



# VIRGINIA LAW WEEKLY

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

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Wednesday, 3 March 2021

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

Volume 73, Number 18

## Welcome to the Thunderdome: Chief Justice Phil Tonseth Takes the Gavel

Phil Tonseth '22  
Editor-in-Chief

Before the 1L Activities Fair, I had never heard of the *Law Weekly*. Sure, I picked up an edition when I attended Admitted Students Weekend, and read about Professor Coughlin's crusade to get her pet garden toad, Gary, into Paw Review.<sup>1</sup> From not understanding who ANG is, to laughing at the lighthearted jokes about shared miseries, and reading weird, yet accurate, professor quotes, I found the *Law Weekly* to be a nice break from the mundanity of what I presumed Law School to be. Enter the aforementioned Activities Fair. Persuaded by free Dominos and 'cool' kids to hang out with from the fair, I attended my first meeting and became hooked. Mind you, I had zero experience in journalism. Correction, I took journalism as an elective in the seventh-grade, but I've already written more words for this article than I did that entire semester. Sorry, Miss Fortney.

While Maria Luévano '21 got my foot in the door of Slaughter Hall 279, it was now Deposed Editor-in-Chief Eleanor Schmalzl '20 and her cohort of 3Ls who got me to stay. Enjoying pizza, editing different journalistic pieces, and complaining about my 1L woes, I felt a sense of comfort and belonging. By the time the spring semester arrived, I knew I wanted to be more committed and involved in building the paper.<sup>2</sup> Spending the last year as Production Editor, I did all of the "unsexy" work. All of the funny<sup>3</sup> photo captions? Those were me. All of the random article placements, with weird random Virginia logos throughout? Yup, also me. The random lists of events on the back page? I scoured way too many emails to put that thing together. The work of putting together the puzzle that is the *Law Weekly* was 50% frustrating, but 100% enjoyable.<sup>4</sup> I was

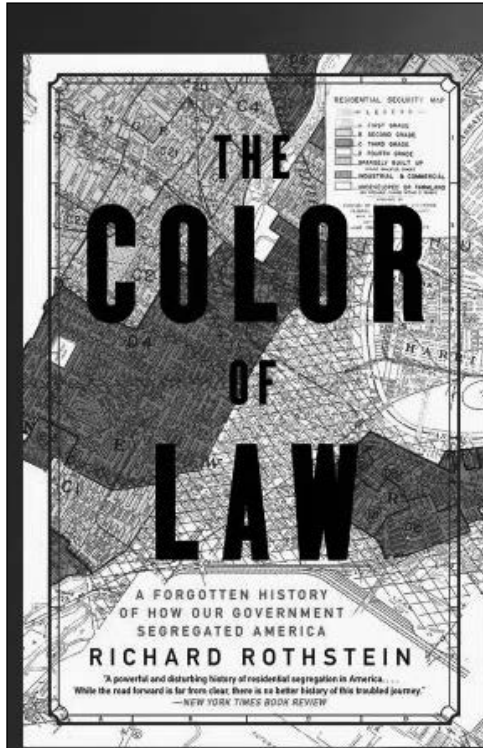
<sup>1</sup> <https://www.lawweekly.org/features/2019/3/20/court-of-petty-appeals-coughlin-v-paw-review>

<sup>2</sup> Mind you, this was my only real club at the time. I needed something to do besides play softball.

<sup>3</sup> Humor me, I tried my best.

<sup>4</sup> I'm not a mathematician, I know the numbers make no sense. Sue me.

## Race and Place: What Will it Take to End Residential Segregation?



Richard Rothstein, courtesy of law.virginia.edu  
Dana Lake '23  
Production Editor

On the evening of Thursday, February 25, the Law School joined with the School of Architecture to present this year's Lillian K. Stone Distinguished Lecture in Environmental Policy. Hosted through Zoom, the lecture focused on the environmental and health impacts of America's history of residential segregation.

This year's lecturer was Richard Rothstein. Rothstein is a distinguished fellow of the Economic Policy Institute, and a Senior Fellow (emeritus) with the Thurgood Marshall Institute of the NAACP Legal Defense Fund. With an introduction from Dean Risa Goluboff and a question-and-answer session moderated by Professor Jonathon Cannon, the talk was both informative and confrontational.

From the outset, Rothstein does not pull his punches. Drawing from his book *The Color of Law: A Forgotten History of How Our Government Segregated America*, Rothstein used his lecture to lay out the deliberate, institutionally-administered segregationist policies American governments imposed on metropolitan areas through the 1900s. These policies took many forms, and were administered at all levels of government—from local municipalities to federal housing projects.

As an aside, it was about twenty-minutes into the talk

that I realized why some of this talk was familiar to me: Rothstein was interviewed on NPR's *Fresh Air* in 2017 when his book first published.<sup>1</sup> If you missed the lecture, I highly recommend looking up this interview. It is a credit to Rothstein's passion for this subject that I was more than happy to continue listening, and the lecture incorporated his insights on how residential segregation has played a role in COVID-19 and the 2020 protests.

Residential segregation is a fundamental cause of racial disparities in health. For COVID-19, we see this manifest in testing disparities: When Texas reopened after its first shutdown, four out of six major cities had testing sites disproportionately located in neighborhoods whiter than the city's median.<sup>2</sup> Food deserts are disproportionately located in minority neighborhoods—Hispanic people are a third as likely to have access to a chain supermarket as the average American; Black people are half as likely.<sup>3</sup>

Residential segregation directly contributes to wealth disparities between White and Black families. People of color were not only funneled

<sup>1</sup> [www.npr.org/2017/05/03/526655831/a-forgotten-history-of-how-the-u-s-government-segregated-america](http://www.npr.org/2017/05/03/526655831/a-forgotten-history-of-how-the-u-s-government-segregated-america)

<sup>2</sup> [www.npr.org/sections/health-shots/2020/05/27/862215848/across-texas-black-and-hispanic-neighborhoods-have-fewer-coronavirus-testing-sit](http://www.npr.org/sections/health-shots/2020/05/27/862215848/across-texas-black-and-hispanic-neighborhoods-have-fewer-coronavirus-testing-sit)

