



VIRGINIA LAW WEEKLY

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

Surefire Tips to Succeed as a 1L.....2
BDE Reigned Supreme at the NGSL Tournament.....3
Read This Before You Pick Your Study Spot.....3
Enjoining the School? Another Day for the Court of Petty Appeals...4

Wednesday, 18 August 2021

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

Volume 74, Number 1

I Know What You Did This Summer

We polled various law students to describe their Big Law, Public Service, and RA Summer experiences!

Illinois Prison Project

Kathryn Querner '22
Executive Editor

This past summer, I interned at the Illinois Prison Project (IPP) based in Chicago, Illinois. IPP dedicates itself to combating racism, excessive sentences, and other forms of human degradation present in our criminal justice system.

I have always been passionate about fighting to counter mass incarceration and increasing the availability of justice, but much of my work prior to this summer focused on the innocence movement. While innocence project work tends to emphasize the importance of exonerating people who have been wrongfully convicted, IPP takes the stance that every person in our justice system deserves compassion, respect, and empathy regardless of innocence or guilt. In other words, a person's worth is inherent and no person should be treated as less than human because of his or her actions.

This summer, I had the opportunity to pursue executive clemency for one elderly man incarcerated under Illinois' three-strikes policy and three elderly veterans. Executive clemency in this case refers to the ability of the governor of Illinois to pardon or commute a sentence—for my part, I worked on commutation petitions to achieve clemency. I spoke with each of my clients nearly weekly on the phone, developing connections with them and learning their life stories to try to put them to paper. Their stories unfailingly involved trauma and extreme challenges—including domestic abuse, racism, learning disabilities, gang involvement, and drug and alcohol abuse. Yet, even despite their hardships and the trauma of being incarcerated for years on end, these men never gave up hope and committed themselves to turning their lives around. My clients demonstrated to me firsthand that no person is beyond redemption.

Learn more about the Illinois Prison Project's work at www.illinoisprisonproject.org, and feel free to reach out to me by email (kmq8vf@vir-

SUMMER page 2

Dean Goluboff Welcomes Class of 2024



Risa L. Goluboff '00
Dean of UVA Law

The new school year always brings energy and excitement to the Law School. That is particularly true this year, when, for the first time in eighteen months, we are able to gather in groups of any size without social distancing. It has been a joy to see you getting to know each other, and I look forward to welcoming our returning students next week. There is so much discovery and growth ahead of you—ahead of all of us—this year.

Law school is a transformative experience, and—with orientation, your first assignments, and meeting section mates and professors behind you—you are already on your way. In the months and years ahead, we will teach you the fundamentals of how to think (and write and speak) with the analytical reasoning and precision of a lawyer. We will offer you opportunities to work with real clients on real cases so that you can acquire the integrity, judgment, and perspective that you learn most effectively through experience. And we will expose you to the broad sweep of interdisciplinary perspectives—economics, jurisprudence, history, psychology, and more—that will enable you to see the big picture wherever your career takes you. You will leave here able not only to deploy the law as it is but also to envision what the law can and should be in the

future.

For many of you, law school will be the capstone of your educational career. Make the most of your time here, all the while knowing that we will offer you more opportunities than you can possibly take. That is the beauty of a law school that boasts students who are the best and the brightest in the nation, world-class faculty engaged in groundbreaking and interdisciplinary research, and experiential learning that will let you put your classroom knowledge to work. Join a journal, take a clinic, do moot court, engage with the Charlottesville community, take on leadership roles in student organizations. As you do so, you will encounter some of the many career paths available to you, from trial lawyer to corporate executive, cause crusader to policy wonk to dealmaker. Imagine what these paths might look like for you. Try several on for size.

Just as important as what you will do at UVA Law are the people with whom you will do it. The relationships you build during your time here—with your classmates, faculty, and staff—will enrich your days at the Law School and will sustain you personally and professionally in the years to come. The vitality of our diverse community permeates all we do here. We come from different races, religions, nationalities, ethnicities, and cultural and socioeconomic


backgrounds. We have had different life experiences and live different identities. We hold different beliefs, attitudes, and interests, and subscribe to a wide range of political views.


We bridge these differences with a shared commitment to this community, a shared aspiration that our differences serve as a source of humility and strength, empathy and intellectual stimulation. It is not always easy to speak so that others can listen or listen even when the message is hard to hear, but our community of trust and belonging makes that possible. Doing so is necessary to analyzing and solving problems, considering every argument, exploring every idea, arguing for your side, and collaborating with the other. It is essential to becoming the exceptional lawyers you are here to become—UVA lawyers.


Our robust community is also what has sustained us the past eighteen months as we have navigated the COVID-19 pandemic. We have learned both that we cannot anticipate every obstacle that might come our way, and that we rise to them because we do so together. As we return to a fully in-person law school experience this semester—armed with our high vaccination rates and temporary mask mandate—we remain vigilant about keeping our friends, families, colleagues, and


WELCOME page 2


around north grounds


 Thumbs up to new 1Ls who want to join the *Law Weekly*, easily the most prestigious organization on grounds. Big Brother always needs more people to drive the narrative that precedes this illustrious institution.


 Thumbs down to new 1Ls who haven't joined. We meet once a week, there's free pizza and endless gossip that rivals a Real Housewife show, what more can you want?


 Thumbs sideways to the start of another semester. ANG likes having all of ANG's drinking buddies back, but people keep talking about "classes" and "careers" and it really harshes ANG's vibe.


 Thumbs up to professors who make their own material packets instead of using textbooks. ANG has been saving money from PILA grants for years but still can't afford to buy new from the bookstore.

 Thumbs down to the new recorded lecture policy. ANG's strategy for finals is rewatching the whole semester at 5x speed, now ANG is actually going to have to take notes during class.

 Thumbs sideways to the new hybrid Lamborghini Countach. If ANG was going to spend all their summer associate money on a fancy eco car, ANG would just get a Tesla.

 Thumbs up to OGI for making ANG develop so many interests. Whether it was cryptocurrency, the tax code or biopharmaceuticals and their associated health laws, ANG feigned an interest in far too many things to even remember.

 Thumbs down to 1Ls who think it's acceptable to pat ANG on the back in the urinal. ANG is already adverse to human contact, but the imaginary boundary associated with the urinal was breached. ANG will be suing for IIED shortly.

