



VIRGINIA LAW WEEKLY

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

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Happy St. Patrick's Day to all Observers!

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More Mercy: Criminal Justice, Twitter, and Beyond

Jacob Smith '23

Professor-Liason Editor

Should we define people by their worst acts? Of course not! Especially at a time when criminal justice reform is increasingly popular, it is uncontroversial to say that American criminal justice ought to be more merciful. What was surprising about Judge Stephanos Bibas's talk on "The Decline of Mercy" was not the principles he applied to criminal justice reform, but their striking application to how we treat each other on social media and as aspiring lawyers.

Judge Bibas's "The Decline of Mercy" talk occurred on Wednesday, March 10, hosted by the Federalist Society. Judge Bibas is a former Assistant United States Attorney and currently sits on the Court of Appeals for the Third Circuit.

Mercy is an important principle in criminal justice. Mercy tells us to judge acts, not actors. As Judge Bibas described it, mercy is that which allows us to grow beyond our past wrongs and "turn over a new leaf." Without mercy, Judge Bibas seemed to imply, punishment would last forever and we would always carry the guilt of past wrongs.

According to Judge Bibas, our criminal justice institutions do not embody mercy the way that they should. While activists tend to be suspicious of the past, Judge Bibas suggested that modern criminal justice can learn something from the American colonial era when it comes to mercy. Specifically, American criminal justice has neglected three themes: punishing wrongs instead of wrongdoers, confronting criminals face to face, and looking forward instead of backward.

Punishing wrongs, not wrongdoers

Judge Bibas described colonial criminal justice as focused on "punishing wrongs, not de-personing wrongdoers." Severe penalties like hanging or banishment were rare. More often, lawbreakers would be required to pay a fine or make an apology. Even public shaming tended to be swift and soon over. Wrongdoers would receive "swift and temporary" punishment, and then they would be forgiven and reintegrated into the community. A common Christian faith contributed to a common sense of humanity: "We're all sinners, and we all deserve some punishment, but we all can turn over a new leaf." But today, when our felons are released from prison, MERCY page 6

Student Bar Association Elections Are Here



Pictured: Top Row, from left to right: Chance Maginness, Katherine O'Neal, Phil Tonseth. Bottom Row, from left to right: Elizabeth Kruse, Caroline Spadaro. Photos courtesy of candidates.

Phil Tonseth '22
Editor-in-Chief

This year, the Student Bar Association (SBA) is running contested elections for the President, Vice President, and 3L/2L Senator positions. Each of the candidates' arguments for President and Vice President are featured below, and voting will be open from Wednesday, March 17 until Friday, March 19. We encourage you to learn more about the debate and the candidates, as well as exercise your right to vote for your upcoming SBA representatives!

These statements are presented unedited so that you may consider the candidates based on their own work.

Chance Maginness

Hello friends! For the many of you that know me, you know how much I love this school and (too probably too great a degree) SBA as well. For those of you who I have yet to meet, allow me to say a few words about why I'm running for President.

If you elect me to be your President, I promise that I will spend every day bringing back what we've lost due to the pandemic. I will work tirelessly to revive our community and make it stronger than ever. And I have a few ideas how:

- I'll revive and expand SBA keg socials.
- I'll start a lunch program to encourage more students to stay in the law school.
- I'll start a party pass program to increase social events outside of school.

- I'll work with NGSJ to make sure this year's 1Ls can experience Dandelion and softball.
- I'll bring about better inclusivity trainings for students and faculty.
- I'll centralize the way SBA works so that more students have better access to us and the administration.
- And hopefully I can also start a fiction section in the library.

(And a school drag show, if I can swing it.)

I genuinely love this school. I love the people that I've met. I love the faculty. I love the arguments and the ideas and the banter and the jokes that we all share. I've also loved being in SBA. I have cherished the opportunity to work on behalf of my fellow students over the past two years, and I am proud of the work that I have accomplished through my tenure as SBA Treasurer and through the Governance Reform Report. I have devoted every day of my time here to making this school a more welcoming and fun place for everyone. It is because of that devotion to you all that I'm running for President. I'm not doing this for fun, or to make a point, or because I need the job. I'm doing it simply because I love this school and I care about making sure that you all love it as much as I do.

As such, and really regardless of the outcome, it is my only hope that I can spend my last year here as I have spent my first two - serving all of you.

Katherine O'Neal

I'm Katherine O'Neal and I am running for SBA President. I have served in several different roles in SBA, and my passion for service and my time as a member of SBA has allowed me to advocate for mental health, programming, and wellness initiatives. I sincerely hope that I can continue to be a zealous advocate for all students of UVA Law as President.

While UVA effectively serves many students, a large portion of our student body is underserved and under supported. Collective action is important, and I believe that SBA can do much more with our power and position at the school to fight for equity. I would ensure that SBA serves to amplify and support the initiatives of our affinity groups and use our power to press the administration to make greater changes. My first step would be investigating the gaps in support for diverse students. After soliciting student feedback early in my term, I will move towards creating school-wide programs and push to accelerate current initiatives, such as expanding student and faculty bias training. I will continue to advocate for transparency and accountability from the administration regarding diversity and inclusion efforts.

My second focus is community. At UVA we pride ourselves on the strength of our relationships, but COVID has tested our resolve. I will ensure that finances are not a barrier

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around north grounds



Thumbs up to UVA Law for creating two mini-spring breaks instead of one normal one. Now ANG and all the other students can travel twice and spread twice as much COVID. Big-brain public health thinking could only come up with that.



Thumbs sideways to the Oscars. ANG supposes it's easier to have no host for the third year running than it is to find an un-problematic comedian.



Thumbs up to the Kegger Committee. While ANG is terrified of social interaction, more drinking events helps the curve in ANG's favor.



