



VIRGINIA LAW WEEKLY

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

A Look Inside: Tips and Tricks for How to Succeed at Softball.....2
Taking Finals after 1L? Just as Challenging.....3
If You're Already Hungry, Skip These Recipes.....3

Wednesday, 27 January 2020

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

Volume 73, Number 13

DICTA: From Personal Life to Law—A Celebration and Reflection

Leslie Kendrick '06
Vice Dean of UVA Law

DICTA features overviews of, musings about, and recent developments in Law School professors' scholarship, as well as their views about current events and happenings in the law. The Law Weekly is excited to reintroduce DICTA and hopes that it will provide an outlet for professors to share their research and reflections with the Law School community.

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

In early January, I gave a talk at the American Association of Law Schools (AALS) Annual Meeting. The AALS Annual Meeting is a large annual gathering of law teachers, librarians, and administrators from across the U.S. and the world. It includes many sessions on a vast array of legal specialties.

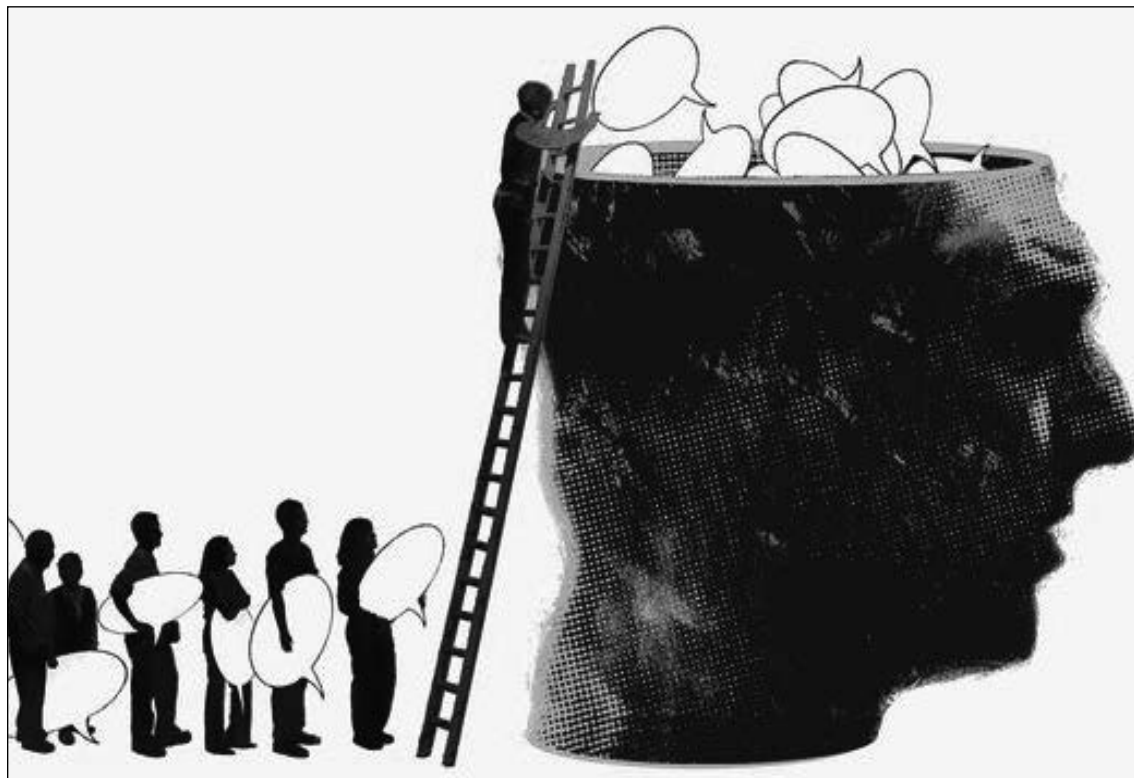
This year, the AALS Torts and Jurisprudence sections partnered to host a panel celebrating the life of John Gardner, a Scottish lawyer and legal philosopher who tragically died of cancer in 2019 at age fifty-four. John spent most of his career at the University of Oxford, where for more than fifteen years he was Professor of Jurisprudence, a chair previously held by H.L.A. Hart and Ronald Dworkin. At his passing, he left behind a rich body of work on criminal law, private law, and legal philosophy, as well as a bereaved transatlantic community of lawyers and philosophers.

I knew John Gardner only a bit, but I have known him by reputation for more than twenty years. I was studying literature at Oxford when John took over the Jurisprudence chair from Ronald Dworkin. One of my best friends had John as her supervisor, and she said often that he was as kind as he was brilliant.

The AALS panel focused on the last book John published before his passing, *From Personal Life to Private Law* (Oxford University Press 2018). (An essay collection, *Torts and Other Wrongs*, was published

PROFESSOR DICTA page 2

Corpus Linguistics and Legal Interpretation: A (Very Brief) Introduction



Pictured: Full of options, corpus linguistics presents a myriad of ways to address complex legal language and approaches. Photo Courtesy of thoughtco.com

Rachel Martin '23
Staff Editor

There are many, sometimes overlapping theories of how judges should interpret laws. One is textualism, which favors applying the ordinary meaning of the law as written.¹ However, this position naturally raises the question of what that ordinary meaning is, which is itself often highly debatable. "I think we are . . . falling short on some of the promises of textualism," Justice Thomas R. Lee of the Utah Supreme Court, a pioneer of corpus linguistics in judicial interpretation, once explained.² The problems are part theoretical—what is meant by "ordinary meaning"—and part operationalization—how to objectively determine that meaning.

One possible definition of ordinary meaning might be the meaning, or "sense," which is most frequent in

a given context.³ However, this can be surprisingly complicated to ascertain. A judge's (or any other person's) intuition is not necessarily representative. And dictionaries are not much better, as they merely tabulate potential meanings. For example, in *Muscarello v. United States*, the defendant was charged with carrying a firearm during drug trafficking when he had a firearm in the locked glove compartment of his vehicle.⁴ The defendant argued that "carry" only applied to having a firearm on one's person, but the Supreme Court determined that the "primary" meaning of "carry" was to transport by vehicle because that is the sense of the word that comes first in the dictionary.⁵ However, that sense was only first because the earliest recorded example of the word was used in this way.⁶ "Somewhere

in the thirteenth century, somebody who was speaking something that looks a little bit like the English that we speak today started using the verb 'carries' to describe somebody conveying something in a vehicle," Justice Lee commented. "Of course, our languages evolve in ways that don't have anything to do with etymology."⁷

This is where corpus linguistics comes in. Put simply, a linguistic corpus is a large, often searchable body of texts taken from real-life use. While some are limited to narrow domains, such as the self-explanatory Wikipedia Corpus, others, such as the Corpus of Contemporary American English (COCA), are taken from a wide variety of spoken and written sources and are designed to be representative of overall language use.⁸ By searching

be chronological, random, or based on dictionary makers' intuitions. For a more detailed discussion of the misuse of dictionaries in legal interpretation, see generally Stephen C. Mouritsen, *The Dictionary is Not a Fortress: Definitional Fallacies and a Corpus-Based Approach to Plain Meaning*, 2010 B.Y.U. L. Rev. 1915 (2010).