<sup>3</sup> [digitalcommons.nyls.edu/cgi/](http://digitalcommons.nyls.edu/cgi/)

into cities, they were prohibited from buying homes in suburbs—pushed into high cost-of-living areas where most families have to rent. Rothstein blames the racist policies of the Federal Housing Administration, Veterans Administration, and private home loan companies for significantly contributing to the generational wealth gap. Black families were barred from purchasing affordable homes in suburban areas until the 1968 Fair Housing Act, at which point it was too late. White families that had been given exclusive access to these areas had built up equity in their homes and driven up prices; they were able to sell their homes for well above the national median income, and use that money as a foundation for their family's future. These White families had the capital to send their children to college, to fund their retirements, and leave money behind after their death. It was a major boost that specifically left Black families behind.

Transitioning into the question-and-answer portion, Professor Cannon joined Rothstein on the screen. While it is always a joy to hear Professor Cannon speak on environmental policy, as director of the Law School's Program in Law, Communities, and the Environment (PLACE) he was especially qualified to join in on the conversation. So what will it take to end residential segregation? Rothstein

## around north grounds



Thumbs up to the golf world rallying around Tiger Woods. ANG wishes for a speedy recovery. The world is better when Tiger is winning.



Thumbs sideways to Sidney Powell losing yet another lawsuit. While ANG doesn't like losers, at least ANG can take solace that a lawyer doesn't have to win a case to get paid.



Thumbs up to Johnson & Johnson having their vaccine approved. ANG is proud that J&J is joining the 'C's get degrees' bandwagon, especially when it comes to showing up late to class.



Thumbs down to Twitter attempting to implement a subscription service to see certain tweets. ANG is going to let Twitter finish, but Onlyfans has the best subscription service of all time.



Thumbs up to the car driving straight through a brick wall at Ivy Gardens. Although ANG can neither confirm nor deny that this was an attempt by forest creatures at driving, ANG appreciates that the driver went pedal to the floor, literally.



Thumbs down to the stonk-market. ANG would never admit to investing all of ANG's summer associate salary into Gamestop, AMC, and Blackberry, but if you see a donation can on the bleachers at Copeley, help ANG out.



Thumbs up baseball being back. ANG is very jealous not only of the players' consumption of peanuts and crack-jacks, but also that they are applauded for being dirty, whereas, ANG is told ANG is unkempt and to go shower.



Thumbs down to SBA. Nothing drastic happened; it's just that SBA still exists.

## RACE AND PLACE

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doesn't hesitate. "You can't undo racially specific discrimination without racially specific policies. We need affirmative action."

What those policies should be specifically is harder to say. There is no way to fix the generational wealth gap caused by a century of unfair lending practices and the health impacts caused by redlining. One point Rothstein returns to again and again is that residential segregation is not de facto; it is not the result of individual preferences or income differences. In America, segregation is de jure; the result of law and policy decisions.

The hour-long lecture went quickly, and I was surprised when I heard Professor Cannon say there was time for a final question. Rothstein has an intense manner of speaking, and the lecture was an engaging experience. In wrapping up the question-and-answer, Rothstein concluded with a direct appeal: "I'm not speaking to you as lawyers or architects," he insisted. "I'm speaking to you as citizens."

Above and beyond what we do with our careers, it's the choices we make in our own neighborhoods that can have the most direct impact in ending residential segregation.

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One problem with being a law student (and there are many) is that you're probably

Sam Pickett '21  
News Editor



a perfectionist. Being a perfectionist has its advantages, sure. It got me into this law school and got me a job, and it made me great at baking cookies when I was younger<sup>1</sup> because I stuck to the recipe and didn't risk deviating for *anything*. I mean my measurements were *precise*. But being a perfectionist also means that I don't like being bad at things. And so, when quarantine began and I realized the need for a hobby that didn't involve going to Bar Review,<sup>2</sup> I was left with a quandary. Would I pursue certain interests even if it meant that I would also be bad at them? What follows is a catalogue of my adventures in discovering different interests and overcoming the need for perfection.

**Coffee**

I love coffee, like most law students, and decided that if I was going to "get into something" during quarantine, why not choose coffee? How

<sup>1</sup> I had my own cookie-baking business called "Sam's Baked Desserts." It was a huge success until I got too lazy.

<sup>2</sup> 1Ls still don't know what this is and that really pains me.

hard could it be? I already had my parents' old coffee grinder and figured I would just need some beans. It turns out that I was wrong. Coffee people are, to be frank, insufferable. They take something as joyfully simple as coffee and muck it up. What kind of grinder do you have? How hot is your water? What kind of water are you using? What is the exact ratio of coffee to water?

I wanted to experiment with coffee, but it seemed that if I wasn't going to do it like the coffee nerds then I might as well not do it at all. This was part perfectionist<sup>3</sup> and also part laziness. After all, I like coffee not just for its taste but for its ease, and I simply don't have the patience to worry about every little detail when making coffee before class.

I will say, however, that my coffee caper was not a complete failure. I bought one of those coffee subscriptions and now have a vague idea of what coffees I do and don't like. And that's all I really wanted from this experience.

**Cocktails**

There was a point early on in quarantine where beer and wine simply were not enough. When there is a new pandemic and no one really knows what to do and every-

<sup>3</sup> You know what perfectionists say: If the going gets tough, stop before you must acknowledge your failure.

one is scared of everything, you need something a little stronger. And so began my interest in cocktails, which started with perfecting an Old Fashioned and is still going strong.

But my interest in cocktails has really been a team effort. During the summer, my firm hosted a virtual cocktail making class, where I learned how to make something other than an Old Fashioned. And while my interest waned as I became busier with school, it was reignited during winter break when I was gifted a bar set<sup>4</sup> and a recipe book. With better tools and more recipes, my interest in cocktails has persevered. It also helps that making cocktails is relatively simple, and therefore ideal for my perfectionist sensibilities.

