



VIRGINIA LAW WEEKLY

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

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A Lost Generation of Alumni

Michael Berdan '22
Opinions Editor

I have never been school-spirited. In high school, I never identified as a Viking. In college, I never wore Cougar regalia or learned the fight songs. When I was admitted to UVA Law, though, I felt different. I chose UVA Law for a number of reasons, but one major one was the culture and purported ethos of the school. The Honor Code, the generosity and openness of students toward applicants, and the enthusiasm of the alumni made an impression on me. So, immediately after being admitted, I bought shirts for myself, my wife, my two kids, and my parents. Even my in-laws now own UVA Law apparel. I spoke effusively about the school online during 1L, spoke on student life panels for admits and applicants during 2L, and applied to be an ambassador. I will practice in Richmond after graduation, and I was excited to return to Charlottesville over the coming years for events and fundraisers at the Law School, and to donate regularly to support future students and endeavors on North Grounds. Notice, however, that I speak of these feelings in past tense. It appears many others do, too.

The pandemic has sent spider-web cracks through so many aspects of our lives that we will still be finding them years from now. The development of children (and adults) has been shaken in ways that will be studied for decades. Personal, academic, and professional lives have changed course in many ways, some transformative, some imperceptible. It is well understood that none of us got the full law school experience we envisioned as oLs, and that is okay, because it was unavoidable. But that has consequences. The connection that students typically form to UVA Law during their three years here appears not to have happened as readily or as deeply for many among the Zoom School of Law generation.

One would expect the administration to be on high alert about this, and to be proactive and accommodating toward students in order to nurture that trust and connection in the hope that it will last beyond graduation. So far, that hasn't happened, and the administration's handling of COVID-19 protocol this year has further alienated students. "I was really enthusiastic about the

ALUMNI page 2

Discrepancies in Club Funding Raise Questions



Photo by Robert Llewellyn.

Because funding negotiations remain ongoing between student clubs and administration, the Law Weekly will avoid naming specific clubs or joining in the speculation as to the overall cause in this year's funding reduction. The purpose of this article is to fulfill our policy of publishing columns of interest to the Law School--to bring attention to an ongoing issue happening largely behind the scenes.

Applying for funding from

Dana Lake '23
Production Editor

the University every year is one of the most important responsibilities for club leaders. Sufficient funding is the difference between catered lunches and BYOB, between guest speakers and PowerPoints. Whatever money is needed for the club to function that isn't awarded by the school is expected to be made up for in membership dues or private sponsors.

Private sponsorship is an expectation more easily met by some organizations than others. Clubs with a national footprint have a much wider support network than smaller or newer organizations, and clubs focused on channeling students into private practice or particular markets have established donors they can lean on. In the yearly jostling for funds, it is unfortunately often the organizations in the worst position to win outside donations that receive the least amount of money from the school. They are left to make up their budgets with

membership dues.

The result is a choice between a rock and a hard place. They can charge their members high dues and host events and activities that will hopefully increase membership and the club's reputation over several years—the downside being, of course, that these smaller organizations are often affinity groups for people underrepresented in the law, and high dues are a barrier to entry for what is meant to be a supportive space. The other option is cheaper dues, but fewer activities that address the organization's needs and purpose.


For the 2021-2022 school year, most student organizations at UVA Law saw a reduction in funding from the year before. The *Law Weekly*, like many groups, received less funding than requested. The reduction in funding this year, when in-person events are actually possible, compared to last year's COVID-induced freeze on most meetings, is difficult to understand. Why clubs with greater access to outside funding receive more help from the school than clubs with smaller networks is difficult to understand. Why some organizations received substantial funding for travel expenses when their events will remain virtual this year, is difficult to understand. For the organizations interviewed to get background information for this article, that is the central issue—understanding how exactly these determinations are made.


Clubs this year received funding that appeared to be arbitrarily calculated. The funding determinations are meant to be need-based, but understanding how exactly to demonstrate need has been described as a "black box" and "very confusing." The amount of money requested is clearly not a useful indicator, as most clubs received less than what they asked for and some clubs actually received more. If an organization's own estimate of their expenses is not the determining factor, what is?


Other factors that may influence the decision are club membership levels, suspected savings levels, scheduled events, and club purpose. We can address club purpose first, because it has some background. Religious affinity groups receive equal funding, regardless of other factors. Their funding was equally reduced this year. For the other factors, it is unclear what the pattern of reasoning is. While some organizations experienced substantial growth in the last year and others had consistent membership numbers or a reduction, the funding awards did not seem to reflect this disparity. It will certainly be difficult to manage an organization of significantly larger size with less money than last year, and some clubs fear they will lose enrollment momentum. Suspected savings seems to be influential in the process, but the savings are not self-reported by clubs.


FUNDING page 5


around north grounds


 Thumbs up to Moot Court semi-final round competitors. ANG appreciates you voluntarily doing a second round of LRW.


 Thumbs sideways to Bilt's sound system. ANG's friends were already at Crozet, so the scratched disk from 2005 offered a wonderful excuse for ANG to stop, drop, and roll over to Crozet.


 Thumbs up to the trees surrounding Copeley. ANG loves seeing joy turn into sadness when homeruns bounce off the trees directly into outfielder's gloves. ANG requests fertilizer for more and taller trees.