7 Lee & Solum, *supra* note 2.

8 See generally Mark Davies, <https://www.english-corpora.org/pdf/english-cor>

1 Because languages change over time, this philosophy can be further split by whether original or contemporary ordinary meaning is prioritized. For a brief overview of this issue, see Thomas R. Lee & Stephen C. Mouritsen, *Judging Ordinary Meaning*, 127 Yale L.J. 788, 824-826 (2018).

2 Presentation by Justice Thomas R. Lee and UVA Law Professor Lawrence Solum to The Federalist Society at UVA Law (November 4, 2020) (recording accessible at <https://www.youtube.com/watch?v=GetPdHEJSQQ>).

3 Another possible definition is a linguistic "prototype"—what first comes to mind when a word is mentioned. For example, if you hear "bird" without additional context, you are more likely to picture something akin to a sparrow than a penguin or flamingo. The "ordinary" bird you picture is a prototype.

4 *Muscarello v. United States*, 524 U.S. 125, 127 (1998).

5 *Id.* at 128.

6 Dictionary ranking may

around north grounds

Thumbs up to the election of Joe Biden. His election gives hope to all of us who will graduate near the bottom of our law school class. Take that, gunners.

Thumbs down to the biggest news story that impacted all of us over winter break. That's right folks, the divorce of Kim and Kanye. The last light has gone out of ANG's life.

Thumbs up to the HOOS Health Check notification and email asking how ANG is doing EVERY. SINGLE. DAY. of winter break. At least HOOS Health Check cares how ANG is doing. ANG's mother hasn't come down to the basement to check on ANG in weeks.

Thumbs down to criminals who take selfies and record themselves while committing crimes like insurrection. How is ANG supposed to overbill these clients when they make a mountain of evidence against themselves?

Thumbs up to textbook authors who just drop a cite to a law review article as if ANG is going to take time out of ANG's forty-page reading to go down some academic rabbit hole like ANG's a law student in the age before TikTok.

Thumbs down to Russia hacking the federal judiciary. Now the Russians have our most sensitive data: UVA Law class rankings. On the bright side, maybe now gunners can finally find out what their class ranking is (for a price).

Thumbs up to the new COVID testing site at the Park. While ANG will struggle to 'milk' ANG's cheeks for saliva every week, ANG is happy to have more people swing by ANG's crib more often.

Thumbs down to closing study rooms. ANG didn't use them to study, but their acoustics for Netflix will be missed.

LINGUISTICS

continued from page 1

corpora, one can determine how frequent the given senses of a word are in different contexts. For example, if one wanted to analyze the issue in *Muscarello*, one could run a search for all instances of “carry” and its conjugations within a certain distance of words such as “firearm” or “gun.”⁹ One would then go through the sentences the search returned and compare how frequent each sense of “carry” is. In the context of firearms, it turns out that it is overwhelmingly more common for “carry” to mean “have on one’s person” than “transport in a vehicle.”¹⁰

Of course, even if a most common meaning can be

pora.pdf (last visited Jan. 24, 2021).

9 Words that often occur together are called “collocates.” Collocates are useful for understanding how a word is used in practice, and most modern corpora allows an individual to specifically search for or narrow results by them.

10 Mouritsen, *supra* note 6, at 1964–65 (using COCA to find that in this context, approximately 64% of instances involved the “on person” sense, 1% involved the “transport” sense, 32% were ambiguous between the two, and 3% fell under neither category).

identified,¹¹ there may be valid reasons for using a different interpretation in any given instance. However, “textualists are trying to find out what the statute actually means . . . and the idea that we would ignore the well-developed systematic tools that have been developed in linguistics . . . is like trying to do antitrust law with no economics,” argues UVA Law Professor Lawrence Solum.¹² While corpora and other linguistic tools may not be a panacea for the issues of legal interpretation, they provide one way to introduce more transparency and methodological rigor into decision-making processes.

rdm9yn@virginia.edu



11 Which will not always be the case.

12 Lee & Solum, *supra* note 2.

PROFESSOR DICTA

continued from page 1

posthumously.)

In *From Personal Life to Private Law*, John argued that private law, particularly tort law and contract law, involves problems and resolutions familiar from our personal lives. In doing so, he drew on a rich array of examples from both life and literature to elucidate intuitions about law and morality.

At the AALS panel, I compared John’s arguments in *From Personal Life to Private Law* with his stance on strict liability elsewhere. In other work, John defends strict liability as consistent with fair-notice values and acceptable within a private-law framework. These arguments square well with *From Personal Life to Private Law*, yet the book mentions strict liability only once. Instead it focuses entirely on the fault standard as paradigmatic of private law. This seems to me a missed opportunity, especially given John’s focus on analogies from literature. From Greek tragedies onward, literature has many examples of figures who are held responsible on what amounts to a “strict liability” basis for actions or failures that they could not have known would have the grave consequences they do. John would have said interesting things about this, and it is our loss that he is not here to say more.

When I planned with the *Law Weekly* to write this piece, I was going to say more about torts. But in preparing for and attending the panel, I started to think about other, bigger principles from John’s work and life, principles that I try to remember and that might resonate for you:

Life is short: The world lost John Gardner too soon. None of us knows how much time we have here. What do we want to accomplish? How do we want to help repair the world? These are questions not for later but for now.

Relationships matter: Life is still long enough to make lasting relationships. John touched so many students and colleagues. The AALS panel involved friends I have been lucky to meet over twenty years, including one from Oxford, a co-author, and our dear Kim Ferzan. The colleagues you have now will be your friends for the rest of your lives. Your relationships will make your work lighter and your life richer. Take time to sustain them.

