



VIRGINIA LAW WEEKLY

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

A Look Inside: A Sitting U.S. Senator Virtually Visits UVA Law.....2
Meet Zona, A Quarantine Dog Stealing Hearts.....3
Disbarred/Disappeared: Practicing Law in China.....3

Wednesday, 24 February 2021

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

Volume 73, Number 17

This Tuna is Off the Hook: Farewell from the Editor

Christina Luk '21
Deposed Editor-in-Chief

To say that this has been an eventful year is an understatement. To say that I will miss the *Law Weekly* very much is also an understatement. February to February, my term is up and I pass the mantle of Editor-in-Chief to yet more capable hands than mine. We did not release smoke from the chimney atop the Law School Library to announce this transition, but that's only because *VLR* would not let us into their office. I'll settle for this letter instead. It is time to say goodbye and thank you.

Thank you for letting me be a part of this amazing community. I am surrounded by some of the most intelligent and kind people I have ever met. I have found confidants, mentors, brothers and sisters, and even one archnemesis.¹ I have grown from the support of my peers and in the light of their shining examples. As I prepare to leave the Law School in a few short months, I wanted to share a glimpse into what I've seen from the helm of the Law School newspaper.

For one, there is never a dearth of news at the School. Even after going virtual, the Law School is full of events, activities, and drama. A boon for any newspaper. Since last March, we've celebrated love in all its forms in our *Love in the Time of Corona* column. We published our April Fools edition, which we still maintain is hilarious. We bid goodbye to Dean Cordel Faulk and welcomed a new Dean of Admissions. (Hi Dean Blazer, we're excited to interview you.) We pushed for change, we asked for cookies on Fridays,² we asked for UVA Alerts to be a little bit more specific, and we did it all with our special brand of humor.

All jokes aside, I am glad that the *Law Weekly* has continued to publish this year. We have written, edited, and published more than twenty editions since COVID forced us online, and every edition has been chock-full of news and laughs. Our online reader-

1 You know who you are.

2 Which we got! And then, you know, COVID.

Shaping Justice in a Time of Crisis



Pictured: Keynote Speaker Terrica Ganzy '02, Deputy Director of the Southern Center for Human Rights. Photo Credit: Warren Craghead

Jacob Jones '21
Features Editor

Last Saturday, February 20, students, faculty, and experts gathered for the Fifth Annual Shaping Justice Conference. The event, sponsored by the Mortimer Caplin Public Service Center, the Program in Law and Public Service, and the Public Interest Law Association, brings in various speakers with a central theme each year. This year, the conference was titled "Shaping Justice in a Time of Crisis" and addressed a wide variety of topics related to justice.

Panels started at 10 a.m. The panels covered a range of topics, from racial justice and supporting people of color, to the fight for voting rights, a movement to dismantle the Department of Homeland Security, to sex discrimination in the workplace, and environmental justice. Each panel was moderated by a UVA professor, and each panel brought in several experts to discuss the topic.

The keynote address was given by Terrica Ganzy '02. Ganzy boasts an extensive resume and has fought for civil rights since graduating from the Law School. Ganzy has been involved in representing capital defendants¹ from the trial stage to appeals to habeas petitions. She has also organized capital defense teams and helped

1 Capital defendants are facing or are potentially facing the death penalty.

manage investigations in those cases. Importantly, she has also engaged with the public and advocated to abolish the death penalty. Ganzy now holds the position of Deputy Director of the Southern Center for Human Rights.

Rather than expressing her own view of what shaping justice looks like in 2021, Ganzy's speech took a much more personal tone and offered advice for those looking to go into public service at some point. She offered several tips for those looking to make change.

Tip number one: you are enough. Ganzy discussed how the challenges facing those who are looking to shape justice can often feel overwhelming. Other activists and advocates who have succeeded have been in the same spot and felt the same way. If they could overcome those challenges, then so can you.

Tip number two: continue to expand your vision of what is possible for justice. Be an artist who gets closer to a masterpiece with each work, or an architect who develops the blueprint for a new vision of justice. If you are seeking to make change, it's important you don't limit yourself to the custom of the time; normal and accepted does not equal right.

Tip number three: know who you are, and embrace your values. Ganzy related this tip to her own story: After graduating from UVA Law, she had a choice between going to a firm or tak-


ing a fellowship at a legal nonprofit. She didn't want to have to sacrifice her values and felt that at a firm she would have to conform to being someone she is not.


Ganzy also offered advice on working with community members: Be mindful of going into the conversation thinking you have all of the answers. A law degree does not give you everything you need, and people within the community are experts on matters on which you are not an expert. Ganzy also discussed the importance of caring about those you advocate for: Some people are not going to win in court. The justice some people get will be that you advocated for them and fought for them. Ganzy's final piece of advice is that if you follow your passions, everything else will come. It may sound cheesy, but it was true for Ganzy.


After the keynote speech was finished, three separate alumni were honored for their role in public service. Elizabeth Epps '11 was awarded one of the Shaping Justice Rising Star Awards for her work in founding the Colorado Freedom Fund, "a revolving community bond fund that pays ransom for our neighbors unjustly detained in cages across Colorado who cannot afford to buy their own freedom" that seeks to abolish wealth-based detention.² Ms. Epps


2 <http://www.blackbailout>.


around north grounds


 Thumbs down to the freezing rain and ice over the week, ANG struggles to walk properly and avoid running into things as it is.


 Thumbs up to UVA closing the gyms. Now ANG doesn't have to lie to ANG and pretend to be planning to go to the gym and not go.


 Thumbs sideways to automatic light shut-offs. ANG loves flapping ANG's arms around wildly every twenty minutes but hates the environment.