 Thumbs down to stingrays, not only for killing Steve Irwin, but also stinging ANG on vacation.

WELCOME

continued from page 1

neighbors healthy. I ask you to be mindful that we each have different health risks and risk tolerances and to approach those differences with humanity, compassion, and patience. And I ask you to help us continue to nurture and enhance our community so that every member shares in the sense of belonging that makes UVA Law so special.

I look forward to seeing how each of you makes this place your place, and to the paths you will forge during your time here. This moment in our national and global history calls out for exceptional lawyers to lead our government, our institutions, our businesses, and our communities in ways that comport with the core values of our Constitution and our profession. You are on your way to becoming those lawyers. Welcome, and enjoy!

risa.goluboff@law.virginia.edu

SUMMER

continued from page 1

ginia.edu) if you are interested in learning more about a summer internship with IPP!

A 1L Summer Internship in Alaska

Throughout OGI screeners and callback interviews
Mason Pazhwak '23
Events Editor



over the last two weeks I consistently got some form of the question: "I saw on your resume you were working in Alaska this summer, what brought you there?" I had several easy answers to that line of questioning that I could rattle off: that Alaska has always held a mythic place in my imagination with nicknames like "The Last Frontier" or "Land of the Midnight Sun;" that I loved the outdoors and wanted to see national parks like Kenai Fjords or Denali, go hiking, fish salmon runs, and see bears; or that I was looking to experience a different type of legal environment and briefly break from the inexorable draw of a career in the major markets of the Lower 48.¹ These were some of the ideas I had that led me to apply to, interview with, and accept an offer to intern with the Alaska Department of Law.

¹ I think after two and a half months there I have become Alaskan enough to call it this, though some might dissent.

Reflecting on the experience, I can only sum it up by saying that it was one of those times in life where reality exceeded even the highest expectations. Sometimes it would be the possibilities of a day, like when I would find myself standing in a Walmart parking lot after work at 5:30PM, see the peaks of the enormous Chugach Mountains looming in the distance and think "Hey, I might go hike one of those right now." Even if I was back by 11:00PM I would have sunlight to spare. Or it would be moments of intense, unexpected excitement, like when I first got to drive down the Seward Highway and found myself surrounded by glaciated peaks that seemed to rise abruptly from the water into the sky, or when I saw a moose impassively assessing me not far off a bike trail in the middle of Anchorage. It was also the legal experiences I had. There are not many places where interns get to spend a week getting tutored by battle-hardened trial and appellate attorneys before appearing in court to do a mock trial before a federal judge. Mainly though, it was the people I met. From a set of adventurous interns to explore with, to the enormously generous Alaskan lawyers who, for example, gave me a free car to use for ten weeks² while training me to handle all types of civil and criminal issues, to the regular Alaskan, who would always be up for a friendly conversation, the

² The rental car shortage was very real.

people I met will always stay with me. So, if you are a 1L and somehow reading this instead of your first cases, drop everything and apply. If you are a 2L, 3L or beyond I'd say check out Alaska at some point. I can guarantee you will come back with some stories to tell.

Research Assistant

This summer, I had the opportunity to work full-time at a

Kelli Finnegan '22
Guest Writer



law firm and part-time continuing work on a project as a research assistant. The research project is particularly data-heavy, and we have been collecting information for more than a year.

Professor Sarah Shalf '01 and Professor Kirsten Widner teamed up to research the factors that contribute to whether proposed gun control legislation gets passed in each state. They are primarily focused on red flag laws and domestic violence protection orders, both of which can grant law enforcement officials the authority to remove guns from a person's home or possession. Data collection for their research requires surveying articles that discuss state-level gun violence legislation from 1996-2019. To do this, we picked one major newspaper from each state and have been coding the relevant articles from each source in Airtable. The coding includes general framing of the proposed legislation, names of parties that

support and oppose the legislation, and arguments presented.

I joined the team after I saw a Symplicity posting for the position last September, which was after Maggie Woodward '22 laid out much of the groundwork for the research process—thank you Maggie! Since then, I have reviewed tens of thousands of articles and coded the necessary information from hundreds of them. I have learned so much about state legislatures, gun violence legislation, and gun-related interest groups in the US, and I am glad to now have some useful background in this area.

As the summer wraps up, I am able to spend more of my time coding the remaining states. We should finish our survey early in the new semester so the professors can begin their analysis of the data. I am grateful for the team's flexibility with me as I juggled two jobs this summer, and I am eager to see the project through this fall.

Split Big Law Summer

This summer I split my summer between two law firms headquartered in Bir-

Jack Tucker '22
Guest Writer



mingham, Alabama, working six weeks at each firm. This was my second summer with both of these firms since I spent the summer af-

SUMMER page 6

How To Thrive As a 1L

Dear Class of 2024,

At the wise old age of twenty-three, with one COVID-

Jonathan
Peterson '23
Satire Editor/
Photographer



filled year under my belt, I feel fully prepared to give you the life and legal advice¹ you need. And, luckily for you, I've been given the platform to do this, for better or worse. In what is now an enduring tradition, the Law Weekly will be providing you with the tips you need to survive this daunting transition into high school.² So please sit back, put on your blue light glasses, and get ready to read what will be entirely objective and authoritative advice on the journey ahead.

1. Come in with a plan.

Your classmates already know what it is they'll be doing long term, and so should you. When firms ask what practice area you're interested in, tell them toxic torts, or better yet, admiralty law. Public service folks, this applies to you as well. First semester 1L is the time to specialize, and it's better to set

¹ This is not legal advice and should not be taken as such.

² Referencing class size and not the workload. It's really not high school.

that life plan in stone, fast, than worry about tomorrow.

Furthermore, you should literally come in with a plan. Class will be a bloodbath. Use the student directory to identify prime targets for sabotage based on their LinkedIn, Instagram, Facebook, or whatever you can find, really. This is essential to success at UVA, and those who prepare ahead and bank their time tend to do better in the long run.³

2. Prove your worth at every possible moment.

Professors will appreciate it and peers will envy it; raise your hand. This is the path to both interpersonal and academic success that so many chill, friendly, lovable people seem to miss—this school is all about posturing. You should make it known, loudly and often, just how much work you've been doing so that you can compare productivity as a measure of success. Rambling hypotheticals which reveal the inner workings of your mind are a surefire way to earn that Research Assistant position over the summer.⁴ In short, work it, baby.