 Thumbs down to North Grounds gym refusing to provide free masks. ANG has been attending the law school for longer than ANG can remember and cannot afford to buy masks on ANG's own. Also, ANG needs an extra mask so ANG can sneak in for ANG's monthly shower.

 Thumbs up to LuLaRich. Now ANG knows better than to get involved with an MLM once ANG fails the bar.

 Thumbs down to North Grounds for putting garbage bags on the basketball hoops at North Grounds gym. Despite yelling "Kobe" after every attempt, ANG cannot make a shot regardless of the trash bags, but ANG would still prefer to not have North Grounds gym call ANG's game trash like the middle school kids did on the playground.

 Thumbs sideways to ANG's colleague's getting married while ANG struggles to get the same squirrel to commit to eating lunch with ANG daily. ANG loves love, and also, squirrels.

 Thumbs down to the Law Weekly for having Nerds in their office. ANG doesn't need a reminder.

 Thumbs up to the autumn equinox. ANG looks forward to the lurking opportunities offered by longer nights.

ALUMNI

continued from page 1 school,” says Melissa Privette ’22, “but that enthusiasm has waned after they made the decision not to have virtual options this year. It seems as if students’ comfort hasn’t been prioritized. Given their response this year, I don’t see myself being a very engaged or active alumna.”

Nick Turnier ’22 says he feels “like the school is doing things at us, not with us. The administration’s response whenever we want something is that it’s beyond their control, but not once have I felt them say, ‘but we’ll advocate for that for you.’” Turnier noted that “at least as a 1L, I felt like if something important came up they might at least listen in earnest,” but he cited the administration’s response to Lambda’s request for inclusive bathrooms as a negative turning point for him. Ultimately, he said, “they had a really good chance with this pandemic to make us feel like they really had our backs, but they completely blew it.” Turnier also says he will not be donating to the school as an alumnus.

Other students still retain a love for our school, even through frustration. “I’m still passionate about UVA, but the administration’s handling of COVID, specifically in not giving us a remote attendance option, has lessened that passion,” comments Kevin Schascheck ’22. He says that consequently, he expects any donations he makes to the Law School will be directed only toward particular groups, such as Lambda, rather than to more general

Law School fundraising channels. Kiera Callahan ’22, who is President of Advocates for Disability Rights, says she has had “fabulous academic experiences at UVA,” but has been disappointed by the administration’s handling of COVID-19, particularly the delays relative to other schools and the lack of transparency. The “snide remarks from a subset of the student population about those who were vulnerable” further inhibited Callahan’s bond with the school, and she notes that all these experiences will affect how she views the school when she joins the alumni.

Our school prides itself on an active, vigorous, and loyal alumni base, which supposedly donates at higher rates than that of other schools. That alumni base is kept healthy by satisfied and connected students graduating year after year. But the COVID-affected classes—2022 in particular—did not have the same chance to form such connections, and many members are not on track to depart from North Grounds as fully satisfied graduates. When the fundraising calls from the Law School Foundation start coming soon after graduation, the answer from many students will be identical to the answers the administration gave in response to requests for remote attendance flexibility, Law-School specific COVID-19 data, or a clear attendance policy: “No.”

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Virginia Law First Generation Professionals Kickoff Meeting

Virginia Law First Generation Professionals (VLFGP) held their kickoff and first Nikolai Morse ’24 Staff Editor



general body meeting of the school year on Tuesday, September 14th. Founded in April 2019, the group aims to facilitate the transition and integration of first-generation professional students into Virginia Law and the legal profession.

The meeting was led by Outreach Chair and VP Claire Reiling, ’22, who began by welcoming the gathered students and providing an overview of the organization’s various goals and functions, such as mentorship opportunities, networking, and general law school demystification. Representatives from several of the administration’s offices spoke, describing the resources and support they had to offer.

Lauren Parker ’08, Director of the Office of Private Practice (OPP), highlighted the breadth of support that OPP offers, from cover letters to candid advice on interview outfits. She addressed a common fear of 1L’s and specifically first-gen students, saying “you don’t

need to have a lot of contacts to get a good job, you’re at a great law school. But that said, you have a huge network of alums we can and will connect you with.”

Amanda Yale, Director of Public Service, began by noting, “you will not need to know which fork to use to do public service. But you will have a very fulfilling career!” She emphasized the benefit that a diverse background can offer when you are a practicing lawyer as you can more easily relate to clients from a wide variety of backgrounds.

Assistant Dean Jennifer Hulvey described the support the Financial Aid office has to offer, from loan counseling to being able to talk with someone else who had been through the challenges of being a first-gen student, including that friends and family don’t always understand why you are taking on loans for “another degree.”

Ruth Payne ’02, Director of Judicial Clerkships, noting that the worst part of her job was hearing from alums who regretted not trying to clerk, urged students to not count themselves out of applying to clerkships.

Dr. Katherine Gibson introduced herself and pointed out that while law school is a

stressful endeavor to begin, the experience as a first-gen



Virginia Law
First-Generation Professionals

If you are interested in joining VLFGP or just want to hang, please email Andi Schlut at bas7bh@virginia.edu. Photo Courtesy of VLFGP.

student can add additional stress, which she and her office are happy to discuss.

