



VIRGINIA LAW WEEKLY

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

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To Prosecute, or to Defend?

Nathan Wunderli '22
Sports Editor

This week I had the opportunity to attend The Real Deal: Public Defense Seminar. This is an annual event, and one that I have attended once before during 1L year. This time, however, I had a different motivation to attend: I am currently in the prosecution clinic at the law school, where I visit the Orange County prosecutor's office on a weekly basis. I'm also coming off a summer where I engaged in a lot of juvenile defense work. Having seen a little of how both sides operate and view the world, I came into this panel discussion with a much more nuanced view of the criminal justice system and was curious about what these accomplished public defenders would say.

Much of what the panelists said focused on the human aspect of being a public defender. Being able to put your "feet in the client's shoes," focusing on the "why" someone committed a crime rather than the "what," and having the humility to realize that if we were brought up in the same situation, with the same challenges as the client, we might have done the same thing. I could see the compassion emanating from each of the panelists as they described their clients and their work. No doubt some of their clients have done horrible things, but these defenders are able to look at the bright side. There is a certain amount of love that goes into being a good public defender and advocate, and the realization that people are not perfect, that even bad people can change. One of the panelists talked about how being a public defender is not just about bringing your legal knowledge to the table, it is about using the entire breadth of your life's experience and own personal challenges in order to advocate for someone who, in some cases, most of society would have shunned.

While compassion and tolerance seemed to be at the core of much of the public defender's work, this is juxtaposed with the stark reality offered by one panelist: sometimes acquittal is not the best option. The panelist said that he has experienced cases where he had got an acquittal, just to see his client commit horrible crimes, even murder, against those who testified against him. Another topic addressed was the number of public defenders who are

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The Flunkies Pass the Test

Section F Wins 1L Softball Tournament



Congrats Section F, enjoy the feeling of victory before midterms start! Thank you everyone who participated in this year's softball tournament.



Above: Thank you Umpires!
Left: Section F captain cools down after a red-hot game. Photos Courtesy of Roni Courtney '22




Above: Section B remembers the day with number 1 softball fan Professor GE White.
Below: Sections B and G shake hands. Photos Courtesy of Roni Courtney '22





Above: Section F celebrates altogether.
Below: The two semifinalists Section A and F. Photos Courtesy of Roni Courtney '22





around north grounds


 Thumbs up to everyone who participated in the 1L softball tournament. Whether it was the players, spectators, or fans, ANG enjoyed observing the camaraderie and appreciated that nobody desecrated ANG's home/field with foul play, words, or attitudes.


 Thumbs sideways to the beautiful fall weather. Now ANG has no excuse for being so sweaty when carrying a casebook all the way up a whole flight of stairs.


 Thumbs up to the SBA flu shot raffle. ANG loves being flu free with free stuff. The more vaccines, the better.


 Thumbs down to Section F wearing their jerseys the day after the tourney - ANG's nose and common sense indicate many of you did not wash those suspiciously yellow jerseys.

 Thumbs up to people who browse recipes during class. The ABA can force ANG to be physically present in class every once in a while, but they can never make ANG be mentally present.

 Thumbs down to all the emails ANG gets. How are these people even getting ANG's contact information? ANG is in law school to play softball, not answer emails.

 Thumbs sideways to Foxfield. ANG's thumb was not the only thing to end up sideways.

 Thumbs down to the third floor of Brown being weirdly inaccessible. ANG has enough psychological barriers preventing ANG from attending office hours, and does not need physical ones too.

 Thumbs up to events that give sandwiches and Roots bowls instead of pizza. These are the only vegetables that ANG eats.

REAL DEAL

continued from page 1

switching to become Commonwealth attorneys. The panelists were generally not pleased with this trend, even if it means more progressive prosecutors favorable to their clients. While some of it was said in jest, it was also clear that these public defenders are loyal to their profession and the part they play in the legal system. Becoming a prosecutor after a long career as a public defender amounts to almost a betrayal, like switching fandom in sports.

As one panelist said, some people are able to switch back and forth between prosecutor and defense attorney, while others cannot. While she did not give an explicit reason for why this would be the case, or what qualities make some people able to switch but not others, I am able to draw on my own experience to guess why. The justice system, while chock full of rules, procedures, and formalities, is ultimately about people. On one hand, you have the defendant. If you are only focused on one side, it is easy to feel bad for the defendant. They may have had abuse in their home growing up, got exposed to drugs early, or had any host of issues that ultimately led to their being in the courtroom that day. Life is hard and can push even the strongest person to the brink. Yet here is someone who may have had no opportunities at all, sitting in the courtroom, sometimes with only mild comprehension of what is happening, whose fate

is being decided by complete strangers.

On the other hand, you have the victim. Someone whose life was altered permanently by the actions of another. Hearing their story, seeing their anguish, pain, and tears, leaves you first feeling sad for them and also angry at the person who caused them such pain and suffering. How many more people will have to suffer if the individual brought to the courtroom that day is allowed to walk away freely? These are questions prosecutors, and sometimes defense attorneys, have to ask themselves regularly. For some, but perhaps especially for defense attorneys, it may be easier just to focus on one side of the problem in order to be an effective advocate. For prosecutors, who are given wide discretion to enforce laws, it is more necessary to channel both sympathies, almost like a judge. However, without an effective defense attorney to convey information about a defendant and really get to know the defendant, this balancing of justice and mercy becomes skewed.