3. Legal Research and Writing should take up

³ You can decide what "better" really means to you.

⁴ This is a necessary step in your 14-step path to your end goal.

the majority of your time.

As one of the most important skills for your future, this should be one of your top priorities.⁵ If you're not spending at least 50% of your free time preparing for these assignments, you've missed the point.

4. For the third year in a row, using your middle initial when signing is a must.

In accord with former satire editor, Drew Calamaro ('21), I would like to reiterate his sage advice. "Using your middle initial tells people you are smart, you are capable, and that you absolutely do not have an inflated ego." Despite the political and social upheavals that have come since I began law school so long ago, this advice remains immutably correct, unchanging like the craters of the moon. Use your middle initial—you're going to be a juris doctor.

5. Make use of the class recordings.

One small silver lining from the pandemic has been the vast technological advances made in educational spaces. These advancements are proof of the resiliency, ingenuity, and commitment of the UVA Law community. One of the most helpful changes came in the form of

⁵ This is sincere advice—research and writing are important skills.

class recordings. These ensured that students didn't feel pressured to choose between coming to class while possibly sick or just missing class altogether.

These recordings are clearly here to stay. It makes no sense to invest the necessary overhead into employing measures which purely add to the educational value of our program, only to tear them away from students. Luckily, this logic is apparent to all. So, be prepared to make heavy use of this resource! Truly, class recordings not only aided many students in studying for exams, but also helped to keep the community safe during frightening times. After a success like this, it's clear that class recordings are here to stay.

6. Dating within the law school is a healthy and fun idea.

This one's coming to you from the Law Weekly as a collective: be they KJD or PA, gunner or gooner, shoot your shot. It's a good idea that needs no further reflection.

7. Parking tickets are more of a suggestion than a mandate.

It wouldn't be a full experience at North Grounds if you made it out without at least one parking ticket. Like Bodos, this is a Charlottesville bucket list experience. And, the best part is, you don't have to pay them! They're just a fun little joke by the school to help students feel connected to the rest of the community, those not paying \$60,000+ a year to make use

of the facilities.⁶

8. If you get behind on readings, don't worry.

While it's true that your law school career is probably over, there's other employment for you out there. And you'd probably be able to handle the workload at the business school.

9. Office hours are for chumps.

The only people who go to office hours are those who need help—not you, you monolith of a worker, you. It's true that no man is an island, but in the great words of Eowyn, "I am no man[, I'm a law student.]" So buckle down, find yourself a Wilson of your own, and get ready to be riding solo. Collegiality is a lie, natural selection is the truth, and tearing pages out of library textbooks is the path to success. In short: don't go to office hours. Your brilliant questions will only aid those lower on the totem pole than you.

10. Focus on softball.

If you only take one thing from these tips, know that softball is a glorious time for budding friendships, physical activity, and ruthlessly hitting homeruns over the least-experienced player plopped in right field. As has been the trend, you should always be asserting your dominance, and this means both off and on the diamond. Break the curve and break their spirit.

jtp4bw@virginia.edu

6 Otherwise, free of charge!

BDE Rises to the Top

Led by the star guest appearance of Ian Hurst '22 in the championship game, with

Phil Tonseth '22
Editor-in-Chief



Tom Langstaff '22 rolling up on his bicycle just in time for first pitch, a ragtag group of kiddos from UVA Law's class of 2022's sections D and G, aptly named BDE, won the 38th annual spring softball invitation hosted by the North Grounds Softball League (NGSL) this past May. BDE managed to navigate and overcome a field of 18 different teams made up of more than 130 law students over the two-day event. While the traditional national audience of law schools was unable to attend due to the COVID-19 pandemic, BDE's efforts were nonetheless noteworthy for their ability to win 9 of the 10 games they played with nary a sober soul on the team. Doubling as the resident pretty boy

of the team and speedy center-fielder, Ian Jones '22 reminisced on BDE's journey, stating: "it will probably go down in history with Michael Jordan's threepeats and Tom Brady's seven championships as one of the greatest stretches in the history of sports. Maybe greater because Jordan and Brady had the advantage of competing while completely sober. I mean, what's more iconic: Jordan's flu game or the BDE hangover game?"

Beginning the Friday afternoon following finals, the 18 team field played a three game round robin. The seeding was determined through team record and score differentials for the single elimination tournament that lasted all of Saturday. In true ceremonial fashion, Dean Risa Goluboff '00 threw out the first pitch to begin the tournament. Immediately following, NGSL presented ReadyKids with the \$15,000 donation to show the true focus of the tournament. Then, the kiddos got down to business. With games

occurring across both fields at The Park and at Copeley, softball was in full swing on Friday. Whether it was 1L section teams that wanted to celebrate finishing their hardest year, the NGSL all-star teams who finally got a chance to show off why they decided to come to UVA Law, or 2Ls and 3Ls who banded together to create teams just to participate in the fun, Friday's action was jampacked and intense.

BDE did not start out as the tournament favorites. The NGSL Blue Team, led by Will Hinton '21 and Brian Patterson '21, pummeled their opponents into submission on their way to the #1 seed. For their efforts, and despite losing one of their three round robin games, BDE was seeded 7th overall for elimination Saturday. NGSL Blue could not translate their round robin success into the finals, as Clawschool Clubbers, the 2L team led by SBA President Niko Orfanedes '22 and Christina Kelly '22, upset NGSL Blue in the quarterfinals. Not to be outdone, BDE faced their stiffest test of the tournament in the semifinals, barely edging out class of 2022's section A, led by Nate Wunderli '22. NGSL did not want to be outdone, and thus NGSL Gold defeated Clawschool Clubbers in the semifinals, setting up the ultimate showdown between the all-star team and the ragtag kiddos.

The much-anticipated match-up quickly turned into a rout, as BDE put up 11 runs in the first inning behind the skills of Fred Quesada '22 and Lizzie Pate '22.