Professor Andrew Hayashi spoke last and offered thanks and advice to the gathered students. “Each of you is a gift to the community and the diversity really matters in the classroom. I encourage you to not just try to get through law school, but to thrive and take advantage of everything the school has to offer.”

Many of those on the panel described their own experiences as first-generation law students. One member of the panel noted that when they came to law school, they assumed most lawyers were

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Socializing Should be a 4 Credit Class

Once you are past your first semester in law school, you are allowed to pick electives and

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Culture Editor



set the number of credits you are taking. If you plan ahead, you can ensure that each of your final two semesters consists of the bare minimum—12 credits.¹ You will find, however, that no matter how many credits you take, there remains minimal time to actually study. Every time you sit down to plan ahead for the week, you will find at the end, you did not meet that plan at all. This article is going to explain why that is.

The answer is not that you are a slacker. Despite the fact that some people make jokes about not caring about law school,² we all made it to a Top 10 school in our field. This excellent institution does not accept slackers into its ranks; we all studied hard and excelled at some point in our careers prior.³ The truth is, you are actually spending your time on something that is very important. Much like your

1 If you do this, don’t take one semester of 16 credits 2L. Don’t do it. I am in eternal pain, don’t suffer like me. Please. For your own sanity.

2 Or make it their entire personality like I do.

3 Not me, though, and I dare you to find any evidence to the contrary.

classes, it is a required element of the law school experience and you must spend adequate time on it that you need. It’s a part of developing your personality and of getting the most out of this experience. As a logical, intelligent law student, you probably think I am describing your extracurriculars. First of all, no. Who would even do such a thing?⁴ I’m actually talking about the importance of socializing.⁵

Most of us have taken advantage of Bar Review by now.⁶ We all have friends to hang with or are in the process of making friends and thus have to go to many events or hangouts to solidify those budding friendships. That is to say nothing of the 1Ls who are almost socially obligated to participate in everything that their sections do.⁷ That part, socially obligated, underlies this article. Between social pressures, the need to relax, and long term benefits, socializing as a whole becomes almost required as part of law school. The Law School, then, should recognize that, and give

4 Especially writing in a comedy newspaper for the Law School. Who would do something so ridiculous?

5 Or as I like to call it: getting LIT.

6 If you haven’t, please do! It’s a great way to meet people.

7 I know it seems like a lot, but go to section softball, it’s life changing.

us the credit for meeting this requirement. Specifically 4 credits for this. Perhaps the Administration should treat it as something like—a class?

You read that right, I believe



Debauchery and pretty good deals at the Virg. Photo Courtesy of Sai Kulkarni ’23.

that the Law School should give us four credit hours per semester as just recognition of our social lives.⁸ Let’s take each of those three previously listed reasons and break them down.⁹ Social pressures are important to address. All our lives, the scourge of peer pressure has been decry’d by our teachers, parents, and society in general.

8 I know my thesis is in the fourth paragraph. Yes, I’m a great legal writer, how dare you think otherwise.

9 One of my close friends mentioned I have this sentence in each of my articles. I’m not going to change it, I’m just giving her a shoutout.

But each of these people failed to tell us that life is almost entirely driven by the pressures from society.¹⁰ The Law School should recognize that the young, impressionable 1Ls don’t want

to be left behind when all the people they know are making friends and creating a place of comfort within this high-stress environment. Whether they are having fun is irrelevant, new students are more concerned with not being out of the loop during their conversations between classes. Part of the law is doing things we don’t like in favor of our clients, regardless of whether those clients are persons or businesses. Shouldn’t the Law School reward the effort of those students who are trying hard to meet the intense

10 “Just say no” doesn’t work when it comes to hanging out generally. What do you say to that, Nancy Reagan?

requirements of this program? I think they should.¹¹

Speaking of intensity, the next relevant factor is the simple need to relax. Even if it gets annoying, I will keep repeating it:¹² we are in law school. This is an intense place with a course load that often boggles the mind. Add clinics, extended work for summer employers, and externships, and the pressure can quickly get out of hand. The Law School knows that mental health is a problem. Especially in the wake of last year, it should be obvious. On top of expanding the availability of mental health care,¹³ offering these credits will not only recognize the efforts that each sociable student takes to manage his or her own sanity but will also encourage other students to just take a break and relax a little.¹⁴ If the Law School is serious about helping

11 If you don’t think this is intense, try to get space on a table at Virg after midnight. It’s a battle.

12 I refer you to my friend Skylar Drefcinski if you think being annoying makes me stop something.

13 This is mostly a criticism of the University as a whole.

14 Yes, this entire article is a bit to convince my public service friends like Parker Kelly and Kathryn McEvoy to hang out with me more.

SOCIAL page 3

Ode to Tiny Door in the Second Floor Hallway

Tiny doorway on the second floor, we've been through a lot together over the last year. I've walked by

Dana Lake '23
Production Editor



you multiple times a week, every week, since last August. You've seen me through the ups and downs of 1L required courses, through making new friends and losing touch with old ones, through my first snowy winter, and back into balmy summer. Seeing you has always been a bright spot in my day, a small moment to let go of the stress of deadlines and outlines and think instead of the limitless possibilities you conceal.

My running theory, of course, is you protect a Coraline-esque tunnel to some parallel world where Virginia Tech has a T14 law school.