**Making things from scratch**

I used to think Tik Tok was just a Vine knockoff—a failed attempt to recreate the magic of my high school and early college years. But when quarantine dramatically increased the amount of free time I had, I discovered that the app wasn't half bad. In fact, it's brilliant and filled

<sup>4</sup> My sister got me the bar set, and it's funny because I had never mentioned that I made cocktails. Did she just assume lawyers need cocktails to function with our long, stressful hours? Do I just seem like the person basic enough to want to make cocktails?

with lots of people with lots to teach me. More specifically, it's filled with people who know how to make things from scratch. And if some random 14-year-old can make no-knead bread, then why couldn't I?

And so, during quarantine I have made corn tortillas, bread, and bagels, all from scratch! This is the perfect activity for a perfectionist because these recipes are very forgiving, and so even if you think you messed up every step, you can find success. It also helped me lose some of my perfectionism, because I was so happy to have made something that even remotely resembled bagels that I couldn't care less if they were perfectly round. Like cocktails, this interest has stuck.

**Drawing**

Drawing is perhaps the most intimidating of my interests because it requires so much practice to be good at it. And the practice takes a lot of time and effort and never looks as good as you want it. It's like your 1L memo, or almost anything I write.

But as I write this article, I am attempting to learn to draw once again. I've learned that my sketches won't be perfect, and that has helped, but only time will tell if I can

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## No-Bake Dessert Recipes

With spring semester in full swing, nobody has time to make eighteen-step French pastries or lavish cakes.<sup>1</sup> We

Grace Tang '21  
Foreign  
Correspondent



law students are short on time. BUT, that doesn't mean you can't whip up easy no-bake desserts. Don't be afraid to take up your whisks—these desserts are pretty much fool-proof, and they're fairly quick to make. Most importantly, the delicious end result is **worth it**.

Some of these desserts will require whipped cream. **Pro tip:** if you don't have a KitchenAid or hand mixer, use a blender to whip up the heavy cream instead.

### Cheesecake and Chill: No Bake Mini Cheesecakes

These mini cheesecakes are decadent and simple to whip up. I like to make two different variations, either using an Oreo cookie base or a classic graham cracker base. This recipe is also easy to customize, you can add jam, honey or other toppings to change things up.

The secret to this version of the cheesecake is a dash of fresh lemon juice, which gives

<sup>1</sup> If you want those, I recommend hitting up MarieBette to satisfy your sweet tooth.

the cheesecakes a brighter flavor. You can use the recipe to make one big cake rather than mini cheesecakes using a six-inch Springform pan. The finished product can be frozen and stored for up to two weeks.

INGREDIENTS FOR TEN MINI CHEESECAKES:

150g (5.25 oz, or 1 1/2 cup) of crushed Oreos or graham crackers (I recommend getting the box pre-crushed rather than crushing cookies yourself).

1/4 cup of melted butter  
12 ounces of cream cheese (softened to room temperature)  
1/2 cup granulated sugar (adjust sweetness as desired)  
1/3 cup of heavy cream, whipped into stiff peaks  
1/4 cup of sour cream  
2 tablespoons of fresh lemon juice

A muffin tin and cupcake



Cheesecake Photo Courtesy of Grace Tang '21

paper for assembly. If you do not have the cupcake and muffin tin, feel free to use a shallow Tupperware instead (scoop out the cheesecake).

**CHEESECAKE INSTRUCTIONS:**

Combine melted butter with crushed cookies and distribute into cupcake tins. Use the back of a spoon or your fingers to press down on the base.

Combine cream cheese, and sugar until incorporated, and then add in lemon juice. Next, combine with sour cream and whipped heavy cream.

Pour the cheesecake batter into the lined cupcake paper, on top of the cookie crust base.

Refrigerate at least two hours before consuming. I like to use a spoon to eat the cheesecake.



Tiramisu Photo Courtesy of Grace Tang '21

### The BEST Tiramisu: Grace's Secret Recipe

This tiramisu is absolutely incredible, and it's a very authentic Italian recipe. It's also probably my favorite recipe of all time. The key to success and most important step is allowing the tiramisu to rest in the fridge for **at least 48 hours**. Once made, the tiramisu can be frozen and will last a long time, although I suspect it won't be around for long before it's devoured.

Tiramisu looks fancy but it's actually super simple to make and requires no baking. So, if you follow the recipe precisely, your dessert should turn out well. Feel free to half the portions for a smaller size of tiramisu.<sup>2</sup>

INGREDIENTS FOR A LARGE TRAY

<sup>2</sup> If you make more tiramisu, you can always share it with friends and family. If you do, you'll probably become their favorite person.

OF TIRAMISU:

1000g (4 1/4 cups) mascarpone cheese (I highly recommend Italian-made, softened to room temperature)

10 egg yolks  
3/4 cup sugar  
1 1/2 cups heavy cream, whipped into stiff peaks  
2 cups of very strong coffee (+ 3 shots of rum and 3 shots of cream liqueur like Baileys)

2-3 packages of ladyfinger cookies (depending on size)

A sprinkling of cocoa powder (or hot chocolate powder)

A large casserole dish or tray for assembly

TIRAMISU INSTRUCTIONS:

Whisk raw egg yolks with sugar until it turns lighter in color, then add mascarpone cheese and blend thoroughly.

Add in whipped heavy cream to the mascarpone mixture.

In a separate bowl, combine rum and cream liqueur with cooled strong coffee.

DESSERT page 6

# Pets of Quarantine: Maisie and Kelli

After almost a year of quarantine, most people have either learned to live alone, or altered their life circumstances to find 'safe' friends. While

Phil Tonseth '22  
Production Editor



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 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 Kelli Finnegan '22 and Maisie, a ridiculously cute and sassy cat.

**Hey ya'll! I'll go to you first Kelli, what inspired you to adopt?**

Hi Phil! My sister called me from a Petco in Blacksburg last spring, and she was crying on the phone because there was a lonely cat there that she wanted me to adopt. I knew nothing about cats, so I didn't go get her (I hope she found a good home!), but I couldn't shake the idea after that. Quarantine provided the perfect time to adopt because I was always

home and spending so much time alone.