Following the first, the outcome was never in doubt, as Libby Murray '22, Kelli Finnegan '22, and Ellen Page '22 repeatedly broke the back of NGSL Gold with their wizardry, both at the plate and on the field. In the end, BDE won by a run-rule disqualification after five innings by a score of 32-17. Looking back on BDE's efforts, Alyssa Metcalf '22, one half of UVA Law's softball power couple with Ray Roesler '22, said "I'm surprised Phil has enough of a memory of this weekend to even be writing this article, but I think we can all agree it was one for the books."¹

Most importantly, the tour-

namment succeeded at its base goal, raising over \$15,000 for ReadyKids, a local nonprofit that provides services and learning programs for disadvantaged children in the area. This fundraising, spearheaded by tournament directors Sam McCarthy '21 and Nicole Pidala '21, was drawn from multiple law firms² and different events coordinated by Ethan Silverman '20 and his company, Fantasy4. NGSL is very much looking forward to hopefully returning to a normal tournament this upcoming year, and I hope to see all of our lovely readers out on Copeley very soon.

pjt5hm@virginia.edu

1 For reference, this article did a lot of heavy lifting for my memory: <https://www.law.virginia.edu/news/202105/north-grounds-softball-league-raises-15000-charity>. Also, I hydrated with Bud Light, sorry mom.

2 S/O to Hogan Lovells, Bradley, Simpson Thatcher, King & Spalding, Skadden, K&L Gates, Davis Polk, Norton Rose Fulbright and Proskauer.



Picture: Dean Goluboff throws out the first pitch to start the tournament. Photo Courtesy of virginia.edu



Picture: After a long day of softball, victory was sweet for this crew. Photo Courtesy of the Victors.

Where You Study in the Law School and What It Says About You

Where you study is a reflection of who you are as a person. It has deep consequences

Sai Kulkarni '23
Culture Editor



for your life and could potentially be the difference between a good OGI and a bad one . . . I'm just joking, but it got the attention of all you gunners, didn't it? Anyways, there are three types of spaces to study in the law school and two outside. In this late-night writing session I'm going to explain each of them.

The Library

This is the most common study spot: it's literally built for this purpose. But let's be real, each region has its own purpose. The most normal spot is on the second floor. It provides both study rooms and a nice space to study alone or with friends. With great views and sweet lamps, studying here means you like to get work done, enjoy good vibes, and leave once you are done. People who study there have good energy; they will get good placements and live their best lives.

The next spot is the infamous Gunner Pit. One would think that this is where the most focused of the aforementioned gunners study. But that's just not true. A big draw for the folks that study here is the reputation that comes from studying on those tables. They strive

to be seen as the most gunnery of students and that is precisely why they are not the biggest gunners. They waste energy that could be spent studying on looking like gunners. But at the end of the day, these folks are hard workers who also integrate social perceptions. The people that study here are going to run for political office one day. As a corollary, the quiet room in Scott Commons is a similarly situated location.

The last major spot in the library is the third floor. I am going to be honest; I've never even been up there. I've only heard about people studying on that floor last weekend from two people I know. Those two people are some of the highest achieving students in the class of 2023. Thus, it is clear that based on only two examples, I can conclude that the third floor is the real gunner study spot. Silent, unknown, and focused. These are the best descriptions of the people there. These actual gunners will get what they want because they refuse to let their hard work go to anything other than their precise life goals.

Lounges and Other Study Spaces

These people like to study with their friends. They get work done, but on their own time. Sometimes they run up against deadlines. Sometimes they get work done early and go relax with a drink. Median is a way of life for these folks

and they are dedicated to it. They fill the ranks of the stats that OPP disseminates; good firm jobs in good markets. Just great people all around.

Scott Commons/Spies Garden

The folks that study in Spies are the easiest to tackle. They work hard and play hard. From 30-minute marathon study sessions to 1-hour spikeball sessions, they make sure to get it done. They are gonna get good jobs regardless of how they do on exams. Their networking skills alone are enough to get them what they want.

Now for the big hitter. Everyone is reading this article for one reason and one reason alone. They are all thinking: "Is Sai self-aware enough to make objective commentary about people that study there?" Well, the joke is on you, dear readers, I am self-aware but I no longer study on campus. I have a whole section dedicated to me below. Back to journalism: the people that study in the interior of Scott Commons are a diverse group. From 2Ls who study once a month to quiet people who just want a change of scenery from the library to people who have just carried over their habit of studying in ScoCo from last semester, the group is full of variety. Unfortunately, I can't make conclusions because the scatterplot has a low r-squared value.

Outside of the Law School

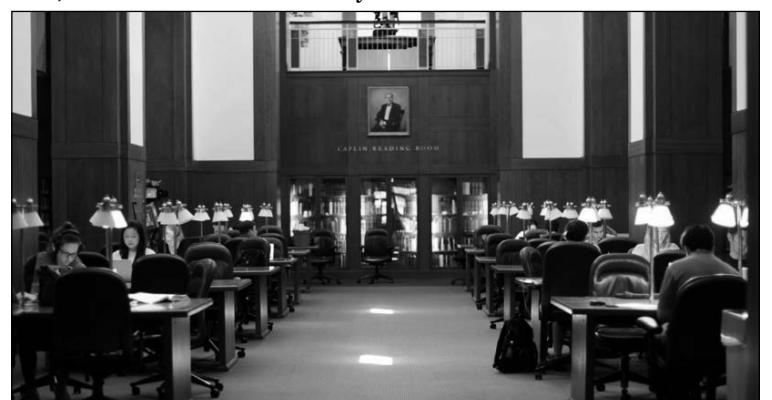
There are two types of locations: home and not home. The not-home, off-campus studiers take the vibe of "I need a new location" to a whole new level. Some prefer coffee shops and place themselves in the company of the "Lounges and Other Study Spaces" crew. Some people prefer other locations like a golf course or Kardinal Hall. These people can be described with the moniker of "2Ls and 3Ls." These people had it together when it was important and don't see a reason to keep it together still. Why should they? They are experiencing law school exactly as our predecessors at this great institution intended.

