



# VIRGINIA LAW WEEKLY

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

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## Beginners Guide to UVA Football

Caleb Stephens '23 and Alec Dougherty '24 Guest Editors

Surrounded by 43,000 fans, adrift in a sea of orange-clad undergrads, excited, enthusiastic, and completely confused. Was that ... "Auld Lang Syne"?

I'm no stranger to college football. Growing up in North Florida, every Saturday in fall meant one thing: the morning started with College Gameday on ESPN. Traditions loomed large as well; I wasn't just a college football fan. I was a Florida State fan. From The Chop to Renegade, I knew our traditions, every one. Unfortunately, that availed me little at last Saturday's game.

Accompanied by a couple of other Law Students making use of our free student admissions, I was completely lost in the UVA traditions. Admittedly, throwing your arm forward with the index and middle finger extended for a first down was pretty straightforward, after some adjustment, but some other traditions seemed simply arcane. In order to gain clarity for all other clueless grad students, I obtained an expert, Alec Dougherty, who covered UVA football for the *Cavalier Daily* in undergrad, to interview.

So, Alec, thank you for being with us today. The first question we have is probably the most central one: what's up with the swaying and singing "Auld Lang Syne"?

*That would be the The Good Old Song, our "fight song" that we sing after every UVA score. It definitely throws people off since it's one of the more chill, ballad-y fight songs out there. But on a hot day where your body is likely processing Cane's chicken and Bud Light from the tailgate, swaying along with your pals is a safe bet to have a good vibe.*

*At the end of the swaying we throw people off some more by yelling "Wahoowa, Wahoowa, Uni-V-Virginia, hoo rah rey, hoo ray rey, rey, UVA" and pumping our fists in the air. It's so quick that I'm not sure*

FOOTBALL page 2

## Panel Reviews Supreme Court Term



UVA Law professors John C. Jeffries Jr. '73 and Daniel Ortiz are joined by GianCarlo Canaparo of the Heritage Foundation. Photos Courtesy of UVA Law and The Heritage Foundation.

This past Tuesday at the Federalist Society's annual SCOTUS Round-Up, Professor Daniel Ortiz,

Nikolai Morse '24 Staff Editor



Mr. Giancarlo Canaparo of the Heritage Institute, and Dean John C. Jeffries '73, discussed several cases from the Supreme Court's recent term. The event, which was held in Caplin Pavilion, was well-attended and the discussion ranged from captivating legal discussion to what can only be described as a stinging rebuke. A recording of the discussion is available on the Law School's website, and I would encourage you to watch it.

Professor Ortiz first discussed *Fulton v. City of Philadelphia*, the case in which Philadelphia stopped referring children to the Catholic Social Services ("CSS") foster care agency because it refused, on religious grounds, to certify same-sex couples as appropriate foster parents.

Noting that the case had "culture war written all over it," Professor Ortiz argued that the interesting legal aspect was the potential for overturning *Smith*, which has been criticized by free exercise proponents. Professor Ortiz said, "this was a really big deal, not only in defining the borders of the culture wars, but in determining when religious belief entitled one to exemptions more generally."

The decision by the Court was surprising, first, because it was a unanimous decision that held that removing CSS from the adoption program was unconstitutional and second, the decision did not address *Smith*! Professor Ortiz described the bemusement many experienced seeing the Court tee up a juicy legal issue for resolution, only to then neglect the issue.

Professor Ortiz ended by posing two questions: first, why does the Court tease us like this? And second, would a big win in such a case be good for religious organizations in the long run?

The second case Professor Ortiz discussed was *Brnovich v. Democratic National Committee*, which concerned an Arizona law requiring people to vote in person only in their precinct and limiting the people who could collect an early ballot. Highlighting the impact on voting and the stakes of the case, Professor Ortiz noted that in the 2020 Presidential election the vote was 49.36% Democrat and 49.06% Republican. However, the impact of this case was more than purely political, as it implicated Section Two of the Voting Rights Act of 1965.

After reviewing the history surrounding the passage of the VRA, Professor Ortiz described the 6-3 decision in *Brnovich* as "pulling many of the teeth of Section Two." He suggested that it was "a kind of bookend for *Shelby County v. Holder*," where the Court effectively


deactivated Section Five of the Voting Rights Act preclearance requirement. Professor Ortiz closed by noting that "now the next frontier, I think, of voting rights litigation after *Brnovich* is going to be voting administration. And you've seen some moves of this already in Georgia, in particular. And I don't see how Section Two after *Brnovich* is going to do any work there at all."


Mr. Canaparo began by noting the "golden age of agreeableness" at the Court, evidenced by 44% of decisions on merits cases being unanimous, and two-thirds of all cases having no more than two justices in the dissent. Mr. Canaparo then discussed *Cedar Point Nursery v. Hassid*, which challenged a California law that allowed union organizers to access farmland without the permission of the owner for up to three hours per day, 120 days per year, to organize laborers. The Court rendered a 6-3 decision that this law amounted to a per se taking.


This case touches on a long-standing debate within the law. One position says that property rights are inviolably enshrined in the Constitution and the other argues that some invasion is necessary for the government to regulate a complex world. In his dissent, Justice Breyer argued that unless the law allows for access 365 days per year, it is not a taking. Mr. Canaparo described the dissent as "something of


SCOTUS page 2


## around north grounds


 Thumbs up to the person ANG saw using a copy of the *Law Weekly* to either take notes on or do the sudoku during class. ANG both fears and respects you.