 Thumbs up to Professor Nelson for doing an entire lecture with a moose head in the background behind him and not mentioning it.

 Thumbs down to UVA admin for letting fraternities rush in-person and then not letting grad students socialize at all. Surely the primary driver of cases is these law students and their three person gatherings.

 Thumbs up to finally having dates for Summer OGI. ANG did not want to leave Grounds for an internship anyway.

 Thumbs down to Kim finally filing for divorce from Kanye. First she breaks the internet, then she breaks Kanye's heart, and then she breaks ANG's spirit. Maybe Khloe or Kendall will find true love.

 Thumbs sideways to SCOTUS allowing New York to access Trump's financial records. ANG has been dogging the IRS for decades and doesn't like this new precedent.

 Thumbs up to Daft Punk for quitting while they're ahead. More artists could realize when they're past their prime and stop performing concerts with the aid of the geriatric walker.

SHAPING JUSTICE

continued from page 1

also serves as a Smart Justice organizer for the ACLU. April Nicole Russo '11 received the other Rising Star Award. Ms. Russo is a U.S. Attorney in the Department of Justice's Human Trafficking & Child Exploitation Section. Ms. Russo talked about the overwhelming challenge in public service work: In response to someone not being able to save all the starfish dying on a beach, she says: "Well, I just saved that one." Professor Toby Heytens '00, who is on leave as a professor, received the Shaping Justice Award for Extraordinary Achievement. What could be so important and such an extraordinary achievement that one would take a break from being a professor of law at UVA? Well, arguing in front of the US Supreme Court, being the Solicitor General of Virginia, and winning "General Supreme Court Best Brief Award in 2020" are all pretty good starts. One would expect nothing less from someone who, according to rumor, dropped pincites in his final exam.

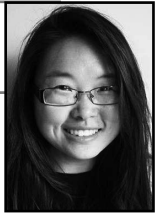
jmj3vq@virginia.edu

org/

Chicago Law x UVA Law: A Workshop on Race and the Law of Business & Finance

The University of Chicago Center on Law and Finance teamed up with the Univer-

Grace Tang '21
Foreign
Correspondent



sity of Virginia John W. Glynn, Jr. Law & Business Program to present an academic workshop on race and law of business & finance on Friday, February 19. Panelists Abbye Atkinson, Associate Professor of Law at Berkeley Law and Andrew Hayashi, Professor of Law at UVA Law, presented their research on how the law interacts with issues of race in business and finance.

University of Chicago Law School Dean Thomas J. Miles presented welcoming remarks to attendees. In his opening remarks, Dean Miles thanked Dean Goluboff and Professor Cathy Hwang at UVA for their efforts in creating the workshop, and to the panelists for "both their teaching and research, which has expanded our understanding of important legal issues and our society at large." Aneil Kovvali, a Bigelow Teaching Fellow and lecturer at the University of Chicago, moderated the panel.

Professor Atkinson's research focuses on the law of debtors and creditors as it affects economically disenfranchised communities. Professor Atkinson considers how

race and gender are impacted by consumer financial structures—whether or not debts are fairly priced. She also analyzes how debt affects historically marginalized communities, especially those who are women, African Americans, or impoverished. "Policy-makers should be aware of market-based, debt-funded provisions; debt is a channel for socioeconomic subordination," says Atkinson, adding "Debt was historically viewed as a tool of social provision for the poor. Policy debates are about access to debt, instead of the more fundamental question when indebtedness itself is social and economic subordination."

During the workshop, Professor Atkinson discussed her research on how pension plans depend on marginalized borrowers to generate returns to help public service and civil servants with their retirement. Pension funds are huge institutional investors, and the fund assets are increasingly held in risky investments, revealing an increased appetite for risk by pension funds. "Studies show that three-quarters of fund assets are in higher risk investments, like private equity firms." Pension funds invest (through private equity and other investments) in for-profit colleges, subprime loans, and other marginalized debt.

Atkinson argues that pension fund investment in marginalized debt perpetuates issues in socioeconomic inequality and justifies continued inequality and marginalization. As part of our system of social welfare, pension funds shouldn't participate in marginalized debt, even if it serves to help teachers and public servants with their retirements.

"The issues with investment in marginalized debt is that we commoditize the income, and the investment makes the denouncement of marginalized debt more complex." Retirement is important for public service and civil servants to retire in dignity. However, a robust, well-funded public pension fund has implications for wealth, equality, and social significance. The bigger picture shows the result of pitting one marginalized group against another. Atkinson points to larger conflicts of interest in the market-based social division.

Atkinson provides several recommendations to the current conflict of interest. Pension fund investment regulation could regulate the industries and interests. Private equity firms or fund managers and other actors tasked with working for the public good could be regulated, or public fund fiduciary duties could be expanded.

"I think race is at the core

of thinking about issues of credits and debt, as well as home ownership and value. We can trace that concept of home value to racialized notions of preference. If we purport to want to move the ball forward, then we must acknowledge and think about the world with race as a factor," said Atkinson.

Professor Hayashi's research on dynamic property taxes and racial gentrification was motivated by a long history of discriminatory property assessments. "Historically, the property appraisal process was very subjective," says Hayashi, where "Overvaluation of Black properties has led to increased property taxes in the past." His research reveals a discrepancy in property taxes due to gentrification and shifts in populations from one neighborhood to another. "Under income tax, any benefits derived from racial preferences get taxed. For example, if the market rewards whiteness in wages or profits, that benefit is taxed. Real property benefits are also taxed in general, but *property tax caps* subsidize transitions to whiter neighborhoods during gentrification."

