



VIRGINIA LAW WEEKLY

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

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what in the Facebook?

Technology is an inescapable part of today's legal landscape. Between tech giants' involvement in securities fraud, data privacy issues, and patent law's impact on diplomacy, there's always something worth writing, or ranting, about on **The Corner**, the *Virginia Journal of Law and Technology's* independent blog.

The Corner is looking for student and faculty articles ranging from 300 to 3,000 words. While citations and links are encouraged, over-citing is not. Submissions can be sent either directly to one of The Corner's editors at thecorner@vjolt.org or uploaded directly at www.vjolt.org.



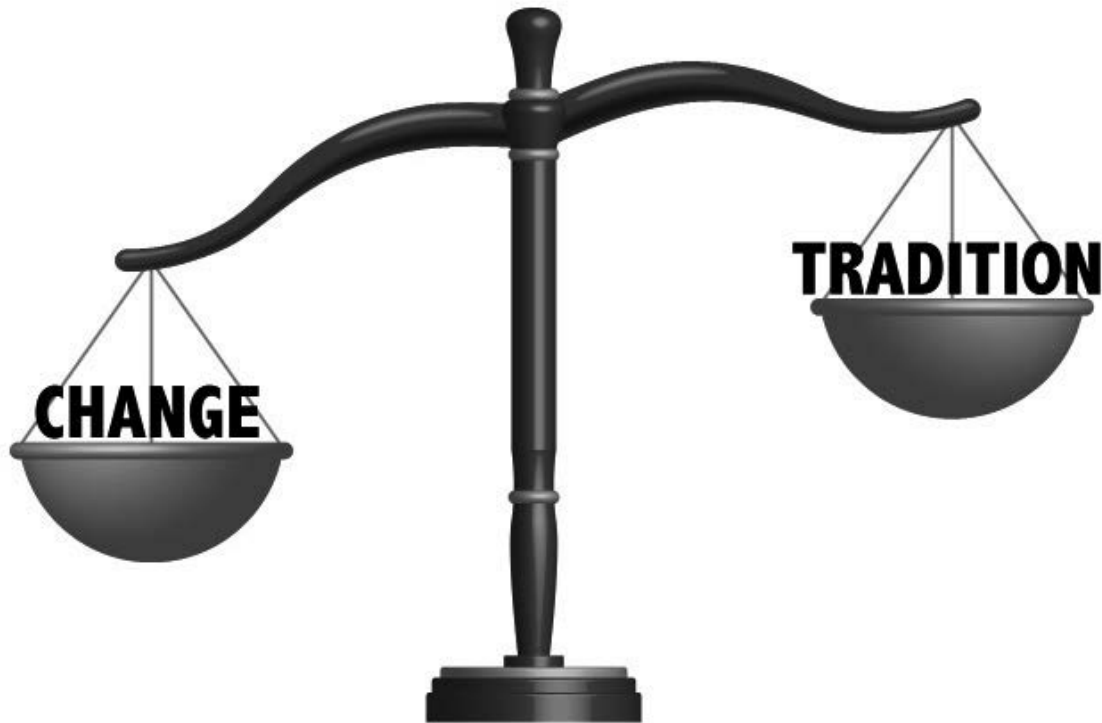
Letter to the Editor

Letters of interest to the Law School community may be sent to editor@lawweekly.org. Letters may be published at the discretion of the Editorial Board and are subject to editing for grammar, style, and clarity, but not content or viewpoint. The Law Weekly does not necessarily endorse the content or viewpoint of any letter herein published.

Dear Law Weekly Staff,

I write to you with a very serious grievance. Of course, the most valuable resource we have as law students is our time. The Law Weekly stole my most valuable resource two weeks ago in the form of (what I can only assume must be) America's most difficult Sudoku puzzle. Blood, sweat, and tears poured into this puzzle. I am behind in all of my classes now, and I am sure it must be due to this single puzzle. When I fail out of my classes, I also have no choice but to attribute it to the time I spent on this puzzle in September. I beg you to decrease or vary the difficulty of these puzzles. Otherwise, I will assume personal sabotage.

Honor Pursues Transformational Reform



Clint Roscoe '23, Staff Editor
Christopher Benos '22, Guest Editor

The Honor Committee is set to ratify a proposal for reform to UVA's sanctioning system.