The final, most important group, is those students who study at home. These students are focused people who know how to shut out distractions and be the good law students that their parents, and more importantly the administration, want them to be. They

work hard and do well on exams. The people who follow this plan may even have one of their outlines done. They keep their professional lives and all their schoolwork in one room. It allows for them to socialize when appropriate and keep their lives bifurcated. They have the ability to be on the staff of the *Law Weekly*, play softball, and keep a long-term relationship. These people are heroes and they inspired me to take up this lifestyle myself. Two weeks in and all I am missing is a long-term relationship before I have all of the infinity stones of an at-home studier.

But good luck to all of you great students. No matter where you study, I promise you will find success this exam season. Don't take this article seriously; those outlines will get done regardless of where you choose.

omk6cg@virginia.edu



Picture: Study in the Gunner Pit at your own discretion. Photo Courtesy of library.law.virginia.edu

LAW WEEKLY FEATURE: Court of Petty Appeals

The Court of Petty Appeals is the highest appellate jurisdiction court at UVA Law. The Court has the power to review any and all decisions, conflicts, and disputes that arise involving, either directly, indirectly, or tangentially, the Law School or its students. The Court comprises eight associate justices and one Chief Justice. Opinions shall be released periodically and only in the official court reporter: the Virginia Law Weekly. Please email a brief summary of any and all conflicts to pjt5hm@virginia.edu

Students et al. v. Canvas 74 U.Va 1 (2021)

J. KULKARNI delivered the opinion of the Court, in which QUERNER, BIRCH, CHENELLE, BNINSKI, WUNDERLI and LAKE join.

JUSTICE KULKARNI delivered the opinion of the Court.

JUSTICE BNINSKI delivered a concurring opinion.

JUSTICE BERDAN dissents, joined by TONSETH, C.J.

As we begin this new session of the esteemed Court of Appeals, I find myself no longer a junior member of the Court. While I wished that this meant I would deal with better cases, instead this Court is faced with a dark case today. The issue is simple: the administration has decided to rescind class recordings. This comes in the wake of a decision to implement masks for the first two weeks of the semester. The Law School as a whole has expressed a concern with That-Which-Should-Not-Be-Named, which is warranted given the recent rise in cases across the nation.

Therein lies the problem, however. The administration finds that the rise in cases is concerning and wants to prevent such a spike in cases here. On the other hand, the school has a vaccination rate above 95 percent among students, so the administration remains "hopeful."¹ That hope is what drives the issue at bar. The Dean believes that we will return to normal² soon, and thus

1 Don't they know this is a law school? What are they doing being hopeful?

2 This court has no idea what normal looks like, considering both this and the concurring opinion are written by people who never experience this so-called "normal."

we no longer need consistent access to recorded classes. The students who have brought this issue are asserting that if the administration believes this rise in cases is concerning enough to necessitate masks, then it is also concerning enough to necessitate plans for instances where a student has fallen (or believes they have fallen) sick.

This Court agrees. The administration has no leg to stand on as far as we are concerned. Every student and member of the faculty has a deeply held wish that this Law School could return to the environment prior to That-Which-Should-Not-Be-Derided. But either

we are still living under its shadow or we are not. The University administration believes (and this Court fervently hopes they are right) that the internal mask mandate will be lifted in two weeks. That means that while the Law School is getting started with students from all across the country returning, they want to prevent an initial spike. If we accept this wishful thinking,³ then that means that students will be both in-person and wearing masks until September 6th.

Students, in this time when people are arriving from all across the country, shall be especially vulnerable. Why, then, does this administration insist on taking away what could be their savior if they fall victim

3 Seriously, who has the ability to be wishful in law school? Two of the justices are 2Ls and feel burnt out already.

to That-Which-Sucks-A-Lot? If students fall sick, especially 1Ls, then they have nothing to help them catch up. Those who are looking for private jobs will be forced to rely on their "personalities" during OGI to get a job because the administration purposely sabotaged their GPA.⁴ Beyond this very important aspect, the recordings provide an opportunity for students who are more concerned than average that they have an alternative means of learning. It provides an out for disabled and immunocompromised students, something the administration conveniently forgot with the start to this new year. This Court finds

"If students fall sick, especially 1Ls, then they have nothing to help them catch up. Those who are looking for private jobs will be forced to rely on their "personalities" during OGI to get a job because the administration purposely sabotaged their GPA."

it unlikely that an order to resume the zoom option for all classes would ever be followed. Thus, this option is the next best thing.

Having addressed the concerns of these two valid classes of students, it is now time to turn our attention to the final group: the procrastinators.⁵ These students want the recordings to make studying easier at the end of the semester. And why shouldn't they? Law school is hard enough—any tools that can be used to increase performance on exams

4 Can you tell that I am one of those personality kids? I'm awesome, but not everyone is. Gotta be understanding.

5 This was my polite name for the group. I was going to use "lazies" but I don't like that label for my like-minded fellows.

should be used. Every student learns differently, and some have come to realize that they learn best by bingeing recordings in the two weeks before exams. This Court feels incredible sympathy for these students. But they are not the reason for the order below. These students are simply beneficiaries of the decision, not a driver. The administration should not believe that we are ruling against their interests to aid students they would call slackers.⁶ Any assertion to the contrary is simply wrong and false.

To wit, this Court rules that Canvas should restore class recordings to their website.

Professors should be ordered to use the laptops that provide their PowerPoints to record their lectures. That-Which-Ruins-Lives has drained us all and will undoubtedly continue to do so, and this small change can provide some insurance for sick, immunocompromised, and disabled students who would like an out from in-

6 Why though? Does it matter how anyone gets there? Good grades are good grades, the path is irrelevant.

person classes. Put simply, the administration cannot have their cake and eat it too.

BNINSKI, J., concurring in the judgment.

I write separately today to agree heartily with my colleague, and to encourage reconsideration of a premise that might be used to support a ruling for the appellee.

First let us assume, *arguendo*, that the purpose of a law school is to educate the next generation of legal professionals.⁷ The school houses resources oriented to this goal: classrooms, clinic space, library resources – not to mention the expertise of faculty and staff. The business of a semester is to convey knowledge, whether theoretical or practical, from instructors into the eager brains of students.