There are good parallel worlds, too. I have a whole rotation of them: worlds without COVID and mask mandates, worlds where I've already finished school and I'm working full-time. Worlds where I made Law Review and clerk for Justice Sonia Sotomayor, and worlds where I drop out and become a lobster fisherman on Cape Cod. You brought me a few moments of joyful self-care on bad days and several hours of maladaptive daydreaming on really bad days. I noticed you less on good days.

Tiny doorway on the second floor, we have some differences. You are tiny and door-shaped. I am a human woman of predictable proportions. You are secretive and closed-off, unknowable beyond the tantalizing "Fire Dampener" sign hastily posted on your frame; I publish hundreds of words

of unadulterated stream-of-consciousness on a weekly basis. But I think we have more things in common. We are both here in this school, for one. People pass us in the hall and notice us, or they don't. Maybe we brighten their day a bit. Hopefully we don't make it worse.

I have never tried to open you. You were always minding your own business, doing what tiny doors do best. You don't have any tiny window for me to peek in while pretending to walk to the breakroom to make sure you aren't on a phone call before knocking. I wish you were on Microsoft Teams so I could at least see if you have Do Not Disturb turned on, but alas. With your solid wood door closed to the hallway, you might as well be an impenetrable fortress.

Tiny doorway on the second floor, I wonder if you were as embarrassed as I was when we explained this article idea to Editors Who Will Not Be Named and they immediately walked over and turned your handle. You swung open to reveal a tiny room, very dusty, very unlocked. Probably you have always been unlocked, which seems likely as part of the building's Fire Code. I wondered why it had seemed like such a bad idea to open

you, why I had been so sure I would get in trouble for trying. There was no reason to believe it was a big deal. I don't even think your hallway has cameras.

I still smile when I see you in the hall because getting to know you better hasn't made you less interesting. I still contemplate all the lives I could be living if I wasn't right here right now, but I don't need to project them onto you anymore. Instead, now I think about all the

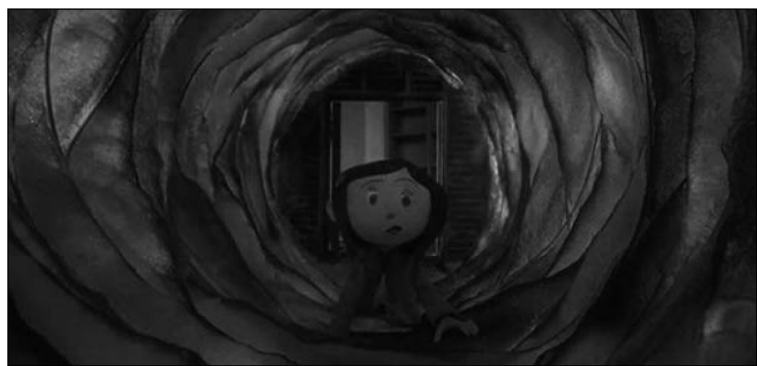
mysteries you've seen since the Law School moved into this building in 1997. We're almost the same age, tiny door. That's another thing we have in common.

What doors have you been walking by, wondering what's on the other side without trying the handle? That's right, sucker, it was a metaphor this whole time. Welcome to the self-reflection article. At the time of this writing, that little door in Slaughter Hall really is unlocked and waiting. Your door probably is too.

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Tiny door, you remain a mystery after all this time. Photo Courtesy of Dana Lake '23.



My exact mental projection. Photo Courtesy of a quick internet search. We here at the Law Weekly love intellectual property rights.

SOCIAL

continued from page 2

students "in these trying times," this is an easy way to do it.

Finally, let's discuss the long term benefits. I can still hear Lauren Parker and Kevin Donovan in my mind talking about networking; I doubt I will ever be free from that.¹⁵ But that's one of the long term purposes that socializing serves. We will all be successful, and developing good relationships can lead to later professional success. There is another, less "gunner," long term benefit: relationships! Students might find, bump into, or finally make a move during a party or Bar Review that results in future LawHoos. If the Law School promotes this behavior through course credits, they will be investing in their own future; people are much more likely to send their kids here if the school is the reason those kids exist.

All in all, the Law School has many reasons to legitimize the social behavior that already occurs. We deserve recognition for the work we are doing. And for the OWLs, I guess we can give them a similar course for "life management" instead of incentivizing them to come out. At the end of the day, the Law School should accept and reward socializing as an essential, non-law activity.

¹⁵ This is a joke. Thank you to you two and all of OPP for helping me get a job.

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FIRST GEN

continued from page 2

"ambulance chasers." Many other anecdotes revolved around the incomprehensible mist of words that is "law school jargon." This reporter himself still doesn't understand why perfectly normal words like "outline" now mean something entirely different.

But the mysteries of law school aside, the meeting was notable for its strong attendance, excellent Wegmans pizza, and the presence of multiple offices from the Law School administration. For an organization that only began in April 2019, VLFGP appears to have established itself within the Law School quickly. When asked what some focus areas are for the organization, Claire Reiling pointed to an effort to connect students with the many alumni and faculty members who were first-gen lawyers themselves. In parting, she commented that many students are unaware of the broad interpretation of "first-gen" that VLFGP employs and urged students who are interested to join.