The proposed amendments to the Honor Constitution, proposed and authored by third-year law student Christopher Benos '22, would reduce the sanction for students found guilty from expulsion to a two-semester leave of absence. They also expand the current "Informed Retraction" plea option, so that students may enter a guilty plea at any time prior to a hearing and take the same two-semester leave of absence.

UVA's honor system was created in the 1840s in an attempt to reduce tensions between faculty and students. Though initially introduced by a professor as an academic certification against cheating, the students took custody of the Honor Code and undertook responsibility for its implementation. Throughout the system's 170-year history, it has been entirely administered by the student body itself.

Today's Committee is composed of more than two dozen students from various constituent schools across the University. The Committee processes cases, educates the student body, and implements policies designed to maintain UVA's uniquely collegial "Community of Trust." Its jurisdiction covers all acts of lying, cheating, and stealing, and its author-

ity and purview are distinct from that of the University Judiciary Committee, whose jurisdiction covers non-academic violations of its general Standards of Conduct.

Under the current Honor System, students may, before being reported for an offense, submit a Conscientious Retraction, which means they accept full responsibility for their wrongdoing, make amends, and face no leave of absence. After being reported, students may submit an Informed Retraction within seven days and take a two-semester leave of absence. Students who do not submit either a Conscientious or Informed Retraction and are subsequently found guilty by a jury of their peers are punished with the "Single Sanction": expulsion from the University.

For several decades, various Honor Committees have attempted to alter the University's sanctioning regime. In 2013, the Committee successfully introduced the Informed Retraction, which for the first time permitted students to admit guilt early in the Honor process and avoid expulsion. Broader efforts to alter the Single Sanction have never succeeded, in part due to imprecise referenda and fractured campaigns.

This year, the Committee has pursued a coordinated legislative effort to amend sanctioning. Following extensive debate on a variety of proposed regimes, the Committee reached a broad consensus to focus reform

on removing expulsion and expanding student rights under a plea. The proposed framework, authored by Christopher Benos, reduces the sanction for students found guilty at a hearing from expulsion to a two-semester leave of absence. It also expands the current Informed Retraction plea option to allow a student to admit guilt at any time prior to an official hearing and take the same two-semester leave.

Benos explained the merits of the proposal: "We cannot simply excise from the community students who make mistakes, especially since students come to the university from a wide range of backgrounds. To foster integrity, and ultimately cultivate honest and compassionate citizens, the University must help students learn from their mistakes. Students deserve a second chance."

Practically, removing expulsion is designed to increase community commitment to the Honor System and reduce instances of jury nullification. Expanding the timeline for accepting pleas is designed to expand student access to evidence. As Benos explained, "currently, after a plea window has closed, new evidence becomes available, further interviews are conducted, and circumstances may evolve. An expanded plea ensures that students are able to make informed choices about their academic futures throughout the Hon-

around north grounds

Thumbs up to the Law Weekly Fall contest! See the back page for details on how to win a gift card to Dr. Ho's Humble Pie and make ANG smile with your creativity.

Thumbs sideways to the crispy autumn weather. ANG wants to believe this cold spell will last, but ANG has been hurt too many times to trust it.

Thumbs up to the wildcard Red Sox knocking first-place Rays out of the playoffs. ANG considers ANG's self to be the wildcard of law students, but UVA valedictorians have been proving very difficult to knock out.

Thumbs down to skipping Cookie Friday two weeks in a row. How is ANG supposed to participate in Mental Health Week without ANG's weekly coconut macaroon?

Thumbs up to Hitchhiker's Guide to the Galaxy turning 42. ANG doesn't know how many roads ANG has walked down so far, but walking the bases at Copeley Field should count for a few.

Thumbs down to Squid Game. The ex ANG has been mooching off of finally changed their Netflix password and now ANG has no idea what is going on.

Thumbs sideways to student organizations for making a mad rush to get all of their events in before finals season starts. ANG appreciates the effort, but spreading it out would also be nice.

Thumbs down to Darden for getting two weeks of fall break. ANG can't imagine how exhausting it is eating free lunches, grabbing drinks, basically taking a two-year break from work.

Thumbs up to the UVA Law Instagram page. ANG appreciates that the Law Weekly isn't the only outlet that sometimes publishes typos.