Many states have property tax caps in calculating property taxes owed. The

RACE AND BUSINESS page 5

Senator Whitehouse '82 Visits UVA Law

On Thursday, February 18, UVA Law Democrats (Law Dems) hosted U.S. Senator Sheldon Whitehouse (D-RI)

Kathryn Querner '22
Features Editor



('82) for an extended Q&A session. The hour-long Zoom event began at 5:15 p.m. and was well-attended; nearly sixty students and professors joined the event. Attending students also had the opportunity to place an order at Roots, paid for by Law Dems. Because of the risky driving conditions caused by the winter storm, students had the option to either order at the time of the event or for the following day when weather conditions cleared up.

Senator Whitehouse's career path illustrates his commitment to public service. He has held roles including the U.S. Attorney for the District of Rhode Island (1994-1998), and has served as a U.S. Senator for Rhode Island from 2007 to present. Some of Senator Whitehouse's objectives as senator include addressing climate change, reforming the criminal and juvenile justice systems, and rooting out dark money from elections.

As Senator Whitehouse is currently one of the most senior Democrats on the Senate Judiciary Committee, many students posed questions related to the events of January 6 and Donald Trump's

impeachment. The senator labeled January 6 as an "infuriating and humiliating day," and shared that he felt "nauseous" thinking about this "lasting blot on our country." He called for a 9/11-type commission to look into the events of January 6, noting that he would like to have lawyers hired to dig up the facts and figure out who was behind the event. He would like to see some accountability for right-wing apparatuses that stir people up, propagate lies, and advocate for this kind of mischief.

One student asked Senator Whitehouse about the possibility of changes that might be made to the judiciary in upcoming years, especially in light of the solidified conservative majority in the Supreme Court. The senator shared that court-packing is a drastic measure, so Democrats should do their research and engage with the public before making a decision to pursue this path.

Regarding one of the senator's key initiatives involving bipartisan climate change legislation, Eric Seifriz '22 asked how this critical issue has become so partisan in recent years and what we might do to detangle the issue of climate change from political polarization. Senator Whitehouse explained that the 2010 *Citizens United* ruling by the Supreme Court opened the door for the fossil fuel industry to obtain unlimited campaign

finance spending, which they used to influence the Republican party and punish those elected officials who chose to challenge the fossil fuel industry. This created the polarization of the issue of climate change that we see today.

Regarding whether he enjoyed the event, Seifriz shared, "This event was a great opportunity to hear a U.S. Senator speak so candidly on a wide range of issues, while letting the conversation be driven by his audience. I especially appreciated hearing his assessment of the climate crisis and how we got to this point. We have been learning about the history of the modern environment movement in Environmental Law this semester, so to hear the firsthand account of someone who has had a front row seat to these policy debates—and his assessment of what has gone wrong and needs to change going forward—was edifying."

Chance Maginness '22 questioned the senator about bipartisanship. When asked for his thoughts on the event, Maginness commented, "I really appreciated Senator Whitehouse taking the time to come talk to us. Not a lot of sitting U.S. Senators would take the time to come answer our random questions about politics and do it so earnestly. Of course, I would've rather he been using his time to question impeachment witnesses instead of avoiding my criticisms of bipartisanship, but

hey, I'll take what I can get."

Senator Whitehouse also shared some advice for students: Having had the opportunity to work for the public interest and engage with the Rhode Island community, the senator recommended that students consider entering the public sector and running for political office. "Life will be richer even if you lose . . . if you can afford to get away from the private sector . . . you should." He did mention that one downside of holding public office has been the publicity, but overall, the senator reiterated, "I've loved it, and it has made my life so much richer."

Law Dems President Will Scheffer '22, who organized the event, commented, "It's a rare opportunity to get to watch a U.S. Senator hold court for an hour, but what really made the event special

to me was listening to the incredibly thoughtful and insightful questions that my UVA Law classmates put to Senator Whitehouse over the course of an hour. It was a nice reminder of what makes our school special at a time when I think many of us are feeling either physically or figuratively distant from the Law School community."

The senator concluded by discussing his years spent at UVA Law, specifically referencing the good memories he has of the Foxfield Races. Senator Whitehouse's generous donation of his time, thoughts, and advice to the UVA Law community spurred valuable political conversation, and hearing a U.S. Senator speak was a unique opportunity for all who attended.

kmaq8uf@virginia.edu



Pictured: Senator Whitehouse '82 diligently answered questions and offered sound advice to those in attendance. Photo Courtesy of law.virginia.edu.

Pets of Quarantine: Zona and Alyssa

After almost one year of quarantine, most people have either learned to live alone

Phil Tonseth '22
Editor-in-Chief



or altered their life circumstances to find 'safe' friends. While Love in the Time of Corona featured how many different couples are thriving in their romantic pursuits during these trying times, this feature is for those who choose to shop at an animal shelter instead of Tinder for companionship. Like this pandemic, love still lives on, so we welcome you to learn about and meet all of the new furry friends adopted during quarantine and potentially add a new member to your own family. This is Pets of Quarantine.

This week's guests are Alyssa Metcalf '22 and Zona, an absolute gem of a pupper who's got a body that puts J Lo's to shame.

Hey y'all! I'll go to you first Alyssa, what inspired you to adopt?

I think that like a lot of folks, I figured that there was no better time to get a puppy than during quarantine, since we suddenly had all of this free time. It's been really nice to have a companion during a time where it's easy to feel isolated; Zona doesn't just brighten up our day, but she has that effect on pretty much everyone

she meets.

What exactly drew you to Zona particularly? Did you look for a specific breed or temperament?

Size was definitely a big factor—obviously, I wasn't looking for a Great Dane or anything, and wanted a nice balance between a good apartment dog and a breed that was relatively active. Temperament was important, too, and mini Aussies are about as sweet and gentle as they come.