**What exactly drew you Maisie particularly? Did you look for a specific breed, age, or different characteristic?**

I knew I wanted to give an older cat a chance since most people adopt kittens. Maisie is a bit younger than I was looking for, but I saw her on Petfinder and knew I had to have her. After a FaceTime date with her foster mom, I was sold.

**Was it love at first sight?**

No! She hid from me in the shelter and kept me up all night for two weeks after that. We definitely love each other now though.

**Maisie, you're up. Getting straight to the point, what is your favorite thing about living with Kelli?**

Well, we're on the same nap schedule! Other than that, I'm just here for the food.

**Kelli, how difficult of a houseguest is Maisie?**

I can't complain. Except for when she's scratching my couch or tearing up paper towel rolls or yelling at me in the middle of the night. Dramatics aside, she fits right into my life here and is the perfect roommate for me.

**Maisie, have you made an appearance in class yet? Or are you more of a "lay on Kelli's lap during class" type of cat?**

Every single class! I like to be as distracting as possible,

and professors think I'm cute.

**Have you learned anything so far, besides that law students should take more cat naps?**

Nah, this stuff is pretty boring. More people should show their pets on Zoom so I can watch them instead.

**Slight follow up, but also unrelated. What is with your newfound obsession with plastic grocery bags?**

They're noisy, uncomfortable, cold, and potentially dangerous—what more could a cat possibly want from a napping spot?

**Okay, so which store has the best bags that you've experienced so far?**

Target (they do everything best).

**Kelli, how has Maisie changed your life for the better, or worse? Knowing cats, this could go either way.**

Depending on the day, it definitely could go either way. Quarantine has been really tough, and Maisie has made it endurable for me. She makes me laugh and likes to cuddle, and that's all I could have hoped for, so I am really grateful to have her. She inspired my sister to start fostering, and my parents are considering adopting a cat of their own, which is exciting.

**Has Maisie made you become a more responsible parent? AKA how often do you really clean out the litter box?**

I like to think so! I clean the litter box almost compulsively—I refuse to have an apartment that smells like cat litter. Maisie is pretty spoiled, and the money I'm not spending on nights out at Bilt covers the vet bills.

**Speaking of food, are you more of a kneader (AKA making biscuits with your paws), or a scratch pad type of cat?**

I've been hard at work at the bakery for weeks. Why would I use a scratch pad when there's a perfectly good couch to scratch, though?

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

**Box, or cat bed?**

Bed—it's softer!

**Favorite spot to sunbathe?**

The windowsill. I can chatter at all the birds from there.

**Laser or string?**

String, always.

**What's the name of your favorite toy?**

Worm.

**Biggest pet peeve?**

When Kelli tries to brush my teeth.

**What time at night do you prefer to do the 'zoomies' and run around the apartment wildly?**

As soon as Kelli gets in bed!

**On a scale of one to ten, how sassy would you describe yourself?**

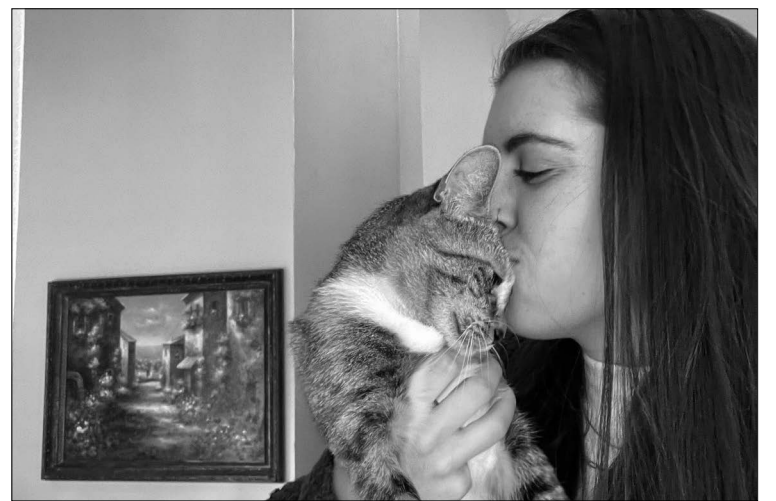
Nine.

**Lastly, soft or crunchy treats?**

Crunchy, but I want all the treats.

**Kelli, is there any parting thoughts about Maisie you'd like to share, or further convincing you think**

PETS page 5



Kelli and Maisie. Photo Courtesy of Kelli Finnegan '22

## How to be a Nutty Buddy

Imagine...it's a post-COVID world. You're in Spies Gardens and just got a care-package of homemade cookies. You offer one to the bright-eyed 1L to

Jack Brown '23  
Staff Editor



whom you've spent the last fifteen minutes trying to explain how to thrive in law school. Entranced by your stories of nights spent outlining, they nod their head and scarf the perfect cookie down. Suddenly, their face turns beet-red and they fall to the ground. Dumbfounded, you hear them weakly force out two words, "Nut allergy." You realize the cookies were made with almond milk, an important fact for future Torts casebooks that will immortalize your mistake for generations of cold-calls to come.

Is there anything you can do to stop this nightmare from coming true? Hi, I'm Jack Brown '23 and you might call me an expert on nut allergies (both peanuts and tree nuts!). I've had reactions at family dinners, on the first day of school, and of course, on a plane at cruising altitude. While allergies are scary, there are easy steps that you all can take to be a real "nutty buddy" and keep the legume-adverse people in your lives safe!

**What causes a nut allergy?**

We don't know! While there are many theories about what has caused the massive spike in the proportion of the population

with food intolerances (0.4% of children in 1997 had nut allergies compared to 2.5% in 2016), none have emerged as the definitive answer. What we do know is that it is not entirely genetic; for example, no one in my family has an allergy.