Thumbs down to Taylor Swift. ANG only managed to bake one loaf of bread in quarantine and thinks it is bad sportsmanship for Taylor Swift to release two award-winning albums during the same time. At a certain point, it's just showing off.



Thumbs up to Spring. ANG loves the emotional rollercoaster of exciting seventy-degree days followed by the crushing disappointment of another forty-degree day.



Thumbs sideways to *The Bachelorette* changing hosts for next season. The only thing ANG dislikes more than Chris Harrison is change.



Thumbs up to Beyonce becoming the most decorated female act in the Grammy's history. ANG has tried many times to put a ring on the squirrels that visit the softball bleachers, thanks to Beyonce's good advice.



Thumbs down to the new stimulus checks. ANG doesn't think it's fair ANG won't receive \$1,400 just because ANG has never filed taxes.



Thumbs down to SBA Elections Instagram accounts. ANG thought they made a new friend and would have an actual follower.

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to participation in events while also planning more frequent school-wide activities to foster cross-class community. One idea I have is a carnival at The Park with food trucks, beverages, and music for the whole community. I would also plan events just for current 1Ls so they get the chance to meet each other and form relationships. Some other ideas I have are a welcome back bar crawl and a Halloween party.

Access, accountability, and transparency between SBA and those that we represent are vital to our mission. Under my administration the executive board would host a bi-annual town hall so the entire student body has ample opportunity to voice opinions and hold exec accountable. I would also push for SBA to be more involved with Main Grounds in order to ensure that our needs are advocated for. COVID has shown us that Main Grounds decision-making has an impact on our lives, and it is important to be represented in those conversations.

Niko Orfanedes

It goes without saying that we, as a student body, are at a crossroads. The pandemic continues to take a toll on our mental and physical health. Our viewpoints on critical issues are increasingly at odds. A number of students feel isolated and disconnected from the law school administration – and, in many cases, their fellow classmates. Meanwhile,

Reddit posts and GroupMe discussions have highlighted our dire, longstanding need to curate a drastically more diverse and inclusive student body and faculty.

Too often when faced with these challenges, we, the student body, elect to debate for the sake of debating (we are future lawyers, after all). Words alone, however, are not the way forward. Our current state of affairs calls for strong, decisive, and robust action – and that's where my running mate, Caroline, and I come in.

Together, we are going to ENGAGE with the difficult issues facing our students, EMPOWER the voices of our fellow classmates, and ENRICH your experience as members of the UVA Law community.

With respect to my qualifications, I have been involved in student government throughout my academic career. Prior to law school, I served as Vice President of my high school student body and was an active member of the student government-affiliated leadership community at the University of South Carolina. Currently, I serve as co-chair of the SBA's Community Engagement Committee, a committee of service-oriented law students dedicated to serving those in need within the UVA, Charlottesville, and Albemarle communities. I am also actively involved with a number of other student organizations on-grounds, and I recently co-captained Team UVA in an extramural, professional basketball arbitration competition.

Additionally – and perhaps

most importantly – I have significant, real-world experience as a leader and an advocate. As a college freshman, I successfully lobbied for a more lucrative sales commission for all minimum-wage employees of a multi-state corporation. More recently, while working post-grad as a marketing strategist at a corporate resort, I advocated for improved working conditions and compensation benefits for front-of-house employees, and, in recognition of my leadership, I was honored as the resort's first-ever employee-of-the-year in its twenty-five years of operation.

At the end of the day, I am not a politician. Rather, I am a man of action. As your President, I will listen to, advocate for, and collaborate with you each and every day. Together, we can accomplish something truly special.

The following statements from the Vice Presidential Candidates are unedited, so that you may consider the candidates based on their own work.

Caroline Spadaro

Today, our community is facing incredible challenges, from the toll of the pandemic on mental health, interpersonal connections, and our law school experience, to students feeling as though their voices are not heard or respected. We are at a critical crossroads and it is the essential role of SBA to pull a seat up to the table for every student organization and every individual to be sure

their voices are represented and acted upon.

Should we be elected to serve you, my running mate, Niko, and I will work tirelessly with SBA and the administration to build a community in which each student sees a reflection of the inclusivity, collegiality, and values that brought us to call this school home. Together, we will ENGAGE with the difficult issues facing our students, EMPOWER the voices of our fellow students, and ENRICH your experience as members of the UVA Law community.

Having served as a 2L Senator and a First-Year Council representative, I have seen the triumphs and adversity our peers have faced and am well prepared to work with my fellow executive board members, senators, and student organizations to zealously advocate for this community's best interests.

As Panhellenic President at the University of South Carolina, I led a community of over 4,200 women, facilitating philanthropic efforts and community-wide educational, social, and professional programming, maintaining a high standard of engagement from all member organizations. The skills built in managing the roles of my executive board members would translate incredibly well into building cohesive and productive teams to ensure that each SBA committee is operating individually and collectively to their highest service of the student body. I also helped to plan the inaugural "Cockstock" Con-

cert at the University of South Carolina, bringing a free Rae Sremmurd performance to campus, which was an incredible success and learning experience in large-scale event organization. As a student member of the University President's Diversity and Inclusion Advisory Committee at South Carolina, I have worked with university administrators, professors, and my peers to face issues in creating a community in which people of different backgrounds and beliefs work together to create a collaborative and welcoming environment for all

Should I be elected to serve as your Vice President, I look forward to working with an equally passionate team to take decisive action on behalf of our students from day one.

Elizabeth Kruse

I am running for Vice President because I want to give back to the upcoming 3L class and the law school as a whole. As Vice President, my primary duties would be planning graduation and other celebratory events for the 3L class. My great hope is that increased vaccination will allow these celebrations to take place in person, however as VP I will do my best to bring together the class in the safest and most respectful form available. As a member of the Executive Board, I promise to be a fierce advocate for the student body, ensuring that the Student Bar Association is receptive to student concerns and transparent

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3L Senator Platforms

This year, the Student Bar Association (SBA) is running contested elections for the President, Vice President, and 3L/2L Senator positions. Each of the candidates' arguments for 3L Senator are featured below, and voting will be open from Wednesday, March 17 until Friday, March 19. We encourage you to learn more about the debate and the candidates, as well as exercise your right to vote for your upcoming SBA representatives!