Was it love at first sight?

I think so! Zona clearly has always been adorable (especially when we first met her and she was the size of a gerbil) but what really drew us in was her personality. She's always been very sure of herself and has a slight attitude that is really endearing, even if it results in her being a little spoiled sometimes.



Pictured: Zona knows she's a model, now it's the worlds turn to know as well. Photo Courtesy of Alyssa Metcalf '22.

Zona, you're up. Getting straight to the point, do you like Alyssa or Ray more?

I plead the Fifth.

Alyssa, do you agree?

Looks like she's learned a lot from Criminal Investigations!

Zona, have you been called on to contribute in class yet? Also, do you feel like you've learned anything so far?

I haven't been called on yet, but I like to make an unannounced Zoom appearance every now and then. I can't say I've absorbed too much in terms of content, but I really should catch up on Antitrust in case Professor Nachbar decides to call on me.

Slight follow up, but also unrelated. Why do you frequently sit and lick windows Zona?

If you were as cute as me, you'd want to makeout with your reflection too.

Alyssa, how has Zona changed your life for the better, or worse? She seems like a hoot to me, personally.

Zona's definitely a hoot, and she really does bring joy into the lives of everyone who meets her. Because she's so affectionate and funny, she's able to turn a bad day around, and she's unquestionably changed my life for the better.

Would you say that you or Ray has become the responsible parent? AKA who takes Zona to pee at

5 AM in this cold weather?

Anyone who lives in Ivy Garden knows the answer to this question: Ray. You can see him around 7 every morning taking Zona out while admittedly I'm still in bed.

Zona, do you get fed any table scraps for when you're being a good girl? What's been your favorite so far?

Sometimes! My personal favorites are peanut butter (duh) and the occasional puppucino from Starbucks.

Okay Zona, let's see if you can focus long enough to do a lightning round!

Best Trick?

Uh, sit?

What's your favorite yard to pee in?

Lizzie Pate's ('22) in front of Building 115 is a personal favorite of mine.

Would you rather jump in every puddle on a walk, or roll in the mud?

Both, because I like to make myself as gross as possible before coming inside.

What's the name of your favorite toy?

Consuela the Cactus.

Biggest pet peeve?

When every single second of my owners' attention isn't devoted to me and I'm not getting peanut butter.

Would you count your walk style as a saunter, jog, or runway strut?

Definitely a saunter—like you said, a body that puts J. Lo's to shame.

Pictured: The ultimate Christmas card photo. Zona has been a wonderful addition to Alyssa and Ray's law school experience. Photo Courtesy of Alyssa Metcalf '22.



Would you consider yourself a doggo, a woof-er, a pupperoni, or a bork-er, and why?

I'm not really much of a barker, so I have to go with pupperoni.

Lastly, Who's a good pupper?

That's an easy one: me!

Alyssa, is there any parting thoughts about Zona you'd like to share, or further convincing you think your readers will need to follow in your paw prints to adopt?

I would highly recommend getting a dog to anyone who is considering it! I know plenty of people who have made similar decisions (looking at you, Jack Tucker '22), and it really does

QUARANTINE PETS page 5

Disbarred for Defense: Attorneys in China Under Threat

China's legal profession has evolved along with changes in government priorities and so-

Dana Lake '23
Staff Editor



cial movements. Today, foreign law firms can establish branches in China and take part in the country's massive economy. Many restrictions remain, however. For example, foreign lawyers cannot take the Chinese bar exam or practice Chinese law. Even for native Chinese lawyers, politics remain a massive barrier to justice.

China has had thousands of years of history that has formed its legal system. But despite its ancient history, China's legal profession has only existed in its current form for a few decades. Below is an extremely brief summary of the tumultuous road Chinese law has taken.

The earliest fully preserved Chinese legal code dates to the 600s. It was a primarily inquisitorial system with strong Confucian foundations. Modern Chinese law began with the fall of the Qing Dynasty in 1911 and a push for a western-styled code of law in the 1920s, followed by an informal decentralized system that emphasized social pressure under Mao in the 1950s. The next decade saw a push for codification, more judicial autonomy, and the growth of the legal profession—gains that were largely erased during the

Cultural Revolution. It wasn't until Mao's death in the 1970s that China's first criminal legal code was enacted. The 1980s saw growth in the legal system once again, with the 1982 Constitution expanding individual rights and denying exemptions for party leaders. A civil code was introduced, and by the 1990s, an adversarial system was adopted. Under Xi, China has continued to grow its legal profession while maintaining a strong central government.

What this summary only hints at are the executions, disappearances, and imprisonments of many of the legal professionals who have worked to push China into a modern system of law. Their work has not ended. The Weiquan Movement continues to push for greater freedom of speech, defend persecuted minorities, and fight for greater food safety and environmental protections.¹ Lawyers who take cases that contribute to the movement put their own freedoms on the line.

The 709 crackdown is a recent example. In 2015, more than 200 Chinese lawyers and Human Rights activists were arrested, imprisoned, and in some cases tortured for their work.² The defense attorneys for those arrested in the round-up found themselves facing legal action for taking

their cases.³

In a country where the prosecution has a conviction rate of over 99%, Chinese defense attorneys already have a high bar to overcome for their clients.⁴ In high-profile or politically sensitive cases, it can be impossible. Attorneys are blocked from meeting with incarcerated clients, and accused parties are often assigned government counsel instead. If the defense attorney is not imprisoned themselves, they increasingly face disbarment as retribution for not stepping down.