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Beware of Ticks

Charlottesville, if you have not yet realized, is hardly a concrete jungle. A charming little town nestled in the

Anonymous Contributor

midst of forests and mountains, nature is always lurking around the corner. And so are ticks, as one unfortunate law student recently discovered after being diagnosed with Lyme disease.¹ Below are some tips to protect yourself from ticks and tick-borne illnesses, taken from the CDC² and the Virginia Department of Health.³

Ticks are closer than you think. You do not have to be an avid hiker to be in tick territory. Forests, fields, and the like are all within easy walking distance of law classrooms.⁴

¹ The student has since recovered after a round of antibiotics.

² https://www.cdc.gov/ticks/avoid/on_people.html

³ For a handy summary of ticks and tick-borne illnesses in Virginia see the following flier by the Virginia Department of Health: <https://www.vdh.virginia.gov/content/uploads/sites/90/2020/10/Ticks-and-Tick-borne-Diseases-in-Virginia-Flyer.pdf>

⁴ Ticks, similarly to the deer and rabbits the author has seen around, do not respect the boundaries of UVA

Take extra care around forested and shady areas, tall grass, and leaf litter. Stay in the center of trails when possible.

Ticks can be very small, so check closely. Ticks the size of pinheads are some of the most likely to transmit disease.⁵ Be sure to conduct thorough checks after being in tick habitats, including checks of the back of the knees, neck and hair, armpits, and other body creases and hard-to-see areas.

Wear appropriate clothing and bug spray when in tick habitats. When in tick habitats, wear bug spray containing DEET or picaridin, and/or clothing treated with permethrin. Also consider wearing long pants tucked into socks. Note that ticks will be more visible on light-colored clothing. Ideally, shower and change promptly after getting back from your outdoor adventures and keep your hiking clothes quarantined after changing until you can run them through the washer and dryer.

Many tick-borne illnesses can be prevented by prompt removal. Finally, some good news! With some exceptions, many tick-borne illnesses require an estimated 24-hours or

property or city limits.

⁵ As illustrated in the flier linked in footnote 3, *supra*.

more of the tick being attached to transmit.⁶ So, don't freak out too much if you find a tick. The CDC and Virginia Department of Health recommend removing the tick by grasping it with tweezers as close to the skin as possible and slowly pulling upward with gentle pressure until the tick lets go. Wash and disinfect the area afterwards. Dispose of ticks by placing them in alcohol, flushing them down the toilet, wrapping them in tape, or placing them in a sealed bag.

Communicate with your doctor. If you do get sick, let your doctor know if you have or may have been bitten by a tick in the last month or so. Be sure to report any rashes or abnormal bug bites, but be aware that not everyone with a tick-borne illness gets (or finds) a distinctive rash. Many common tick-borne illnesses can be easily treated, but the earlier the better to avoid long-term side effects.

⁶ Again, see the flier linked in footnote 3 for more details. (It has a lot of great info in a short amount of space!)

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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

Jilted Students v. Journals 74 U.Va 6 (2021)

TONSETH, C.J. delivered the opinion of the Court, in which LAKE, BNINSKI, PAZHWAQ, SMITH, WUNDERLI, and HOLT join.

BIRCH, J. Concurring.

PETERSON, J. Dissenting.

TL:DR

I'm not going to lie to you, today's legal analysis is groundbreaking for a few reasons. First, I attempt to learn, reason through, and apply the regulatory takings doctrine, much to the chagrin of my Property professor.¹ Second, I acknowledge that student journals actually possess some useful qualities. But, most importantly, this Court today establishes a categorical rule, as concrete as our holding in *1L Gunners v. Everyone Else*, 324 U.Va 22 (2019)² that journals also always lose. They cannot pass "Go," cannot collect \$200, and will never earn the "get out of jail free" card.

Background

So what had happened was, I received a text from a friend. This unnamed friend wished to submit a cert petition with this Court for a class of jilted students. Initially, the Court was inclined to deny this cert petition, both due to the fact that one case a week is a lot of work for 3Ls to write an opinion on, but also because the concerned class of jilted students was composed of 3Ls and obnoxiously smart law

¹ Professor Nicoletti, if you're reading this, I'm going to apologize before I get any further. Please let me into your class next semester <3.

² Ergo, 1Ls always lose.

students. These students already get "prestigious" clerkships, higher bonuses to big name firms, and specially ordered hats for graduation solely due to how much the administration blows smoke up their you-know-whats. And yet, here we are. What case could be so pressing as to change this esteemed Court's mind, you ask? Journals potentially violating the Takings Clause. By that, I mean journals, and especially the 'prestigious' Virginia Law Review, devaluing student submissions to a level that blatantly violates the Constitutional text of our dearly beloved Fifth Amendment.³ While this Court values working smarter, not

censed entity from Main Grounds, and thus private, that doesn't fit with how I plan to rule in this case, so we're going to ignore that fact. Therefore, UVA Law, through its affiliation with the public university that is UVA, is a public government entity and must act under the color and guidance of the U.S. Constitution. Since the Law School finances and supports its "illustrious" journals, it also applies to them.