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Ansley Seay

As a 3L Senator, I will advocate for not only my fellow 3Ls, but the entire student body, in these isolating times. My time as a 2L Senator has given me the opportunity to learn how SBA operates. While SBA has vigorously advocated for our student body this year, I have observed a disconnect between SBA and the student body. While all students are welcome at SBA meetings and SBA members are willing to discuss issues with any student, I do not believe all students know who to talk to about their individual concerns. As a 3L Senator, I hope to work with the Executive Board to find a solution to this problem, such as assigning each student a senator in their class. Such an assign-



ment would give each student a point of contact to voice any concerns or comments about their individual experience, no matter how small.

Caroline Spadaro

Having served as a first-year council representative and as a current 2L senator, I have seen how our class has both struggled and succeeded in our first years of law school. We have built a wonderful community, but have faced adversity that we did not imagine, and it has resulted in many students feeling that their voices are not heard by the administration or by their peers. We are at our best as a community when everyone has a seat at the table, and I want to continue to work to amplify student voices to SBA and the administration. One of my greatest strengths is my ability to create a team environment in which everyone feels welcome, and should I be re-elected as a 3L senator, I look forward to work to ensure that our final year at UVA Law is one in which our class leaves a lasting change.

**Chance Maginness**

Howdy folks, it's me again. I won't take up too much space here because I think I outlined in pretty good detail why I'm running in the Presidential Platform sec-



tion of this edition. But, allow me to take just a moment to tell you why I'm also running for 3L Senator.

Like I said in my Presidential blurb, I'm doing this because I care. It's traditional for presidential candidates to also run for 3L Senate as a show of their commitment to this school. But this is more than just a symbolic gesture for me. I truly do feel that regardless of what position I hold, serving my fellow students (and fellow future 3Ls) is the most important thing I can do. I hope that you give me that opportunity.

Connor Kurtz

In 1970, Dr. Hunter Thompson ran for sheriff of Aspen, CO on the Freak Power ticket. His goal? To bring freaks, druggies, and dropouts into politics.

I'm the Freak Power candidate for SBA senator. And I'm campaigning like a rat in heat to give voice to those of us unrepresented by the dominant channels for official student representation. This disaffected group includes—but is obviously not limited to—centrists, liberals, conservatives; non-Dillardards; 1L softball dissenters; the untrustfunded. We freaks want tolerance. We don't want to run the place. We just want to be a small part of it.

I have little in the way of a platform besides a promise not to be an unthinking avatar



for North Grounds orthodoxy and an aspiration to be the xylophongium SBA needs. Oh, and I'm proudly in the pocket of Big Hot Beverage, having sold my political soul to restore "free" library coffee.

Davin Laskin

My priority for the 2021-2022 academic year is to bring back the sense of community and collaboration we had when I started in the Fall of 2019. Last year, events like dandelion, barrister's, feb club, and fauxfield brought the law school together and served as a much-needed outlet for stress relief to complement our rigorous academic workload. Many students have expressed frustration with the strictness of the restrictions imposed on the law school and its resulting impacts on both students' mental health and the school's sense of community as a whole. By August, we will be in a much different situation – I believe it is imperative that we focus on social events and traditions to bring UVA Law back as the collegial standout amongst our peer schools.

**Margaret Shin**

My name's Margaret Shin, and I'm running to serve as your 3L senator next year. SBA needs to be more proactive in cultivating an inclusive environment



where everyone, regardless of background, ideology, or identity, feels at home; in educating the student body of and combating the isolation that diverse students often experience; and in working closely with other grad schools to ensure we're in the room when decisions that affect us are being made on Main Grounds. I've spent the last two years as your SBA Senator working to ensure that diverse voices are seen, heard, and represented; to foster grace and empathy towards our classmates; and to work with the administration to increase the diversity of our faculty and student body. I hope to continue having these opportunities next year and represent the class of 2022 as a 3L Senator.

Molly Mueller

Next year, the 3L class will be the only one that knew UVA Law before Covid. I want to help make sure that the things we loved about UVA last fall still live on past the time of the pandemic, while also taking the opportunity to assess what needs to change. One of the most important parts of my experiences at UVA has been my connection with my classmates, so one of my priorities will be to create experiences to bring people together. As student body treasurer in college, I helped student organiza-



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in our decision-making. I will promote equity and inclusivity in all of our policies and goals, and strive to face difficult problems head-on.

I believe I am qualified to serve in this position because of my long-standing commitment to this school and its betterment. As a 1L Senator I worked hard to bond our class and advocate for our interests on SBA. As the Vice Chair of Transparency for the SBA Governance Committee, I led a team of students in developing policy recommendations to give students greater access to decision-making and important information affecting their time at the law school. As Student Council Representative, I have worked to pass legislation that creates positive change for the entire university and protects student interests during this difficult time. As a Double Hoo, I have spent the past six years in Charlottesville, and have loved calling UVA home. Because I love UVA so much, I can see its flaws clearly, and I am not afraid to advocate for change for the better. I want this place to be the best it can be, and I hope I have the opportunity to work toward that goal as Vice President.

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Pets of Quarantine: Jack and Millie

After a year of quarantine, most people have either learned to live alone, or al-

tered their life circumstances to find 'safe' friends. While

Love in the Time of Corona featured how 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 Jack Tucker '22 and Millie, a pupperoni whose energy level is rivaled only by her voracious appetite.

Hey y'all! I'll go to you first, Jack. What inspired you to adopt?