Your reputation precedes you: I heard what a good person John Gardner was long before I met him. Hearing that such an accomplished person was also kind had a small but real effect on my perceptions of the legal profession. In addition to the relationships you have, you can affect and inspire people you never even meet.

Life and law are connected: John’s book starts

with a conviction that the problems and solutions in law reflect those of life. Law as a profession is not rote performance. It requires creativity, care, and critical thinking. Law school is a chance not only to learn rules but also to reflect. Take the chance. Find what you love or what you love enough to want to change. Learn about it, talk about it with your friends, make it part of what you live and breathe.

This is what I took away from celebrating the life of a wise man. Find your work, find your people. Nourish them, and carry them with you. They will carry you beyond the people you meet, even beyond the span of a lifetime.

Thank you to Christina Luk ’21, Leah Deskins ’21, and the Law Weekly staff for bringing back DICTA and for including this contribution.

kendrick@law.virginia.edu

The 1L’s Guide to a Section Softball Title

I feel bad for 1Ls. I’m sure at this point they are sick of being pitied (there’s Nate Wunderli ’22 Sports Editor



enough pity going around for all of us), but what really gets me is the fact that 1Ls missed out on what could have been the greatest sporting triumph (or failure) of their entire lives due to the disease—that shall-not-be-named. Of course, I feel even worse for myself. As the Sports Editor of the *Virginia Law Weekly*, there has been a dearth of material to pen about. Yes, life is tough for a law school sports editor without any law school sports. I would feel worse for the 1Ls, but I have yet to actually meet a 1L in person, and I am yet to be convinced they exist as a species. But, to make up for my absence, and in preparation for softball’s triumphant return, I have resolved to make a guide for 1Ls. Something to catch them up to speed in the softball world, as well as simultaneously make them jealous of the experiences they are missing out on. So, here are three keys to a successful softball team.

Number One: Fielding

You will soon find out that law school, while full of bright, motivated, intelligent human beings, is not exactly a breeding ground for tal-

ented athletes. Most sections are going to be equipped with one or two great players, another two or three competent players, followed by, well, smart and lovable law students. Putting your talent in the best possible position to make plays is critical to your team’s success.

There are three positions that are absolutely essential: the pitcher, shortstop, and first baseman. The pitcher must be able to throw strikes. When a weak hitter comes up, sometimes the only way they can get on base is through a walk. Generally, it is best to avoid the piercing gaze from your infielders that happens when you walk a poor hitter only to find a good hitter up next. The best pitchers place pitches to try and force people to hit it towards one side of the field (and therefore towards their best fielders). For instance, throwing a ball to the inside portion of the plate to direct a hitter to pull the ball towards the shortstop. Good pitchers also know when they can get a batter to chase a bad pitch and will pitch out of the zone on purpose to get the intended effect. A majority of batted balls also go to one of two positions, the pitcher or the shortstop. The pitcher has to be able to run up to a weakly hit ground ball, turn, then fire accurately to first base. The shortstop is tasked with a variety of ground balls, as well as ranging all across

the field for short fly balls, even ranging to second base or short centerfield. Being a ball hog is just about the biggest compliment one can give to a shortstop in section softball. On any ground ball, in order to make the out, the first baseman must be able to catch. The better the first baseman is, the less pressure the shortstop and pitcher have to make a perfect throw. By locking down these positions, you are going to get the simple outs you must make, thereby avoiding the dreaded 10+ run innings that can be catastrophic to your team’s morale. Having an outfield and third and second basemen who can make plays will make your team elite, but making sure you fill the three key positions will prevent a blowout and keep you competitive in most games.

Number Two: Batting

An electrifying offense is key to any squad looking to make a run for the title. Unlike in fielding where talent can be sparse, the best offensive teams have deep lineups where everyone is capable of getting on base, providing no easy outs for the opposition. So how to build this sort of offensive juggernaut? This is where one must decide where one’s priorities lie. Typically, a good section can find nine to ten players who can hit, and the shorter the lineup, the more your best hitters are going to be able to come to the plate. Section J

made its name last year (and took the title) by having the fewest number of players show up to the tournament, allowing ex-college players like Nick Roberti ’22 to bat just about any time he felt like it. Nothing is more frustrating as a defense to see a guy score and then come up again two batters later. Did anybody like Section J after the tournament? No. Did we accuse them of scaring away the rest of their section, prioritizing winning over fun? Most definitely. But they did get some sweet photos with the trophy for their Instagram feeds, which I’m sure got them tons of followers. On the contrary, Section C managed to get 20+ players to come and participate during the tournament. I respect and sometimes envy Section C for their stalwart at-

tendance, but unfortunately being the most welcoming section has a direct inverse relationship to wins. So, if you want to score lots of runs, come tournament time it may be best to come up with a short, effective lineup. Then again, you may decide that your goal is just to get as many players to participate as possible. This is also a noble goal, just one that can lead to a quick tournament exit.

Number Three: Baserunning

Often one of the most overlooked facets of the game of slow pitch softball is baserunning. My section lost our first game to an underwhelming Section E team solely on baserunning mistakes, as we were caught in

SOFTBALL page 6



Pictured: UVA Law is known as 'Softball-University' for a reason. Photo Courtesy of ngsi.com

2Hell: My Journey Through Finals

The solemnity of the first day of finals was not lost on

Phil Tonseth '22
Production Editor



me. Working towards that moment since early August, I knew that my results that afternoon would be determinative of my future career success. The weight of the impending hours called for a stoic and subdued dress code, hence my all-black attire and backwards cap. Knowing my walk through tangled problems with nary a clear solution would be treacherous, I donned memory-soled shoes in an effort to placate my soon-to-be beleaguered feet.

Set for a shotgun start, I would not be eased into the problem set at hand. To be completed in an idyllic four hours, the examination did not begin with an easy lay-up, nor the ushering of me into a soft landing zone so I could feel a sense of comfort as soon as it began. Rather, the first problem seemed to map out a winding path towards the solution, but with traps along one edge and a forest of false outlets among the other. The choice of the path to reach the answer would be of my own, a multiple choice exam of sorts. However, the length I needed to cover was no chip shot,

but rather an essay I would need to consistently iron my way through. After this first problem, I was discouraged. I had studied what I believed to be relevant material, practiced multiple different approaches prior to the exam, and felt assured I would be able to swing an answer that was up to par. Quickly I had to place that disappointment behind; many more problems awaited.

