit is actually from the SBA letter and honestly, I died laughing as soon as I read the word "partnering." Imagine thinking you look like a partner when you're actively asking to not be? Neither can I.

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 eight 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

Law Students for Fall Break v. The Law School

73 U.Va 7 (2020)

DESKINS, J., delivered the opinion of the Court, in which CALAMARO, TONSETH, JONES, PICKETT, SCHMID, and PAN J., and LUK, C.J., join. MARTIN, J., concurs in part and dissents in part.

JUSTICE DESKINS delivered the opinion of the Court.

This opinion comes in response to one of the many concessions and sacrifices law students have been forced to endure as a result of the COVID-19 pandemic—the cancellation of their beloved fall break. A plaintiff class consisting of students across the J.D., S.J.D., and LL.M. classes avers that this cancellation is improper, and they request an order reinstating fall break.

Facts

This summer, in response to the pandemic, the University of Virginia administration announced that there would be no fall break this year for undergraduate students, and the Law School administration followed their lead, similarly cancelling the Law School’s fall break. The University’s administration cited public health concerns in justifying the drastic measure. The administration averred that removing any break in classes during the semester would lessen the ability of students to come and go from Charlottesville during the semester. They worried that traveling students would bring COVID-19 with them upon their return to Grounds, thus putting the University community and Charlottesville in danger. The Court cannot remember whether the Law

School administration cited similar concerns, but it assumes without deciding that the same reasoning led to the cancellation of the Law School’s fall break.

Later in the summer, students across the University began the fall semester, both on-Grounds in in-person classes and online in a variety of different places (on-Grounds, in Charlottesville but off-Grounds, and elsewhere around the country and the world). Perhaps unsurprisingly, there was an up-

tick in COVID-19 cases after the undergraduates returned to the area. In response, the University put additional restrictions in place, including a renewed and reinvigorated request that students (including law students) not leave Charlottesville and not invite outsiders to town.¹

Plaintiffs assert that they really, really, really need the break. They aver that they are exhausted, that they aren’t the type to go to London or Florida over breaks because they’re strapped for cash and/or saddled with debt (and also just straight up exhausted²), and that they legitimately need the time not only to rest but to study because they sincerely care

ther declare that the cancellation simply “makes good pedagogical sense.”

Analysis

The issue at hand is one of first impression before this honorable Court. The Court of Petty Claims previously dismissed this case, asserting that Plaintiffs did not have standing to dismiss their claim. That court declared that Plaintiffs had not successfully pled that they would suffer harm as a result of the cancellation. We disagree. Plaintiffs have clearly demonstrated that they would suffer harm. Their briefs were riddled with typos, poorly formatted, and clearly not proofread before being filed—per se evidence that Plaintiffs need a break from the mental beating of law school. The Court also finds that the class was properly certified pursuant to Federal

1 A similar request had been in place before.

2 Did I mention that Plaintiffs are EXHAUSTED?

Rule of Civil Procedure 23.³

This Court rules in favor of Plaintiffs for three main reasons. First, this has been an unusually difficult time for Plaintiffs, even more so than a normal fall semester at the Law School. They suffer from isolation, monotony, and worries about the future, among many other concerns, at much higher levels than they normally would, and this has taken a serious toll on their wellbeing. Second, as Plaintiffs aver, they need that time to study and catch up on

administration updated. Not so in the Law School world. Should class members skip lectures or fail to do their readings in order to study for other courses, their grades may suffer. Having a few extra days of break after Thanksgiving before exams begin will not do the trick. A mid-semester break is absolutely necessary. Third, as Plaintiffs state in their briefs, the real risk here is the undergrad population, not law students. In contrast to undergrads, who often live in dorms or other large communal housing arrangements, eat in dining halls, and are otherwise unable to avoid coming in contact with other people, law students such as Plaintiffs often live off-Grounds, with few, if any, roommates, and can easily avoid coming into contact with other people.⁴ Law students are much less likely to transmit the virus to their classmates.