If this public defense seminar revealed anything, it is that people and an understanding of those people are at the core of the criminal justice system. In a seminar where they could have talked about anything, the panelists focused most of all on one thing: humanity.

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UVA Football Does Not Disappoint

Disappointment, much like negligence, has several elements. For 1Ls preparing for

Dana Lake '23
Production Editor

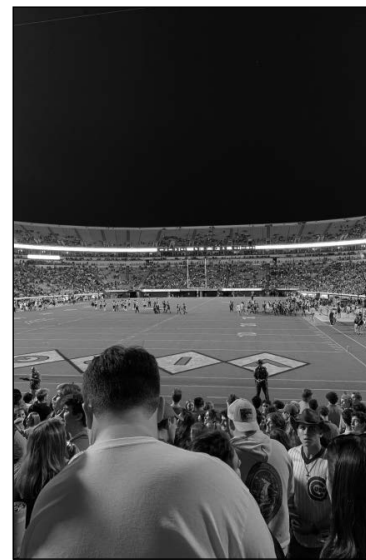


their Torts midterms, a negligence claim requires both the establishment of a duty and a breach of that duty before you can get into causation and damages. Similarly, disappointment must have an established base expectation and then a breach of that expectation before your feelings can be hurt. My feelings were not hurt this last Friday at the UVA home football game against Wake Forest because I had zero expectations that the team could fail in meeting.

To be clear, this is a ringing endorsement for home football games. The real joy of rooting for a team you know is going to lose is that there are only upsets. The game will probably play out just as you predict, with an early touchdown to give the people hope followed by a slog of sacks and penalties — but there is always the small chance you will be totally, wonderfully surprised. We were not surprised Friday night, but maybe we will be next time. Either way, the tickets are free and the stadium doesn't even require a reservation. You really just show up and walk in. Scott Stadium is centrally lo-

cated, within easy walking distance of both the Law School and the Corner. With a barrier to entry so low, even the most enthusiastic of pre-gamers can manage to last till halftime.

People who watch football (or any sport really) know a televised game is the superior way to watch if you want to know what is actually going on. With the TV comes announcers, and replays, and helpful lines drawn all over the field.



If you are the guy in the cowboy hat and Cubs jersey at this college football game please reach out to us. We want to know more about the decisions that led to this moment. Photo Courtesy of Dana Lake '23.

What TV can't capture is the feeling of being one in a thousand, all of you sharing for this one evening the same indulgent fondness for the hundreds of people who make these games possible. Beyond the players, coaches, and trainers

are the band, the cheerleaders, the grounds crew — dozens of teams who go through the sincere effort to prepare the best show they can for you. While it is easy to dismiss a bad play at home as carelessness, in the stadium it is impossible to feel that way. These people care so much. When you're there in person, they make you care too.

Besides the UVA football traditions recently highlighted in our September 15 edition, there are many high points of a home game that can only be experienced in person. Those include watching unsupervised middle schoolers mill about in the student section with inebriated undergrads, but also the opportunity to stand for two hours on a steep grassy incline. If you grew up or went to school in the SEC, there is even a hauntingly familiar chopping motion the crowd occasionally breaks into. Going to a home game and wandering over to the Corner afterward is as much a Law School tradition as any of the others — you probably won't need season tickets, but making it out to at least one game a season is worth it.

Your next chance to join in a home game is October 16 for homecoming against Duke.

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Tweedle Dee: Short Shorts

Skies Out, Thighs Out.

Phil Tonseth '22
Editor-in-Chief



If you've got it, flaunt it. For all of those peeps lucky enough to know me, or be on my close friends list on Insta, you know I am a huge fan of leg day. Both because of that, and due to everything coming back into fashion, I consistently wear short shorts. I'm not talking shorts that tickle the top of your kneecaps. I mean *short* shorts. This is one time where 5 inches¹ is something to be proud of.

This article is supposed to convince you of why my side of this argument is right. I don't think I really need to try that hard to do so. Did Michael Jordan wear short shorts when he became the greatest basketball player of all time? You bet. Did your dad rock the short shorts both to spit game at the beach and then go home and mow the lawn after? You're alive and reading this now, aren't you? Do I spend way too much time doing absolutely vain leg exercises in the hopes that someone compliments my tree trunks? Jury is still out on that one.

If that hasn't convinced you to update your wardrobe, let me try my last trick. Legs are the new abs. I pre-

fer to call this past summer 'Thigh Guy Summer,' not 'Hot Vax Summer.' After so long of being inside due to COVID, not everyone has that same tight tummy we may have rocked back in 2019. But you bet men are excited to show off all of that work they did from home. Don't take it from me, but *The Guardian* even said that showing off the thighs shows "the qualities of a soft lad. They are sporty, useful, athletic, deeply revealing, lightly erogenous, [and] ultimately unthreatening."² Plus, strong legs generally means a nicer backside. Don't neglect leg day boys, build that bum and show the world that you're a "soft lad."

² <https://www.theguardian.com/fashion/2021/jun/20/thigh-society-whymens-shorts-are-getting-shorter>



In Defense of the Knee-Length, or Just Above the Knee-Length, at the Very Shortest, Shorts.