Paltrek 101

Students at UVA Law are planning the Law School's inaugural Paltrek (a.k.a. Pales-

Samira Nematollahi '23, Staff Editor



tine Trek), and on October 15 they hosted an informational session on what the trip entails and the goals of the group in attendance. The main goal of the trek is for graduate students at UVA to build an understanding of the Palestinian narrative and to share that upon their return to grounds. The students organizing the trek are working with an established network of Palestinians on the ground to develop the itinerary. While this is UVA's first Paltrek, other universities such as Harvard and Columbia have hosted the trek for several years.

Trekkers will be introduced to Palestinian history, people, culture, and heritage. An important aspect of the trip is that students will also be exposed to the reality of life under military occupation from the perspective of Palestinians. Trekkers will spend the week traveling between different cities in the West Bank to visit various significant sites, meeting with local human rights leaders, and experiencing Palestinian culture. The itinerary has not yet been set; however, some of the cities Paltrek plans on visiting are Ramallah (the administrative capital of Palestine), Rawabi (the first planned Palestinian city), and Jerusalem.

Paltrek presents an unparalleled opportunity to experience Palestine and to gain a deeper understanding of the Israel-Palestine conflict. While there are countless articles, documentaries, and interviews with Palestinians, nothing can match the experience of learning about it directly. After the trip, the students plan to host talk-back events to provide the trekkers a space to share what they learned with the Law School. The Palestinian voice is often overlooked, so these sessions are intended to help share their narrative with the student body.

The trip will happen during spring break (March 5-13) and is open to all graduate students at UVA, not just law students! Students will have until November 22 to apply for the trip and can receive the application by emailing the contact below. The organizers of Paltrek will be hosting several fundraiser events to help reduce the cost of the trip—this week there will be a bake sale at the law school. There will also be a screening of the documentary *Mayor*, which follows the challenges that the Mayor of Ramallah faces in running a city under occupation.

For more information on Paltrek and to sign up for the listserv, contact Warren Griffiths: wg4dt@virginia.edu.

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Fall Break: What We Did Instead of Outlining

Sai Kulkarni '23
Culture Editor



Unlike a few other members of this distinguished paper, I did not happen to skip my Thursday classes. I only used the traditional length of break. Very surprising and an off-brand move for me, I know.¹ But during my brief sojourn from the wonderful town of Charlottesville, I happened to stop in the big city before making my way back home. The real heart of the south and the fastest-growing city in America.² I'm talking Raleigh, North Carolina. I went down there to visit my best friends who are now engaged. Aside from the existential dread and the knowledge that I need to grow up soon, I managed to tour the local eateries and cultural hotspots while there. That town boasts an amazing mixed food scene. I sampled some South American and Southern American fusion that made me wonder why no one had made me try something like that before. Dipped ice cream and custard helped drown the aforementioned dread. I even managed to find my way into a speakeasy that blasted oldies, boasted remarkably expensive libations, and had people dressed up fancier than an underground fake Barrister's Ball event. We finished up my time there by going to a nice local brunch spot where I further drowned my happiness³ in cinnamon rolls. I spent the next few days at home in Florida where I got to spend time with my newly retired parents. In sum, I spent my entire break with people in a new place in life and realized that I haven't changed in a year and a half. Clearly, I thrived over fall break.

Nate Wunderli '22
Sports Editor



Over the break, I was able to experience nature in many forms. First, I took a trip to Luray, Virginia, where I visited the largest caverns in the Eastern United States. My review of the caverns is mixed. If you've never experienced cave viewing before, it is definitely something you should try. It is unbelievable what nature can create through geologic processes. While I have nothing bad to say about the

¹ I blame Julia Grant '23. She guilt-tripped me by talking about the "importance of classes" and "the value of academic achievement" and "saving your absences for when you are actually sick." Smh. Where's blind support when you need it?

² People there mention this a lot. Seriously.

³ Yes, it was happiness for my best friends and nothing else.

caverns themselves, which are spectacular, the commercialization of the caverns takes away a lot of the mystery and thought-provoking tone caves usually inspire. The man-made walkways, extensive lighting, guardrails, and man-made wishing well at the end almost made it seem like man is trying one-up what Mother Nature already completed to natural, rugged perfection. There was also the employee who kept trying to tell us what he thought the cave structures look like: "that one looks like a dog," or "that one looks like a dragon." Nice guy, but dude, I'm not a 6-year-old at Disneyland looking for Mickey Mouse. We also had to deal with a claustrophobic lady, who made it a point to tell us how claustrophobic she is feeling, and that she is making a beeline for the exits, before she seemingly forgets her ailments and stops every five minutes to take pictures.