Defendants raise a good point in stating that having fall break would give students an opportunity to travel elsewhere and potentially bring the virus back with them to Charlottesville. Yes, in the past, some law students have travelled to places near and far over fall break. Yes, such travel would pose public

work! Out in the real world, one can take paid days off to relax, go to medical appointments, and get one’s car reg-

3 The Court took Class Actions/Aggregate Litigation with Professor Ballenger last semester, so the Court knows that class actions must be certified pursuant to Rule 23, but because everything ended up being pass/fail (“Credit/No-Credit” in official terms), this Court has little recollection of how the Rule actually works. Nonetheless, the Court has a gut feeling that it’s satisfied, so we’ll go with that.

4 Indeed, even this Justice spends almost all of her time alone in her chambers. Even if she had clerks, she would avoid them as much as possible.

“Should class members skip lectures or fail to do their readings in order to study for other courses, their grades may suffer. Having a few extra days of break after Thanksgiving before exams begin will not do the trick. A mid-semester break is absolutely necessary.”

Faculty Quotes

J. Harrison: “If I had an extra bottle of orange juice, I’d send it to you. Unfortunately, we don’t have prizes for today.”

B. Armacost: “How do you feel about the color of that banana peel?”


L. Solum: “If you could help me with this problem. Well, it’s not really a problem . . . it’s an opportunity to be creative.”

K. Kordana: “The arc of history is long, but it bends towards Ted Kaczynski.”

C. Hwang: “I keep candy in my office to lure you in like a kidnapper.”

J. Fore: “I have a very interesting life. I get into arguments on Twitter about block quotes. It’s cool to be me.”

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



Virginia Law Weekly

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COPA

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health risks this year, as Defendants have claimed. However, the University Administration has already shown that it can prevent students from traveling by sending out new travel restriction policies through videos posted on various social media outlets after business hours, letting those videos percolate among the student body, and then sending an email to the University community the next day explaining the new restrictions. In short, Defendants' concerns about travel can easily be avoided by imposing restrictions on student travel for the duration of fall break.

This Court does not look fondly upon Defendants' claim that skipping the break "makes good pedagogical sense." Perhaps studies do indicate that continuous academic calendars, without breaks, facilitate better learning. However, even if there is evidence to support Defendants' claim, they have often chosen to ignore "good pedagogical sense" in the past. For example, research has shown that cold-calling is an unnecessary, unhelpful, counterproductive, and archaic pedagogical technique. Yet, many professors at the Law School still utilize cold-calling in their lectures. When Defendants decide to fully modernize their pedagogical approaches and implement evidence-based

techniques shown to better student outcomes, they are welcome to try to cancel fall break. In the meantime, this Court does not treat their claim as being made with sufficient good faith to allow the cancellation to proceed.

The COVID-19 pandemic has forced the Law School community to endure a number of novel hardships. The cancellation of fall break need not be one of them. We hereby REVERSE the finding of the lower court, and we ORDER that Defendants reinstate fall break.

It is so ordered.

MARTIN, J., concurring in part and dissenting in part.

I agree with much of the Court's reasoning, but I would remand for trial to resolve remaining questions of fact.

This court is bound by its precedent in *Students v. Labor, Generally*, 73 U.Va 4 (2020), wherein it was established that students have a due process right not to be unilaterally denied traditional breaks. Contrary to Defendants' assertions and popular perception, Plaintiffs have not waived their Constitutional rights to health and well-being, for which breaks are a necessary prerequisite, by willingly becoming law students. As such, Plaintiffs' complaint should not have been dismissed by the lower court on summary judgment.

Defendants' decree was a

broad infringement on Plaintiffs' constitutional rights, and thus traditionally would be voided for vagueness. Defendants' actions not only prohibit time for dangerous activities such as travel, which few students are in a position to do but also time for such benign and common break behavior as working on job application materials, sleeping, finishing classwork that has been procrastinated on, sleeping, staring at apartment walls in existential dread of student loans, sleeping, binging Netflix, and sleeping.⁵

Nonetheless, exigent circumstances may sometimes call for extreme emergency measures. Defendants have attempted to distinguish this case from *Students v. Labor, Generally*, by arguing that circumstances have changed because of an increase in positive cases at the University and Law School. Defendants have argued that the elimination of fall break is the only way to fulfill the compelling governmental interest of adequately reducing the transmission of COVID-19. As long as reasonable people could disagree on whether this is the case, this is a question of fact that should be decided by a jury.