Mason Pazhwak '23
Events Editor



It seemed to me, when I was younger, that the debate between shorts and short shorts had been resolved in conventional men's fashion. Just like liberal democracy smashed authoritarian communism, so too had shorts falling to at least right above the knee³ left short shorts of any lesser inseams consigned to the dustbin of history. You can imagine the alarm I felt when, as an undergrad, I first saw packs of fraternity members walking around in blazers, sunglasses, Sperrys, and...Chubbies. From what deranged place had these men, with their sickeningly colored, pastel assortment of short shorts that so blatantly exposed their quadriceps for

³ There was a time, sometime in the mid to late 2000s, when even shorts falling to right above the knee might have been a source of derision and mockery, or at least a healthy dose of skepticism, but even I have evolved enough to find them acceptable to wear. I should also note that perhaps the trend of long shorts also got out of hand at some points, but that is another argument for another day.

all the world to see, come from? Little did I know, this was only observing a harbinger of things to come, and in subsequent years the short shorts not only grew more pervasive, but the inseams slowly crept up farther and farther. Now, Gen Z, with their vapes, TikTok, and broccoli-style haircuts, seem to have deigned to adopt a trend set by a very misguided set of Millennials, and embraced the return of the male short shorts. It is just another layer of instability in deeply uncertain times, but all us knee-lengthers can do is just get up, look at the day's weather, step into our trusty shorts, and steel ourselves for another day of confronting hairy thighs at each turn.

Why my obstinate, seemingly irrational dissent from this trend you might ask? Some might attack me and say I am just not confident in my own thighs, attempting to thigh-shame me out of the argument. Others might dismiss me as an errant anachronism unable to keep up with the times, a hopelessly unfashionable Luddite who missed the memo that the mantra of "less is more" now pervades all parts of our lives. Even others might call me out on utilitarian grounds, claiming that I am failing to recognize the superiority of short shorts as objectively cooler clothing in a warming world. To all of them I could simply

retort that short shorts just aren't cool, please leave me and my thighs alone thank-you-very-much. But I want to engage more deeply than that. The erosion of short length in our society is, at least in my mind, part of a wider erosion of the virtue of modesty. When I step into my knee-length to just above the knee shorts, I am saying "Hey, of course there is more to see, but you know what, I don't need to show it." There is a humble, quiet confidence to the wearers of knee length shorts, a comfort with not needing to be at the center of attention, a joy at the thigh covered against the harsh glare of the relentless sun. In an era where extremes seem to be growing and society vacillates between them amidst the turbulence, the knee to just above knee length short wearer is a bastion of stability, a rock amidst the raging storm, the moderate that ensures we all get through to calmer days. Stay strong, fellow long shorts wearers.

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¹ Read "inseam," and keep your dirty mind out of this.

Outdoors at Virginia Law: Kayak Trip

This weekend, Outdoors at Virginia Law (OVAL) went on its first outing of the semester—a

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Satire Editor/
Photographer



7.5-mile kayaking/canoeing trip down the Jackson River. However, this trip was not without its challenges. In the middle of the week, the James River, the originally planned route, was blasted with about six inches of rain. Twin River Outfitters, the company who supplied the boats and paddles, deemed the route too unsafe to continue, and the trip looked doomed. However, thanks to the wonderful guidance and planning skills of John Schutte, '22, one of OVAL's trip coordinators, the outing was kept alive. In what I can only imagine was some of the best behind-closed-doors negotiating done in UVA Law history, Schutte came out on top, and the trip could continue. However, the change of location would prove too steep a challenge for two unnamed would-be attendees who arrived, perfectly on time, at the wrong river Saturday morning.¹

While the trials of this trip did

1 Rest assured, they had a magical river/hike date together, which involved dogs, ten miles of walking, and a black snake ominously backing into the hollow of a tree. We missed them dearly.

not end here for some,² after this substantial hiccup, things moved forward without a hitch. All told, sixteen students attended the trip, resulting in fourteen kayaks and one canoe setting out just downstream of Moomaw Lake at around 11:45 a.m. Saturday. The trip began with a hurried, yet comprehensive, list of the dangers we might encounter on the river, only two of which stood out: strainers³ and the paper mill. Strainers are trees which have fallen to create underwater obstacles which, in worst-case scenarios, can result in a drowned paddler. The paper mill is exactly what it sounds like: a paper mill. The only risk was missing our takeout point and eventually becoming both a case in a torts textbook, as well as the paper it was printed on. Luckily, neither obstacle posed any issue. The weather was chilly upon arrival, but the sun soon joined us on the trip. The temperature stayed pleasantly in the 70s—all-in-all it could not have been better weather. It was the

2 This was more of a personal issue, however. Let's just say a trip to Boylan after Friday's game left OVAL's president running a little late to the D3 parking lot and severely lacking in preparation Saturday morning.

3 Upon spotting a strainer, the author of this article exclaimed "strainer? I hardly know 'er!" Clearly, I inspire confidence on the river.

first time on the water for one paddler; others were seasoned veterans, with some even paddling back upstream at times to get more of the sweet release from law school that the outdoors provides.

The stretch of river meandered through a forest, the name of which I do not know, which at times abutted private properties. The river was almost entirely empty—outside of our group we saw just two other boats, both fishing vessels, one of which contained a trip-member's high school ex-boyfriend, which was a beautiful and natural occurrence. Generally, trees framed the outer edges of the river, however, at times, we were blessed with cliffs rising as high as two hundred feet above us, accompanied by intrusive thoughts of what it would be like to do a cannonball from the ridges into the river.⁴ Unfortunately, wildlife was generally absent save some geese, ducks, and tiny snails I found on the bottom of a rock.