Slogging my way through the afternoon hours, my answers frequently did not muster up to par, but the sight of infrequent but majestic birdies harkened to a sense of hope that my game face may return to finish strong. Striding confidently through the final problem, a long uphill with a view at the top, flush with Azalea trees, I believed I would come close to acing the final piece of the test. Inches away from completing the round, hovering near the mark to score a 90 and pass with flying colors, I failed to spot one last issue. I overestimated how much the curve would help my final push, and my answer rolled just short. Dejected, but undeterred.

There was no time to bemoan my poor performance nor blame it on the conditions, as three more tests waited before I would cart myself home for Christmas. I spent the next two days

taking different attempts at a range of problem sets, hoping to smooth out any hitches in my swing for the perfect score on the next test. The morning of the fifth dawned with beads of dew speckling the ground, a promising sign for a soft and gentle day ahead. Heading towards my next test, my driver eagerly indicated that I could trust in him to carry me far and quickly towards any solution. I knew I had already wedged myself into a dangerous trap though, as my confidence soared like an eagle before even beginning. This second test, while truncated in time, proved to be a much clearer line towards success. There was neither a wait nor a worry of anyone ahead of me, allowing me to press my luck and shoot for the soft landing zone that was the answer. Feeling more confident after completing my second trek, I knew that while I was halfway through my testing schedule, I was heading into my strongest stretch yet.

Working through my two final tests, I had it rough. My attempts to cleanly strike a balance between power and poise in my shots missed the mark, showing there would be true social distancing between my goals and the ultimate score. Not one to rely on a handicap, I worked tirelessly, pulling all

of the tricks out of my bag. I dressed in my Sunday best, sporting a red polo in hopes of invoking the “Eye of the Tiger” and make an illustrious comeback from the ashes. Consistently scribbling and erasing, I could not get my scores to change at all. After the conclusion of my rounds, I settled for average, destined to ride the curve to mediocrity. Luckily, the clubhouse was selling beer for half price, so I eagerly entered and worked to forget about my four golf rounds those past two weeks. As for finals? I’ll use my mulligan and try again in the spring.

For those questioning why one would dedicate so much time to golf, only to

have their handicap rise and their GPA fall, I bow to the wisdom of my Supreme boi Antonin who once opined, “I am sure that the Framers of the Constitution . . . fully expected that sooner or later the paths of golf and government, the law and the links, would once again cross.”¹

pjt5hm@virginia.edu

¹ *PGA Tour, Inc. v. Martin*, 532 U.S. 661, 121 S. Ct. 1879 (2001). J. Scalia, Dissenting.

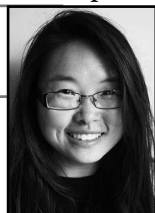


Pictured: Semi-accurate depiction of how hard I studied for 'finals' this past fall. Photo Courtesy of pinterest.com

The Best Baked Good Recipes You Never Knew You Kneaded

Since returning home for winter break, I have been in quarantine, then in a prov-

Grace Tang '21
Foreign
Correspondent



ince-wide lockdown. Being stuck indoors meant getting creative and finding new recipes to try. I am obsessed with carbs, so I had to rise to the occasion and make all my favorite items at home. After months of whipping-up goodies in the kitchen, these are my three go-to recipes. They are all very versatile, easy to make, and not too sweet. So, without further ado, let's get rolling!

BODO'S APPROVED BAGELS

When I posted my bagels on my food Instagram, foodventures_with_grace, Bodo's Bagels complimented my bagel

(I've peaked, proudest moment)! For most of my life, I thought bagels were extremely difficult to make. However, after looking up recipes, I realized they're easier to make than normal bread, and they taste amazing fresh or toasted.

Six medium sized bagels – Recipe adapted from Sally's Baking Addiction <https://sallysbakingaddiction.com/homemade-bagels/>
Bagel Ingredients:

- ¾ cups warm water around 100 °F
- 2 teaspoons of yeast
- 2 cups of bread flour + more to dust
- 1 tablespoon of sugar (white or brown)
- Pinch of salt
- 1 egg white
- 1/8 cup honey for boiling

Bagel Instructions

1. Combine warm water and yeast; leave for 5-10 minutes to dissolve. Make sure the



Pictured: If your mouth doesn't water at the sight of those bagels, you're wrong. Photo Courtesy of Grace Tang '21.

temperature is not over 110 °F or it will kill the yeast.

2. Combine flour, brown sugar, and salt and incorporate with the yeast and warm water. Knead the dough on a lightly-floured surface until smooth, ~10 minutes.

3. Grease a bowl and place the dough in the bowl. Cover with towel, foil, or wrap, and leave in a warm room for 90 minutes until it doubles in size.

4. After the dough rises, shape the bagels by dividing the dough into 6 pieces and shape the dough appropriately.

5. Preheat the oven to 425 °F.

6. Boil water with honey and reduce to medium-high. Boil the dough by adding 3

bagels at a time for 1 minute on each side.

7. Remove bagels from the water bath and place them on a lined baking sheet. Bake for 18 to 20 minutes until golden brown.

KOREAN MOCHI BREAD

These babies are crispy on the outside and chewy on the inside—like mochi—and they are also dangerously irresistible. Mochi bread is more like a dessert than real bread. The great thing about this recipe is the endless flavor possibilities—original, sesame seed, and matcha are variations I have tried so far and they all taste great.

Note that the recipe must be followed closely or the batter will not be thick enough to pipe. For best results use a food scale for measurements.

For Twenty-Four Mochi Breads (Three-inch each)

Mochi Bread Ingredients:

- 46 grams of egg – about one and a half
- 30 grams of flour
- 130 grams of tapioca flour or starch (they are the same thing)
- 150 grams of milk
- 30 grams of sugar
- 2 grams of salt
- 1 teaspoon of matcha powder or 2 tablespoons of sesame seeds (optional)

Mochi Bread Instructions

1. Preheat the oven to 350°F. In a saucepan, add milk, sugar, salt, and butter. Melt on medium heat until the mixture boils, then turn down the heat to very low.