The Rescue Zoo, also located in Luray, offers another paradigm of man and nature. While trying to decide if these animals are better off in the zoo, in nature, or wherever they were "rescued" from is too fact-intensive and subjective for me to wrap my head around, the entertainment value of the zoo was undeniable. While the number and type of animals were less than a typical, large commercial zoo, the liveliness of the animals made up for it. One monkey even thought it was funny to throw a piece of food at me, which I took as a token of friendship.

Shenandoah is the most natural of the spots I visited. Being able to look out in the distance and see only rolling hills, perched on a rock formation that provides a glimpse of Shenandoah's mightier past as one of the highest formations in the world, never disappoints. I also visited Walnut Creek Park and Ragged Mountain. While I went there to mountain bike, they are also great hiking trails not too far from Charlottesville around a fun lake. Walnut Creek is a great spot for a picnic, to relax, or to take a swim. Ragged Mountain provides a similar opportunity close by to hike, enjoy great views, and relax, but does not allow swimming.

Jonathan Peterson '23
Satire Editor/
Photographer



While last year's fall break substitute of apples was certainly appreciated, I must admit, it did not compare to a real fall break. This year, some friends and I made the four-and-a-half-hour drive down to Lake Norman, about thirty minutes outside of Charlotte, North Carolina. The trip consisted of, in the main, activities. The house was equipped with ping-pong, a dart board, a cornhole set, two kayaks, and two stand-up paddleboards.

While some of us were weighted down with cite checks, and others with grading contracts exams, these obligations never brought spirits down.

Ping pong competition was furious: late-arrival Graham Buck '24 clearly outclassed Megan Phansalkar '23 and myself, although I personally attribute this to his young, limber 1L joints, and a brain unsullied by the in-and-outs of property rights.

A heated pong tournament also took place, with an unprecedented run by the last-place seed to oust the first-place seed in the finals. In short, Alexandra Kasper '23 and I took home the win in glorious fashion.

The two pong winners also had a notable island experience; after making the grueling (for me) paddle out to a distant island, we spotted a black bear from a considerable distance. Rightfully fearing our pong-playing abilities, the bear fled on sight.

Finally, perhaps the most memorable experience was a murder mystery game, conducted in similar fashion to NBC's hit *The Office*. Paige Kennett '23 and Jeffrey Horn '23 surprised us all with the mysterious death of Deputy Drinkwater. Ultimately, the killer was Dewdrop Pinn, played to perfection by Kasper, and rooted out by Casey Coalburner, played by Horn.

Julia D'Rozario '24
Staff Editor



Last Saturday, October 16, I was lucky enough to have the opportunity to see All Time Low live at The Ritz in Raleigh. Like many current twenty-somethings, I spent the ages of eleven to thirteen listening exclusively to boybands with Hot Topic merch—think Fall Out Boy,⁴ Panic! at the Disco, My Chemical Romance... Enter All Time Low. There were entire months of middle school during which I listened exclusively to 'Damned If I Do (Ya), Damned If I Don't'.⁵ Needless to say, I've been beyond excited for this concert.

The venue was great. Given the times, I was more than a little nervous about going to a concert; but The Ritz took every precaution to ensure a safe experience. Every concertgoer was required to show proof of vaccination or a negative COVID test in order to get in, everyone was wearing a mask, and the venue was roomy enough to give breathing room to those of us who haven't yet reacclimated to

⁴ Fall Out Boy— where emo music meets lawyering: check out "I'm Like a Lawyer with the Way I'm Always Trying to Get You Off" and "Our Lawyer Made Us Change the Name of This Song So We Wouldn't Get Sued."

⁵ On my lime green iPod Mini.

the squishiness of a mosh pit.