As my colleague points out, the pandemic persists. Why, given that fact, would it make sense to remove part of the information infrastructure that has allowed students to learn since the advent of COVID? While it is an established tenet of this Court that 1Ls always lose, I think it unnecessary to hew so assiduously to that premise as to require 1Ls to lose access to a valuable educational resource – a resource which the School has demonstrated to be viable, and which student attestations demon-

7 I grant, this is a large assumption.

COPA page 5

Faculty Quotes

Dean Goluboff: "The powers that be—you think that means me, but it does not."


C. Barzun: "He was caught smokin' the reefer! And that's no good if you want to be on the Supreme Court."

L. Solum: "If we got through the whole semester without talking about comparative constitutional law I would feel bad and guilty and I would worry about it at night."

C. Nelson: "If you promise not to tell the *Law Weekly*, I will tell you a story."

J. Mahoney: "If you have a degree from a law school, especially a very good one like UVA, it is difficult to convince the IRS you are an innocent spouse."

Heard a good professor quote? Email us at editor@lawweekly.org



Virginia Law Weekly

COLOPHON

Phil Tonseth '22 Editor-in-Chief	Anna Bninski '23 Executive Editor	Dana Lake '23 Production Editor	Kathryn Querner '22 Features Editor
Stanley Birch '22 Managing Editor	Marlyse Vieira '22 New Media Editor	Michael Berdan '22 Opinions Editor	Donna-Faye Imadi '22 Current Events Editor
Nate Wunderli '22 Sports Editor	Jonathan Peterson '23 Satire Editor/Photographer	Jacob Smith '23 Professor Liaison Editor	Mason Pazhwak '23 Events Editor
Rachel Martin '23 Columns Editor	Devon Chenelle '23 Social Editor	Esalyng Liang '23 Copy Editor	Madison Lazarek '23 Development Editor
Sai Kulkarni '23 Culture Editor			Will Holt '23 Reviews Editor
Jordan Lee '23 News Editor			

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

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

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

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



DRIVERS WANTED

NEED EXTRA DOUGH?

EVERYDAY IS PAYDAY,
TAKE CASH HOME DAILY!

- FULL TIME
- PART TIME
- FLEXIBLE SCHEDULES
- CASH DAILY



APPLY ONLINE AT
JOBS.DOMINOS.COM OR
TEXT "PIZZA" TO
(434)404-4400 CHARLOTTESVILLE
(540)340-9861 SHENANDOAH VALLEY

COPA

continued from page 4

strate to be valuable.⁸

I theorize that behind the School's decision there may hover fears that, given reliable access to class recordings, students may not engage with the instruction, or may not even come to class, to the detriment of the educational environment and UVA's much-vaunted "sense of community." I counter that law students are a herd of nerdy try-hards, who largely showed up to classes that were recorded even before they had the safety of vaccination.⁹

Moreover, class recordings are in the interest of public health. Students who are ill with maladies *other* than COVID should be encouraged to stay home and reduce the spread of, say, the seasonal flu. Why incentivize students to come to class while sick? This opinion lacks scope to do more than gesture at COVID's large and small horrors, but if nothing else, the pandemic should encourage all of us to consider how existing systems may be reshaped to serve the public health, and that of the UVA Law community, in the long

⁸ 1Ls may, after all, share the benefit of decisions which affect the student body as a whole.

⁹ It should also be noted that students on Zoom in hybrid classes also participated, or attempted to.

run. The current policy pays little heed to the concerns of students who have disabilities or are immunocompromised while prioritizing a sense of community. I posit that the community would be well-served by policies that encourage everyone to make health choices that benefit the Law School at large.

BERDAN, J., dissenting, joined by TONSETH, C.J.

It is dismaying indeed that this august court has fallen so far out of touch with the Law School's administration that it expects them to continue a temporary policy merely because it improves the educational product delivered by the Law School, gives students some much-needed flexibility, reduces student stress levels, supports university and community public health goals, and has absolutely zero downside whatsoever. The majority rightfully acknowledges that recording lectures and making them available to students online is a droolingly obvious way to contribute to student well-being, but it errs in assuming that the administration holds student wellbeing as their aim, and fails to find statutory support for any duty incumbent on the administration to continue practices in the best interest of students. Mental health and educational outcomes are only tangentially connected to U.S. News and World Report rankings, graduate starting salaries, clerkship placement percentages, and alumni donation rates. It is telling that no argument was made – by the

majority or by the parties – attempting to connect recorded lecture availability to these, the admin's ultimate aims and primary metrics of success.

A breeze through recent UVA Law history makes the majority's opinion laughable in contrast. *See, e.g. UVA Law v. Students Ticketed for Parking in Empty Lots* (2021) ("The Office of Student Affairs is under no duty, statutory or otherwise, to stand up for Students in their Affairs."); *UVA Law v. America* (2020) (Law student administratively withdrawn for serving in the National Guard during a pandemic state of emergency); and *UVA Law v. Tuition Levels* (2009, aff'd 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021) ("Shoulda got a Dillard, pal."). Since my colleagues on this court are wildly detached from North Grounds reality, and are attempting to enforce duties against the Law School that it only dreams in marketing materials of upholding –

I dissent.

omk6cg@virginia.edu

amb6ag@virginia.edu

mwb4pk@virginia.edu

TWEEDLE

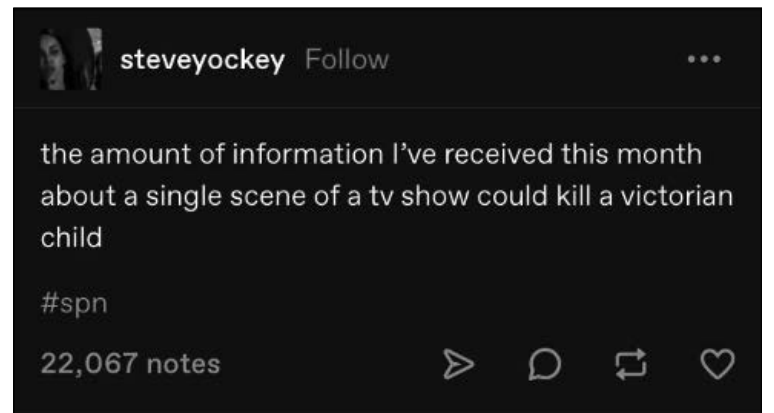
continued from page 6

explosion of globalization over the last few centuries are itty bitty grains of sand over the course of our evolution. The Internet has been around for even less time, but it has transformed the type and amount of information we are bombarded with. It's happened too quickly. We had a few million years to get used to walking upright, and now in less than twenty we're supposed to adapt to a comprehensive understanding of our deepest biometric secrets? My silly little mammal brain hasn't even gotten comfortable enough with the concept of winter to avoid seasonal depression—how am I supposed to respond to a smart scale? I can get over space travel and nuclear fission because the facts supporting them are ambiguous and remote enough my brain just sorts them into the "science/magic" category. But facts about my own body? I honestly don't think humans

should even have access to mirrors. A smart scale is an actual nightmare.