Having a food allergy is classified as an immune system disorder. This is because our bodies produce antibodies which target proteins that are otherwise harmless. When these antibodies detect the proteins, histamines are produced, which in turn cause inflammation throughout the body. Some proteins are only in one distinct food (peanuts) while others are shared between a broad group of foods (tree nuts and shellfish).

In severe reactions, this inflammation can cause the reaction most people are most familiar with and most afraid of: anaphylactic shock. While this reaction is fairly uncommon, with most allergies causing milder symptoms, when it does happen, it can be very traumatizing for both the person going through it and nearby spectators.

**What leads to a reaction?**

By far the most common cause of an allergic reaction is eating whatever food your immune system has decided to not vibe with. Restaurants that don't know what goes into their food, mislabeled candies, and the classic killer pesto (made with pine nuts if you didn't know!) are just some of the ways someone's allergy can get triggered.

Stopping these reactions mostly falls to the people with

the allergy. If we've made it this far, we'll know what questions to ask. Now if you're dealing with kids, or K-JDs, you might need to take some of the responsibility in double-checking the labels, but hopefully you're never in that position without more training.

Aside from directly eating the offending food, there are other ways a reaction can be triggered. Before going onto those very real dangers though, I'd like to dispel probably the most pervasive myth about food allergies. No



The Law Weekly is proudly nut, gluten, and shellfish free.

matter how "severe" your allergy, you cannot have a reaction caused by airborne particles. If you are eating a PB&J sandwich in ScoCo, you do not need to worry about someone dying. Experiments have consistently shown that there is no danger of enough proteins traveling through the air to make anything happen. I have been to Five Guys hundreds of times and have never had an issue with the peanuts, despite having literally the most severe classification of allergy.

On the other hand, cross-contamination is a very real threat. A microwave which had just been

used to reheat a piece of pecan pie and someone putting a knife into a jar of jelly after using it to smear peanut butter on a piece of bread are just two of the ways I have had a routine meal turn into a fun adventure to the ER.

Stopping this from happening does not require you to completely ban peanuts from your household. My family has always loved tons of dishes that I cannot have and I'm still here. Keep track of what utensils come into contact with allergens, clean countertops regularly, listen to whoever has an allergy, and you'll be golden.

The other main indirect way to trigger a reaction is less known. For up to four hours after you eat peanuts or tree nuts, trace amounts of the food can be found in your saliva. If in this period you kiss someone who has a particularly severe allergy, things will escalate quickly.

**Anything else I should know?**

If you ever do find yourself in a situation where someone is having a reaction, please do not panic. While it is a scary situation, staying calm will put you in the best position to help out. Most people with an allergy know how their bodies react and will be able to tell you exactly what they need. Some might just need some Benadryl and to lay down for a while, others might need you to chauffeur them to the emergency room.

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## COPA

continued from page 5

TONSETH, C.J., dissents.

To be honest, I didn't even read the majority's opinion, but 1Ls always lose.<sup>9</sup> Insofar as this case applies to 1Ls, stare decisis rules and those plaintiffs are severable from the case at hand. It is antithetical to our esteemed Bench and my reign of terror to allow this precedent to change. I vehemently dissent.

<sup>9</sup> 1L *Gunners v. Everyone Else*, 324 U.Va 22 (2019)

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# LAW WEEKLY FEATURE: Court of Petty Appeals

The Court of Petty Appeals is the highest appellate jurisdiction court at UVA Law. The Court has the power to review any and all decisions, conflicts, and disputes that arise involving, either directly, indirectly, or tangentially, the Law School or its students. The Court comprises 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](mailto:cl3eh@virginia.edu)

## Students v. Law Library

73 U.Va 18 (2021)

KULKARNI, S., delivered the opinion of the Court, in which QUERNER, PETERSON, TANG, and WUNDERLI join.

BIRCH, J., dissenting joined by Pickett and Luk.

TONSETH, C.J., dissenting.

JUSTICE KULKARNI delivered the opinion of the Court.

During finals month, the Law School kept the library open until 8:30 p.m.<sup>1</sup> This provided the opportunity for students to spread out, focus, create outlines, and attempt to pass their exams or write their papers. Even with limited capacity, the library provides at least three distinct areas to meet students' needs: study rooms, the upstairs area, and the aptly named "Gunner Pit." The sanctity of law libraries is respected in all similar jurisdictions as a place to get away from annoying roommates and the allure of one's bed. Recently, and especially in the wake of the newest round of restrictions, the library now closes at 5:00 p.m. As such, the students of the Law School bring this case seeking to compel the Law School to return to its previous hours.

This case is exactly the kind of issue this Court was designed to hear. It cleanly falls within the jurisdiction of the Court as an issue regarding the Law School. The library is a location used exclusively by law students and the changing of the hours affects them directly. On the merits, the plaintiffs provide a clear harm and show

1 Plaintiffs inform the court that the library used to have even longer hours. Since this Justice has no memory of such a situation, this opinion is rendered with a baseline of 8:30 p.m.

a straight line from changing hours to issues studying. The Court addresses each of the main arguments in turn.

First, plaintiffs contend that the Law School is committing a clear act of discrimination by favoring day studiers over night studiers. This Court is inclined to agree. For those students who would consider themselves responsible, and who this Court would classify as 'gunners,' studying during the day provides them the opportunity to get their work done and be home in time for the Bachelor. For the other half of students, studying during the evening allows them either to maintain their college schedule or meet the demands of the work or children. Each

student should be allowed to make the choice of when to study. The defense argues that students can still study in any other areas of the Law School and in Scott Commons.

This leads to plaintiff's second argument: That the hours of the library are creating an unbearable choice to either suffer through terrible roommates and distractions at home or study in very limited spaces in the Law School. The defense is that the Law School has closed seminar rooms, limited hours on weekends, and created stringent guidelines in the wake of the-thing-which-shall-not-be-named. For good reason, the Law School is unwilling to budge on that last requirement. They additionally argue that the adjusted law library hours are serving the purpose of protecting public health. In the opinion of this Court, it should be up to

students to decide whether to potentially get sick studying in limited spaces or to hamper their studying at home. The Law School has to, and indeed already has, decided what is their priority.