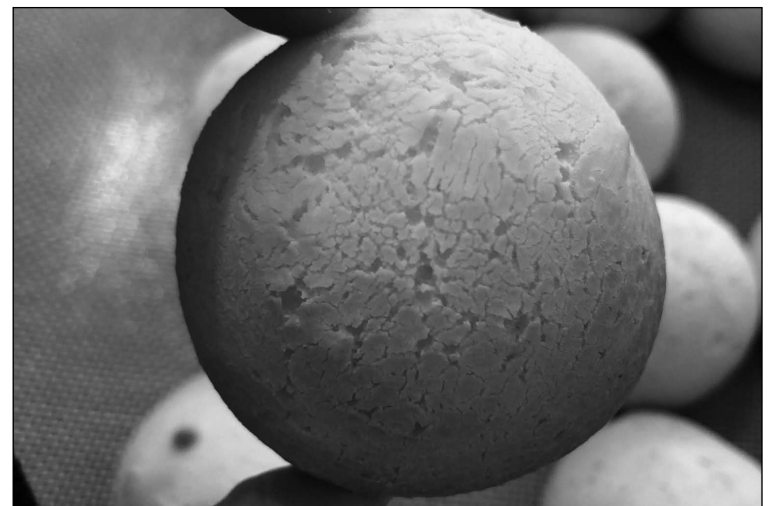
2. Add in flour and whisk quickly to incorporate, otherwise the mixture will be lumpy.

3. Once the mixture thickens and becomes smooth, add

RECIPES page 5



Pictured: While not Bodo's, these bagels are equally as delicious. Photo Courtesy of Grace Tang '21.



Pictured: This donut-hole look-a-like will leave you wanting more. Photo Courtesy of Grace Tang '21.

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

Hangry Students v. UVA Law Hedgefund Managers

73 U.Va 13 (2020)

CHENELLE, J., delivered the opinion of the Court, in which PETERSON, LAKE, WUNDERLI, QUERNER, TONSETH, BERDAN and LUEVANO J., and LUK, C.J., join.

JUSTICE CHENELLE delivered the opinion of the Court.

Amidst the present tribulations and tumult, there have been so many grievous losses and misfortunes that a profoundly problematic plight has been completely ignored—the damage to law students’ budgets wrought by a lack of free food available at the Law School. Plaintiff brought this matter, on behalf of all other students at the University of Virginia School of Law, to the attention of the court through his suit. That suit alleged, amongst other outrages visited upon the student body by the great plague, that students’ food expenditures had been forced sky-high by the lack of opportunities for free feasting. Plaintiff seeks either an injunction forcing the return of this practice or monetary damages in accord with the pecuniary problems produced hereby. Taking a view to historical precedents, as well as the rights and obligations outlined in the UVA Law Student Bill of Rights,¹ the Court grants Plaintiff’s demand, and orders timely performance or payment from the Law School in accordance with the stipulations of the North Grounds Rules of Civil Pro-

cedure.²

Since the great plague’s onset, a host of deprivations have been visited upon both the American people and the world. Over two million are dead, millions more have been left with long-term sequelae from the disease, countless jobs have been lost and businesses shuttered, and industries across the planet have suffered a blow from which they are still reeling and may never rebound.

However, these issues are sadly beyond the scope of our Court’s jurisdiction, and thus we must turn our efforts instead to a dire situation closer to home—the plight of hundreds of hungry law students. They have been forced to passively Zoom into their courses from the comforts of their own homes. They have had to forsake opportunities to intern, extern, and study in exotic locales across the country and the world. And most seriously of all, the rates at which most students here pay for their education have been completely unaffected by the profound changes in their educational atmosphere. Setting aside, for now at least, what this situation should perhaps imply regarding the nature³

of higher education and credentialism in this country, this phenomenon means students must be compensated in other ways.

We, therefore, must look for another aspect of the Law School experience that students have continued to pay for but are no longer receiving. I am informed of a long tradition holding that in times of misty antiquity, such as February 2020, free food would be provided nearly as a matter of course

the School to ingratiate itself with the student body. Therefore, in light of the general principles of fairness outlined in several administrative documents too boring to expound upon here and a generous reading of the unconscionability doctrine, the Law School should either make free food available to students again, or, should this prove impossible given the conditions of aforementioned plague, provide monetary damages in the form of

es amidst another pandemic. Similarly, in 1974, amidst the tumultuous shift to the North Grounds, a temporary disruption in food services was found to require compensatory damages to the affected students, who had taken to bowhunting for deer along the Rivanna Trail to supplement their diets, as they were unable to feed themselves on the meager rations they could afford when unsupplemented by additional food from the Law School.⁶ The relief requested by the class is further supported by an appeal to reliance, as students have relied on the school for free food for so long that students’ future right to free food is a property interest. Indeed, to deprive class members of their free food is an unfair taking, prohibited by the Bill of Rights.⁷ It is thus clear to this Court that, given both the statutory and doctrinal background along with the overwhelming weight of the precedential cases, this class should be certified and the relief for which it prays granted.

"However, with the onset of the great plague, this delightful benefit was withdrawn from the Law School, with nary a fruit basket nor buffet table in sight."

on each day of the week, in such quantity and quality that an impoverished young scholar could go weeks without spending a dollar on their own food.⁴ However, with the onset of the great plague, this delightful benefit was withdrawn from the Law School, with nary a fruit basket nor buffet table in sight. Given the lack of compensation to students for all of the other in-person opportunities they have missed, it seems clear that this would be a relatively cheap way for

an inflation adjusted stipend dispensed to all class members.

I have reached this ruling on a basis not only grounded in Thomistic natural law, the founding documents of these Grounds, and the procedural rules that govern this institution, but also with a keen eye towards precedential considerations. In a 1919 case under very similar circumstances,⁵ the Law School was enjoined against discontinuing dining servic-

Per order of the Court of Petty Appeals, applying

6 *Baccalieri v. Paulsen*, 55 Rot.Unda 3 (1974).

7 Section VIII, Sub-Section II, Article IX, Codicil I.

COPA page 5

5 See *Harry Hungry v. Dean Lile*, 16 Pav. 36 (1919).

Are Really Just Giant Hedge Funds, Princeton Law Review, 2017 Vol. 39.

4 In addition to extensive archival research, I reached this conclusion through conversations with those ancient-of-days, 2Ls and 3Ls, who, through their wrinkled lips, muttered reminiscences of Chick-Fil-A wafting through the halls.