My colleague is pro-smart scale for reasons I find incomprehensible and frightening. I can only respond with the same awe I felt when a friend once told me he purposefully turned on all advertising tracking permissions so he could have a perfectly curated online experience. They are thriving on a plane of existence I can't even imagine and frankly I don't want to. I think the effort it would take for me to enjoy cultivating a deeper understanding of my own biometric data would be the final straw for my fragile psyche. I don't look at my phone's health data or screen time; When I work out I don't keep track of reps; I don't even own a regular scale. How far do I walk in a day? How strong am I? What's my weight? It's nobody's business, not even my own.

sfbgyu@virginia.edu
dl9uh@virginia.edu



Pictured: How I feel about most things, on most days. Photo Courtesy of reddit.com

HOT BENCH



Stanley Birch

Interviewed by Phil Tonseth '22

Hi Stan the Man! Welcome to the Hot Bench! Our readers have heard a lot from you over the years, so I'd like to switch up our usual questions to probe deeper into what makes Stan tick. But first, tell us where you're from and why you decided to become a lawyer?

First, I'd like to apologize to the readers for everything I've ever said but thank them for their continued audience. I will always call Atlanta, Georgia, home. I grew up in Atlanta, went to high school in Connecticut, then moved back home to Atlanta for college. I grew up surrounded by the law. At the age of five, I appeared before a Federal Judge to argue the most important case of my life so far: *Bicycle Riding v. Overprotective Parents*. The Honorable Judge Birch was direct with his questions, but I had prepared my argument for months. When the opinion was published, I didn't have to prepare an appeal, I had

won. I walked away from that living-room courtroom with a bicycle and one thought, "I never want to be a lawyer." I started undergrad as an engineering major, but was roped into the mock trial team as a witness since I had acted before college. I wasn't enjoying engineering, and after I did some legal research for a professor: the rest is history. My mom likes to say that I fought the law and the law won.

Okay now the hard stuff, is a hotdog a sandwich, and why?

Oof. Coming out the gate with a controversial question. On the advice of counsel, I will not be answering.

If you were reincarnated to be any zoo animal, which would you be and why?

A Galapagos Penguin. They live in a tropical paradise, swim around so fast, and seem to have a pretty great life. If I had to be in a zoo though: Panda. It seems like a pretty chill day, taking naps, eating bamboo, and falling off of things.

Do you have plans to be productive as a 3L, beyond sharing notes with me in PR? If yes, why?

I'm trying to stay on top of things like everyone else, but definitely planning on enjoying Charlottesville as much as I can. I've started working on my pilot's license, and my class schedule is conducive to getting plenty of flying time in. I'll definitely aim to be active outside of

¹ The author has been informed he will be going for a flight eventually, but will be updating his life insurance policy beforehand.

the classroom, but if I let things slip too much in class, I just feel guilty.

When you look in the mirror, what's the first word you think?

Oh...

I see that on your Instagram, you like to scuba dive. Would you rather wear a mask and snorkel or a cloth face mask on an everyday basis?

Here in the Law School? A cloth face mask. I think it'd be much weirder and much more annoying for everyone else if I was in a dive mask and snorkel. If I could find a way to be a lawyer and wear a mask and snorkel as often as possible, that's the dream.

If you were a kitchen appliance, which would you be?

A blender. It looks nice and is meant to make healthy things, but makes way too much noise and usually just makes frozen drinks.

What would your "real housewife" catch phrase be?

"In my defense..."

It's the end of the world, what four other people would you pick to be on your apocalypse survival team?

I feel like I have to say you, but you're also not a poor choice to make it relatively far. I'd bring my significant other along, since she's also in good shape and has put up with me this far. I'll throw a celebrity in here and say The Rock. I feel like he's usefully fit and would help to keep spirits up. Also, every movie where he's just a "regular guy" ends with him saving the world, so

he's had some practice. Finally, someone who's just the slightest bit slower than me in case we really get into a tough spot.

Knowing what you do now, would you go back in time to still come to law school?

As long as it was Virginia, absolutely.

You have a pretty dope car collection. Tell me about them and how you got interested in cars.

I think the thing that started it all was a model of a 1965 Mustang a family friend gave my parents for my first birthday. It was a really detailed model that I admired as I grew up and was a car that was around when my dad was in college. It's still one of my favorite cars of all time, and I'm lucky that I have one myself now. My first car was older than me and broke down consistently when I needed to get somewhere, so I got used to making quick repairs and it kept me interested in how everything under the hood works. I've rewired and modified an old Honda motorcycle as well, but I keep that in storage mostly as a project. Around Charlottesville you can see me cruising when the weather is nice or at one of the car meets at Barracks Road.

In being able to call myself your friend, I know you frequently brew your own libations. How tricky is the process and what's your favorite batch from Black-birch Brewing?

The process isn't all that tricky and was a great hobby my significant other and I picked up in quarantine. At first it just takes time and involves following directions like baking something

would. Recently we've been crafting our own recipes and just made a Tropical IPA called Queen 'Rona's Revenge that we are very proud of. Three months in fermentation is the longest a beer we've made has taken, but I don't think we'll make another Belgian Tripel anytime soon. Happy to share for those of appropriate age and eventually, when it's safe to have house parties again, I'll host a tasting.

With so much power as the Managing Editor of the Law Weekly, comes much responsibility. What are your plans to exercise the power of Big Brother this year?

Between the *Law Weekly* and Libel, my goal will be to accurately represent what life at the Law School is like in an enjoyable way. As far as influencing and controlling the masses, I leave that behavior to my much more motivated Editor-in-Chief, whom I will constantly attempt to reign in.