The river itself was lovely. Relatively low water levels brought us a steady stream⁵ of low-intensity rapids and, at times, butt massages,⁶ which certainly kept things interesting. Longer,

4 Certain death.

5 In case this pun is missed I'm pointing it out. Pun intended.

6 From rocks scraping the bottoms of kayaks in low water.



(Almost) All of the trip members assembled after a successful day on the river. Photo Courtesy of Jonathan Peterson '23.

deeper channels left time for trip members to leisurely float, paddle backwards down the river, or for the less-mature among us, participate in some friendly boat-ramming. One particular rapid comes to mind. Situated on the outside bend of the river, five boats decided to tackle it at once, which resulted in my unfortunate kayak being pushed directly through a veritable river wave, dumping water into my boat, and leaving my underprepared self soaking wet and without a change of clothes.

However, for this author, the highlight of the trip was a dog. Bojangles was hefty, inquisitive, talkative, and out of control. His owner was feeding bread to ducks on the side of the river—a relationship she has painstakingly developed over time. Bojangles, like his namesake, seems to love poultry. Barking and heaving himself to his feet, he waddled slowly down the river, with the owner's young daughter instructed to not "let Bojangles get in the water and chase those

ducks!" Bojangles, however, is not a lawful dog. Slowly and without grace, he descended into the stream to chase his life-long foes. I was more worried about Bojangles' safety than the ducks, as I was unsure if a dog of his great stature would be able to haul himself back out of the river. Unfortunately, it is unclear how this river drama ended, as we paddled onward, barks and cries of "Bojangles, NO!" faded into the distance behind us.

All in all, the trip was a complete success. Everyone was safe, people smarter than me used sunscreen, and, as far as I know, all sixteen members avoided being turned into paper. Keep an eye out for pictures (and videos) from the trip—they will be posted on our Instagram page @uvaoval. And we hope to see all of you out on the next trip!

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Call Me Excellent (A Montero Review)

Lil Nas X is perhaps the most popular male artist right now, at least on the

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Culture Editor



internet.¹ The *Montero* album has been highly anticipated. The EP he released in 2019 was just a taste of his excellent work, and one that I can only describe as a storytelling experience. Since then, he has blown up and found his own space as a leader in the TikTok era of music production. The singles on the *Montero* album kept up that trend. Not only is talking about his singles the best way to start, it's the way Lil Nas X introduced this album.

He seems to know his own popularity and wants to draw you in from the begin-

1 See the records broken by "Old Town Road" and the title track of this album. Also all the TikTok trends.



Montero is more than worth a listen. Photo Courtesy of Columbia Records.

ning. So *MONTERO (Call Me By Your Name)* is the first track on the list. What is left to say about this track that hasn't already been said? His deep vocals are an excellent way to start a song and the clip of the music video available on the Spotify screen is an excellent view of the "controversial" music video.² I have nothing more to say about this track. If you haven't heard it already, I am concerned for you. Spend less time in the library. Don't get caught thinking that this is just up-beat hip-hop and tracks that you've already heard though. Lil Nas X cuts in next with *Dead Right Now* and brings you a taste of what the real motivation in this album is. The song is deep and he is trying to get you to hear his inner voice. The vibes really do get slowed down here, intentionally.

Don't look now, though, as he snaps you back to attention with the second famous single: *Industry Baby* (ft. Jack Harlow). If you think my review is too laudatory (which I know many of you will), go watch or listen to any interview with Jack Harlow in the last month. The love he has for his fellow artist is out of this world and

2 If in 2021 you still think the controversy of the video is more important than the message, I don't know what to say to you.

he makes sure you know it.³ Those horns and the marching band backtrack make this song one for the ages. Once again, the music video is excellent and brings not only humor but social commentary on the stereotypes about gay men and general homophobic comments about the prison system.⁴ From there, Lil Nas X provides what can only be called an experience. *That's What I Want* is the best track on this album. Hands down. Even better than the singles we've already heard. If this song doesn't make you smile and want to get up to dance, I am sorry but the Law School must have taken your soul already. The music video here is excellent, featuring what can only be described as a Terms of Service violation on most video streaming sites. If you haven't seen it, I highly recommend it.

Now it is time to get down to the actual content of this album. Lil Nas X throws all the popular, famous stuff at the top so that once you get this deep, you are all partied

3 I am particularly fond of the ET interview in which Lil Nas X was trying to pull Harlow away before he said anything too "sus." Suffice it to say, it did not work.

4 Once again, it is 2021. Stop making "drop the soap" jokes. The prison system is bad enough without us stigmatizing prisoners even further.

out. You've danced your energy away and are now able to hear what he wants to say. He begins with a short interlude of him talking, with an important call and response. Someone asks him if he's happy and he responds "I'm not sure." The next track, *Scoop* (ft. Doja Cat), begins immediately as he revises his response to "I'm sure." This track has a bouncy beat and repetitive techno track covered by uniquely creative lyrics, like his explanation for his excellent body (pilates). The interaction between Lil Nas and Doja Cat flows well to give a good intro to this back half of the album, which is generally slower, more serious tracks.

As one of the most famous modern openly queer artists, Lil Nas X does not forget to include plenty of homages to the LGBTQ+ community. What better way than to include a track featuring one of the most famous queer artists of all time? Elton John comes in hot on the piano in his brief time on *One of Me*, a track where Lil Nas X is talking about how people don't think he will last in the industry even if his album is okay. I think having a piano backing by one of the longest lasting artists in the industry is a great way to subtly punch back. I am going to skip ahead and levy my sole criticism of the album. I loved *Dolla Sign Slime*, especially the Megan Thee Stallion verse. But I think

this should have been placed in the first half of the album. The song is all about bragging about riches and how they are dunking on others. We love those tracks. But it seems like an odd cut from the songs it's surrounded by. Or maybe that's on purpose to give you a break from being deep. Okay, I'm back to thinking he's a genius, that's smart.