For both issues, the existence of alternative study spaces lies at the center. The Lounges provide limits of up to eight people. Classrooms get locked in the evenings. All that remains, for most students, is Scott Commons. The reality is that there is very limited space in that area. The tables in the quiet room are restricted to two people. The tables outside are restricted to one. Beyond space restrictions, there are other detriments to students in packing them into this one

**"In packing students into limited areas after 5:00 p.m., the School increases the risk of exposure to the-thing-which-shall-not-be-named."**

area. Students should be allowed to select the environments that they study in. Scott Commons, or ScoCo as it is colloquially referred to as, is an environment of collegiality and distraction.<sup>2</sup> For the students who wish to avoid this type of workspace, they are not left with many options.

Thus, I hereby order the Law School to return the library to its hours from November. The Law School has admitted, both in their arguments and through past actions, that the health and wellness of students is their top priority. This issue implicates both students'

2 The Court acknowledges that this decision will allow the group known as the "ScoCo Gremlins" to return to their deviant ways without worrying about adverse effects on fellow students. This is a risk the court is willing to take in order to protect the rights of other students.

physical and mental health. In packing students into limited areas after 5:00 p.m., the School increases the risk of exposure to the-thing-which-shall-not-be-named. Grades and sleep schedules are paramount for the mental health of law students. In restricting the times and places where students can study, their habits are affected with adverse future effects on grades. As I noted a few weeks ago, rights are not abrogated simply because of the class of people involved.<sup>3</sup> In this case, the rights of night studiers and those who wish to study alone are being affected. This would be the appropriate relief.

BIRCH, J., dissenting, in which TONSETH, C.J., joins PICKETT, J., joins as to the part of the opinion beginning with "While my young colleague". LUK, J. also joins.

At the outset, Justice Kulkarni's jurisdictional holding is flawed outside of the currently-effective, temporary statutes. While it is true that, under the guise of COVID policy, the administration has finally restricted use and ac-

3 *1Ls v. God*, 73 U.Va 16 (2021) (Kulkarni, S, Dissenting).

cess to the library to those who are law students, that was not always the case. Having personally watched several "I'm a real doctor"<sup>4</sup> students sleep at upstairs library desks and undergraduate pre-gunners<sup>5</sup> "try to find a quiet place," this Justice recognizes this issue is not one historically held exclusively by law students. Decisions need to be made in light of the current policies, but with the larger community on grounds, welcome or not, in mind.

The "clear act of discrimination" that the majority agrees with is a matter of choice. Planning<sup>6</sup> one's studying during the day, or during the night, is a matter of choice and priority. If a student prioritizes the Bachelor, working during the day, and going to sleep before 2:30 a.m., then the hushed air of the library is available to them 9 hours a day. If an individual makes a choice that exposes them to the consequences of their choice, they may not simply ask the Court to rescue them from themselves. Those who prefer to work at night, the "class" of individuals alleging discrimination, has never been a class protected by this Court or the administration. A little more evidence is needed than to look at the schedules of classes from this semester alone: Roughly twenty-four

4 Emphasis in original dialogue  
5 "I've taken the LSAT, so I'm basically in law school, right?"  
6 More realistically: Cramming  
COPA page 5

## Faculty Quotes

**L. Solum:** "He seizes the Consumer Financial Protection Agency in his giant jaws, and the CFPB is gone."

**C. Barzun:** "Interesting distinction here between getting high and feeling good."


**M. Livermore:** "If anyone is a Tolkien fan, the Ents would be Prudential Burkeans. 'Don't be hasty.'"

**R. Hynes:** "To my knowledge, I never committed any malpractice."

**A. Bamzai:** "I just wanted to convey to you all that I know who Eminem is. We're like the same age. I mean, we're contemporaries."

**L. Kendrick:** "Gather 'round, Grandma Leslie is going to tell you the history of pornography, as grandmas often do."

*Heard a good professor quote? Email [editor@law-weekly.org](mailto:editor@law-weekly.org)*



# Virginia Law Weekly

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COPA

continued from page 4

classes start before 10:00 a.m. and another eight start before 9:00 a.m.<sup>7</sup> Night studiers have always been placed outside of their comfort, and their inability to tell their roommate to turn down the music does not grant them a class of their own. Accordingly, it is outside this Court's review to challenge the policies enacted by the administration.

This dissent should not be read to restrict access to an equitable remedy to those that are of a historically protected class. Outside of the traditionally outlined classes, this Court notes prior protection of parent-students, those working outside of the legal field to support their studies, and those 3Ls who actually still come to the Law School. Additionally, this Court has modified age discrimination to protect those over the age of thirty at any time during their attendance. Should any of these classes present a discriminatory claim as to the law library's hours, this Justice would readily address appropriate equitable solutions. Even without a proper claim, I will address some of the merits Justice Kulkarni may be unfamiliar with.

While my young colleague on the bench has no memory of a library open past 8:30 p.m., I firmly do. In the before-times,

7 Many of these are classes for 1Ls, and therefore are superfluous and mentioned here simply for effect.

the law library was a place to study between classes, catch up on work, watch the gunners work ahead while outlining, and interact with your peers. This last activity was the most crucial for those not in the Pit of Internal Despair Gunner Pit. Socialization as a form of procrastination and stress-relief has long been a main draw of the library. The decibel levels remained low, but this was often accomplished by rolling chairs right next to each other. The appeal of this method of procrastination peaked in the late evening hours. This is exactly the behavior that the administration is attempting to dispel and is closely tied to the restrictions put in place. Additionally, time seems to move differently as you read in near-silence. Students have sat to read from the red- or blue-covered texts that strain their backs, only to lift their gaze and realize that two hours has resulted in three pages of progress. The deafening silence of the library is a trap, and this Justice has felt the hot rush of shame walking home at 11:30 p.m., only to continue the assignments started in the library. By removing students at 5:00 p.m., the health and safety of the staff is preserved, law students are more likely<sup>8</sup> to eat a real meal for dinner, and shame from late hours of studying are confined to one's own home.