Plaintiffs have argued that, while eliminating the break would reduce the opportunity for travel, COVID-19 is already in the Charlottesville community. Any Plain-

⁵ As the Court noted, Plaintiffs are all exhausted.

tiff with the energy left to travel presumably also has the energy to engage in other high-risk activities in the local area, such as patronizing indoor bars and restaurants, which in normal times are frequently done while classes are in session. Plaintiffs have further argued that Defendants have also proved itself capable of using other, less restrictive measures to reduce travel and gatherings, such as the new policies that the Court mentioned in its opinion, and that Defendants could also reduce travel by shortening rather than eliminating fall break. Defendants have countered that other measures have proven ineffective in sufficiently reducing transmission. Defendants also presented evidence that similar holidays in other locations, including some schools, have led to upticks in COVID-19 cases. In light of this evidence, it is my opinion that reasonable people could disagree on whether eliminating fall break is a necessary emergency measure to curb COVID-19 transmission.

Therefore, I would also reverse the order of the lower court dismissing the case, but rather than granting summary judgement for Plaintiffs, I would remand the case for trial.

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TIKTOK

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an end to an event that was informative, intellectually stimulating, and timely as politics, technology, security, and law increasingly intersect.

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HOT BENCH



Hunter Sentner '23

Interviewed by Jacob Smith '23

Welcome to Hot Bench! Can you tell our readers where you're from?

I grew up in Port Washington, New York, on Long Island.

What was it like growing up there?

It was good. It's a pretty dense suburb of New York City. It's close to the beach and on the water, which is something I greatly appreciated. There's also a lot of fishing and surfing in the area.

Are you a fisher and surfer?

More of a surfer. I stand in the water with a reel every now and then and enjoy floating around for a couple of hours struggling to catch waves.

Cool! I was stalking you on LinkedIn and I saw you were involved in leading groups of at-risk teenagers in the desert. Can you talk a little about that?

Yeah, so I was a wilderness therapy guy in Idaho for three years. After college, I originally went to Utah to work in Park City as a snowboard instructor, and then the ski season ended so my snowboard instructor job ended. But I wanted to stay out West. I've always been interested in working with at-risk youth, particularly juvenile justice. It was a wonderful opportunity to work with at-risk youth in the desert with groups of about eight to twelve kids. The job varied a lot shift-to-shift depending on the kids. Some groups and some shifts are far more intense and stressful than others. And, yeah, it was just a wonderful experience to be with the same group for two weeks at a time. You're able to do a lot of work with and really get to know a group when you're with them 24/7.

When did you start thinking about law school?

Originally I started thinking about it in college. I talked to a lot of lawyers who said to take some time off between college and law school. So I did. I was only planning on going for a year and studying for the LSAT while I was working at the ski mountain. Naturally, that did not happen. I spent way too much time snowboarding and I found a job at Wilderness Therapy. I fell in love with it, and for a long time there that idea of law school exited my brain. The schedule for Wilderness Therapy is two weeks on, two weeks off, so during the two weeks off I'd primarily

travel around living out of the back of my truck. And after a few years had passed, a desire came for more stability and the potential to have an indoor place to live. Another piece of it was a realization that I didn't want to become a therapist, so within that field there wasn't much more upward growth. There's plenty of opportunity to make change as a lawyer, so I come to law school to work in either criminal justice or juvenile justice.

What's one surprising thing about your experience at UVA so far?

One of the things that has surprised me about UVA to some extent is the diversity of experiences that different law students have had. And one thing I always heard about UVA that interested me is how welcoming everyone at the Law School is and how collegial the environment is. It has surprised me to some extent how much that is true. And another thing about law school in general is that, especially during 1L, you hear how much work it is, but there's still plenty of time to remain a human and do the things you're interested in outside of the Law School.

Let's do a lightning round!

Favorite thing to cook?
Stir-fry.

If you could pick one song to play in the background of your life, what would it be?

"Voodoo Child" by Jimi Hendrix.

Most unusual talent?

I'll go with making a fire with a bow drill.

Is that hard?

It's hard to learn, yeah, especially what kind of wood to use.

If you could take over any position on any team in professional sports and be a boss, what would it be?

Closing pitcher for the New York Yankees.

Self-driving cars—are you a fan or not a fan?

I would definitely be a fan. It would give me a lot of opportunity to watch movies and do other things in the car.

Favorite font?