Rather than talking about them individually, I want to discuss *Lost in the Citadel*, *Tales of Dominica*, *Void*, *Don't Want It*, and *Life After Salem* together. Oh wait, isn't *Sun Goes Down* in there too? It is, and it was the surprise third single on this album and released only a week before the album was released. I wouldn't blame you if you didn't know that, because I didn't either. The thing is, all of these songs are about storytelling. A lost love, not accepting yourself, a first dive into producing, this segment of the album has it all. This is Lil Nas X just making music for himself and we are lucky to be experiencing it. Storytelling and expressing yourself are essential elements of music. He knows who he is and makes sure that you do too. The fame isn't everything, as his inclusion of news clips about himself and the meta commentary on *Don't Want It* make clear.

He closes the album the

LAW WEEKLY FEATURE: Court of Petty Appeals

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

Students v. Student Records Office 74 U.Va 7 (2021)

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

TONSETH, C.J. Dissenting.

This case stands for one proposition: we do not like to read. Plaintiffs, defendants, and amici expect too much if they want us to actually peruse their lengthy briefs. Fortunately, a core principle of our jurisprudence decides this case.

I

Last year, due to the COVID pandemic, the law school decided to plan a twenty-minute cushion between classes, instead of the previous ten-minute cushion. In theory, the twenty-minute cushion would allow law students from one class to leave before students from the other class showed up, preventing clogged aisles and hallways. In part to allow for the twenty-minute cushion, the law school's Student Records Office planned course sessions that were only seventy minutes long. In past years, classes were generally eighty minutes long, and they have returned to that length this year.

Plaintiffs strongly object to that extra ten minutes of class. The students, a mix of 2Ls and 3Ls, challenged it on a host of grounds. Student Records responded with a motion to dismiss. The lower court converted it to a motion for summary judgment because Student Records included affidavits asserting that the shorter classes "were no longer necessary," and that the students are "just a bunch of lazy bums." The students responded with a cross-

motion for summary judgment. The court also allowed a few overzealous 1Ls and professors who feared losing extra class time to intervene. In the end, the court granted judgment for Student Records on all plaintiffs' claims. The students appealed.

II

The Table of Contents of the students' brief starts with the claim that the change was "arbitrary," "capricious," and "an abuse of discretion" under the Administrative Procedure Act.¹ The students seem to be correct at first glance. The privilege of acting arbitrarily and capriciously belongs exclusively to this Court. And like the defendants in a recent Supreme Court case, Student

utes of class.³ This argument also seems on-point. Regrettably, at oral argument counsel for the defendant responded to this argument with the (magic?) words "boilerplate, boilerplate, boilerplate," and wheeled several boxes of paper over to our Bench. We are not sure what is in any of the boxes, but we sure don't want to find out, so we will pass on that argument too.

The students fall back on a Fourteenth Amendment Due Process claim. They allege that the increased class time violates their right to "liberty." The obvious and crushing rejoinder is that the plaintiffs are LAW STUDENTS. The plaintiffs have already mortgaged their future, forfeited their

"founding doctrine" that "1Ls always lose,"⁵ and last week's (wholly unnecessary) holding that "journals also always lose,"⁶ the students want us to declare that Student Records always loses. This is totally pointless, because the first of our categorical rules already decides this case quite neatly. A few 1Ls have intervened in support of longer classes; 1Ls always lose; therefore, the longer classes must go. We suggest that 1Ls think twice before intervening in future cases.

IV

The intervening 1Ls and professors argue that today's outcome must be prevented lest Student Records compensate by taking away fall break or spring break. Similarly,

ready ruled that "[a] mid-semester break is absolutely necessary."⁷ Student Records is hereby ORDERED to cut all eighty-minute classes down to seventy minutes while leaving fall and spring break intact.

REVERSED.

TONSETH., C.J. dissenting because I'm a 3L.

Show me a 3L that regularly goes to class, and I'll show you a liar.⁸ This base fact, strongly supported by my own personal penchant for spending class time at the golf course or pool, is enough to eliminate standing for most of the classes present. However, as Associate Justice Smith points out, 1Ls always lose too.⁹ I'm pretty conflicted, as I'm also fully in support of a categorical rule that Student Records should be included under the umbrella of "always losing." Therefore, as I think both sides to this case have weak arguments, I would dismiss this complaint for failing to satisfy the case and controversy requirement.

"A few 1Ls have intervened in support of longer classes; 1Ls always lose; therefore, the longer classes must go. We suggest that 1Ls think twice before intervening in future cases."

Records did not consider students' reliance interests in keeping an existing policy—in this case, the seventy-minute class length.² Unfortunately, Professor Aditya Bamzai wrote a fifty-four-page amicus brief challenging our jurisdiction over this claim, and we don't like to read. So we refrain from deciding the case on administrative law grounds.

The students also point to last year as course-of-performance evidence that Student Records has waived its right to force students to endure that extra ten agonizing min-

happiness, sold their souls, and pledged their liberty in exchange for the promise of mountains and mountains of cold hard cash. If plaintiffs feel "trapped" or "imprisoned," it is because they are. Student Records is right to point out that we generally give prison officials broad discretion,⁴ though we need not hold that law students are prisoners to decide that they have lost any liberty interest in not attending class.