1 Section XXXLVI, Sub-Section CDX, Article LXI, Codicil IX.

2 Rule 15, 610 (a)(63)(B) (4).

3 See *Actually, Universities*

Faculty Quotes

<p>R. Hynes: "I taught at the business school one summer and grading the exams was great. Their answers were so short!"</p> <p>J. Harrison: "This is so exciting that my shoelace came untied."</p> <p>K. Ferzan: "Every year I teach this my circles on the board get more complicated."</p> <p>A. Bamzai: "I was involved with this case but I'm not trying to take credit for it . . . and definitely not because</p>	<p>I was working for the federal government and we lost!"</p> <p>M. Collins: "If we were all betting people, we would probably conclude that that would be insane."</p> <p>G. Rutherglen: "If any of you are planning a trip to the United Kingdom after Brexit, be sure to bring your own drugs."</p> <p><i>Heard a good professor quote? Email editor@law-weekly.org</i></p>
--	--



Virginia Law Weekly

COLOPHON

<p>Christina Luk '21 Editor-in-Chief</p> <p>Kathryn Querner '22 Executive Editor</p> <p>Phil Tonseth '22 Production Editor</p>	<p>Will Palmer '21 Special Projects Editor</p> <p>Raphael Cho '21 Cartoonist-in-Chief</p> <p>Leah Deskins '21 Professor Liaison Editor</p> <p>Bill Re '21 Historian</p> <p>Marlyse Vieira '22 New Media Editor</p> <p>Michael Berdan '22 Opinions Editor</p>	<p>Jacob Jones '21 Features Editor</p> <p>Drew Calamaro '21 Satire Editor</p> <p>Grace Tang '21 Foreign Correspondent</p> <p>Donna-Faye Imadi '22 Current Events Editor</p> <p>Amy Pan '22 Lifestyle Editor</p> <p>Will McDermott '22 Development Editor</p>
---	--	--

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

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

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

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



Locally Owned

ORDER ONLINE
DOMINOS.COM

PIECE OF THE PIE REWARDS

JOIN TODAY AND START EARNING POINTS TOWARD FREE PIZZA

1 = 10 POINTS
60 = FREE PIZZA

SIGN UP

FREE KINDNESS WITH EVERY ORDER

COPA

continued from page 4

the Make Grub Available Doctrine,⁸ Defendant is hereby enjoined to either provide equal opportunities for gratuitous grub as existed prior to the great plague or recompense the class with a stipend commensurate to the value of the grub they would have otherwise received. Should the Defendant fail to comply with this injunction, class members will be given use of the Lawn to plant and grow their own food. The list of crops which may be grown on the Lawn pursuant to this order include legumes, plantains, and leeks. While this list is not necessarily exclusive, plaintiffs must return before this Court and request permission before planting any varieties not specifically enumerated above.

It is so ordered.

dncghu@virginia.edu

⁸ See *Gross Farm Share Beets v. Students Looking for Free Food*, 132 Sco.Co. 15 (2020) for an erroneous application of this doctrine.

RECIPES

continued from page 3

in the tapioca flour 1/3 at a time. Fold in the tapioca flour slowly.

4. Once all the tapioca flour is incorporated, add in the beaten eggs 1/3 at a time. Add in matcha or sesame seeds after the eggs are combined. The batter should be thick but liquid.

5. Transfer batter into a piping bag or ziplock bag and cut the corner. Prepare a baking sheet lined with parchment paper or silicone mat.

6. Pipe the batter into two-inch mounds, this recipe should make ~24 mochi breads.

7. Bake in the oven for 18-20 minutes. The mochi bread will rise, become very round, and form a crispy shell on the outside. Eat while warm; they taste best fresh out of the oven.

FOOL-PROOF CINNA-

MON BUNS

Cinnamon buns are the classic comfort food. They are truly an unbeatable combo when topped with cream cheese frosting, and the whole house smells AWESOME when they bake. Pro tip—I actually use cinnamon bun dough to make bread (just add in an extra egg and half a cup of flour for a slightly denser dough). I think cinnamon buns make a great breakfast or snack, and they go well with coffee and tea!

For Eight Cinnamon Buns-Recipe adapted from Gimme Some Oven <https://www.gimmesomeoven.com/1-hour-easy-cinnamon-rolls-recipe/>

Cinnamon Bun Ingredients:

- 1 cup milk
- 1/2 cup butter softened – 1/4 cup for dough and 1/4 cup for cinnamon sugar
- 3 1/2 cup flour – 3 cups for dough and 1/2 cup for dusting
- 1/2 cup of white sugar – 1/4 cup for dough and 1/4 cup for cinnamon sugar

- filling
- 1 teaspoon salt
- 3 tablespoons of yeast
- 1 egg
- 1/4 cup of brown sugar
- 2 tablespoons of ground cinnamon
- 1/4 cup of chopped walnuts (optional but highly recommended)

Cinnamon Bun Instructions

1. Heat milk and 1/4 cup of butter until it reaches 100°F. Pour into a mixing bowl, then add yeast and combine the ingredients. Leave the mixture for 10 minutes.

2. Add in 3 cups of flour, 1/4 cup of white sugar, and salt. Add in the egg. Stir ingredients well for 10 minutes. This is best done with an electric mixer as the dough is sticky, or use a spatula and stir by hand.

3. Once the dough is smooth, form a ball and put into a greased bowl and cover for 1-2 hours until the dough doubles in size.

4. For the cinnamon sugar filling – combine 1/4 cup of brown sugar, 1/4 cup of white sugar, ground cinnamon, and walnuts together.

5. After the dough rises, remove the dough and place onto a floured surface and roll the dough into a large rectangle (approximately 8 inches by 15 inches). Spread the remaining 1/4 cup of softened butter over the dough surface and sprinkle evenly with the cinnamon sugar filling.

6. Roll the dough into a large log (along the shorter side of the rectangle) about 15 inches in length. Use dental floss (recommended) or a



Pictured: The final product, enjoy at your own risk. Photo Courtesy of Grace Tang '21.

knife to cut dough into 10-12 equal pieces.

7. Place the cinnamon rolls into a greased baking dish and rest for 30 minutes.

8. Preheat the oven to 350 °F. After cinnamon rolls rise, place in the oven and bake for 15-18 minutes until cooked through. Cool for 5 minutes after removing them from the oven.

9. Drizzle with icing and serve warm!

Cream Cheese Icing Ingredients – Combine ingredients and mix until smooth

- 1/2 cup of softened cream cheese (4 ounces)
- 2 tablespoons of softened butter
- 1 teaspoon vanilla extract
- 1 cup of powdered sugar
- 1-2 tablespoons of milk if necessary

gt5ay@virginia.edu



Pictured: Heaven in a pan. Photo Courtesy of Grace Tang '21.