I'd probably just go with Arial because it takes up more space than Times New Roman.

Favorite movie that most people haven't seen?

Take Out from 2004. It's about a Chinese immigrant who borrows money from the mafia and struggles to pay it back. It all comes down to how many tips he gets as a delivery man. And as a take-out man there's not necessarily much room to change your service for tips. The only reason I saw it was because I went to a movie theater to see a different movie, and for whatever reason the film broke, so they said they'd show this movie for free.

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SPACE

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space hit Earth or your enemy? We don't have the technology, but Bruce Willis is on the case. What would be the preferred technology for preventing an asteroid from hitting Earth? It may be useful to have nuclear arms in orbit for nudging an asteroid out of orbit. You can often anticipate an asteroid's trajectory, and, using the nuclear weapons you can adjust an asteroid's orbit so that it doesn't hit Earth. However, the nuclear nonproliferation treaty may prevent any collaboration between countries in this area.

At the moment, the United States is by far the leading actor in planetary defense. NASA is the leader in tracking asteroids. Other countries such as Japan have sophisticated programs which collect samples from asteroids. For anyone interested in forwarding United States interests in space, or just space law in general, Professor Koplou suggests reaching out to experts, reading treatises regarding space law, and visiting NASA's website, which hosts relevant laws and regulations.

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LOVE

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all year. Let's get groovy. What color comes to mind when you think of your partner and why?

Parker: Red. Megan looks great in red.

Megan: Parker is for sure dark green. He loves trees and is very scientific, which screams green to me.

What do you admire most about each other?

Parker: I admire a ton about Megan, it's honestly a ten-way tie. If I had to pick though, it would be that she's so incredibly caring for others, despite having so much personal talent and ability that would make anyone else self-centered or less focused on others.

Megan: Parker is so curious and kind down to his very soul. He wants to know everything about everybody and everything. I've never once been bored in seven years.

Parker is running up the scoreboard here with these answers. What's the first activity you'll both do when things go back to normal?

Parker: I want to spend a long time in the cheese section of a grocery store—a fully immersive and tactile experience with smelling, touching, and scratching my chin as I ponder what to buy. Something that takes a long time in a public place.

Megan: Fly to Europe!

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?