This is what happened to the lawyer who sparked this article.⁵ Ren Quanniu is a human rights attorney who specializes in religious freedoms. In 2016, the Chinese Ministry of Justice passed an order making it illegal for lawyers to advocate for their clients outside the courtroom.⁶ For Ren, it was his language in the courtroom that provided the grounds for his disbarment: While defending a member of a religious minority, he refused to call his client's movement a cult.

³ ge.usembassy.gov/five-years-of-injustice-following-chinas-709-crackdown-july-8/

⁴ <https://www.nytimes.com/2020/08/06/world/asia/china-inmate-murder-zhang-yuhuan.html>

⁵ www.npr.org/2021/02/18/963217332/where-no-one-dares-speak-up-china-disbars-lawyers-on-sensitive-cases

⁶ www.gov.cn/gongbao/content/2016/content_5113014.htm

Another Chinese attorney, Zhou Ze, recently had his license to practice law suspended for publishing a video of police torturing his client to force a confession. Other human rights lawyers, like Gao Zhisheng, who was last seen in 2017, have been "disappeared" and their whereabouts are unknown.⁷ More commonly, defense attorneys find themselves in positions like Sui Muqing. Sui was not only disbarred for representing a human rights advocate who had done work for the families of Tiananmen Square protesters, but he also continues to be completely censored.⁸ He can-

⁷ www.amnesty.org/en/documents/asa17/0199/2019/en/

⁸ www.npr.org/2017/10/12/557444676/chinese-activist-in-government-custody-is-in-failing-health

not publish writings or have any social media accounts.

The risk for Chinese attorneys in politically sensitive cases is enormous. Even in modern China, the repercussions for representing sensitive clients range from secret, indefinite detention to the end of one's financial livelihood. Still, Chinese attorneys continue to defend political prisoners and human rights advocates. I was driven to write this article because of a quote from Ren that struck me in a way that I hope will also strike you. The quote is from shortly before he was disbarred: "Even if my lawyer's license is canceled, I have at least made good use of it."

dlguh@virginia.edu



Pictured: Human Rights Attorney Ren Quanniu was Disbarred for his Advocacy. Credit: Photo Courtesy of: Leo Ramirez/AFP via Getty Images

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 pjt5hm@virginia.edu

Students v. Construction 73 U.Va 17 (2021)

PETERSON, J., delivered the opinion of the Court, in which BIRCH, QUERNER, WUNDERLI, McDERMOTT, LAKE, BNINSKI, KULKARNI, and TONSETH, C.J., join.

JUSTICE PETERSON delivered the the the opinion of the Court.

The natural beauty of the surrounding area is undeniably a calling card of Albemarle County and the University as a whole. That natural beauty functions as a public good, enhancing the quality of life of each and every individual in the city of Charlottesville. And, as the city is incredibly integrated, damage to the natural beauty of one part of the city affects the natural beauty of the whole. This, in turn, affects the denizens of this great county, and, more specifically, this great school. As such, this case is brought by the Students as a whole against the undesirable, unwanted, and interruptive construction being carried out egregiously close to the Law School.

Because I too hate construction—and because I have the power, as an esteemed Justice—I have opted to hear this case and rule on it regardless of jurisdiction, standing, and the merits. It is within my power, as overlord and ruler of this session of the Court of Petty Appeals, to make such decisions. And make them I will.

However, this ruling need not be disdained as one of judicial activism. I will not impact the legitimacy of this court by holding on emotion alone. A sturdy analysis of the facts that I prefer, while discarding some of the more

positive aspects of construction brought forward by the defense, is all I need to yield the correct result: The construction must stop.

The construction in question began some time ago. The Students have been incapable of supplying the record with an accurate date; however, both parties have stipulated that it began in late January. This poses the first problem faced by Students.

January is a cold time of year. Commuting is difficult. Even here, in Virginia, as evidenced by our most recent holding, the weather is not always favorable.¹

that will satiate the Student's needs for quick access to the warmth and pleasure of climate control. This shutting down of the sidewalk, as well as half of the parking lot, is the main complaint brought in this case by the Students, who request an injunction ordering construction to halt, regardless of the stage it is in, and to return the commuting space to its former glory. Students care little for the state of the building under construction and merely request an immediate halt to both the noise and the obstructions resulting from the construction.

a worker (who would also benefit from this injunction by no longer needing to be outside) in the face, for absolutely no apparent reason. No cars passed. No people walked by. There were no earth-shattering quakes resulting from the nearby construction. The only impact that was felt was the one felt by my harried soul, hungry after a day's law schooling, in need of a little snacky-snack.

Now, as the Justice, I can overlook some wrongs. If I'm not involved, really, it isn't a huge problem. At that point, it's just a matter of law. But this time, the construction

In addition, I also demand, as compensation for the Students involved—let's face it, I'm not solely self-interested—an apology letter from both the construction company and the administration, detailing in full not only what they did, but why they are sorry.

Briefly, the construction company argues that it is doing a beneficial service for the good of the community. They state certain things such as "think in the long term," and "really, it isn't even that long term, it'll be gone soon," and "this is absolutely essential construction for safety rea-

"I hereby order whatever entity has given this construction company permission to conduct its devilish workings upon our most sacred soil to immediately halt all further action."

And yet, knowing this fact full well, what do the Defendants decide to do? Block off sidewalks, adding one measly diagonal crosswalk, as if

¹ *1Ls v. God*, 73 U.Va 16 (2021).

Hell, even I, the esteemed Justice, was adversely impacted by this issue. I, a paying (hourly) and fully privileged parking-lot-user, had to wait approximately two minutes whilst staring at a "Stop" sign, held askew by

made it personal, and I am not a 1L you want to get personal with. People avoid me like the plague. Why? I don't know. But this Defendant is about to find out.