 Thumbs sideways to Kardinal Hall. ANG hates law students, but ANG also hates bar owners that think they can charge an extra \$1,000 for "rude patrons."


 Thumbs up to the new members of the *Law Weekly*. The more editors around to eat pizza, the more leftover crusts for ANG to eat after the meeting.


 Thumbs down to the Registrar's Office scheduling multiple short courses during the Jewish High Holy Days. While ANG doesn't attend classes regularly, potentially boxing willing students out of options due to their religious commitments is a bad look for the administration.

 Thumbs up to the softball team Founding Fielders. After this week's game ANG would have been throwing fists, not softballs.

 Thumbs down to the new tents in Spies Garden. ANG's sole purpose is to throw shade around this school and doesn't appreciate Student Affairs trying to steal ANG's schtick.

 Thumbs sideways to the 1Ls at softball. While ANG loves the enthusiasm, the trash left behind and cheering like they had won the World Cup was excessive.

 Thumbs down to the US Open. ANG was hoping Djokovic would lose by a more significant margin.

 Thumbs up to all the people who contributed to the Afghan Refugee Bake Sale. Venmo @ML-SAUVA to keep helping.

## SCOTUS

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an anachronistic opinion," because it "doesn't pretend to articulate an objective standard beyond Breyer's own judgment."

Mr. Canaparo's second case was *Roman Catholic Diocese v. Cuomo*, in which the court granted relief to two houses of worship seeking relief from New York's maximum occupancy limits during the pandemic. The Court agreed 5-4 in a per curiam decision that under the Free Exercise clause, you must treat houses of worship as well as you treat secular businesses. Mr. Canaparo contrasted this with the Court's decision last year, in *South Bay Pentecostal v. Newsom*, not to grant relief, but rather to defer to the state legislature. Noting the shift from the earlier case, Mr. Canaparo closed by referencing Justice Gorsuch's concurrence, saying "We are back safely into the realm of the Constitution."

Dean Jeffries opted to begin first with a review of *Ex Parte Young* (decided in 1908), which established the practice of enforcing the Federal Constitution via injunctive relief against states by naming state officers in the suit. Turning to the recent Texas statute which prohibited abortion, Dean Jeffries described it as "flagrantly, dramatically, incontestably unconstitutional." Based on the precedent set by *Young*, we would expect

there to be lawsuits seeking injunctive relief against the state officers of the relevant state governmental departments responsible for enforcing this.

Anticipating this, Texas evidently designed its statute to avoid this by providing that no state officer at any level would have a role in enforcing the statute. Rather, the statute would be enforced by what Dean Jeffries called "a system of bounty hunters," authorizing any resident of Texas to sue an abortion provider or anyone who abets an abortion, and be awarded \$10,000 for every abortion prevented – raising the possibility that injunctive relief would not be sufficient to halt the statute.

Calling it "wholly unprecedented," Dean Jeffries argued that the intent to circumvent *Ex Parte Young* was the central impact of this case. "For many of you . . . this was an abortion case. For me, it's a rule of law case. By adopting the bizarre scheme of barring all enforcement by state officials, Texas hopes both to act unconstitutionally . . . and to prevent judicial review of its unconstitutional actions. This is a direct attack on American constitutionalism, on the institution of judicial review, and the rule of law. [N]o matter what you think about abortion or *Roe v.*

*Wade*, we should all be unit-

ed in condemning this attack on the rule of law."

Dean Jeffries ended by condemning the Supreme Court's 5-4 order denying relief, in which the Court said that the stay application presented complex and novel procedural questions. Noting that complex and novel procedural questions are exactly what the Supreme Court is designed to address, Dean Jeffries commented that "their willingness to allow this statute to go into effect gives rise to a suspicion I hope is ill-founded, a suspicion that the majority is so eager to get rid of the abortion rights that they're willing to throw the rule of law over the side to do it." Dean Jeffries ended by noting that this will not be the last time this issue arises, and that "when it does, let us hope wiser heads and stronger spines prevail."

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## FOOTBALL

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that I've ever gotten the full chant out, but it's a cool transition from the swaying

Thanks, and what exactly is the gesture made when the Cavaliers make a first down?

When we're waiting for the ref to announce a first down, we hold one hand in the air and sort of do a jazz hand until the announcer goes "AND THAT IS A CAVALIERRRRR" and we yell back "FIRST DOWN!" Back when we couldn't really score points years ago it was definitely a highlight of the day.

What is the iconic food of the stadium? I know I was impressed by the mason jar full of lemonade, but is there something that the whole 4th Side (Right? That's what the fans are called?) agrees is the best?

I haven't personally had too much stadium food since I'm a big fan of tailgate food. You don't have to walk far outside of the stadium to find good pulled pork and buffalo chicken dip, so definitely make some rounds before going in—everyone out in the lots is so friendly and they love meeting other Hoos fans. I did try the beer selection in the stadium for the first time at the Illinois game (the stadium just started allowing beer consumption throughout the stadium) and I'm a big fan

of that addition. Bold Rock makes everything better.

(Side Note—the 4th Side is a new development since I graduated from undergrad in 2019, so still getting used to that. But the free shirts they're giving out helps.)

Are there other traditions that UVA fans should know before going to a game?