For the reasons listed above, I grumpily dissent.

8 Not a guarantee

COPA page 3

WELCOME

continued from page 1

able to channel what I would want to see and read, hoping it would translate to the readers so they would really enjoy the wonderful pieces all of the writers for the *Law Weekly* had submitted. Then COVID-19 happened.

I'll be the first to admit it, I told my predecessor, Christina Luk '21, that I thought we should stop publishing the paper once the school went virtual last spring. Who would want to read about Zoom events, let alone if anyone actually knew how to find the *Law Weekly* online?<sup>5</sup> Turns out, Christina was correct in saying we should continue, and this past year has been anything if not eventful. From working to find ways to cover all of the now digital events, to bringing stories of old traditions of UVA Law to the current 1Ls who have yet to experience a softball filled Friday at Copeley Field, the *Law Weekly* became both a time capsule and a sounding board to ensure students felt heard, found a sense of reality, and could break up the monotony of the ongoing quarantine. You bet I was excited by the opportunity to continue this progress as the Editor-in-Chief.

My goals for the next year of the *Law Weekly* are humble: make people laugh,<sup>6</sup> publish

5 <https://www.lawweekly.org>. Try it out for size, it's a fun read and we've archived the past 7 Volumes.

6 I'm hoping to rival *The Onion*, here.

articles that encourage people to both pick up the paper and share the article with someone else who may find it interesting, and detail all of the important aspects of the Law School that may have been overlooked during quarantine. To help me do so, I have an absolutely stellar editorial board and some awesome staff editors who are excited to hop onto Zoom, throw around great article ideas, and write insightful pieces. However, I also realize the *Law Weekly* has its own selection bias. So I challenge you, as readers, to get involved. Share your funny professor quotes, send me your best ideas for what ANG may be doing or thinking while ANG haplessly wanders North Grounds, or better yet, tell us what *you* would like us to write about.

Being in a hybrid environment, I understand how disconnected most students feel from UVA Law, especially those upperclassmen who have now seen both sides of the coin. We here at the *Law Weekly* are working and will continue to work to hopefully fill that gap, but we also need your help to do so. Help us be interactive, remind us of the important events and traditions that we hold so dear at UVA Law, and tell us where we've come short.<sup>7</sup> While I never dreamt I would become so involved in journal-

7 My email is always open: [pjt5hm@virginia.edu](mailto:pjt5hm@virginia.edu).

WELCOME page 6

PETS

continued from page 3

**your readers will need to follow in your paw prints to adopt?**

Adopt a cat (or two)! The CASPCA has plenty, and you can speak with their foster parents to find one that is a perfect match for you. If you're thinking about it and have questions, I'm happy to answer them.

*I've always loved cats, and now I want to adopt another. Many thanks to Kelli and Maisie 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 as 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](mailto:pjt5hm@virginia.edu) if you or someone you know might like to be featured on Pets of Quarantine.*

---  
[pjt5hm@virginia.edu](mailto:pjt5hm@virginia.edu)

HOT BENCH



**Hi Tuna, welcome to Hot Bench! We are excited to have you with us this week. So how did you get your nickname, "Tuna"?**

It was a natural evolution: Christina to Xtina to Xtuna to Tuna.

**Tell me about your hometown, where did you grow up?**

I'm from San Leandro, California, where we're famous for our annual cherry festival. I don't know if we still grow cherries, but we sure love them. If you go on the city website, the "o" in San Leandro is a cherry icon. Fun fact, the city also has a high-speed fiber optics network, which I'm still trying to figure out how to connect to. For Zoom purposes.

**Before law school, you attended the University of Chicago where you obtained a master's degree in literature. Tell me about that experience.**

Ah yes, my sexy plants thesis. I wrote my master's thesis about Erasmus Darwin's *The Loves of the Plants*, which is a long-form poem about reproductive botany, a very new and shiny area of study in the late eighteenth century. The school gave me an award for the thesis, and I guess I turned around and said, "Thanks! I'm going to go to law now."

**Tell me about your favorite involvements in law school!**

The *Law Weekly*! That's an obvious one. I've always loved the paper and the people who put it together. We archive what it's like to be a student here—what we struggle with, what we celebrate. We preserve UVA Law's history in a unique way and that's why it was so important for us to keep publishing this year, even in the midst of COVID. I also love APALSA. I've made some of my closest friends in this group and I'm excited to see the organization grow.

I think the group I've learned the most from is SBA. I've co-chaired the Diversity Advisory Council for two years now (with Ida Abhari '22 and Will Hinton '21, my faves), and I'm heartened by the positive changes we've seen. Not only are we going to have a Dean of Diversity soon, we've also got the new diversity, equity, and inclusion webpage on the school website. I really want to thank the Faculty Diversity, Equity, and Belonging Committee, and its co-chairs Kate Duvall and Prof. Andrew Hayashi, for wholeheartedly working with us and taking stock of student concerns. I think students often underestimate how much change

we can make here. There's a lot of work left to be done, but it can be accomplished with persistence and optimism.

**What is one thing your friends tease you about?**

My iPhone. I have a perfectly serviceable iPhone SE, which is the size of an iPhone 5 with the hardware of an iPhone 6. It is incredibly compact and it fits in my pocket, which is all I ask of a portable cellular device. But my friends love to tease me for it. I can do everything on it that you can do on a bigger iPhone! The camera isn't as good, though, I might concede that.

**What is your favorite food?**

It was my grandmother's oxtail soup, but now I am pescatarian. Fried fish, I like fried fish a lot, and anything Grace Tang '21 makes.

**What is the most important object you own?**

The most important thing in life is your health. That said, I am very fond of my grandmother's ring that she passed down to me.