I knew for a while that I wanted a dog. And I had already figured that if I was getting a puppy, law school would be a good time to get it, since I'd have more time to spend at home raising the puppy than once I start practicing law. Once Covid hit, it became clear there was never going to

be a better time to do it, so I did it.

What exactly drew you to Millie in particular? Did you look for a specific breed or temperament?

Millie is actually the daughter of my cousin's British Lab named Stella. I've spent a lot of time around Stella over the past few years and knew I wanted one of her puppies because she's an incredibly smart, obedient, and friendly dog. And by taking one of Stella's puppies, Millie gets to stay in our family.



Pictured: A Christmas to remember. Photo courtesy of Jack Tucker.

Was it love at first sight?

Well, when I showed up at the farm to pick her up, they told me I could have the strongest female with a pretty, reddish coat or the smallest female with a white coat. Being the superficial guy that I am, I went for the strength and beautiful, red coat. But Millie immediately ran away from me after I picked her up for the first time, so I'm not sure there was a meeting of the minds on

love at first sight.

Millie, you're up. Getting straight to the point, do you think Jack has been a good roommate? He seems like an overly neat freak to me.

My dad is great to live with because he lets me come sleep at his feet while he does his readings and always gives me salmon-flavored treats when he puts me in my crate for night-night time. But you're right. He is a neat freak. He makes me live under the tyrannical reign of the vacuum cleaner every Saturday morning.

Millie, have you been called on to contribute in class yet? Knowing how much Jack likes to offer his input, I have no doubt this has probably rubbed off on you.

I'm not as much of a gunner as my dad. But I do like to jump on the side of his chair while he's in class. Do professors give a cuteness bump to grades? Because I would totally get that.

Slight follow up, but also unrelated. Why do you frequently nibble on people's fingers and toes to get their attention?

Mmmmmmm. Fingers and toes are my favorite. They're so salty and tasty. But I really just do it because I want you to pet me.

Jack, how has Millie changed your life for the better, or for the worse? She seems like a hoot to

me, personally.

Millie is literally my sunshine.

Would you say that Millie has made you become a responsible parent? AKA how many times do you actually get up at 5 AM to take Millie outside?

Millie apparently has good genes and got a bladder of steel. Because after the first two weeks, I've only taken her out a couple times in the middle of the night.

Millie, does Jack give you any table scraps for when you're being a good girl? What's been your favorite so far?

No, my dad is a dog health freak. He just feeds me the "wholesome ocean pollock blend" of some special dog food. It's not fair that other dogs get to eat rotisserie chicken and Wagyu beef.

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

Best trick?
I catch anything thrown to me in midair like I'm Deandre Hopkins.

What's your favorite yard to pee in?

The tiny patch of grass behind the Ivy Garden leasing office is the Rolls Royce of pee spots.

PETS page 5

2L Senator Platforms

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Cassie Stanton Cox



Hello, I'm Cassie, and I'm running for 2L Senator because I genuinely enjoy speaking to and spending time with our class. As a 1L Senator, I was vocal in SBA meetings to get extended library hours and breaks for the sake of 1L sanity. I will continue advocating for our class by fighting for more support for public interest students and hosting 2L town halls.

I have a background in event planning, so I'm excited to help plan Barristers and Bar Review. My main priority will be unifying events for 2Ls. I hope to help host a Welcome Back event and events in Spies. Whether you elect me or not, I plan to be the first one in the

door to gatherings like these so I can meet more of you. I hope you choose me to represent you as a 2L Senator as we seek unity in our class!

Clint Roscoe



I'm running for 2L Senator because I want to bring our class closer together. I ran for and was elected to a 1L Senator position because I expressed a desire to engage directly with the 2L and 3L class about what the law school is like during "normal" times. I wanted to hear about the regular, day-to-day social operations of the law school, in the hopes that we might be able to return to that when the pandemic was nearing its end. Pandemic precautions like social distancing and masking are as important as ever, but I remain confident that these requirements will not outlast our time here at UVA. Extracurricular events, student atmosphere, and (to borrow our school's favorite phrase) a collegial environment, are part of the reason I chose UVA, and I'm guessing they're a big reason that you're here as well.

that a pandemic requires. My platform, *Here & Beyond*, is uniquely tailored to these challenges. The first phase, *Here*, focuses on utilizing our budget to provide the types of wellness resources we need through the rest of a challenging Spring semester. For example, as an elected representative on First Year Council, I'm spearheading an initiative to get free Headspace memberships for our entire class. The next phase, *Beyond*, is about making up for lost time. Many of us were attracted to UVA Law by its reputation as "the fun T14." Once social distancing restrictions are relaxed in the Fall semester, I want to program as many social events as possible so we can see the fun side of UVA Law for ourselves.

Holly Bard



1L has posed unique challenges for us all—journal tryouts and internship hunting on top of regular classwork is stressful enough without the social isolation

door to gatherings like these so I can meet more of you. I hope you choose me to represent you as a 2L Senator as we seek unity in our class!

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Jack Brown



Look, I've never been involved in student government. In college I didn't think any group of students could accomplish anything important for a student body of over twenty thousand. But the smaller size of the law school makes me believe that the SBA can actually markedly improve the experience of everyone at the law school. I hope to be able to help the school bounce back from this Zoom-filled year in my role as a senator and see what the limits of what the SBA can accomplish are!

Juhi Desai



I think my platform can be boiled down to one word - community. I'm interested in being an SBA senator because I care about the law school community and I'm interested in helping serve it. I consider myself an ally and an advocate and I think I'd do a good job as senator of listening to our peers, really hearing what they need to feel supported and safe and then making those things happen. I love planning events which would be great for the programming portion of SBA and I also love talking to people which would be great for the advocacy side of SBA. I just want everyone in law school to be vibing and feel comfortable and supported here and I hope to help with that as a senator.