The "Guys in Ties, Girls in Pearls" tradition has sort of faded over the last few years, but there used to be a common practice of men wearing bow ties and women wearing dresses / pearls to every game. Someone decided that when we weren't playing well a couple decades ago, that if we couldn't play well, we could at least look damn good. While that's a hard sell for 11:00 a.m. kickoffs and humid September days, it's fun and more than acceptable to get classy for a game.

We're a fanbase that loves to chill and sway together in the grass with each other as much as we love getting rowdy. The camaraderie is one of a kind, and everyone should go experience it sometime!

Thanks again, Alec. I think I speak for everyone when I thank you for enlightening us before attending another game.

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# A Nation, and Law School, Divided

Recently I came across an article that made it seem like a foregone conclusion that

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Sports Editor



former President Trump is going to run again for the Republican nomination in 2024. While Trump has yet to fully commit to running, it seems apparent that if he feels he can win, he will indeed give it another shot. His popularity has only increased among Republicans since he left office. A recent poll says that 54 percent of Republicans would support him in a hypothetical 2024 primary, which is a return to pre-Capitol riot levels.<sup>1</sup> The share of GOP voters who say Trump should play a major role in the party is up 18 points to 59 percent since a similar survey on January 6-7, and the share of Republicans who think Trump is at least somewhat responsible for the attacks is down 14 points to 27 percent.<sup>2</sup> Even Mitt Romney, a vocal opponent of Trump, has admitted that if Trump were to run, he would probably win the nomination.

The Democrats, in their

<sup>1</sup> Yokley, Eli, *Trump Emerges From Impeachment Trial With Sturdy Backing From GOP Voters* (Feb. 2021)

<sup>2</sup> *Id.*

effort to erase Trump, have only added to his popularity and invigorated his base. By removing his Twitter and Facebook, they removed his ability to repeatedly shoot himself in the foot with nonsensical and aggressive tweets and posts. It also plays right into the notion that Democrats are trying to censor right-wing speech, an ongoing concern and rallying cry for many Republicans. One of the reasons hard-core Trump supporters are Trump supporters is because he gives them a voice when they previously felt they had none. He attacks their enemies, and he does so with no filter, to the astonishment of many more moderate and left-leaning voters. These hard-core supporters are not going to rescind their support when their enemies take away Trump's Twitter account; if anything, they will double down. More moderate right-leaning voters can also take a break from Trump's contradictory and inflammatory personality, and focus on Biden's incompetency rather than Trump's own character flaws.

Trump's tweets have been reduced to a mere footnote in his presidency, as the right takes aim at the left. A common rhetoric is "yes, Trump sent mean tweets, but have you seen what Biden has done?!" But this misses the point. Trump's mean tweets are exactly why

he should be extricated from politics altogether. Well, the fact that he encouraged, or at least didn't try to stop, a riot on the Capitol is another reason, as well as spinning an election fraud tale out of whole cloth. But even before any of this, Trump has divided us as families, as a nation, even as a law school. Politics, while always a touchy subject, is now utterly taboo unless you're around other like-minded individuals. The fact that you can't openly debate important issues in a forum such as a top-tier law school is a serious downside because there are plenty of important issues out there where two sides need to be considered. Instead, people are reduced to living in their own echo chamber, where they only hear from and talk to people that think like them. No one is forced to reconcile their beliefs with the opposite point of view, or with facts that may not be so favorable to their position. No one is learning how to have a mature conversation with someone that thinks differently from them. This is no small footnote to Trump's legacy; this is Trump's legacy.

There has always been division in this nation. People used to shoot each other in duels over disagreements. We had a Civil War. But Trump has used this division, stoked it, and poured gasoline on it to the point where the fire is burning out

of control. He created a nation where tribalism reigns supreme, and one side does not even attempt to understand the concerns and problems of the other side. He has given power and a megaphone to others with similarly divisive tones, and when caught red-handed, he simply points to the other side and, like a child, chants "you started it."

It is sad that in this country, with so many competent, smart, hard-working, kind, and humble people, we cannot seem to get someone in charge with any semblance of qualities that make a good leader. There are hundreds of people just in this law school alone that I would trust to lead this nation right now over Biden or Trump. People who are fearless and strong, yet also kind and understanding. People who are smart in their own right, yet also understand the importance of working with others and getting the best team possible around them. A leader who is respected by their peers, while also acting as a role model for the younger generation. These, along with others, are the qualities we are taught leaders should have, yet tragically feel we have to compromise on when the stakes are highest. As educated, elite law students, I believe that we have a duty and an opportunity to erase some of the damage done by politicians on both sides of the aisle and

bring people together. While we may never get our first choice of President, we can influence our communities in ways that even the most powerful person on Earth cannot, becoming the leaders that can seem so few and far between in Congress and the White House.



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# The Bake Sale for Afghan Refugees

If you walked by Scott Commons this past week, you may have noticed a table loaded

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Events Editor



with a variety of baked goods. If you stopped by to take a look and grab a treat, you would have seen that all of them had been prepared by students here at UVA Law in order to raise funds to help Afghan refugees. Over the past few weeks, seismic changes have rocked Afghanistan and forced hundreds of thousands of people, many of whom supported the U.S.'s recently-terminated two-decade-long intervention, to uproot their lives and make perilous journeys out of the country to seek safety and a better future. Many are now resettling across the U.S. and face an enormous adjustment after having to leave everything behind. Charlottesville has been a major destination, and many Afghans have found a new home in the city. Ida Abhari, a 3L law student and one of the organizers, emphasized how refugees are often unnoticed, yet integral, parts of the community: "I think it's important for people to understand that Afghans and refugees from other countries are their neighbors and community members in Charlottesville. They're your grocery store checkout clerks, Uber drivers, and classmates."