What is the Taking's Clause, you may ask? Apparently, it states that the government is required to pay compensation for the taking of property from its citizens. The Supreme Court has gen-

"As the judicial offspring of Scalia and Clarence Thomas, with a sprinkling of RBG's pizzazz, let me do you an educate on the Takings Clause."

harder, the allure of being published for high quality work and the reward for the intellectual stimulation that these student pieces add to the field is something this Court needs to protect. Let's get down to business, to defeat the Huns/Journals.

Pseudo-Analysis

As the judicial offspring of Antonin Scalia and Clarence Thomas, with a sprinkling of RBG's pizzazz, let me do you an educate on the Takings Clause. Although UVA Law is a separately li-

³ I was today years old when I learned the Fifth Amendment covered more things than just "pleading the Fifth". Crim investigations is going really well, thank you for asking.

erally interpreted this clause in one of two ways: first, the dynamic changing of society and its associated property means the value and interests of property are to evolve as we do; second, property in itself is sacrosanct and should be immune from government interference. As the unfailing textualist/originalist on this Court, I must first analyze the actual Takings Clause to see what it means. SURPRISE! There is no additional information provided in the Fifth Amendment, meaning I can make up whatever textual original argument that sup-

ports my end goal!⁴ However, and I am aggrieved in saying this, this Court will not support nor advance the judicial Takings Doctrine, as an overactive Court is not the proper role we are to assume.

What does all of this mean for the present case? Well, as you already know, the journals and 'vaunted' VLR lose. But how do we traverse Rainbow Road to get there? Through the transitive property, VLR is a government entity. Therefore the Takings Clause applies with full force. Because of this, VLR has to compensate those students who submit their labors of love⁵ in a just manner, or they violate the

chain is supported both by the fact that this Court will not advance a judicial Takings Doctrine, combined with the fact that I believe in the other Court's (read SCOTUS) analysis of the dynamic doctrine of property. In earlier years, students may have been willing to write off any illegitimate takings by journals simply because the student was "happy to be here." Hogwash. Today's students know their worth and they want credit where it is due. Solely because I want to one day attend oral arguments in my aforementioned friend's private box at SCOTUS, I'm agreeing with him and on his side.

Ruling

The dissent is quick to point out that this case should be moot, as VLR rejected all of the submissions by the class of Jilted Students before us. Sounds pretty elitist, but what else would you expect from an actual member of VLR? Whether the students have or will be published isn't a material fact in this case. The fact that VLR solicited contributions, accepted the submissions, and could only send a rejection email with poorly concocted excuses for why the piece didn't meet their "arbitrary" criteria is enough to decide this case on its face. And yet, I don't even have to resort to my standard pettiness to do so, as today's case is a clear

COPA page 5

Constitution they claim to so dearly love. This inference

⁴ And that's how originalists justify their positions. You're welcome 1Ls, I just passed ConLaw for you.

⁵ I.e., the intellectual property of their thoughts, and the physical property of the paper they pay for when they submit their notes.

Faculty Quotes

E. Kitch: "I've gotten too engaged in the challenge of it to stop and ask, wait...is this nonsense?"

J. Fischman: "Take it from an antitrust professor: Don't put it in writing."

G. Rutherglen: "Don't be concerned if you can't figure out what the court is saying. I can't."

J. Monahan: "The ambient level of cluelessness is way higher than 4.3%"

J. Setear: [Talking about whaling] "if you love whale meat... I don't know, I assume it tastes like... snake?"

M. Collins: "It was like a knife that the defendant used to own but said he lost--he left it in the victim."

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



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COPA

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and violative taking. What's the remedy? TBD. I think my buddy owes me a few pitchers at the next Bar Review since I don't have enough influence to make VLR publish the piece in question, but the next best option is to start publishing student notes in the *Law Weekly*. Talk about exciting your readers.

BIRCH J., concurring.

I fully agree with the precedent established by my colleague that "journals also always lose," but my concurrence in this case comes from a different understanding of a governmental entity. Echoing the Chief Justice's apologies to our Property professor, I would also like to extend this court's apologies to our Constitutional Law professor.⁶ Before beginning my opinion, this Justice notes personal concerns about violation of child labor laws for a few of the K-JDs that make up membership of the Jilted Students class.

Requiring and absconding with labor and energy from students who don't know any better, Journals represent everything wrong with an administrative body taking private property and rights without just compensation.

While my holding stems

6 Professor Nachbar, thank you for your patience, and I blame Phil.

from the Takings Clause as well, the Chief Justice made several leaps to establish a governmental relationship when none of them were necessary. It is a clear and obvious fact to anyone that has ever attempted to join a selective group within the Law School that VLR is a governmental body, albeit, a shadowy one. The only reason the organization does not fully come into the light is to allow the actual Law School administration the ability to turn a blind eye to the actions of this rogue organization. While I would never indulge them with comparisons to Kanye's former shadow government, the cold, self-interested hand of VLR can be felt by anyone not listed on the tacked-up sheet of paper across from SRO.

Now you may ask the question, "If VLR is not a *United States* governmental entity, why would they have to respect the Constitution?" That is an apt legal query, but it misses the larger game of chess the public side of the journal must face. If it is not to be beholden to the Constitution, one of the most prestigious journals in the country would have to outright claim in this petty court that "The Constitution of the United States does not matter to us." If this happens, I will readily reverse my ruling and happily expel our sovereign-citizen of an uncle from this university.