There were two openers, Meet Me @ The Altar and Nothing, Nowhere. Both are relatively new bands signed by Fueled by Ramen⁶ — the label of a huge number of iconic musicians, including many alternative rock and pop punk artists. Neither opener struck me as reminiscent of All Time Low's sound, but both are definitely worth checking out. Meet Me @ The Altar is a pop punk group in the truest sense, with heavy guitar and bass, heavy drums, a badass sound and amazing energy.⁷ Nothing, Nowhere is harder to fit into a single genre; Wikipedia describes their sound as 'emo rap', 'trap' and 'indie rock', which seems about right to me. Their music is an interesting combination of dark and upbeat, with trap-music beats over minor-key melodies.

By the time All Time Low came on, everyone was properly hyped. The very second the band stepped on stage, girls and boys (read: adults, in our mid-twenties) across the venue reverted to their pre-teen selves, screaming and jumping at the very sight of the members.⁸ Their setlist was great, but that wasn't really the point; I went largely for the sentimentality— for the sake of my inner thirteen-year-old. They played a lot of music from their newest album, 'Wake Up, Sunshine', which I really love. But the highlights of the night were when they played their older music— the music that appealed to middle school nostalgia. I might have teared up a little during 'Weightless.'

It was good to relive my teenage angst for a night—back to adulthood and civil procedure!

⁶ To name just a few bands: Paramore, Twenty One Pilots, and Panic! at the Disco are actively signed to the label. Alumni include Fall Out Boy and 3OH!3.

⁷ The cherry on top is that the group is made up of women of color— a particularly underrepresented group in pop punk.

⁸ I, like many others at the concert, have been fostering a decade-long crush on Alex Gaskarth.

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LIST Kicks Off October with Tech Event Lineup

The Law, Innovation, Security, and Technology (LIST) student group started October

Rachel Martin '23
Columns Editor



off strong with a list of technology-focused events, with more on the horizon. Read on for coverage of their “Intro to Tech Law” and “Privacy and Democracy in Technology” events, and mark your calendars for their upcoming event on global supply chain issues, “The Tab on FABs: Semiconductor Supply Chain Security,” taking place next Monday (October 25) at noon in the Purcell Reading Room.

Intro to Tech Law

LIST’s “Intro to Tech Law” event took place on October 5. As illustrated by the lineup of speakers, “tech law” encompasses a wide range of practice areas: Kirk Nahra, partner at WilmerHale, works primarily on privacy, security, and regulatory matters in the healthcare sector; Samantha Kosarzycki, associate at Troutman Pepper, does transactional work with technology and life sciences companies; Joseph Mutschelknaus, director in Sterne Kessler’s Electronics Practice group, does patent application, litigation, and licensing work; and Charlie Wood, associate at Cooley, works on cybersecurity litigation and white collar investigations. As such, whatever kind of work you’re interested in, chances are you can

find a tech law angle to it.

Tech law encompasses a host of exciting, rapidly evolving areas to be working in, and with a few exceptions (such as patent prosecution), it usually does not require a STEM background. “Literally no one on the planet was a privacy lawyer in 1987 when I got out of law school,” Nahra noted, and with the constant development of new technologies like facial recognition, even a junior associate can very quickly become a leading expert on something. In fact, sometimes technical laypersons are better at the important task of translating technical terms into language other non-experts like regulators can understand. Wood qualified that a technical background can be useful for some positions, however, and one at the very least needs an interest in the relevant areas and a willingness to learn. How does one get up to speed in an unfamiliar area? “I buy a couple of graduate-level textbooks in the area and read them,” Mutschelknaus said.

There are many reasons to go into tech law. Mutschelknaus is passionate about working with startups, Nahra enjoys seeing his clients in the news and people’s daily lives, Kosarzycki enjoys the fast pace, and Wood enjoys diving deep into matters and building relationships with clients. Andrew Nell ’23, president of LIST, had this to add: “[Tech law] is a field in flux ... [this] means you have a chance to shape the legal architecture that could govern our space for generations to come.” Nell also

extended this invitation: “I had no idea tech law would become my passion when I came to UVA . . . find something you love, find people who are doing it, and find out how you can become a part of that community ... I invite anyone in the law school who has any interest in this space to join us in the future.”

Privacy and Technology in Democracy

On October 14, LIST, the American Constitution Society (ACS), and the Law School’s new LawTech Center joined together to co-sponsor an event on privacy and democracy in the age of technology. The speakers were Professor Danielle Citron, director of the LawTech center; Megan Gray, principal at Gray Matters Law & Policy and former DuckDuckGo general counsel and FTC attorney; and Rachel Levinson-Waldman, deputy director of the Brennan Center for Justice’s Liberty & National Security Program and former trial attorney in the DOJ Civil Rights Division.