HOT BENCH



Kunchok Dolma '21

Interviewed by Christina Luk '21

Hi Kunchok! Thanks for joining us on Hot Bench this week. Where are you from?

I'm from Queens, New York. I consider it my first home, even though I came there much later in life.

You were back in New York for winter break, how was it?

Okay. Things are going on, like the vaccine distribution. COVID has been tough—tough for the City, its front line workers, and small businesses—but New York is a resilient place. For me, New York is home. New York is my happy place.

When did you start thinking about law school?

When I was fairly young. Growing up in Asia, they ask you at a very early age what you want to be, and I decided I would be a lawyer, because there were very few lawyers around. When I was young, I wanted to be a lawyer to fight for the cause of Tibet. I was idealistic, and I didn't understand geopolitics. Still, those

dreams sparked my interest in international law and international human rights law.

Can you tell us more about the "cause of Tibet"?

Well, Tibet was occupied in the 1950s, so while the rest of the world was being decolonized, places like Tibet and Palestine were being colonized. As a Tibetan, I felt I had to do something on behalf of Tibet. For me, the cause of Tibet has always meant advocating for an independent Tibet.

Is that still part of your goals as a lawyer?

It's part of me as a Tibetan and as someone who cares about marginalized communities and occupied countries. I have a very strong identity as an immigrant from a working class background, and I have a strong identity as a woman of color and a New Yorker. Those identities inspire my advocacy.

What did you do before law school?

After college, I got a fellowship to work in the NYC Mayor's Office of Adult Education. I did a lot of community engagement, worked with immigrants who had limited English proficiency, and, after graduate school, I came back to that work once again. I worked in the Mayor's Office of Immigrant Affairs (MOIA), where I focused on civic engagement, language advocacy, and language justice. We developed language-learning pedagogy based on community-based learning models and on pedagogy of the oppressed, where learners are not empty vessels but dynamic co-creators of knowledge.

Is that when you worked

on the "We Are NY" videos for the City?

Yes, those videos talk about immigrant life in New York and help immigrants learn about city services and, through community education tools, help them practice everyday English. When I returned to MOIA, I got the opportunity to rebrand the program to "We Speak NYC." We created new videos and workbooks focused on worker rights, immigrant rights, mental health, and elder care, among other topics.

That's the program you won the New York Emmy Award for, right?

Yes, I won the NY Emmy for "Rolando's Rights," a story about Rolando, an immigrant, who learns about paid sick leave and wage theft, and then becomes an advocate for worker rights for his colleagues, community, and family. Season one, "We Are NY", also won two Emmys. This is the third Emmy for the program, and the first for me.

What's something you know now that you would tell yourself coming into law school?

I came to law school at a much older age. I think for me, my advice might be more personal. I would say, law school is a conservative elite space that is not designed for working class people of color—I would tell myself that in some ways law school reinforces prevailing systems of oppression. For me, the challenge of law school is also retaining, developing, growing into your authentic self without giving into those power structures.

Thanks for sharing that. Let's learn more about you.

What's your favorite food?

Mama's food, Tibetan Momos.

Favorite place in Charlottesville?

My favorite place is the CAT bus, especially the Number 7 Charlottesville Bus. I don't have a car so I take the bus frequently. On the bus, you meet the everyday people who live and call Charlottesville home.

Anti-stress hobby?

Watching British mystery and crime dramas.

What's a book that left an impression on you?

Disgrace by Coetzee.

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

I think it changes depending on the mood or day, but it would be an old Bollywood song with beautiful lyrics/poetry.

Oh yeah, you speak a ton of languages, what languages do you speak?

Tibetan, Nepali, and Hindi, more or less.

Where's a place you've never been, but would like to go?

Ecuador, I have so many friends from Ecuador who speak about how beautiful it is. The landscape from my research seems a little like Nepal. So yeah, Ecuador.

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

(Laughter) I don't think those kinds of rules exist... It would be "verify your news sources" given the prevalence of fake news.

Anyone you wanna give a shout out to?

Nooreen Reza '21 for her advocacy, activism, and leader-

ship. She does a lot of good work with poise and humility.

We've talked a little bit about your journey to law school. Looking back, does anything stand out to you?

I think something that sticks out to me as an immigrant refugee is how the displacement of myself and my family has affected my journey. There's a struggle that comes from displacement, from being an immigrant and a refugee, and from having to reestablish your roots again and again. It can be consuming. But the community you form around those roots gives you hope for humanity and the good in the world. My journey to law school has not been a straight path. I've had to make a lot of stops. Economic and political struggles have always been a part of my life. Redefining myself, my community, my family, and keeping my humanity in all that—all of that is important to any narrative about me.

How do you feel about your roots now?

I've learned to plant and replant my roots and I feel strangely comfortable with the movement. I've now put down roots in New York, and I'm still deepening those roots, but sometimes that stillness feels strange and scary. I meant what I said about community giving me hope. My community is the working class community in New York, the immigrant community, and women of color. My advocacy has always been rooted in the community and I will always continue that work in some way.

kd5tg@virginia.edu

SOFTBALL

continued from page 2

two triple plays and a double play because of a misunderstanding of the tag-up rule. Explain the tag-up rule early and often, but also send baserunning coaches who understand the game to make sure teammates know when to go and to hold. Knowing when to stretch a triple to a home run, or when to stay put are situational decisions that take time and experience. For instance, if you got your best batter up next, you may just want to play conservatively and wait to be driven home. However, if you see that the ball is being relayed to the second baseman who you know does not have a good arm, it may be safe to go for extra bases. Again, having a baserunning coach can simplify the game for everyone and minimize frustrating mistakes.