Should you think this Justice has gone off a deep-end

and looks a lot like Charlie Day trying to find Pepe Silvia, remember that I go senior status come the end of May.⁷ Journals also always lose. As the primary culprit and self-assessed "best journal" at the Law School, VLR proves to be the "best defendant" for constitutional grievances raised by students. Through the taking of hope, time, energy, effort, and the will to live from its members, VLR must provide some form of just compensation.⁸

PETERSON J., dissenting.

While I would tell you my allegiances lay solely with the *Law Weekly*, I am sure to now be deemed a turncoat despite my disproportionate time spent writing articles as opposed to notes.

Accordingly, it is not changed allegiances that drive this dissent. It is logic and a devotion to the Constitution, a devotion which the esteemed Justice Birch calls into question. First, while property rights are certainly some of the most important protected by the Constitution, freedom of contract is

7 Dean Goluboff and whoever is the EIC of *Virginia Law Review* at the time, willing.

8 This compensation must be more than "exposure and connections" that every Instagram baddie swears will help a starving artist more than money.

another essential constitutional principle on which journals generally, but certainly VLR with its multitude of cite checks, are founded upon. Jilted Students, sorry, not sorry. Take what you want but eat what you take—don't come complaining to the Court when two sophisticated parties make a contract and you don't read all of the terms.

Further, and finally, VLR is decidedly *not* a governmental entity. As my clearly median-or-below colleagues point out, yet seem to not appreciate, the Takings Clause of the Fifth Amendment applies only to governmental entities. If there is one thing I learned in my VLR orientation,⁹ it is that VLR is an independent foundation, a separate entity from UVA, and therefore exempt from any attack through the Takings Clause.

Due to the above, I pedantically dissent.

9 Besides having my love of free food reaffirmed.

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FUNDING

continued from page 1

seems to be influential in the process, but the savings are not self-reported by clubs. Administration seems to have their own method of determining the fiscal health of different organizations, and this has led to serious misappraisals.

If the amount of money requested based on a club's estimates of their expenses is not the determining factor (and no one is advocating for a system of blank checks), membership level is not the determining factor, and a club's ability to successfully solicit donations is not the determining factor, then what determines funding awards? Universally, student organizations understand there will be years with less money available and years with more. What student leaders need to be successful is simply transparency. Without knowing how the decisions are made, organizations have little to go on for appeals. An organization may not know its award was reduced by a significant margin (and Administration will not know if they overfunded by a significant margin) due to misunderstanding, or a real change in circumstances.

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HOT BENCH



Marc Kilani '22

Interviewed by Will McDermott '22

Hey Marc, thanks so much for joining us today!

Where are you from?

Well, that's always been a hard question to answer, but at this point in my life I claim that I'm from New York City. I was born and raised in NYC until I was 9, when my parents divorced, and then moved to Arkansas with my mom. I always spent summers and holidays in NYC with my dad, and then I finally moved back for grad school, so all in all, I've spent the biggest chunk of my life in the City, and I'll be headed back next year.

When did you start thinking about law school?

Ha, that's a long story. When I first started undergrad (back in the Stone Age), I was actually very interested in law, politics, and international relations and planned to have some kind of career in that area. However, in the course of studying the underlying theories, I became super fascinated with philosophy and ended up feeling the need to go all the way down the rabbit hole. I went to grad school for philosophy and ended up working as a professor for 8 years. At some point in there, I sort of exhausted my interest in abstract theoretical questions and found myself returning to more practical concerns like economics and politics (and maybe a better wage than a philosophy professor). So law school just seemed like a natural path for me.

What student orgs have you been involved with at UVA Law?

When I got here, I didn't know the first thing about business, finance, or economics, but I knew I wanted to learn these things, so I leaned in pretty hard to Rivanna Investments. I was really intimidated coming in, knowing that many of my colleagues would be business or finance majors, but Rivanna was so welcoming and really made me feel like I could pick up the concepts

and language I needed. I'm now the Chief Investment Officer and I'm thrilled to see the huge 1L interest in Rivanna, and very proud of the 2L leadership team that weathered investment club Zoom meetings during COVID.

As a 2L, I was VP of MENA – the Middle Eastern and North African Law Student Association – the sheer existence of which is really meaningful to me. My dad is a Palestinian refugee, and one of the things that I really appreciate about UVA Law is its recognition of Middle Eastern and North African ethnic and cultural identities. For most of my life, those "check the box" ethnicity questionnaires have never included this option, so it was a pleasant surprise to see this on the application to UVA Law and to have a group of colleagues with similar cultural heritage and experiences.

How are you making the most of 3L after COVID?

You know, it's kind of a truism around here that UVA Law is the most collegial law school – but as a 1L I really felt this to be true. COVID unfortunately forced us all apart and into our various bubbles and groups of 5 that we were allowed to hang out with. I'm really excited to be back on campus, running into friends in ScoCo and reconnecting, meeting new students, playing tons of

softball, and just in general trying to do my part to bring back that culture of collegiality and inclusion. I'm also stoked to be bringing the Law School band tradition back with Torts Illustrated, and really looking forward to our first show!

Lightning Round!

Favorite place to eat in Cville? Definitely Alley Light.

What do you do to de-stress? I love tennis, watching and playing (though I'm not very good). Go Roger!