**Who are your favorite authors?**

Don't do this to me, I'm an English major! I love Emily Dickenson, she is probably my favorite poet. *The Flies* by Jean-Paul Sartre changed my life. There is a really powerful moment in the play where the main character chooses to shoulder a tragedy that he could have been free from. I was struck by that, I mean, why choose a burden? But I guess the point was that it wasn't a burden to him. When you care about something, you take a stake in it. When you take a stake in something, you care about it. It is by *choosing* to take on the weight of something that

you are able to participate fully in the society of your choice.

**What is an unusual but fun activity that you have participated in?**

Last summer, I did the Chloe Ting two-week summer shred challenge with a friend. It was unusual, because I don't like to exercise, but it was also a lot of fun. What I learned is that swearing copiously eases the pain of exercising.

**If you could level up in life just like in video games, where would you put your next skill point?**

Hmmm, health and fitness? I'd like to graduate to exercising without swearing.

**What are some of your favorite TV shows?**

I've been watching *Parks and Rec*, because Jenny Kwun '21 told me I remind her of Leslie Knope. I don't know if it will be a favorite yet. I highly recommend this Chinese historical drama called *Nirvana in Fire*. It's been described as a Chinese *Monte Cristo*, and it's perfect for anyone who likes political intrigue and secret identities.

**If you were a ghost, how would you haunt?**

I would haunt the library and whisper false facts in the ears of scholars.

**What common ingredient or spice do you despise?**

Ginger. It's the worst, and it should never be put in anything where I can taste it.

**If you were an actor, what kind of roles would you be good at?**

The expert who dies, because no one listens to her.

**What do you collect?**

I collect poems I like in a notebook, and I used to collect

watches.

**What are your favorite local Charlottesville adventures?**

I really like the local cideries, we're spoiled for choices here. Bamboo House is my favorite restaurant though. If you drive down Highway 29, past the airport, you'll see a squat, windowless building with "Bamboo House" emblazoned on its side in fairy lights. The interior is dimly lit. Along one wall is a cheery tableau of taxidermied forest animals and along another is a massive karaoke set-up. Hands down, best Korean food in town. I also really like driving down to Moo Thru with friends to get a thicc boy (milkshake).

**What video game are you playing right now?**

I am still working on *Hades*. It's a nifty rogue lite that combines my favorite things: Greek mythology and sassy British accents. It's too hard to play without my monitor, though, so I'll have to finish the game when I get back to Charlottesville.

**Do you get road rage?**

Nope. I just like to constructively point out mistakes that my fellow drivers make.

**What's one thing you learned this week?**

One thing I learned this week (in Negotiations) is that it's always in your interest to offer the other side a fair deal, because a fair deal is a sustainable one. There's no point in coming to an agreement that'll just fall apart!

HOT TUNA page 6

**HOT TUNA**

continued from page 5

What song do you have to sing along with when you hear it?

“Viva La Vida” by Coldplay.

You are about to get into a fight, what song comes on as your soundtrack?

Boss music.

What are your favorite snacks?

I’m not sure, but last week I ate an entire tray of cocktail shrimp from Costco.

Is cereal a soup?

Yes. This is a question that has bitterly divided EICs for ages. I am chagrined that Eleanor Schmalzl ’20’s article on the subject is our most read article on the website, because she came to the opposite (erroneous) conclusion.

---

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**DESSERT**

continued from page 2

Assemble tiramisu: briefly (1-2 seconds) dip ladyfinger cookies into coffee mixture and layer between mascarpone cream.

Keep in the fridge for a MINIMUM of 48 hours before dusting with cocoa powder and serving. Tiramisu can be frozen (for up to one month) and thawed before serving. Freezing Tiramisu will not affect its taste at all.

---

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**WELCOME**

continued from page 5

ism (let alone EIC of the *Law Weekly*) when I received my acceptance here, I’m humbled and very excited to bring this paper to new heights. I appreciate all of our readers and I hope y’all will help make this upcoming year one of the best that UVA Law has seen. Better yet, if you’ve gotten this far, hit me up the next time we see each other on the friendly confines of Copley Field. I’ll have a cold one waiting for you.

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pjt5hm@virginia.edu



Our Cartoonist-in-Residence is graduating!  
Email [Editor@lawweekly.org](mailto:Editor@lawweekly.org) if you are interested in taking up the mantle.



**THE DOCKET**

TIME	EVENT	LOCATION	COST	FOOD?
<b>WEDNESDAY – March 3</b>				
All Day	Turn in your FASFA	Just a friendly reminder	Free	You won't have money for food if you don't submit it
15:15 – 18:15	UVA Alumni on the Bench	Zoom	Free	☹
17:00 – 18:00	FedSoc: The adequacy of Antitrust Law	Zoom	Free	☹
17:00 – 19:00	Equal Justice Works	Zoom	Free	☹
18:30 – 19:30	CLG Presents: Civility in Crisis	Zoom	Free	Yes! First 50 Registrants
All Day	Virtual Bar Review Prep	Zoom	Free	☹
<b>THURSDAY – March 4</b>				
11:00 – 12:00	LexisNexis Office Hours	Zoom	Free	☹
14:00 – 15:00	Darden Seminar Series: Paul Schott Stevens	Zoom	Free	☹
17:30 – 18:30	VLW's Women in Government Panel	Zoom	Free	Yes! Reimbursement on first-come first-serve basis
18:00 – 19:00	The Future of Cities	Zoom	Free	☹
19:00 – 20:00	Therapeutic Yoga	Zoom	Free	☹
<b>FRIDAY – March 5</b>				
8:00	Journal Tryout Schedule 2: Writing Component distributed	Email	Free	☹
<b>SATURDAY – March 6</b>				
09:00 – 13:00	Winter Farmers Market	IX Art Park	Free	Available for Purchase
<b>MONDAY – March 8</b>				
<b>SPRING BREAK PART 1</b>				
9:00 – 10:00	Meditation Monday	Zoom	Free	☹
<b>Tuesday – March 9</b>				
<b>SPRING BREAK PART 1 CONTINUES</b>				
9:00 – 10:00	Barre Tuesday	Zoom	Free	☹

**SUDOKU**

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6	9							

**Solution**

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