Mita Ramani



Hi, UVA Law! My name is Mita Ramani, and I am running for 2L Senator. Over the past year, I have had the honor of serving as your 1L Senator. Our class has faced unprecedented challenges. Yet, we have persevered, and our success during 1L is a testament to our resilience. As your 2L Senator, I hope to plan events that give our class the chance to foster deeper connections, explore the Charlottesville community, and frankly just have more fun (Bar Review

and Barristers anyone?!). I also hope to work closely with the Diversity Committee and new Assistant Diversity Dean to push forward new initiatives to make UVA Law a more inclusive and equitable community. I deeply appreciate how working in SBA has given me the opportunity to voice student's concerns to the administration and SBA at large, and I hope to continue this work next year.

Riley Segars



My name is Riley Segars, and I am running for 2L Senator. During my first term, I carved for myself a position where I was able to raise many concerns from students that the law school often overlooked. For example, I helped make sure that the bookstore accommodated overseas and remote students by advocating for extending the deadline for when books had to be returned after first semester. Going into 2L, I plan to keep this mentality of looking out for all the people of the Class of 2023. SBA is meant to advocate for the needs of every student, including those who, like me, have no idea what the heck is going on and are just faking it until they make it. As such, I will continue to advocate for flexibility and adaptability, especially given the un-

2L SENATORS page 5

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

Springbreakers v. Try-hards

73 U. Va 20 (2021)

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

JUSTICE LAKE delivered the opinion of the Court.

Facts

The court meets today to discuss the true boundaries of try-hardiness and gunnertude at a level not addressed in recent enough memory to count: Administration.

At trial, the jury awarded plaintiffs an injunction preventing rearrangement of the 2021 academic calendar. The contested changes would have spring break, a traditionally week-long affair consisting of piña colodas on the beach and tequila shots off your stomach, broken into bite-sized crumbs and sprinkled throughout the spring semester. Plaintiffs, hereafter Springbreakers, have produced a convincing record of fighting for their right to party.¹ On the other hand, Appellant Try-hards, hereafter Administration, has successfully convinced the court of the life-and-death stakes of spring break during these trying times. A few long weekends spread throughout the semester is a compromise Administration is offering in place of the dreaded Fall 2020 Semester doldrums.

It is also true that UVA Law has remained the only T-14 to maintain some levels of in-person learning throughout the entire 2020-2021 academic year. COVID spikes have occurred, but they have also been contained. Consistent testing and social restrictions have afforded Administration a privileged po-

1 See *Licensed to Ill*, (1986).

sition amongst the T-14s and, critically, amongst the incoming 1L class.

An extended spring break would mean traveling, and traveling would mean another eruption in positive cases like the return from winter break. While every outbreak so far has been successfully managed, that is no guarantee for future outbreaks. This is especially true as the semester enters its second half and fatigue really starts to set in. A sufficiently large outbreak would mean moving totally virtual, ruining UVA Law's record and reputation.² While Spring-

"The court meets today to discuss the true boundaries of try-hardiness and gunnertude at a level not addressed in recent enough memory to count: Administration."

breakers have made exceptionally moving arguments asking for just a bit of rest and maybe time to sip a margarita or two, we are not convinced the private mental and physical well-being of students is worth more than the social good of Administration continuing to stunt on their peers.

Analysis

This court has recently reviewed the rights and privileges of UVA Law Students, including the right to stunt on their peers.³ Precious little precedent exists to support a condemnation of either flexing or showboating between classmates.⁴

2 Or whatever is left of our reputation on COVID after the letter to Administration that shall not be explicitly called out.

3 See *Costanza v. Wambsgaa*, 73 U. Va 19 (2021).

4 *Id.* (citing *Gunners v. Gunners*, 231 U.Va. 172 (2002); *Normi v. Tryhard*, 31 U.Va. 111 (2000); *Trump v. UVA Law Vets*, 44 U.Va. 101 (1968)).

While this Court encourages collegiality, we cannot deny the competitive spirit that thrives within the Law School.⁵ And as the UVA Law School Motto reads, "where there is competition, there will be gunning."⁶ Gunners stay up late and wake up early not because they have to, but because they have not found anything that fills the void quite like the satisfaction of being more tired than a casual acquaintance. They ask the most questions during class not because they need to know the professor's thoughts on their elaborate hypothetical as soon

as possible, but because they need everyone in the room to hear them think out loud. They rewrite appellate briefs the night before they're due not because they want to, but because the thrill of making a reasonable task excessively difficult has yet to wear off for them. Being a try-hard isn't easy and it isn't fun, but this court will continue to defend their right to be insufferable.⁷

We turn now to the rights and privileges of the UVA Law Administration. As much as any organization is merely a reflection of its membership, it would seem Administration benefits from the same protections for gloating that Students enjoy. The Supreme Court

5 If you've seen us heckling batters at softball games, you understand where we're coming from.

6 It sounds better in the original Latin.

7 This court also believes gunners should not be allowed to vote or hold office, not relevant to this case.

ruled in *Citizens United* that corporations are people too; Administration has successfully demonstrated to this Court that their enormous endowment qualifies them for basic First Amendment protections. Money cannot buy enhanced First Amendment protections like humblebragging, however; those can only be awarded by the Court.⁸ In the same way Students benefit from the now-classic "COVID Law Student" humblebrag, Administration appears to have a corresponding flex on the other T-14s. "Yeah running a Zoom School

of Law is tough," Administration can be easily imagined saying at a virtual happy hour event we are sure the T-14s regularly engage in, "but we've managed to stay partially in-person this entire academic year. Our students are just handling the restrictions better than the average class, I guess."⁹

The ability to dunk on other administrations that are still

8 Enhanced First Amendment Privileges can also be won in trial by combat.

9 The statement would be accompanied by an expression not dissimilar to this: 😏

entirely virtual¹⁰ is a flex Administration has become accustomed to making. The frantically spinning gears and noisy machinery¹¹ keeping hybrid-learning running have their limits—Springbreakers are not the first affected class to bring action against Administration this term.¹² While this court is usually happy to settle disputes at face value and move on with our very busy schedule,¹³ as a matter of (presumably) first impression this case has been afforded a slightly deeper dive. Appellant has asked us to answer simply if they have the right to absolutely dance in the endzone at the expense of their peers, the same as Students. We have recognized this right. The question Springbreakers have asked us to answer is if Administration's right to gloat about their spectacular COVID record infringes on student mental health and well-being in an actionable way. To this question we must answer no.