III

As a last resort, the students ask us to create a new categorical rule. Pointing to our

Student Records claims that it must be permitted to make up the time by cutting out breaks. However, this Court has al-

5 See, e.g., *Snowman v. Student Administration*, 73 U.Va. 15 (2021) (Tonseth, J., concurring in part and dissenting in part).

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

7 *Law Students for Fall Break v. The Law School*, 73 U.Va. 7 (2020).

8 Look, it's me.

9 *Supra* nt. 5. Don't ask me if I did that citation right, I already said journals lose too so their opinions and comments aren't valid on the Court.

COPA page 5

1 5 U.S.C. § 706(2)(A).

2 See *Dep't Homeland Sec. v. Regents Univ. Cal.*, 410 S. Ct. 1891 (2020).

3 See UCC § 1-303.

4 See, e.g., *Thornburgh v. Abbott*, 490 U.S. 401, 413 (1989).

Faculty Quotes

J. Setear: "For Halloween, I'm going as a sexy whale this year."

J. Jeffries: "As to the question of lightweights, *chuckles* I confess I must beg off"

D. Brown: "There are a lot of 'old-rich-white-people-having-problems-shows' out there, maybe you're just not into them."

J. Fischman: "If we had more time I would force you all to struggle with this more."

J. Harrison: "It is possible to divide the universe, multiverse, whatever we live in, into two categories: this Vithit [his fruit beverage of the day] and... whatever is not in this Vithit."

M. Collins: "I don't want to be cynical, well, I don't mind being cynical, but I don't want to be cynical here."

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

Virginia Law Weekly

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COPA

continued from page 4

Are 70-minute classes overall better than their 80-minute counterparts? Maybe. It's 10 more minutes for me to spend online shopping for another crop top or pit vipers, but also another 10 minutes that I can't have a sip of water. Plus, it's whimsical to believe that my attention span lasts past the review each professor gives at the beginning of class.¹⁰ What am I really arguing for here? The 10 minutes makes no difference. The funny thing about the liberty argument that Justice Smith forgets is that law students can just leave class when there's 10 minutes left! Don't want to hear rambling hypotheticals? Bounce. Ready to start happy hour 7 hours early, after your Monday morning PR class? Come find me and let me join. Just want to go home and have another existential crisis? Be our guest. Law school is what you make of it, and I've spent a lot of it learning by the pool and on the golf course. Don't let the man keep you down. Viva la liberty.

¹⁰ Shoutout Professor Coughlin, I appreciate you.

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Sunset Series Review

Charlottesville provides many outstanding outdoor recreational activities be-

Sai Kulkarni '23
Culture Editor



tween all of the trails, hiking, and wineries. One excellent limited-time opportunity over the past few months, though, has been the Sunset Series at Carter Mountain Orchard. With the last one coming up this Thursday, September 30, I wanted to take a look back at the event, review it, and encourage you to take advantage of it while it lasts. From great drinks and great views to awesome local eats and vibes, this experience is exactly what you need on a Thursday evening to kick off a great weekend.

Over the last year, there have been a dearth of opportunities to hang out with our fellow law students, but this is one event that provides not only a safe, outdoor environment to get to know all your fellow cool people, it also allows you to experience local culture. That all begins with the drive. Considering the location is about thirty minutes away from grounds and the main apartment complexes where we all live, it is guaranteed that you will spend some time on a long drive interacting with Charlottesville drivers. The merge onto I-64 gives you

the opportunity to experience what it is like to be cut off by the excellent drivers that live here and their fantastic decision-making skills. Now this has nothing to do with Carter Mountain; I just couldn't let the opportunity pass by to make some social commentary.

Back to the event. As soon as you park, you know you are in for a good time, from the string lights to the carefully cropped bushes to the smell of apples and general fall (which sets up perfectly for this week, considering temperatures are finally fall-level). As you walk in, it is very clear that they are trying to serve farm vibes and succeeding. The barn look with various fruits and baked goods set up for purchase are an instant draw. Once you get past the entrance area, you are greeted with the two food trucks for the week. The lines may seem long, but they move fast and it makes sense: everyone is trying to get a bite of the deliciously fried foods available. When you make it past this temptation, you are greeted with the main attraction.

If you make it early enough, you can get a spot on the deck where you are greeted by a live band. Live music is always a treat, and the bands are always making sure everyone is having a good time with a great tone set every week. The deck spot has the best view at the loca-

tion and provides the prime spot to take those landscape Insta stories that we all love so much.¹ Great views are a major selling point at Carter Mountain, and I think after these last few months, that is exactly the kind of outdoor relaxation we all need.

If you are really early, you can grab one of the picnic tables available either on the grass slope itself or on the stone patio. The comfort mixed with the same great vibes make coming early a definite must. It also helps in the early part of the event when the giant umbrellas provide just the shade you need.² If you get there a little bit into the event, don't forget your blanket because the grass is definitely a great spot to sit as well. No matter where you end up, it's a great place to chill with your friends and watch the titular sunset over a magnificent view of the City of Charlot-

¹ Yes. This refers to me. Yes. I am basic. But follow me on insta anyways to see my posts and stories about Carter Mountain; my tag is @omkarlos (although many of you follow me already).