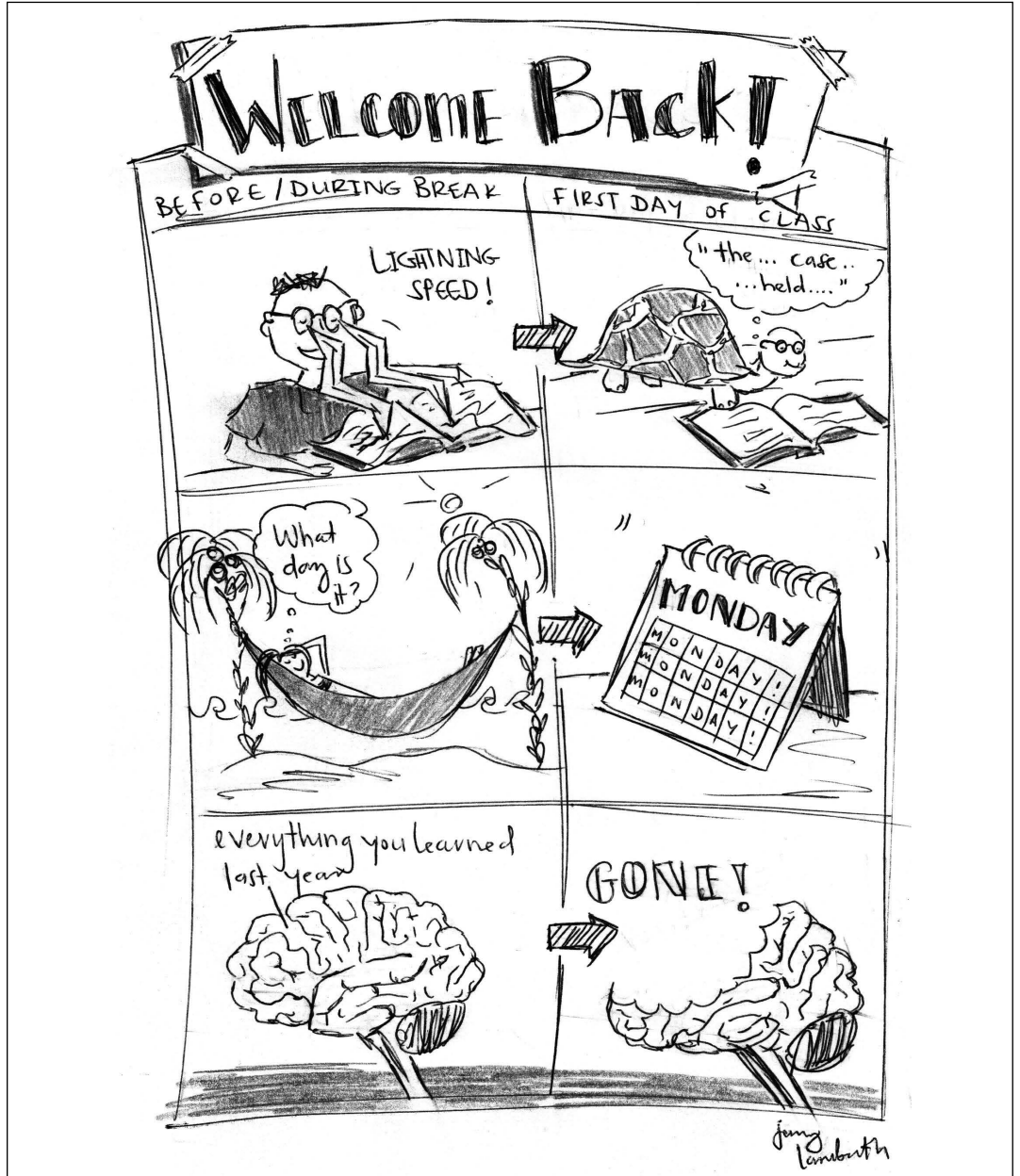
Editor's Note

That concludes the first official guide to a 1L softball title. The extended version is available online in PDF form or for purchase on Audible. You may be thinking, what gives me the credentials to write an article on winning a section softball tournament? You may have gathered that unfortunately the softball gods have yet to grace my beloved Section A with a title of their own. We have had great wins, once coming back from eleven runs down in the final inning to

capture our first victory; and crushing defeats, losing to the same team months later in the tournament semifinals with a comeback of their own (still waiting for the grudge match, Section G). Through the ups and downs, we have forged friendship, trash-talked opposing teams, cried a little, laughed a lot, and experienced the wide array of emotions that comes from competitive sports. For many, softball provides a fun, relaxing escape from the rigors of higher education. But it can also provide much more than that. Softball and sports, in a way, are a sort of life within a life, often detached from reality but posing real-world challenges though a different lens. As someone who has competed in sports from a young age all the way through the college level, I am no stranger to the emotional hills and valleys a game can provide. But even I was surprised at the raw excitement and emotion that comes after hitting a walk-off homerun or the sinking feeling in my stomach when my section suffered a brutal defeat in the tournament. The mistakes, the luck, good and bad, the unpredictability, and triumph of achievement can all be experienced within an hour-long softball match at UVA's own Copley Field.

nw7cz@virginia.edu

Blast from the Past Cartoon



Cartoon Courtesy of Jenny Lambert '19.

THE DOCKET

TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY - January 27				
All Day	Second Spring PILA Book Sale	Zoom	TBD	⊖
All Day	VLR January Notes and Comments Pool Open	Zoom	Free	⊖
17:15 - 18:15	Legal Writing Info Session	Zoom	Free	⊖
18:00 - 21:00	Libel Show Auditions	Zoom	Free	⊖
THURSDAY - January 28				
All Day	Second Spring PILA Book Sale	Zoom	Free	⊖
17:00 - 18:00	Spring Meeting & Virtual Teaching Demo: Street Law	Zoom	Free	⊖
18:00 - 21:00	Libel Show Auditions	Zoom	Free	⊖
FRIDAY - January 29				
10:30 - 15:00	From the Equal Rights Amendment to Black Lives Matter: Reflecting on Intersectional Struggles for Equality	Zoom	Free	⊖
14:00 - 18:00	Beer and Wine Tour	Crozet Trolley	Free	Available for Purchase
15:15 - 16:15	1L Private-Sector Career Spring Kickoff	Zoom	Free	⊖
SATURDAY - January 30				
09:00 - 13:00	Winter Farmers Market	IX Art Park	Free	Available for Purchase
13:30 - 16:00	January Evenings on the Hill	Pippin Hill Farm & Vineyards	Free	Available for Purchase
MONDAY - February 1				
16:00	Add/Drop Period Ends	Canvas	Free	⊖
17:30 - 20:00	Jazz Night at the Chateau Lobby Bar	The Oakhurst Inn	Free	Available for Purchase
Tuesday - February 2				
12:30 - 13:40	Law and Economics Workshop with Catherine Tucker (MIT)	Zoom	Free	⊖
16:00 - 17:00	Renting in New York - A Practical Guide	Zoom	Free	⊖

SUDOKU

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

Solution

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