The judgment of the lower court is **reversed**.

10 Perhaps on an administration rhyming with Shmarvard Shmlaw Shmool, for example.

11 That is, the general well-being of professors, students, and staff.

12 See *Froz T. Snowman v. Student Administration*, 73 U.Va 15 (2021)

13 ABC's *The Bachelor* hosts the season's final finale "After the Final Rose" Monday 3/15, as only one example of our crowded calendar.

Faculty Quotes

C. Barzun: "Maybe I should just mute myself the whole time?"

C. Nelson: "I will now analyze that joke, thereby eliminating all humor from it."

R. Verkerke: "So none of you are completely baffled! I applaud you."

S. Prakash: "Lincoln and Nixon. They're like chocolate and peanut butter."

M. Collins: "In the words of Britney Spears - oops! I think I've talked too much about that subject again."

R. Harmon: "Ineffective assistance of counsel. Like quicksand, but not the same."

Heard a good professor quote?

Email us at editor@lawweekly.org



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PETS
continued from page 3

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

Roll in the mud. But then dad gives me a bath after, and I get scared when he points the shower head at me.

How many toys can you fit in your mouth at once?

Three!!!

Biggest pet peeve?

When dad doesn't give me all of his attention. I'm way



Pictured: If Jack has ever cancelled plans on you, it's probably because of this face. Photo courtesy of Jack Tucker.

better than reading casebooks, and I whine to make sure he knows that.

Would you consider yourself a good 'wing-woman' for Jack's pursuit of love?

I don't know why my dad has a Hinge for himself. He should just make one exclusively using pictures of me. That's who they all want to see anyway.

On a scale of one to ten, how mad are you that Jack doesn't let you on the furniture in his apartment?

It was a 10 until he bought me this super comfortable bed. Now I'm at an 8.

Lastly, who's a good pupper?

Me, me, me. Millie is the best pupper.

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

Getting a puppy is hard at first. But it very quickly becomes manageable. I have no regrets.

Having met Millie first hand, I'm definitely a fan. Many thanks to Jack and Millie 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 if you or someone you know might like to be featured on Pets of Quarantine.

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3L SENATORS
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tions host events on campus. I would apply this programming knowledge to SBA events. Working with so many different student organizations in college also helped me realize how valuable it is to support a wide range of interests and initiatives on campus. Doing the same at UVA Law will help ensure that everyone can find their community here.

Morgan Maloney



Hello! My name is Morgan Maloney and I am running to be a 3L Senator. This past year on SBA, I have focused on two key issues: student mental health and the needs of public service students. Working with the Health & Wellness Committee, I initiated and launched the SBA COVID goodie bag program. As a public service student, I have sought to make sure that our particular needs were represented in SBA, especially around questions of clinic grading. This upcoming year, I would like to continue advocating for student mental health and public service students.

I sincerely hope that next year can finally be "normal" again and, as a class and a community, we can come together. But, regardless of the public health situation, I hope to make our 3L year our best year yet of law school. I would be honored to receive your vote.

Valera Bamgbala



I would like to dedicate my candidacy specifically to the racial issues that have been brought to the forefront by social media this semester. As a 3L senator, I would like to extend myself to individuals and communities that continue to feel the blunt reality of racial issues permeate our community. As a 3L senator, I will be creating office hours in which anybody would be welcome to voice their concerns, and I will ensure their anonymity should an issue be brought to the SBA. As a woman of color, and a first generation lawyer, I believe I can serve as an excellent resource. Furthermore, I seek to increase inclusion across the board, through the Diversity Committee and the Programming Committee. "Diversity" should cease to be an ideal, and must become, at the very least, the baseline reality. A safe, supported, and diverse community should be our normal.

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2L SENATORS
continued from page 3

certainty of how the law school will be next year.

Trevor Floyd



None of us got the UVA experience we expected this year. That means we have to go double next year, for everyone in our class and especially for the people who will be showing up to Charlottesville for the first time as 2Ls. Keggers in Spies? Yes. Softball? Yes. Admitted Stu - er, *Matriculated Students Weekend*? Yes! Your great idea? Sure, we'll do that too! We can make this whatever we want it to be, so why hold back?

Rebuilding the UVA Law community - in fact, making it better - has to happen fast and it has to include everyone. In my previous life, I produced theatre, which means I am used to working with a diverse team of people, making money go far, and successfully pulling off the impossible. So if building an even better UVA Law seems impossible, then I'm your guy.

HOT BENCH



Drew Calamaro '21

Interviewed by John Peterson '23

Hello Drew! Thanks for taking the time to speak with us today.

Where are you from, what brought you to law school, and all that introductory stuff?

I'm from Philadelphia, and I wanted to go to law school because I was too stupid to go get my MBA. That's about it, just put that. I was a finance major at the University of Maryland, and I graduated in 2016.

Do you know what you want to do after law school?

Yeah, so, I'll be at Goodwin in New York, hopefully doing biotech, like, tech stuff. And trying to make deals. Wheelin' and dealin'.

Not patent stuff though, just regular transactional corporate law.

What are some of your hobbies?