As such, I hereby order whatever entity has given this construction company permission to conduct its devilish workings upon our most sacred soil to immediately halt all further action and return North Grounds to its former glory. I'm talking full sidewalk, no diagonal crosswalk, and, while we're at it, a food truck stationed at the corner perpetually.

sons." Their pleas fall on deaf ears. There is no jury in this courtroom, only the esteemed Justice. And this esteemed Justice feels like he deserves a food truck.

The Defendants are ordered to halt all construction, return North Grounds to its former glory, deliver a food truck to the premises and keep it running in perpetuity, and write well-thought apology letters to each and every person they have wronged at the school (all of us).

jtp4bw@virginia.edu



Pictured: Loathsome construction (destruction?) takes its toll on the surrounding areas under the guise of 'beautification'. Photo Courtesy of pages.shanti.virginia.edu

Faculty Quotes

L. Shepherd: "Are their gametes fair game?"

C. Barzun: "Not the jury, not the judge, who's the other one . . . the prosecutor!"

L. Solum: "This is the Supreme Court at its worst. Six separate opinions. Awful awful awful, but that's what they do."

C. Nelson: "Good afternoon everyone. I'm pleased to report that our dog is doing fine and indeed is a very good boy."

E. Kitch: "There are sometimes snooty comments like 'These students went to some high falutin law school and they don't know how corporations are formed!' Well, now you do know. You're ahead of the game."

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



Mr. Jefferson

Virginia Law Weekly

COLOPHON

Phil Tonseth '22
Editor-in-Chief

Anna Bninski '23
Executive Editor

Dana Lake '23
Production Editor

Kathryn Querner '22
Features Editor

Stanley Birch '22
Managing Editor

Nate Wunderli '22
Sports Editor

Rachel Martin '23
Columns Editor

Sai Kulkarni '23
Culture Editor

Jordan Lee '23
News Editor

Marlyse Vieira '22
New Media Editor

Michael Berdan '22
Opinions Editor

Jonathan Peterson '23
Satire Editor/Photographer

Jacob Smith '23
Professor Liaison Editor

Donna-Faye Imadi '22
Current Events Editor

Mason Pazhwak '23
Events Editor

Madison Lazarek '23
Development Editor

Will Holt '23
Reviews Editor

Devon Chenelle '23
Social Editor

Esalyng Liang '23
Copy Editor

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

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

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

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

RACE AND BUSINESS

continued from page 2

fair market value of a home assessed does not directly result in property tax amounts, but is included as part of the assessment ratio, calculated as assessed value over fair market value. States have imposed limits on the changes to the assessment ratio year over year (e.g. six percent per year, no more than twenty percent over five years) to avoid massive changes in property tax as a result of home valuation increases. These caps and limits provide benefits for white populations when they move into new neighborhoods, because housing prices increase when white populations move in.

Current methods of calculating property taxes may reduce property tax incidence (tax burdens) for white populations while increasing tax burdens for Black persons. "When white populations migrate from one neighborhood to another, they increase the values of their homes, but save significant taxes as a result of moving due to the property tax caps and assessment ratio limits imposed." White home prices and neighborhoods appreciate more quickly than Black neighborhoods. As a result, white populations receive significant portions of tax savings. Since many states and localities rely on fixed income from property taxes, a reduction in property taxes for white populations may

lead to increased tax burdens on Blacks and other minority homeowners.

Observing correlation of race with assessment ratios depends on the rate of dislocation and the rate of price adjustments. Actual tax incidence (who bears the burden of taxes) depends on capitalization of tax benefits into sales prices. Why do property values correlate with race? "There could be direct preferences for racial compositions of neighborhoods. Race could also serve as a proxy for school quality, safety, and relationship to government," says Hayashi.

When asked by moderator Aneil Kovvali whether clear "villains" existed in either of their research findings, Professor Atkinson pushed back on the idea of 'one villain.' "These problems aren't caused by one bad actor, it is a systemic issue," said Atkinson. "For example, the wave of gentrification creates broader public benefits. However, the systemic aspect perpetuates problems we see." Professor Hayashi adds that "one problem with laws causing these adverse effects is that the solutions or fixes are not available to everyone in the same way. For example, Black homeowners appeal their home assessments less frequently than less white homeowners. Thus, the burden of self-help is on the shoulders of the homeowners."

gt5ay@virginia.edu

GOODBYE

continued from page 1

ship has more than doubled, and we average about five thousand views a week and more than a hundred thousand views since last February. More than anything, I'm glad that readers have been able to go on our website and experience what the Law School was like when we were all in person. I hope, in the future, when the School is open and its halls are full again, that this volume of the *Law Weekly* will stand as a testament to what we survived—a testament that we met the challenges of this year with grace and humor and that we emerged better for it.

A look through our archives, which stretch all the way back to 1948, shows the mettle of what it means to be a UVA Law student. It shows that we have always been opinionated and determined, that we have been unafraid to ask questions and, when we were unsatisfied with the answers, to ask for change. The journey towards a more perfect UVA Law has not always been linear, but, class after class, students have made their mark here. I hope this year will be no exception.

To all my editorial members, thank you. It has been an honor to write beside you and to know you as intelligent, funny, wonderful, and generous souls. You have

all amazed me with your boundless wit and goodwill. Thank you for hanging out with me every Monday night even though we don't have free pizza anymore. Thank you for being a part of this journey with me. We all have a stake in the community we build, and you have all been mine. I'll see you all around.

cl3eh@virginia.edu

QUARANTINE PETS

continued from page 3

change your life for the better. Personally, I can't imagine getting through the horrid year of 2020 without Zona, and I consider myself really lucky to have such a great pup.