She also drew attention to the fact that many newcomers could really use the help at this moment: "Right now in Charlottesville, there are refugee families who cannot send their young children to school because of the lack of affordable housing, because a family needs a permanent address before they're allowed to enroll in school. I hope this fundraiser will be a small step towards making sure families have decent housing and can do the basic things like enroll

and \$2,000 will go directly to newly settled Afghan families in the Charlottesville community.

The bake sale also represented an excellent example of coordination within the UVA Law community. The event was led by the Muslim Law Student Association (MLSA) and co-sponsored by the Middle Eastern & North African Law Student Association (MENA), the American Constitution Society (ACS), the National Lawyers Guild

"It's been very heartwarming to see how fast the Law School community has been able to come together and show support for such an important cause, whether it's baking delicious treats, volunteering to table, or making generous donations. We would not be able to make this happen without the help of MLSA, MENA, ACS, NLG, IRAP, and WOC, who rallied support to help our new neighbors in Charlottesville."

Efforts like the bake sale are

draiser is able to slightly ease the burden of this life-altering transition for Afghan families, as well as raise awareness in the Law School community of the current humanitarian crisis our communities are facing both locally and abroad." While many Afghans are now finding new homes in Charlottesville, across the U.S., and in other countries, many, many more remain trapped in Afghanistan, facing a deeply uncertain situation. The country may seem far away, and many feel that there has been enough involvement there after the 20-year engagement that just concluded, but it is critical that law students, and Americans more broadly, don't forget Afghanistan. The U.S., as a country, can have a major stabilizing influence on how events develop there, and hopefully will continue to play a role in making a brighter future for Afghans. Support in the local community, coupled with this awareness and the advocacy it might inspire, is a great way to help both at home and abroad.

For anyone who would like to continue to donate, please contact either Layla Khalid (lk4hs@virginia.edu) or Ida Abhari (ia7rh@virginia.edu). You can also send donations via Venmo to @MLSAUVA.

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A law student gets their baked goods fix while supporting a good cause. Photo Courtesy of Ida Abhari.

their children in school." As of the end of last week, the bake sale had raised over \$3,000. Of the proceeds, \$1,000 will go to the International Rescue Committee (IRC), a leading organization supporting refugees across the globe,

(NLG), the International Refugee Assistance Project (IRAP), and Women of Color at UVA Law (WOC). MLSA President Layla Khalid gave all of these organizations, as well as others who volunteered or made donations, a shout-out, saying

excellent ways to have an immediate impact in the local community while also drawing attention to the larger, more distant events driving their purpose. This latter impact was one of the aims Khalid noted, stating "I hope this fun-

## Fall Semester Concert Preview

If you are a music fiend like me, then I know that the lack of concerts has severely

Samira Nematollahi  
Guest Writer



impacted your mental health. But concerts are back, baby! Charlottesville and the surrounding areas have some amazing artists coming in the next few months, and I have compiled a list of my must-see shows for the semester so you don't have to. Yes, I am partly using this as a way to reform some of the bad taste in music floating around the Law School and I am not afraid to admit that.

It's important to mention that the COVID-19 pandemic is not over, and we still need to take precautions. That is why the venues for each of these concerts requires proof of vaccination or a negative test and encourages masking.

Big Thief – The National, Richmond  
September 24

For those of you who are down for a last-minute show, check out Big Thief's show at The National. First, The National is just an amazing venue and worth going to at least once. Second, Big Thief is a staple in indie folk music and a good starting place for

people who are trying to expand their music taste. The band has not released an album since *Two Hands* and *U.F.O.F.* in 2019, but they have released a few singles off their upcoming album. You will no doubt fall in love with lead singer Adrienne Lenker's enchanting voice, and you're in luck because she will be in D.C. for her solo tour on November 13<sup>th</sup>.

All Things Go Festival – Merriweather Post Pavilion, Columbia, MD  
October 16



Photo Courtesy of <https://allthingsgofestival.com/lineup/>

For those of you who want to go to a music festival, All Things Go is one of the closer ones and features some of today's best pop artists. Two of my favorites on the lineup are Charli XCX and Tkay Maidza, both of

whom had incredible releases within the past two years and are certainly going to deliver amazing performances. Other notable artists include HAIM, St. Vincent, Soccer Mommy, and Gus Dapperton. For those of you who are wary of being in a crowded venue, this festival is outdoors so you can bring a blanket and distance as much as you want!

George Clanton – The Southern Café & Music Hall, Charlottesville  
October 17

If you want to venture into niche genres but don't know which, you should check out George Clanton. He is a pioneer of vaporwave, but his more recent releases also showcase shoegaze and bedroom pop influences. Clanton is an artist to check out in his own right, but I also want to highlight one of the openers, Magdalena Bay. I have only recently begun listening to them, and I am hooked. They are synth pop perfection and are set to release their new album *Mercurial World* just before the show. To get a taste of both of these artists, you can check out "Make it Forever" by George Clanton and "Secrets (Your Fire)" by Magdalena Bay.