² Although as fellow Law Weekly members Jon Peterson, Clint Roscoe, and myself found out, it is incredibly hard to angle them so as to avoid the sun hitting everyone's eyes.

tesville.³ All this is without mentioning the amazing drink offerings in Carter Mountain Wine and our beloved Virginia Bold Rock Hard Cider. If nothing else has drawn you in, I hope that at least makes the sale.

All in all, the Sunset Series has been a great event to have for the last few months and I look forward to seeing if there is a spring version of the event next semester. All of you should take advantage of the last one this week if you can. I know I will; I haven't made an Instagram post since September 18.⁴

³ I'm not entirely sure if it is Charlottesville you are seeing. I worked for the Albemarle County Attorney this summer; I should know this place better.

⁴ I know this seems recent, but I was popping out like two a week during Summer Series, so this was effectively a lifetime ago.

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HOT BENCH



Amanda "Mandy" Marie Brock, offers this advice to first-year students, "believe in yourself and don't ever give up!" This reporter would add "buy more coffee (preferably from Mandy)!"

Amanda Marie Brock

Interviewed by Nikolai Morse '24

Hello, Mandy! Thank you for taking the time to sit down with us. Could you start off by telling us a little bit about yourself?

I am from Orange County originally, but grew up in Charlottesville after moving here when I was 13. I've been at UVA Law for 15 years now.

Everyone calls you Mandy—what's your full name?

Amanda Marie Brock.

That's a lovely name—family name?

Yes, my cousin picked it.

I am always amazed at how many people's names you seem to know. How do you remember them all? I

just try to focus on the unique things about people, and if they have unique names it makes it easier.

Another thing I love about coming to grab coffee from you, is that you always have excellent music playing. Who are some of your favorite artists?

I like the classics. Aretha Franklin, Marvin Gaye, Al Green, and music like that. I don't like a lot of new music.

Any favorite spots or recommendations in Charlottesville?

Well, I'm pretty busy with work and family so I don't go out to eat a lot, but there is a lot to do in Charlottesville especially with all of the na-

ture in the area. I love Mel's Café.

What do you do for fun? You work hard and deserve a break!

I love to travel. We take a lot of trips to North Carolina and other weekend trips around the region.

And how do you like Charlottesville and UVA?

Oh yes, I love it. The students and people I work with are wonderful and make me so happy.

I think every student feels that way about you. You're a staple of this school and actually, I had heard of you even before my first day. Do you have any favorite memories of your time here at the Law School?

I do. I remember this one year, there was this student who was in her first year. I would see her around and had gotten to know her. Around finals time, she actually came to me and broke down. I talked with her and she told me that she didn't think she could do it, and wanted to drop out. I told her she had made it here and could do it. Years later when she had graduated and was a lawyer, she came back to the Law School and said maybe I didn't remember her, but that I was the reason she stayed in law school. I said I remembered her, and I still do. That has always meant so much to me and stayed with me.

That's incredible. Thank you for sharing that story.

Alright, let's do a lightning round. Ready?

Alright!

Favorite color? Blue.

Favorite food or dessert?

I love chocolate cake. We used to have some in the café here!

Favorite holiday?

Thanksgiving. It isn't stressful, and it's so nice to be with all my family.

Zodiac sign?

Gemini.

Favorite movies?

The Halloween movies. The original ones.

The originals are great. Are you a big horror movie fan?

Yes, I am. I would always watch them with my mother growing up.

Thanks so much, Mandy. This has been terrific.

Of course. Thank you and I will see you around!

MONTERO

continued from page 3

same way we all close out nights at Virg: with Miley Cyrus. Not only is her voice the perfect blend with Lil Nas but the sheer idea of having her on the track is amazing. These are two artists that have been in the public eye from a young age; not to mention their deeply criticized journeys with their own sexualities in music videos and live performances. The song is heartbreaking and deep, and the perfect way to cap off what is such an introspective album. Like the Montero album itself, *Am I Dreaming*, at first glance is a nice combination of famous artists and good beats. But looking just a bit deeper gives you a real look at what this extraordinary artist has experienced in his short and intense life.

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Barristers United Match Report: Sept 26

A perfect late September day served as the ideal backdrop for a top-of-the-table Sunday

Jack Brown '23
Staff Editor



league clash as Barristers United tied 1-1 against a fearsome squad only known as "UNU." While a tie is not a loss, it is the first time in almost a year that the Barristers squad has not walked away from a game the clear winners, a sign of the heightened competition the team finds itself in.

This match was a story of determination, desire, and disregard on the part of the referee towards punishing dangerous conduct. Late tackles, aggressive pushes, and accusations of officiating the game drunk were all fair game as Sunday league soccer continues to offend norms of common sporting decency. Still, even with a shorter bench than normal, the Barristers held strong and kept calm to extend the team's unbeaten run.

An unsung hero who has helped keep this dream alive is converted keeper Aziz Rashidzada, who was called on more than ever before to save several near goals. Although he shifted into the role out of necessity, he has quickly blossomed into a premiere shot stopper.

Another fan favorite who has thrived this season is new dog owner Daniel Choi, who created several good chances that the team just couldn't capitalize on and is always a threat playing either centrally or out wide.

A final shoutout has to go to the newly-signed Sopranos fan, Zach Pierce, who was responsible both for the only goal scored by Barristers on Sunday, and the questionable red card¹ that forced the team to dig deep to hold on for the last twenty-five minutes.