I'm a cat person myself, but I'd be lying if I said I wasn't tempted to get a doggo myself now. Many thanks to Alyssa and Zona for joining us on Pets of Quarantine and sharing their coronavirus experience. Are you a pet owner that adopted a furry friend during quarantine? A roommate that's taken on the additional role of a surrogate pet parent for your classmate? Or an existing pet owner that's grown even more attached to your best friend? Love comes in all shapes and sizes, and we want to hear about it! Email pjt5hm@virginia.edu if you or someone you know might like to be featured on Pets of Quarantine.

pjt5hm@virginia.edu



Pictured: Zona is one happy pupperoni. Photo Courtesy of Alyssa Metcalf '22.

HOT BENCH



Neil Kelliher '23

Interviewed by Jon Peterson '23

Hey Neil, thank you for taking the time to speak with us. Let's do an introduction!

I'm from Northern Virginia. I graduated from UVA in 2015 with an engineering degree, then joined the Army and went to Germany. After five years, I came to law school.

Why law school?

The interest started in undergrad. After graduating, I was faced with two choices: Getting my JD and then joining the military as a JAG officer—which is a good life, although I don't know if it's for me—or joining the military and doing something a little more exhilarating than getting my JD. I had a really interesting time in the Army, but once I started realizing that I was more interested in pushing through challenging problems and advocating for soldiers, it became clear that I should just go to law school.

Interesting military stories?

Well, right before I went to Germany, I got engaged. I immediately had to tell the Army that I had a date set for a wedding a year out. They were very generous and worked around it. Then, events arose and my unit got tacked on to an exercise that we initially weren't going to be doing. This was a month and a half before the wedding. So, way too late to change anything with it. The exercise was a ten-country live fire that was supposed to happen the DAY of my wedding. So, I had to do it. Fortunately, we were able to work it out with the other countries. They didn't really care too much, so we ended up having another platoon go the day after my wedding. I had my wedding on a Saturday. I flew out at 6 a.m. Sunday morning from Dulles to London Heathrow. Then I took a bus to London Stansted. I spent a night in the Stansted lobby, then took a flight to Budapest, and then a van ride from Budapest to the training area to do the live fire. It was about thirty-six hours of consecutive traveling the day after my wedding. Quite the honeymoon. I was only hungover for the first thirty hours.

How did your wife feel about the honeymoon?

She was very understanding. It was more the week when we had to figure out what was going to happen with the wedding that was tough. Like, what's going to

happen if we can't get the exercise moved? Am I going to have a stand-in at my own wedding? A cardboard cut-out?

What was your experience training for the military?

Honestly, the hardest part was learning how to deal with boredom. You go your whole life with something to do, always trying to figure out how to balance things. Then, you get there and there's one event that has to happen today and eighty-five people have to do it. No cell phone or anything. It's boring. You just have to find ways to use boredom to benefit you. Either trying to develop relationships or honing skills, usually.

How have you carried that experience with boredom into your day-to-day life?

Before joining the Army, I was always on my phone. Social media, constant news updates, the works. I found it harder to read books because they didn't have the constant pull for attention. At most I'd read articles, but I never really dug deep into things. So it's not so much a skill, but I now feel fundamentally inured to some levels of boredom. That's definitely attributable to the Army. I don't use my phone in the same way anymore at all. I just feel less desire to be bombarded with information and more at peace with something longer and more meaningful, like a book or actual interaction.

I'm just more comfortable with a slowed down pace of activity.

What kind of genres do you usually read?

Some sort of either business, or energy, or computer-type of reading. Typically stuff written by journalists. I read on my Kindle and I find that Amazon's algorithm will have the next book lined up to sell to me within a few pages of starting a new book. And I play right into the system by buying it. It's like they know they've got \$400 worth of books down this pipeline I'm interested in and they have no interest in recommending anything new until the well runs dry. And I have no interest in looking for anything else because I'm really interested in the books they recommend. So a large portion of what I read is whatever the algorithm says is next. If they wrote a book about that algorithm, I guarantee it would pop right up on my feed and I would read it.

Are the books more descriptive or telling us what should be done?

Depends on what the algorithm is in the mood for, it knows I'll read them all. I've read some that are very direct. Like, "we should expand our nuclear energy capacity." There are also more nuanced ones detailing what's going on in a particular field and the possibilities there.

I feel like you probably don't have a favorite author in this genre?

If it's anyone, it's the coder who writes that algorithm. Someone who wears flip-flops to work making \$800k a year for Amazon with a "Neil Kelliher" file.

Lightning round! Favorite food?

Mexican.
Any particular dish?
That's like choosing your favorite child.

Pet peeve?

Long hypotheticals that don't lead anywhere. The question you know from word one isn't taking you anywhere but takes four minutes to get there.

Favorite word?

I've been watching the Great British Breaking Show, so I'll just say "RAW!" or "stodgy" in contexts that don't make sense.

If you could be one animal, which animal and why?

An octopus. Their camouflage is fascinating.