Parquet Courts – The National, Richmond  
October 29



Photo Courtesy of <https://www.thenationalva.com/venue-info/pictures>

Now for a rock concert. Parquet Courts are best known for their punk vocals and danceable driving bass lines. I was first introduced to Parquet Courts by their 2018 critically-acclaimed release *Wide Awake*. This album is centered on themes of oppression, violence, and white privilege, and lead singer Andrew Savage channels them into his aggressive vocal performance. Parquet Courts is now set to release their next album *Sympathy for Life* on October 22. In the creation of this record, their goal was to incorporate dance music culture into their rock music, so I can only expect that the danceability of their songs will be even greater.

This is obviously not an exhaustive list of concerts, and there are so many more great bands coming that I do not have room to dive into (e.g., Orville Peck, TV Girl, Crumb). Even if you don't know any of the artists per-

forming, grab a group of friends and go for the vibes – I would want to speed memorize all of their lyrics so I can sing along, but that's just me.



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# LAW WEEKLY FEATURE: Court of Petty Appeals

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

## OGI Applicants v. Law School Classrooms 74 U.Va 5 (2021)

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

BNINSKI, J., concurring in the judgement.

TONSETH, C.J., dissents, joined by PAZHWAQ, J.

BIRCH, J. also dissents.

Today's case concerns an intentional infliction of emotional distress (IIED) claim by a large number of 2L students. Specifically, they allege that the Law School has harmed them by naming classrooms and hallways after the firms that have rejected them during the OGI process. Although I am sure that there are 3Ls who have similar concerns, their claims were dismissed because they are no longer in the zone of danger.<sup>1</sup> No 1L has dared join this case, for they know that we will dismiss such claims with extreme prejudice.

### Background

First, some context. Within the Law School, there are a number of hallways named after alumni.<sup>2</sup> However, there is one specific hallway named after a firm: Hunton Andrews Kurth. Similarly, there are a number of classrooms and seminar rooms named after alumni with others named after firms like King & Spalding

<sup>1</sup> Sorry Professor White, this phrase is all I remember about IIED claims. Luckily this is a made-up court and I don't have to remember all of the precedent.

<sup>2</sup> This court appreciates the school removing the Withers name from the hall, perhaps removing it from the classroom labels should be expected.

or Bradley Arant Boult Cummings.<sup>3</sup> Some of these classrooms named after firms are the most commonly used for mid-size elective classes. This is all without mentioning the vaunted McGuireWoods Corner.<sup>4</sup> Since 2Ls still tend to show up to their classes, and take only electives, they are the students who actually end up in these classrooms the most. Most lockers are either near one of these classrooms or close enough to the sign for the Hunton Hallway. It is clear that these students are within the zone of danger.<sup>5</sup>

### Analysis

These 2Ls have used this proximity to the offending signs and classroom labels

**"The firms that did not hire any students from this august law school hereby lose their privileges to have their names on classrooms, hallways, and corners."**

to bring this claim. They go on to assert that they had to endure a month-long (or more) process known as On Grounds Interviews (OGI), after months of networking, and are now triggered simply by hearing these firm names. Furthermore, they argue, after all that hard work, all they got was a series of automated rejection emails from these firms or worse—

<sup>3</sup> I think the fact that I remembered the full name without looking it up deserves kudos.

<sup>4</sup> Ten points to any reader who finds this sign, it is hidden well.

<sup>5</sup> I'm definitely not using this phrase correctly.

no word back at all. Is it any wonder then, they claim, that they are triggered every time they see those signs? This Court, at least those of us with hearts,<sup>6</sup> certainly feel sympathy for these students. It was a stressful time to be going through OGI and it is no wonder that they feel triggered every time they see the names of their alleged tormentors.

A problem arises, however, when these students make too broad a claim. The students who are suing the Law School, in its capacity of operating these classrooms, allege that all of these firm names have caused them harm. They do not provide any proof that they have ap-

plied to all of the named firms. Rejections are hard and are cause for relief, but harm to one student is not, in fact, harm to all in such cases. Without a majority of claimants showing that these specific firms have caused them harm, there cannot be an indiscriminate removal of their names from Law School classrooms.

Furthermore, there has to be a balancing of the equities. The Law School alleges that these firms give a lot of money to the school and hire many of our students. Let's work through this backwards. First of all, the firms that hire many UVA students

<sup>6</sup> Everyone except my venerated colleague the Chief Justice.

are in fact good partners. They are upholding their side of the bargain: get marketing, hire students. These firm names cannot be removed as a result of today's claims. The money given, however, is not an excuse. These firms likely get a tax break from their donations; thus, they get their benefit already. The added marketing bonus from their names on classrooms cannot be applied simply for the money.

### Conclusion and Order

These 2Ls have suffered real harm. They are constantly faced by the names of the firms that have hurt them so deeply. But this Court cannot order an indiscriminate

have broken that contract.<sup>7</sup> The firms that did not hire any students from this august Law School hereby lose their names on classrooms, hallways, and corners. Further, upon future such showings of lack of hiring, the Court will order the same for other firms. While we are sympathetic to other, individual claims, those students will simply have to fight through their distress as students from past years have done.

BNINSKI, J., concurring in the judgment.

While I write to concur with the outcome reached by my esteemed colleagues, my holding is a more narrow one. I do not take issue with a law firm's right to reject vast fields of hopeful candidates. That is the nature of the business, and firms are legally free to determine their preferred candidates so long as they avoid practices or criteria which discriminate against individuals based on protected characteristics, or which, while neutral on their face, result in a disparate impact on minority groups.<sup>8</sup>

<sup>7</sup> Look Rip! I paid enough attention in your class to know that breaking a contract is bad.