What's been your favorite thing about UVA Law?

Readers like you. No really, the people I've met at UVA that I get to call my peers are the best thing about our corner of North Grounds. It's pretty and all, the faculty are great, and we're getting a phenomenal education, but it would all be so much worse if I wasn't doing it alongside all of you. To everyone I have met, welcome back. To everyone I haven't, I look forward to meeting you soon.

sfb9uh@virginia.edu

SUMMER
continued from page 3

ter my 1L year with them too. Splitting my summer between two firms in a “smaller” market was unique and exciting because of the opportunities I had to become intimately involved in cases while having a ton of fun with the firms outside of the office.

At my first firm, Bradley Arant Boult Cummings LLP, a Big Law firm, I went to a five-day bench trial in federal court. The case, which I had worked on during my first summer, was a breach of contract dispute. At trial, I assisted the attorneys by researching legal issues that arose and providing them with responses to give to the court. Following the close of the evidence, the court allowed a few weeks for post-trial briefing before closing arguments. In that period, I drafted sections of the post-trial brief and helped the attorneys prepare for closing arguments.

At my second firm, Lightfoot, Franklin & White, LLC, a litigation boutique, I did legal research on issues ranging from federal regulation of hazardous substances to witness competency under state law. Many of my projects at this firm were time-sensitive as they were needed for pre-trial motions for trials that were imminent. I also assisted a partner in a scholarly pursuit researching the successes and limitations of climate litigation.

I would highly recommend 1Ls consider “smaller” market firms for three reasons. First, you have opportunities to get involved right away like going to trial as a summer associate. Second, you can split your summer and work at two different firms which gives you an excellent feel for what type of firm environment you are most likely to thrive professionally. And third, these firms are so much fun that you might find yourself exploring every brewery in town with attorneys and learning to wake surf off the back of a partner’s boat.

- kmq8vf@virginia.edu
 mwp8kk@virginia.edu
 kmf6ba@virginia.edu
 jwt8rm@virginia.edu



Tweedledee and Tweedledum: To Use a Scale or Not

Pro-Scale

I will start this off by noting that adjusting your weight

Stan Birch '22
Managing Editor



is an issue that can bring stress and potential harm; but, if approached and handled correctly, it can be a factor in maintaining a healthy life.¹ I think having a scale can be a useful tool for maintaining and tracking your health and fitness, but only with the right approach. Smart scales help by taking the focus off of just one number, which doesn’t mean much, and giving you potentially better metrics. Taking charge of your weight requires having the ability to directly track and monitor your progress. When I was younger, I weighed a lot more. I was a few inches shorter, but my overall weight was much higher than it is now. So, my junior year of high school, I started making some changes to address it. When my school’s athletic

¹ I am not a health professional. I am simply speaking from my own, slightly informed viewpoint about my experience and what has worked for me. If you need medical advice as to your weight or health, reach out to a professional or talk to me for my personal thoughts.

trainer saw me coming by to weigh-in at least every other day, she asked me to stop. I wasn’t on the wrestling team, trying to hit some arbitrary number to make weight.² I was trying to be more comfortable in my body and more effective at my sports. She had seen me get frustrated when my weight had gone up, even when I felt leaner and trimmer.

Her proposed solution: weekly weigh-ins on a smart scale and monthly composition checks. Back in high school, the technology wasn’t as advanced, but the principle was the same: Step on the scale, wait for the readout, and log your weight, BMI, and fat percentage. The monthly manual composition checks were to confirm the fat percentage readouts, a much better indicator than weight or BMI alone.³ I’ve maintained this approach over the years and it has helped me to keep in check. I don’t mind when my weight creeps up during the winter, I just aim to have it creep back down throughout the spring and summer. More importantly, I don’t focus

² Many of my friends were, so don’t read this as disparaging wrestlers: y’all are crazy.

³ Keep in mind, many of the NFL’s strongest players would be considered obese looking at only their BMI.

on my weight as much as my body composition. Keeping an eye on the makeup of body fat and muscle mass gives me a much more accurate depiction of my overall health goals. I also don’t track it daily and wouldn’t advise anyone to unless they have a role in an upcoming superhero movie.⁴ At the end of the day, please take care of yourself and make sure you approach the information from a reasoned, safe, and healthy place.

Anti-Scale

Human beings weren’t

Dana Lake '23
Production Editor



meant to know so many things. Think of all the stuff you know about—algebra, germ theory, negative numbers, Kim Kardashian, FM radio, Leonardo da Vinci, maybe some fun law facts. Over billions of years of hominid development, our brains were expected to learn plant species and animal migration routes, becoming familiar with less than one hundred individuals in a single lifetime.

The rise of cities in the last ten thousand years and the

4 But then Marvel or DC is footing the bill for you to get ripped...

TWEEDLE page 5

Actually Helpful Tips for 1Ls

1. Pay for a parking pass. You will be given a ticket starting August 30th.
2. Don’t judge a class or professor based on the first week. Things will get better.
3. Don’t get wrapped up in the shallow bonding forged by the first week hysteria. Some of your best friends will be people you don’t talk to until halfway through the semester.
4. Befriend the librarians and bookstore workers, and Mandy.
5. Don’t talk about your LSAT scores. Nobody cares.
6. Nobody cares who wins at softball. Just have fun.
7. Have one hobby that takes you out of law school; don’t live your whole life in the gunner pit.
8. Odds are no one will remember your cold calls (unless the *Law Weekly* finds out about it).
9. “Outlines” are simply organized summaries of the material you have covered. Sometimes professors let you use them on the final, and the act of building them can help you learn the material. There are other options (e.g. flashcards), so do what works for you.
10. Make sure you plan ahead on your job search and prep work. It is easy to put it off, but your later self (and OPP) will thank you.
11. Take care of yourself. Try to sleep eight hours every night, eat reasonably healthy, exercise at least a few times a week, and maybe try meditation or yoga. These things will not only make you happier and less stressed, they will make you more efficient and effective at law school in the long run. Especially sleep.

Want to Join the Law Weekly?

Come by SL279 (above the Bookstore) on Mondays at 5:30 pm to write, gossip, and enjoy free Domino's!!

SUDOKU

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

Solution

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