Favorite Movie or TV Show? Right now I'm obsessed with *The White Lotus*, I've already binged it 3 times.

Favorite Professor? Mitchell, highly recommend.

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The Docket

Wednesday 9/22
Professional and ethical responsibilities of the Pro Bono Volunteer, WB128, 12:00. Food with RSVP.
Stock Pitching 101 with Rivanna Investments, WB104, 17:00. Food Provided.
LALO/SBA Hispanic Heritage Month Kickoff, Spies Garden, 17:00. Food Provided.
Thursday 9/23
The Real Deal: Public Defense, Purcell Reading Room, 11:30. Food with RSVP.
Journal of Law and Politics Symposium, Purcell Reading Room, 5:30.
Friday 9/24
UVA Football v. Wake Forest, Scott Stadium, 19:00.
Saturday 9/25
Sunday 9/26
Monday 9/27
Careers with JAG, Purcell Reading Room, 11:30. Food with RSVP.
Women of Color Interest Meeting, Purcell Reading Room, 17:00. Food provided.
Tuesday 9/28
Introduction to Employer Interactions with OPP, WB152, 15:45-16:45.

Barristers United Match Report: Sept 19

Under a blistering Sunday sky, Barristers United suited up against Lampo's Wild

Jack Brown '23
Staff Editor



Boar Hunt for a titanic clash that ended 4-3, with the Law School coming out on top in a thrilling second game of what is shaping up to be a very exciting season!

Thanks to the success of last week, the team started off prioritizing possession in order to tire the short-staffed opponents out and to give its rapid front line the opportunity to receive the ball into space. Moving the ball quickly also minimized the chances for this very energetic team to make hard tackles that most refs would call fouls. The Barristers persevered to end up taking the game with no long-term injuries.

Several debutants made their mark this week as it became apparent that the team's strength is in its numbers. Erin Hwang was able to fill in at the last minute for Tyler Demetriou, who is battling knee soreness, while Jack French, not to be confused with the author, excelled in putting pressure on the opposing defenders throughout the game. Ian Murdoch's addition to the center back rotation was necessary in the blistering Virginia fall heat, along with Nadia Doherty's introduction at right wing; she was responsible for numerous chances late in the game.

The other stars of the show were the ref and a member of the opposing team who expressed his strong displeasure with the fact that some players on the team were wearing watches. After loudly stating that the team was breaking the rules by having Fitbits on, he stormed off to an unknown location for 10 minutes before coming back into the game. He had already earned the attention of the ref for complaining about the Law School subbing at incorrect times, to which the ref responded by amending the game rules to allow for rapid subs owing to the hot weather. It was a classic Sunday league interaction.

The opening goal was courtesy of Sam Gerste-meier, who made his hotly anticipated return to the Sunday league side. After an unfortunate goal, despite the heroic efforts of keeper Aziz Rashidzada, tied the game 1-1, central midfielder Mustafa Yoosuf-Akinlaja continued his hot start to the season with an incredible assist near the half. Receiving the ball at the edge of the 18 yard box, he dribbled cleanly past three dumbfounded defenders before unselfishly passing the ball to the wait-

ing foot of Drew Flanagan, who opened his scoring account with Barristers to give the squad the advantage at the break.

At halftime, the team gathered itself and adjusted their tactics to move the ball more quickly out of the midfield and to take turns giving Daniel Choi's dog, Berkeley, treats whenever they could. The second half was a very physical one as the ref took a very hands off approach to challenges. Yet throughout this adversity, the team remained cool, calm, and collegial as late hits continued to be ignored.

Finally the hard fouls caught up to Lampo's Wild Boar Hunt, who took out the legs of Drew Flanagan who was through on goal. Stepping up to take the PK was Sam Mirzai, who looked unphased by his upcoming moot court semi-final and easily slotted the ball past the keeper.

Soon after that, chaos ensued in the box when target man Nathan Sheeley was knocked over by a zealous off-ball tackle, which gave space for captain Day Robins to ice the game with a clinical strike into the bottom right corner. With a super sub in the form of alumnus Zach Turk helping steady the team to close the game out, the result was never in doubt, despite the 4-3 scoreline.

Next week, the team is at Charlottesville High School again to face UNU.¹ Only time will tell if this unprecedented run of perfection will continue. Please tune back in every week to catch all the drama as the team continues its journey!

¹ The Author does not know what this acronym stands for.

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Solution:

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

SUDOKU

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



Cartoon courtesy of Monica Sandu '24. Send her kudos at ms7mn@virginia.edu

WEEK 1 SOFTBALL SCORES

1Ls	Co-Rec
Section A (8) v. Section F (8)	2L §A & Pals (14) v. Leftovers (16)
Section B (6) v. Section G (11)	3L §A (14) v. SMD25 Sluggers (3)
Section C (9) v. Section H (4)	3L §E (4) v. C U in Court (18)
Section D (8) v. LLMs (5)	ACS (10) v. I for an I (11)
	BjDE (7) v. The Fighting Ed Bells (12)
	Chili Dogs (10) v. VLV (13)
	Darden §B (19) v. Learned FortyHands (0)
	FOIC (25) v. Founding Fielders (3)
	Rio Grand Slammers (7) v. Sermon on the Mound (10)