<sup>8</sup> See Title VII of the Civil Rights Act of 1964 in case you need legal reasons not to be

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## Faculty Quotes

**J. Setear:** "Man, the Netherlands used to do everything. I just think of them now as legalized hashish and prostitution."


**A. Coughlin:** "Oh, that cat is the worst. She won't have anything to do with us. Does anyone want a cat? She's made my life a misery, for 19 years."

**J. Monahan:** "Grading exams...it doesn't seem like something that a grown man should be doing."

**E. Yale:** "What is the taxable year of a partnership? You could have a long and successful career as a tax attorney without knowing the answer to that question."

**G. Rutherglen:** "Of course it's the business of law professors to criticize the Supreme Court...always prompting the question, 'If you're so smart, why aren't you ON the Supreme Court?'"

Heard a good professor quote? Email us at [editor@lawweekly.org](mailto:editor@lawweekly.org)



## Virginia Law Weekly

### COLOPHON

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## DRIVERS WANTED

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Within that broad liberty, law firms can indulge in caprice. One can even argue, as do appellees in this case, that the firms should be free to *constantly remind* law students that, while they may enter the firm's eponymous halls, classroom, foyers, etc., the halls of the firms themselves will remain zealously guarded. This nation does, after all, prioritize liberty of expression.

The behavior that I would censure lies at the heart of this Court's jurisdiction: the profoundly petty. To wit, I take issue with firms solely for sending rejection emails that, rather than owning up to their own decision-making process, include weak verbiage claiming that they "are unable"<sup>9</sup> to continue a candidate's journey through interviewing toward employment "at this time."<sup>10</sup> Further insult is added by the inclusion of statements that the decision

racist or sexist.

9 If they wanted to, they could. They are only "unable" to want to.

10 There is literally no reason to say this.

"does not reflect"<sup>11</sup> upon the candidate. Were this the matter before the Court today, I would enjoin firms to make a "short and plain"<sup>12</sup> statement that the candidate is not entitled to employment. Such a statement might be, "We interviewed you. We decided not to hire you."

In the absence of an opportunity to enjoin firms from sending disingenuous emails, I will take petty revenge by joining in this opinion to censure their product placement in this school.

TONSETH, C.J., dissenting like I'm Clarence Thomas. Joined by Pazhwak, J.

Blatant hypocrisy. I apparently forgot to include a reason in my dissent last week, again concerning an opinion issued by Associate Justice Kulkarni, for why I always disagree with his legal anal-

11 While the firm's need for summer associates must also play a role in the number of offers extended, it strikes this justice as absurd that hiring decisions would *not* reflect on the candidates who were interviewed. Their credentials and self-presentation are a substantial portion of the data that a potential employer has to work with. Why pretend otherwise?

12 See Rule 8(a)(2) of the Federal Rules of Civil Procedure, which applies here not procedurally but in its general vibe.

ysis, in that he's just plain damn wrong sometimes.<sup>13</sup> In appointing members to this Court, I forgot that some 2Ls want a glass of milk after you give them a cookie. You see, the apparent victorious party, to which Justice Kulkarni is a party to,<sup>14</sup> both wants a job with these respective firms that he decries and uses his attendance at the prestigious University that he attends to get his foot in the door.

While I'm not truly appalled at the lack of legal analysis and aforethought by Justice Kulkarni, his voodoo magic of pulling Justice Bninski to the dark side hurts deeply. Citing the Civil Rights Act of 1964 is prescient,<sup>15</sup> but in this Court, "we do what we want."<sup>16</sup> Ergo, we cite our own precedent that is unmoored from the shackling laws made by an unrepresentative body that is the U.S. Congress. If they can actively skirt the

13 *Law Students v. Bar Review* 74 U.Va 4 (2021), (Tonseth C.J., dissenting).

14 Conflict of interest much????

15 TBH, I don't know what this means, but Justice Thomas always uses big words and nobody really reads the 4<sup>th</sup> dissent in a case that you're assigned in ConLaw, so I am surprised if you even got this far.

16 *Law Weekly v. CoPA Copiers* 369 U.Va 96 (2019).

rules and precedent,<sup>17</sup>so can I. I just wish J. Bninski would do the same.

I need not say J. Kulkarni is soft, but there's no other real way to describe his generation. The lack of true textual analysis, wanting his cake and wanting to eat it too, all the while decrying the "process", is enough for me to discard this opinion to the trash heap of history, just like Texas' independence.

BIRCH, J., dissenting.

Much like many dissents, my opinion was not asked for, expected, or appreciated by my colleagues when received, but it will be published. My dissent is based solely on one phrase used by my junior colleague on the bench, Justice Kulkarni: "Rejections are hard and are cause for relief." What the Justice does not take into account in coming to this conclusion is the benefits of *certain* rejections. While I recognize having an offer from a firm is a benefit, expecting offers from every firm is ludacris. I know this can be a shock to many 2Ls, but rejection is a part of life and none of you are perfect. The relationship between firms that will pay to put their name on Law School property and firms that will actively laugh at your weekend plans is one-to-one. Rejections from those firms should not always be

17 See generally, the failed country that is Texas.

met with sorrow or discouragement, but if a single other offer meets your needs then a celebration may be in order. Work-life balance may be attainable in four years instead of retirement!