With the events of January 6 and the ongoing Facebook debacle, online moderation and privacy are major topics of conversation. Much of this discussion has focused on 47 U.S.C. § 230. Originally enacted as part of the Communications Decency Act, § 230 shields online platforms like Facebook, Twitter, and Reddit from liability for what users post to their sites and for any “good faith” content moderation they do undertake. This lack of liability is a double-edged sword:

it enables Twitter to avoid cracking down on protesters in Cairo, but also allows things like revenge porn sites, which are pretty much all based in the United States, Professor Citron explained. Gray noted that it also incentivizes the amplification of viral content that increases user engagement, which includes not only toxic hate speech and harmful conspiracy theories like “Stop the Steal,” but also movements like “Me Too” that we may want to encourage.

Is there a way to reform § 230? Ultimately, it may be a matter of what tradeoffs one is willing to accept. Professor Citron advocated for conditioning platform immunity on the platforms engaging in responsible content moderation of clear instances of illegality causing serious harm, such as online stalking, child predation, and threats. She argued that, among other problems, failing to moderate such content actually reduces free speech by driving disadvantaged people offline. Gray, however, thought that more moderation would inevitably lead to companies being overcautious about filtering and “throwing the baby out with the bathwater,” and she would rather “take the ‘Stop the Steals’ with the ‘Me Toos.’” She also expressed concern that the extra costs of moderation would shut smaller players out of the market, which would ultimately make things worse. Professor Citron did not share this concern, arguing that what is “reasonable” moderation could vary based on the size of the platform.

She also took the position that this is just a cost of business that must be internalized, saying that she was not going to “cry a river [over] startups with poor business models,” noting that many startups actually have quite a bit of outside funding.

Rather than fighting about moderation, though, perhaps we should be more worried about other aspects of online speech. Levinson-Waldman spoke on privacy issues relating to police searches of social media, with more information than ever about our lives online. Professor Citron and Gray both expressed concern at the level of tracking private companies, which are not affected by the Fifth Amendment, employ as part of targeted advertising. Gray advocated for the banning of “surveillance advertising” and more enforcement of antitrust laws. She suggested that this would actually help ameliorate some of the concerns about moderation, noting that if people had more options, companies would be pressured to create more positive environments. “The theme in all this is ‘money is power’ . . . money and power trump everything” Gray said, and until we can address how the big advertising companies make their money, we will not be able to get to the root of the problem.

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John Mulaney Doesn't Pull Punches, Especially Against Himself

A month ago when we booked the tickets, I was in the dark about the roll-

Stan Birch '22
Managing Editor



ercoaster of a year John Mulaney had just lived through. Reader, to say I was surprised when I was brought up to speed by a classmate would be a massive understatement. I was floored. In the blink of an eye for me,¹ a show to see a great comic had now become a chance to see one of two things: someone crash and burn or someone rise from the ashes. What I got was completely unexpected and even better than I could have imagined. I got both.²

The line in front of the Kimmel Center in Philadelphia spanned several blocks out two doors, and the crowd was lively. The end of the line involved proof of vaccination with an ID and then a trip to will-call. I noticed a large number of ticket-hold-

ers under the age of sixteen, and had questions for the parents that were leading them to seats. This was one of the first shows back for a recently recovered addict, after all. Maybe the show wouldn’t focus too much on drug use or recovery.³

The next step to get to my seat invoked a flashback to the second time I took the LSAT. I dropped my phone in a Yondr bag and they sealed it tight. I watched many people panic about not being attached to their phone for two hours, but I personally breathed a sigh of relief. If you’ve been to a concert or a show in the last decade, you’ve watched part of that event through your own phone screen or the screen of the 6’2” guy in front of you who filmed the entire thing.⁴ For the artists, the absence of phones allows them to be honest, experimental, and comfortable connecting to an audience. This was necessary for the show to come.

The Academy of Music itself is a stunning venue and added an extra element

to my first comedy show back after 2020. The lights dimmed and Seaton Smith came out onto stage to open. Immediately launching into edgy and enjoyable material, Smith perfectly primed the audience for punchlines to come. With a very distinct presentation that appeared simultaneously at-ease but anxious, Smith tackled topic after topic while delicately walking the razor’s edge of going too far. Then it was time for the main act.