I'm a big golfer and I enjoy attending class on the golf course. Other than that, I like long walks and thinking about doing my work, but I don't end up doing it. Yeah, those are some hobbies right there. Obviously, I also significantly enjoyed writing for the *Law Weekly* my first couple years. Now I'm giving the younger bucks a chance to take the reins.

Where do you go on those long walks?

Well, that's a good question. I guess I go about a mile? So, it's not THAT long. And I go over to the business school and I sit and dream of being a business student and the life choices that I made to get to this point. Long reflective walks on what could have been.

What initially got you interested in *Law Weekly*?

I kind of needed an outlet to be creative. I don't know if you've been in the school enough to know the painting, but there's a painting of sheep and, I just remember my first day I was literally like "oh my god, this is what they're training us to be." And, in an effort to not be that, I joined the *Law Weekly*. If you don't want to be a sheep, join the *Law Weekly*.

Did you have any particular moments from your time at *Law Weekly* that stand out to you?

So, my first series was about chicken sandwiches and that was probably my favorite. I got to rank chicken sandwiches based on how problematic they are and how they tasted, but I changed the rating scale every time and people got confused and upset. It was great. That was probably my favorite. Also, making references to certain Deans about certain decisions they've made regarding certain individuals who may or may not have been in the National Guard. Another favorite of mine was writing a mock SBA letter last semester after they wrote about easing COVID restrictions for the law school. One of their reasons was that we have people in long distance relationships. I actually texted someone in SBA the article before it published because I told them ahead of time that I was going to make fun of it, and they just didn't respond at all. It was so fun.

Do you plan on doing writing like this going forward?

As a capital "J" Journalist, yes, and I will be holding my client's feet to the fire by asking them for anything they need and telling them I can help them with anything and by being on

call constantly. You know, not selling out. In fact, it's the opposite, I'm thinking about my principles.

Lightning Round: Any pet peeves that stand out to you?

So many. Couples sitting on the same side of a booth when there's no one else at the booth. That's horrific, jail time for that. Also, people who wear sandals at inappropriate times, like in a bar or the Law School. Also, sandals with jeans are ridiculous, I've never done that. There are appropriate times to wear sandals and it's almost never in the Law School. Finally, blankets that don't quite cover your feet.

Favorite animal:

Koala bears. They sleep all the time. They have hepatitis or syphilis or whatever. They're not super nice and can be pretty stupid. All of those things just make me love them.

Which would win in a fight, a silverback gorilla or a grizzly bear?

I'm saying the grizzly bear drowns the gorilla in the salmon filled river. Final answer.

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UJC Rep Platform

This year, the Student Bar Association (SBA) is running contested elections for the President, Vice President, and 3L/2L Senator positions. While uncontested, the platform for the candidate for the University Judiciary Committee Law Representative is featured below, and voting will be open from Wednesday, March 17 until Friday, March 19. We encourage you to learn more about the debate and the candidates, as well as exercise your right to vote for your upcoming SBA representatives!

This statement is presented unedited so that you may consider the candidates based on their own work.

Dear UVA Law classmates:

I submit I am qualified to serve as one of your two University Judiciary Committee ("UJC") Law Representatives for four reasons. First, because I have responsibly served on university disciplinary boards before. I was appointed by my college's administration to serve as a student representative on the college's Sexual Misconduct Board. In this role, I served on three-person panels that adjudicated student Title IX claims, ranging from sexual harassment to rape.

Second, because my principal legal interest is in the concept

UJC

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of a “fair trial”; specifically, how procedural rules protect this outcome. UJC Representatives (a.k.a. judges) must appreciate this area of the law because, as a public university, U.S. constitutional protections apply. In particular, the Fourteenth Amendment’s Due Process Clause. Under U.S. Supreme Court precedent, the clause ostensibly protects against the “unfair or mistaken findings of misconduct and arbitrary exclusion from school.” *Goss v. Lopez*, 419 U.S. 565 (1975). In the U.S. Court of Appeals for the Fourth Circuit, due process means “the opportunity to be heard at a meaningful time and in a meaningful manner.” *Tigrett v. Rector and Visitors of University of Virginia*, 290 F.3d 620, 630 (4th Cir. 2002) (quoting *Richardson v. Eastover*, 922 F.2d 1152, 1160 (4th Cir. 1991)). In short, my interest in due process will make me a consistent voice for enforcing strict procedural regularity on UJC.

Third, this summer I will be interning in chambers for a federal district court judge, who is also a former federal prosecutor. I expect that, in this experience, I will learn how to better balance the interests of the accused against the accuser. This, I trust, will serve me well as a judge on UJC.

And fourth, I have been endorsed by The Cavalier Daily, the University’s student newspaper.

I hope to earn your vote.
Adam Younger

MERCY

continued from page 1

they cannot vote or live in public housing, and they may be forced to disclose their criminal records on job applications. Judge Bibas described them as “a permanent class.”

Face-to-face

Having the public confront wrongdoers face-to-face is also valuable. Judge Bibas described criminal adjudication in the colonial period as “centered around jury trials” and akin to a “morality play.” Lawbreakers received their punishment and verdict in a very public way. Local criminal justice occupies much less public attention today. Criminal justice is “professionalized.” Jury trials are rare. In response to a student question, Judge Bibas acknowledged that jury trials do require more resources today in part because of valuable procedural protections. However, other aspects of jury trials could be streamlined. One negative result of our extremely low rate of jury trials is that the public is less aware of how criminal defendants fare in our courts.

Forward-looking

Third, criminal justice ought to look forward more than it looks backward. First-semester criminal law taught me that retribution and deterrence are big players when it comes to justifying criminal penalties. However, Judge Bibas thinks those backward-looking justifications should take a back seat to the wrongdoer’s future. Crime is generally not a rational act, and so an ex-ante law-and-econom-

ics perspective is less relevant. But people do change, and criminal justice should account for that. Once again, things were different in the colonial era. “Judges and juries could accept apologies, they could recognize change, they could nullify and reduce punishments,” Judge Bibas said.