The legal industry itself is a Zone of Danger, and any attempts to temper that are met with opinions just like that of our Chief Justice. As a part of the legal industrial complex, the Law School is just playing its part with sponsorships to remind students that had never received a grade below an A- in undergraduate that they have willingly walked into hell. This lawsuit is much like suing a haunted house for scaring you when you paid for a ticket to get scared.

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HOT BENCH



T Rowan Adams '24

Interviewed by Phil Tonseth '22

**Hey Rowan, welcome to the Hot Bench! I'm excited for the Law School to get the chance to know you better. First off, where are you from and where'd you go to undergrad?**

I'm from Cincinnati, Ohio. I went to DePauw University (in Indiana), but I spent the past two years before law school in NYC!

**What made you start thinking about law school, and what drove you to UVA in particular?**

I was obsessed with Judge Judy and other crime shows growing up, so law school has kind of always been part of the plan. I chose UVA specifically because of the culture. Every lawyer or law student I talked to throughout the whole application process

said how much law school sucked EXCEPT UVA folks. While current students and alums didn't try to downplay how hard or stressful it was, they also were very enthusiastic about how much fun it can be. That is something unique to UVA, which made the choice to attend here very easy.

**I know it's early in your legal career, but do you have an idea of what work you'd like to get into?**

I worked the last two years as a paralegal at the Manhattan DA's Office so currently I am very much interested in prosecution work. Specifically, federal prosecution. Criminal Law is my favorite class so far, so we'll see how the rest of law school goes! That said, I am also interested in pursuing LGBTQ+ rights work. Very different fields!

**How'd you get into working with the Manhattan DA's Office? What was your coolest experience in that office?**

I used to want to be a public defender, but then I interned at a public defender's office in college. I have the utmost respect for public defenders and am still a huge proponent of the work they do and the reasons they do it, I just don't think it's necessarily for me. The criminal justice field still interested me, though, and after graduating from DePauw, I knew I was mov-

ing to NYC no matter what. I applied at the Manhattan DA's Office and thankfully got a paralegal position in their Vehicular Crimes Unit.

So I wouldn't classify this as "cool," but probably the most interesting experience at the office was sitting in the courtroom and watching Harvey Weinstein's sexual assault trial. I worked in the same hallway as the lead prosecutors on the case so leading up the trial I overheard a lot of the trial preparation. Being able to witness the very publicized trial firsthand was an educational experience I don't think I'll ever forget.

**I've heard from the grapevine that you're the 1L FYC President. What drove you towards that role, and what do you hope to get out of it?**

Yes, I am! I have been involved with student government since the 8th grade—it's something I am naturally very passionate about. I enjoy serving as a liaison between students and the administration, listening to students' concerns, and advocating for positive change. This year I hope to keep many of the UVA Law traditions alive that may have faltered a bit during the past COVID year. UVA Law is known for our sense of community, so I hope to ensure that we live up to our reputation!

**Do y'all on FYC have any fun plans for 1Ls for the upcoming year?**

SO MANY! We have the standard events planned, such as Foxfield, Halloween Carnival, and, of course, Bar Review every Friday night. But we also hope to host a 1L social sometime in October. Right now we're thinking about hosting a huge Halloween bash and/or (hopefully and) a Pavilion "around-the-world" night where anyone in Pav that wants to, can open up their apartment for folks. The idea is that 1Ls could hop from apartment to apartment, or "country to country," and enjoy food and drinks of that respective country. Lots of ideas being thrown around for fun 1L events this semester and next!

**So I know SBA and FYC is a lot of work, but what other clubs are you involved with so far?**

Yes, I am involved with Lambda Law Alliance. I identify as non-binary so joining a LGBTQ+ student organization at UVA was really important to me. I am excited to work with the organization this year!

**Lets do a lightning round!**

**Favorite food?**  
Peanut butter. I kid you not, I go through a jar a week.

**Anti-Stress Hobby?**

Working out! Either lifting weights or playing basketball.

**Pet peeve?**

People who make fun of others in the gym! Let them be!

**Big headphones in the gym, earbuds, or the dreaded no headphone gym-goer?**

AirPods all the way.

**Favorite word?**

Nefarious.

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

Not Afraid by Eminem. A HYPE song.

**What's your spirit animal?**

Tiger. Tigers were my undergrad's mascot and also happen to be my favorite animal.

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

Greece!

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

Don't wear flip-flops with jeans. I'm sorry y'all, I just can't.

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# Tips for Returning to Normalcy: Dining Out

"Slow readers how are y'all doing today," and welcome back to another week

Jonathan Peterson '23  
Satire Editor/  
Photographer



of steadily realizing that our social skills have been impacted by this pandemic to a far greater magnitude than we ever could have imagined. This week, we'll be talking about something that mostly only 3Ls have the time and money for: dining out. As has been the trend with all the prior topics, the social situation at hand is, like a high school drama club performance, ripe with the possibility for error and embarrassment. However, this doesn't mean you must relegate yourself to ordering through a restaurant's delivery app. Follow these tips and believe what I tell you and, at the very least, you'll be blissfully ignorant enough to leave the restaurant not understanding that things went as horribly as they did.

Obviously general dining

etiquette applies to eating out just as much as, if not more than, it does to eating at home. Chew with your mouth closed, don't talk and eat at the same time, use your napkin as appropriate, etc. These norms, while important, aren't the interpersonal activities that are the focus of these articles. Instead, we look to interactions with the staff as our main learning area in today's tips.