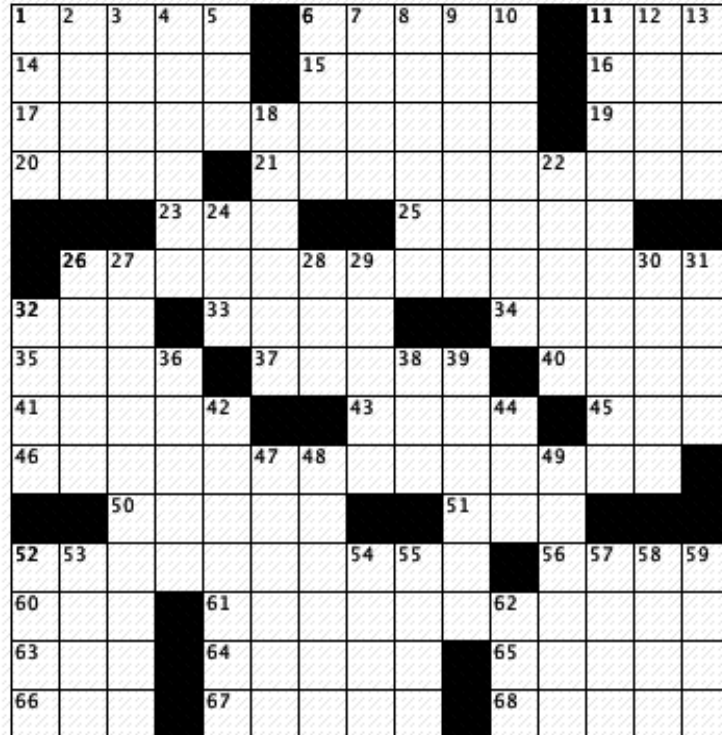
nmk4vp@virginia.edu



Crossword Puzzle Honoring Black History Month

ACROSS

- 1. Braided sweet bread
- 6. Spoiled children
- 11. No. on a law school application
- 14. Concerning bees
- 15. Button on a stopwatch
- 16. Joplin tune
- 17. Co-founder of Black Law Students Association
- 19. Female sheep
- 20. Lhasa ___ (dog)
- 21. Intelligence
- 23. Olive of cartoon
- 25. Oleta ___, only black woman retained in US military after WWII
- 26. First black tenured professor at UVA Law
- 32. Prickly seed casing
- 33. School grps. that might fundraise
- 34. Buffalo hockey player
- 35. Leader in the Middle East
- 37. Convinces
- 40. Throw, as a ring
- 41. Surface anew, as a lawn
- 43. Part of a clarinet or saxophone
- 45. Decay
- 46. First black student at UVA Law
- 50. Hairs on a caterpillar
- 51. The Chesapeake, for one
- 52. Anatomical category including muscle and fat
- 56. Poet and civil rights activist
- 60. Pointy part of an elf
- 61. First black woman to graduate from UVA Law
- 63. Bit of text speak
- 64. Comic strip orphan
- 65. Like some 68-Across
- 66. Total amount
- 67. End pages of many non-fiction books



68. Selections at a bar

DOWN

- 1. "Ali ___ and the 40 Thieves"
- 2. Per item
- 3. Covers for messy eaters
- 4. Sound of an explosion
- 5. Unspecified amount
- 6. They're measured in cups
- 7. Pause in the score
- 8. Consequently
- 9. Theater, in Turin
- 10. Watches Netflix, say
- 11. City home to the sit-ins at the Woolworth's lunch counter
- 12. Hands:humans::__:dogs
- 13. Forever and a day

18. Employees at a fancy hotel

- 22. Barely bite
- 24. "For sure"
- 26. Early civilization in Mesopotamia
- 27. Phrase denoting causation
- 28. What students who read VLW study
- 29. Russian rulers of old
- 30. "Ender's Game" author ___
- 31. Place for an egg
- 32. Something 90% under water
- 36. Thesaurus maker
- 38. Longbow wood
- 39. Navy builder

42. Partner of a crossed "t"

- 44. Crime scene evidence
- 47. Chew out
- 48. Collaborative mantra in improv
- 49. Early-2000's Disney Channel star Raven
- 52. Divisions in a volleyball or tennis match
- 53. Home to the only Royal Palace in the US
- 54. Fries or onion rings
- 55. Operating system debuted by Bell Labs in 1971
- 57. Poker payment
- 58. January to December
- 59. Egyptian vipers
- 62. Goal after graduation

Crossword Courtesy of Ryan Kurtiak '23, with assistance of Genesis Moore '23, Historian for the Black Law Student Association.

THE DOCKET

TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY – February 24				
11:00 - 12:00	Can We All Just Get Along? The New President and the Supreme Court	Zoom	Free	☹
15:00 - 16:00	Anxiety Workshop	223 W Main Street, Suite F, Charlottesville, VA 22902	\$215	☹
5:00	The Future of Conservatism After Trump	Zoom	Free	☹
THURSDAY – February 25				
12:00 - 12:45	Bird Watching: Spring Migrations with Kenn Kaufman & Pete Myers	Zoom	Free	☹
5:30	Lillian K. Stone Distinguished Lecture in Environmental Policy, Race and Place	Zoom	Free	☹
18:00 - 20:00	Berto & Vincent – Live Music in Charlottesville	225 W. Main St., Downtown Mall, Charlottesville, VA 22902	Free	☹
FRIDAY – February 26				
14:00 - 16:00	Beer and Wine Tour Crozet Spirits Loop	The Square, Crozet, Charlottesville VA 22932	Free	Available for Purchase
11:00 - 12:00	The '77z Acoustic Trio - Live Music @ Glass House Winery	5898 Free Union Rd., Free Union, VA 22940	Free	Available for Purchase
SATURDAY – February 27				
09:00 - 13:00	Winter Farmers Market	IX Art Park	Free	Available for Purchase
MONDAY – March 1				
17:00 - 20:00	First Wednesday at King Family Vineyards	6550 Roseland Farm Lane, Crozet, VA 22932	Free	Available for Purchase
17:00 - 21:00	Vinyl Round-Robin	722 Preston Ave., Charlottesville, VA 22903	Free	Available for Purchase
Tuesday – March 2				
12:30 - 13:40	Tasting Tuesdays with Keswick Winery	Facebook Live	\$115	☹

SUDOKU

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

Solution

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