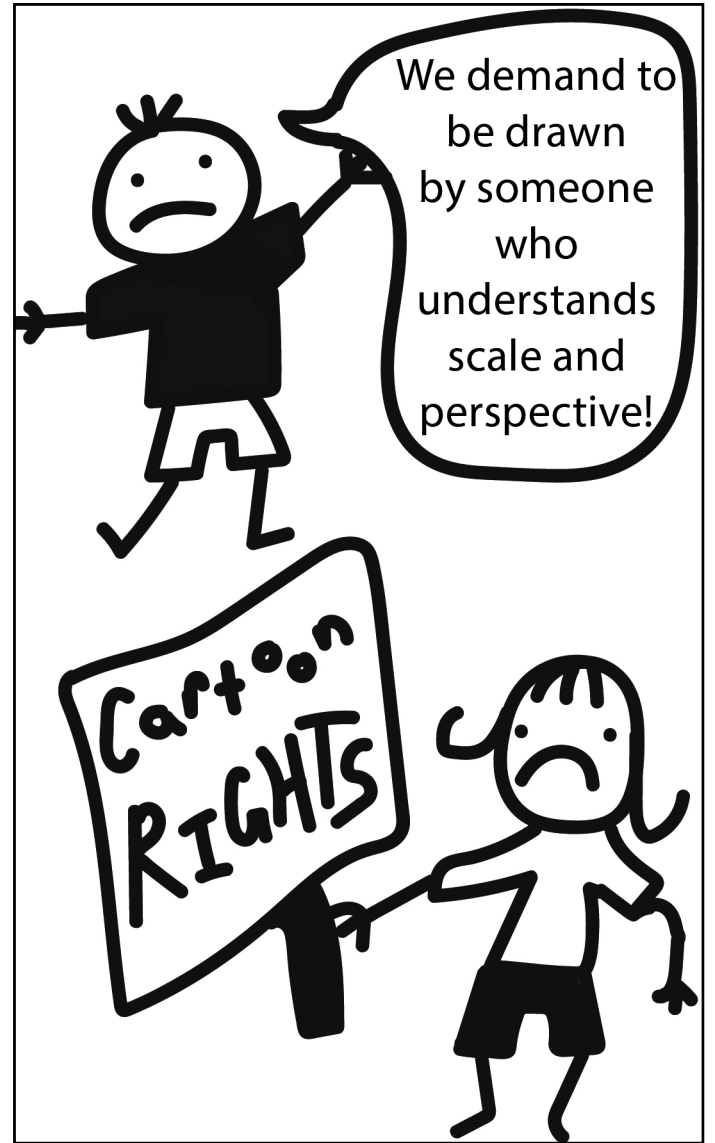
Mercy on Twitter

Criminal justice reform is hard enough. However, Judge Bibas was not content to stop there. Judge Bibas brought his three themes of mercy to bear on social media. Theme one: we should not define someone by their worst act—even if that act consisted of evil words posted online. Theme two: we should face criminal wrongdoers face to face. We should also not “hide behind phone screens” and dehumanize those we disagree with online, but keep on engaging them. Theme three: “there should be no civic death penalty.” We ought to allow wrongdoers a chance to repent—even when the wrong is a tweet.

Mercy for Lawyers

Finally, how can we be merciful lawyers? Judge Bibas offered some suggestions during his speech and the question-and-answer period that followed. We should listen to understand, instead of listening to respond. Judge Bibas mentioned that taking notes while listening can be helpful. We should also start with the assumption that others are acting in good faith. As a judge, for example, one should “read the majority opinion with great care,” and only then decide one will dissent. And we should treat others with the same respect and dignity with which we want to be treated.

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Our Cartoonist-in-Residence is graduating!

Email Editor@lawweekly.org if you are interested in taking up the mantle.

THE DOCKET

TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY – March 17				
12:15 – 14:00	Experiential Learning Virtual Open House	Zoom	Free	⊗
12:30 – 13:30	The Uyghur Genocide & China	Zoom	Free	⊗
17:00 – 19:00	DC Day	Hop-In	Free	⊗
17:00 – 18:00	Debate: Abolishing the Death Penalty	Zoom	Free	⊗
THURSDAY – March 18				
16:00 – 20:00	PILA Panera fundraiser	1121 Emmet Street N, Charlottesville, VA 22903	Up to You	Use the code PRFUND when ordering online or show the flyer at checkout
17:30 – 19:00	Restricting Abortion During the Pandemic	Zoom	Free	Reimbursed up to \$10
19:00 – 20:15	What a Warming Climate Means for Plants, Pests, and their Enemies	Zoom	Free	⊗
20:00 – 21:00	Get Connected with an Incarcerated Pen-Pal	Zoom	Free	⊗
FRIDAY – March 19				
17:30 – 18:30	Virtual Student Activities Fair	Hop-In	Free	⊗
20:00	Deadline for Specialty Journal Personal Statements	Follow Instructions in Toolkit	Free	⊗
SATURDAY – March 20				
09:00 – 13:00	Winter Farmers Market	IX Art Park	Free	Available for Purchase
MONDAY – March 22				
9:00 – 9:30	Meditation Monday	Zoom	Free	⊗
12:30 – 13:30	Itrek Book Club: <i>Letters to My Palestinian Neighbor</i>	Zoom	Free	⊗
17:30 – 18:30	Burden of Proof: Building a Case to Become an Assistant United States Attorney	Zoom	Free	⊗
18:00 – 19:00	<i>Crip Camp</i> : Watch and Discuss	Zoom	Free	⊗
Tuesday – March 23				
18:30 – 21:00	Latin Guitar Night	The Bebedero 225 W Main St., Charlottesville, VA 22902	Free	Available for Purchase

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