With the team almost halfway through the regular season, pundits and fans alike are confident that this team will be able to continue to excel in this new league. While results have started to tighten up compared to the 4-0 win that opened the season, the team has exceptional potential to grow. Between the influx of untapped 1L talent, the addition of dogs to the sidelines, and the possibility of a return by the perpetually controversial Doyle Tuveson, this team's season is just getting started.

¹ Let the record show the other team also believed that when the whistle was blown, that their player was going to get sent off, and that the team would be willing to testify under oath that Zach was not the aggressor

The Docket

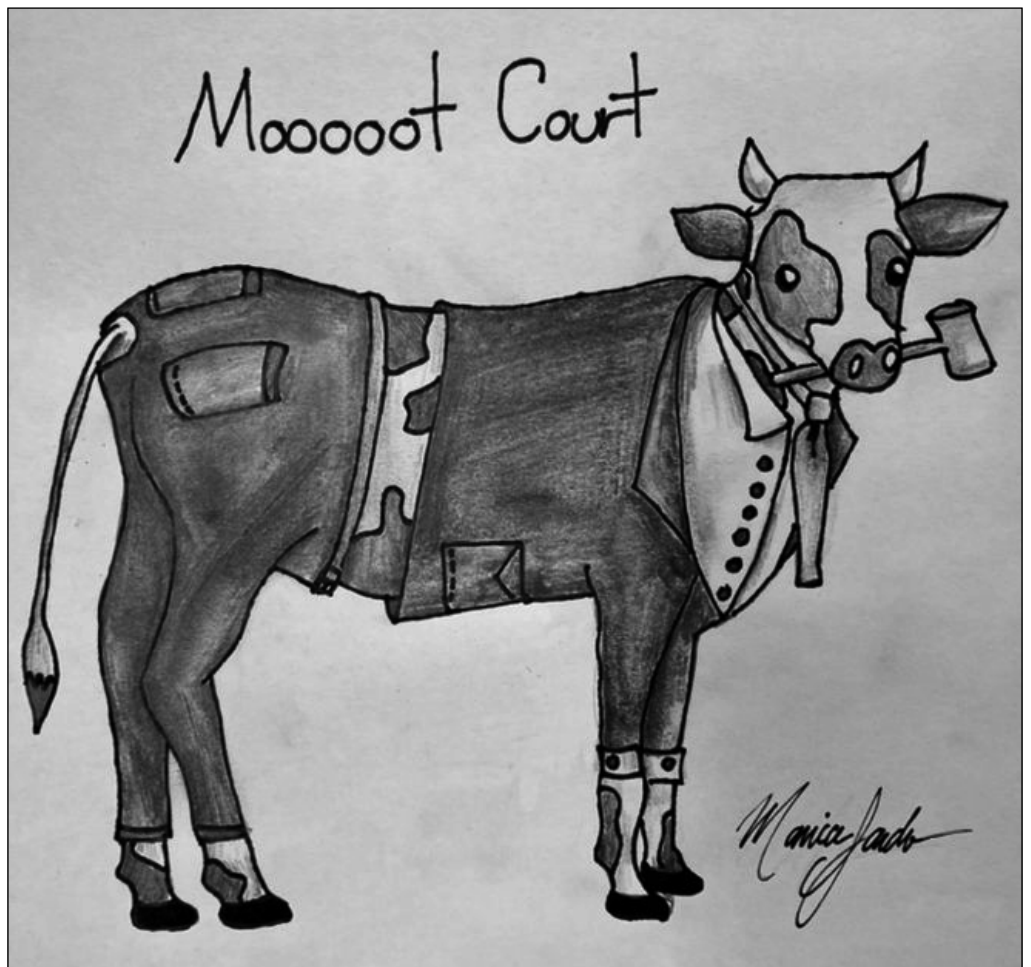
TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY – September 29				
11:30 – 12:30	Examining the Future of Independent Agencies	Purcell Reading Room	Free	☺
17:00 – 18:00	Deans Meet and Greet	Spies Garden	Free	☺
17:30 – 18:30	Virginia Law in Prison Project General Body Meeting	Purcell Reading Room	Free	☺
THURSDAY – September 30				
11:30 – 12:30	The Real Deal: Government	Purcell Reading Room	Free	☺
12:00 – 1:00	American Constitution Society <i>Fulton</i> Panel Viewing	WB128/Zoom	Free	☹
17:30 – 18:30	Journal of Law & Politics Symposium: The 50th Anniversary of the 1971 Virginia Constitution	Purcell Reading Room	Free	☹
FRIDAY – October 1				
12:00 – 1:00	Wrongful Conviction Day with the Innocence Project at UVA Law	Purcell Reading Room	Free	☺
SUNDAY – October 3				
All days	Foxfield	Foxfield Track	Tickets	Courtesy of 1Ls
MONDAY – October 4				
17:30 – 18:30	Diversity in Clerkships Panel	Purcell Reading Room	Free	☹
17:30 – 18:30	PalTrek 101	Caplin Pavilion	Free	☹

SUDOKU

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



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

WEEK 1 SOFTBALL SCORES

1Ls	Co-Rec
Section A (12) v. Section G (10)	2L §G (9) v. Darden Eels (14)
Section B (11) v. Section H (4)	ACS (6) v. Darden §B (11)
Section C (7) v. LLMs (2)	BjDE (16) v. Rio Grand Slammers (7)
Section D (11) v. Section E (0)	Hot Garbage (12) v. C U in Court (13)
	FOIC (14) v. Rio Grand Slammers (9)
	Leftovers (25) v. The Lions (7)