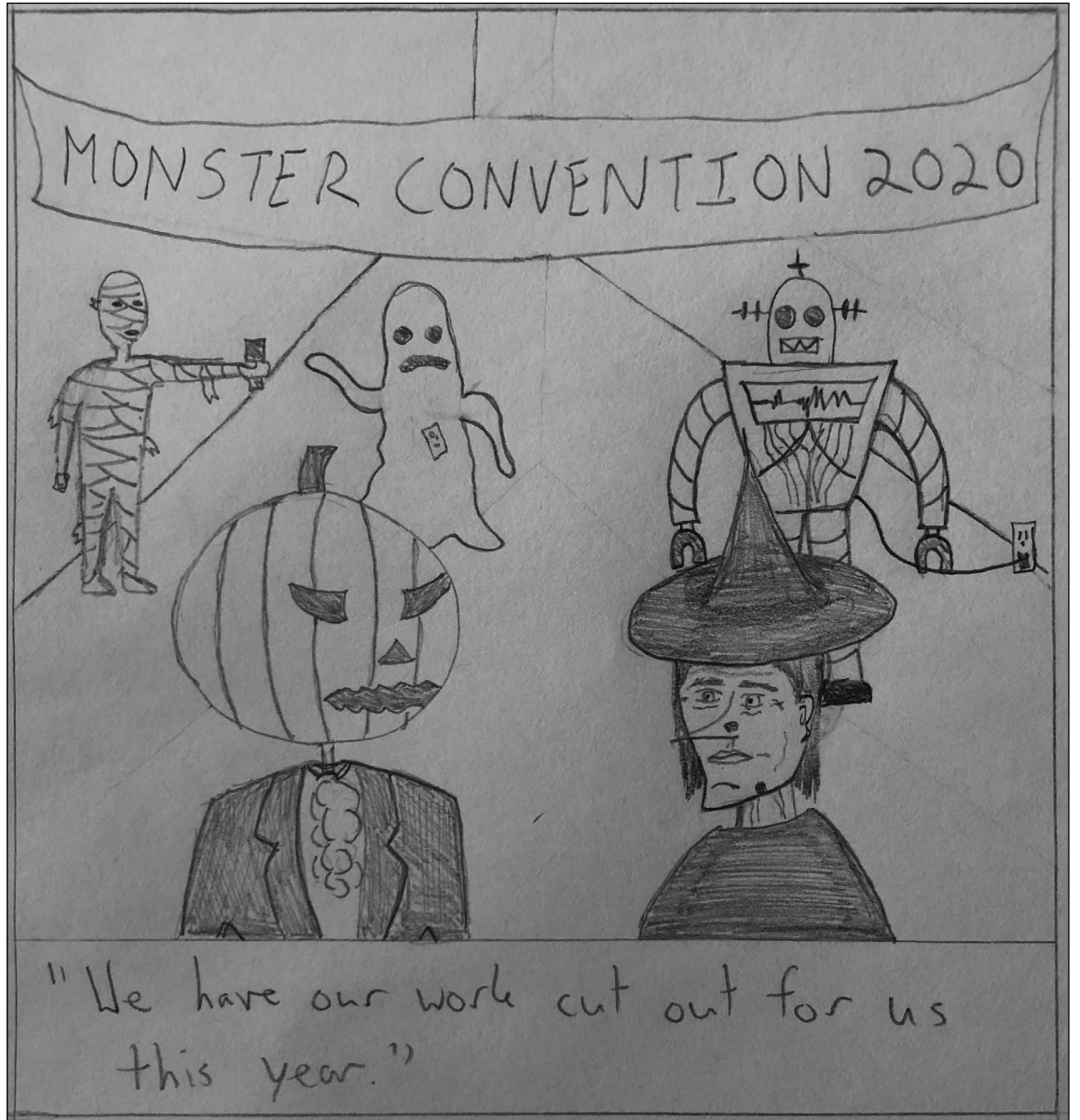
Megan: I'm just so lucky. We randomly met our first days of college, and I ended up with the person who inspires, challenges, and makes me better. RBG has a great quote where she says she had more than a little luck in her life, but nothing equals how lucky she was to meet her husband. I feel the same about Parker.

Parker: I would say Megan is where she is today because she repeatedly made the right decisions when confronted with difficult choices in her life. She should take pride and feel confidence in her past choices and her future choices going forward. I would also say I'm so glad to see her thriving at law school with such an amazing group of friends.

Many thanks to Megan and Parker for joining us 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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Cartoon By Raphael



TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY - October 7				
All Day	PILA Fall 2020 Hornbook and Supplement Sale	Law School	Per Book	⊗
17:30 - 18:30	VLW: Women in Private Equity, Sponsored by Goodwin	Zoom	Free	⊗
19:30 - 20:30	Wellness Wednesday Yoga	Zoom	Free	⊗
THURSDAY - October 8				
All Day	PILA Fall 2020 Hornbook and Supplement Sale	Law School	Per Book	⊗
12:00 - 13:00	VLW and WOC: Diversity and Intersectionality, Sponsored by Quinn Emanuel	Zoom	Free	⊗
17:15 - 18:15	Panel on Voting Rights and Suppression	Zoom	Free	⊗
17:30 - 18:30	Interviewing With Public Service Employers	Zoom	Free	⊗
FRIDAY - October 9				
All Day	PILA Fall 2020 Hornbook and Supplement Sale	Law School	Per Book	⊗
12:00 - 13:00	The Rise of Student-Athlete Compensation	Zoom	Free	⊗
14:00 - 18:00	Beer and Wine Tour Crozet Spirits Loop	Crozet Trolley	Free	Available for Purchase
SATURDAY - October 10				
12:00 - 16:00	Live Music, Wine, and Food	Keswick Vineyards	Free	Available for Purchase
MONDAY - October 12				
08:00 - 09:00	Meditation Monday	Zoom	Free	⊗
19:00 - 20:00	Law Weekly - Editor's Meeting	Zoom	Free	BYOP
Tuesday - October 13				
15:15 - 16:15	So You Want to be a Law Professor?	Zoom	Free	⊗
18:00 - 19:15	The Executive in 2020	Zoom	Free	BYOCFA
18:30 - 20:30	VJOLT / LIST Diversity in Tech Event	Zoom	Free	⊗

THE DOCKET

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