The first thing to remember when talking to staff is simple—you're not as funny as you think you are. You weren't funny before the pandemic, and you most certainly have not gotten funnier after your months locked up inside without another human in sight, let alone a human laughing at your jokes.<sup>1</sup> And even if I were to stipulate that you, being the special little gift to this world that you are, are in fact funny, I can almost

<sup>1</sup> For the record, laughs coming from your parents or significant others do not count. They might feel affirming but let's call it like it is: bias.

definitely assure you that the overworked fifteen-year-old bringing you water does not care to hear your comedy routine in the slightest. And for the record, lest you doubt my assertions based on prior experiences which involved laughing waiters, let's not forget about one thing: tips. Your typical comedy routine does not involve the comedian paying the audience to attend, listen, and laugh, with further payment contingent on their performance. Just keep that in mind the next time you're entirely off-point "I'll have what she's having," lands a half-hearted laugh from that fifteen-year-old.

Tipping is another big one, and something I can be brief about. Just because we now have the blessed ability to pay for our meals online is not an excuse to tip less. In fact, the only excuse to tip less would be if restaurant employers paid their employees enough that we didn't have to subsidize the entire restaurant by covering their paycheck as well as your overly drunk friend's six-margarita tab. Just like the Constitution establishes the floor and not the ceiling, so too does the general

belief that 20 percent is an appropriate tip. Be better, go above and beyond, and really pay up for that forced laughter you received earlier. It's only fair.

Onto the final point: seating arrangements. If you're on a one-on-one date, please, sit across from each other. No, don't talk back to me, don't try to explain yourself, I don't want to hear it. If there are two empty chairs

across from both of you as you crane your necks to look deep into the eyes and nostrils of your beloved, stop doing that. It wasn't okay before Covid, and it hasn't become okay after. Honestly, this isn't even a Covid tip. I just needed a platform to put this opinion out there.

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Comic by Geoff Coates for Vancouver is Awesome, <https://www.vancouverisawesome.com/events-and-entertainment/eating-out-during-phase-covid19-2369948>. We don't have permission, we just thought it was really funny.

## Barristers United Match Report: Week 1

The Barristers opened up their season on a sweltering Sunday morning against Champions FC with a clinical four to zero

Jack Brown '23  
Staff Editor



win, with the squad making an unmistakable statement that their promotion to the SOCA unrestricted 11v11 league was not a fluke. Despite the other team's greater experience, gender homogeneity, and matching kits, they were no match for the students of UVA Law, who thrashed them for the entire 90 minutes.

The game began very tensely with Barrister's captain and dog-owner Stephen "anti-shirt" Wald imploring the team to hold possession and use their team's greater numbers to tire the opposition out. This strategy worked well, as the Barristers were able to minimize Champion FC's chances through intense pressing in the midfield, along with a sturdy defense anchored by Ardi "enjoying his 3L retirement" Khalafi and Ray "would die for his dog" Roesler, whose new partnership is already one of the best in Barrister's history.

Right before halftime, the deadlock was broken thanks to a brilliant assist by Nathan "the Juggernaut" Sheeley, who was able to overpower the defender and slide the ball across the goal to Barrister's mainstay Sam "sprinted literally all 45 minutes" Mirzai, who is in pursuit of the Barristers all-time goal scoring record in his 3L year. Soon after the goal, the visibly annoyed referee signaled for the start of halftime. Sam then had to leave, but the team was strengthened by the halftime introduction of John "was late because he ran

a 5k that morning" Lawrence. After a stirring halftime speech, the team entered the second half with confidence.

Three goals followed in quick succession as the team put a dagger in whatever hope Champions FC had. Scoring on their debuts, Mustapha "almost got kicked in the back of the head trying to win the ball" Yoosuf-Akinlaja and Tyler "former Mark Clattenburg of SOCA soccer" Demetriou both were able to capitalize on amazing buildup play to slide the ball past the keeper. Then to cap off the run, John "yes he seriously drove to Richmond to run a 5k the morning of a soccer game" Lawrence scored an early contender for goal of the season, as he blasted a shot over the keeper from the edge of the 18-yard box.

Aside from the goal scorers, there were many notable performances from new additions to the squad. 1Ls Keith "turn and shoot!" Stone and Jacob "didn't turn and shoot" Baltzegar energized the squad with their passion. Zachary "was promised and did not receive a starting spot at CAM" Pierce was a dependable outlet the entire game along with Drew "pacy winger" Flanagan, who terrorized the opposing fullbacks with his youthful runs.

All in all, it was a perfect start to what will be a stellar season for Barrister's United. If you would ever like to play in the weekend league games, or are interested in playing pickup during the week, please email the author who would be happy to add you to the GroupMe. Also, make sure to tune back in next week to keep up with all of the action as the Barristers continue their journey to the illustrious SOCA Championship.

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## SUDOKU

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Solution:

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

## WEEK 1 SOFTBALL SCORES

1Ls	Co-Rec
Section A (7) v. Section E (8)	2L §A & Pals (9) v. 3L §A (7)
Section B (8) v. Section F (9)	2L §H (12) v. Jurisdingers (12)
Section C (5) v. Section G (6)	ACS (11) v. Learned Forty Hands (10)
Section D (15) v. Section H (2)	BjDE (32) v. Founding Fielders (0)
	Chili Dogs (8) v. SMD25 Sluggers (5)
	FOIC (16) v. Sermon on the Mound (6)
	Hot Garbage (8) v. Parliament (6)
	Leftovers (23) v. VLV (12)