John Mulaney strutted out onto stage in a very familiar manner, greeted the audience, acknowledged the year he had just lived through, and then began to artfully drag us all alongside him through his supposed fall. He opened up about the challenges he’s faced, the true level of his addiction, his road to recovery, and even his upcoming child.⁵ In the hopes that there is an upcoming special in his future, I’ll avoid divulging much of his material here. However, if you thought that his return to the stage would be a Sack-Lunch-Bunch reprise, you would be very mistaken. He talked with members of the audience who had

been through treatment and pulled no punches against himself. Mulaney shocked audience members with how bad his addiction was. Asking as an “amateur-drug-trafficker,” he still wants to know what civilians use Venmo for.⁶ I regret not buying a t-shirt, but after the comedian bluntly admitted it would be nice if everyone bought one since “for some reason his assets were being accounted for and divided,” the line was literally out the door.

Talking us from his drug-induced high to his withdrawal-induced low with such intimacy and openness, what the audience saw in front of them was someone truly rising from the ashes. The night of his star-studded intervention he may have been “cocaine skinny with a fresh haircut,” but I think Mulaney looks healthier and happier than ever before.

At the end of the day, I’m just glad to see the son of a Northwestern Law Professor and a Skadden M&A Partner doing anything but pursuing a J.D.

Mulaney is back.

⁶ Did you know that you can max out your Venmo, Cashapp, and PayPal accounts monthly? Mulaney knows.

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HONOR

continued from page 1

or process.”

In anticipation of alumni pushback, Benos explained that the proposed changes are consistent with the spirit of current policy. “We already allow students who take the Informed Retraction to return to the University after a two-semester leave.”

The Committee will ratify the changes in the coming weeks. Following ratification, the constitutional changes will be put to a university-wide vote in early 2022. In order to pass, the amendment will require the support of at least 60 percent of the votes cast, and at least ten percent of the entire eligible voting population must vote in favor. In the coming months, the Committee will finalize procedures under its bylaws that would take effect should the constitutional framework pass. It will also implement a coordinated campaign to partner with organizations like SBA and inform students ahead of the spring referendum.

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¹ But several grueling months for the comedian.

² John, if by some sick twist of fate you’re reading this, please take my sarcastic jokes as an audition to write with you and just pretend I was left off of that same email chain as Nick Kroll.

³ Oh, just wait.

⁴ Reader, if this is you, please tell me when you ever watched that 46 minutes of footage all the way through. Separately, if you have ever done this on an iPad, I invite you to frisbee it into the nearest body of water.

⁵ In a decision that can only be described as classy, he only mentioned his upcoming child once, keeping the focus of the evening on his own “endeavors.”

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

UVA Law v.
Barracks Road Chipotle

74 U.Va 9 (2021)

WUNDERLI, J. delivered the opinion of the Court, in which PETERSON, BERDAN, BIRCH, QUERNER and HOLT join.

STEPHENS, J. CONCURS; PAZH-WAK, J. concurs for his own reasons.

TONSETH, C.J., dissents.

It is with a heavy heart that this Court once again has to defend the right of citizens of UVA Law to a decent meal. In the past, this Court has dealt with a myriad of issues, ranging from the cafeteria to the free food table. In many respects, these issues have been rather mundane and predictable. Occasionally, a change in snack options will draw the ire of the Court. (See e.g., *Students v. Small Bag of Goldfish*). In other instances, a free food table thief will be brought to our attention and swiftly apprehended (See *Students v. 1L Cookie Monster*). The COVID-19 pandemic has brought a catastrophic shortage of free food that has threatened the very survival of some of the law school's most prolific mooches.¹

The issue before the Court today transcends many of the bounds of prior cases for one reason: Chipotle is not free. Not only do the students of UVA Law have to spend hard-earned federal loan dollars on their burrito bowls, but Chipotle has consistently and egregiously failed to deliver the promised product. While the pandemic provided a convenient excuse for many of the problems the Barracks Road Chipotle has faced, this Court will no longer tolerate this

¹ Ari Anderson '22, Nate Kresh '22. Oh yeah, and me.

level of negligence over a year and a half after the start of the COVID-19 outbreak. The complaints presented to this Court are as follow:

1. Frequent and random closures without prior notice.

2. Extremely long and inconsistent wait times for on-line orders.

3. In-store dining closures without notice.

4. Failure to stock food items ranging from peppers to black beans, without offering any remedy.

5. Charging money for water when they were out of regular water cups.

6. COVID-19 guidelines that inexplicably change on a seemingly day-to-day basis.

7. General lack of cleanliness and order.

The Complainants have offered compelling and comprehensive evidence backing all of the alleged wrongs. In what has been a largely bipartisan issue, law students from all walks of life have come together to protest, some even venturing to McDonald's across the street to demonstrate their solidarity. It is common sense that an established chain restaurant must be held to a higher standard than, let's say, the Dean of Snacks, who has little to gain from catering to all of our idiosyncratic palates. And yet, where the Dean of Snacks consistently delivers, Chipotle does not. Imagine the uproar that occurs when a greedy 1L has to settle for Chex Mix instead of Goldfish? Or when SBA only has one keg at a Spies Garden social? While these actions may constitute ordinary negligence, the actions of the Barracks Road Chipotle rise to the level of gross negligence.

The Respondent argues that if students do not want to go to Chipotle, they have other options and can go somewhere else. Far from offering an apology to students, Chipotle attempts to paint the

students as the party at fault for choosing to eat at *their* restaurant. Just go eat Chick-fil-A, they say. Or eat a McDonald's \$3 bundle, that, as of last week, is now \$3.50. Or spend \$15 on a burger and fries at Five Guys. This argument has no merit for several reasons. First, students have no way of

knowing when the Chipotle is closed. Students might very well choose to eat somewhere else if they knew that Chipotle was closed. But now said student has to walk all the way up to the Chipotle, stare in dismay at the "Store Closed" sign, before plodding back to their car and driving somewhere else. Students also have no way of knowing when the store is out of peppers, beans, or cups until they've survived the line and are waiting to order. Some students rely on Chipotle for their daily consump-

tion of vegetables, only to find the vegetables conspicuously missing in action. Respondent also ignores the fact that students often do not have a lot of time, and therefore are confined to the limited options in the Barracks shopping center. If you want something reasonably healthy yet also filling,

one enters a franchise, they have certain expectations that arise from reputation and having been to other stores of the same franchise. One of the reasons franchises are able to be so successful is that consistency and familiarity, which in turn breeds loyalty and trust. Through what can only be described as extreme mismanagement or an intentional lack of care, this Chipotle has breached the trust of its most vulnerable customer, debt-ridden UVA Law students, and therefore is liable to the plaintiff students in the form of compensatory and punitive damages, the extent of these damages to be decided by a jury.

STEPHENS, J. concurring.

I write separately to affirm the Court's jurisdiction over Chipotle. The majority ignores this essential feature of the brief for the defendant, which spends much of its time insisting that "there must be some mistake" and "this must be some kind of joke."² No, it is not some kind of joke. The Court of Petty Appeals must maintain its dignity and composure, even in light of the insolence of the brief for the defendant.³

² Brief for Defendant at 2, UVA Law v. Barracks Road Chipotle, 74 U. Va. 9 (2021)

³ We have already been

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Pictured: Exhibit A. Photo Courtesy of Nate Wunderli '22

Chipotle may be the only option.

As a franchised business, Chipotle owes its customers a certain duty of care. When

Faculty Quotes

G. Rutherglen: "Any other current political crises I need to opine upon at this point?"

J. Setear: "Kill two birds with one stone. Wait, can I say that? That's a diminution of biodiversity!"

A. Johnson: "They ask 'Can you probate a nullity?' and I say 'Who cares? It's 5 o'clock and I want a drink.'"

J. Harrison: "The dog is kind of like a law professor, it doesn't do what it's told to, it won't hunt."

C. Jaffe: "If there weren't competence issues, we wouldn't have a case book."

M. Collins: "Take a look, but not for long...you will have a successful semester if you ignore these in the future, but you need to know what to ignore."

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

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COPA

continued from page 4

The Court of Petty Appeals possesses the power of judicial review for “any and all decisions, conflicts, and disputes that arise involving, either directly, indirectly, or tangentially, the Law School or its Students.”⁴ The brief for the defendants argues that it is “not a part of your crazy Law School and you don’t have any authority over us so stop trying to serve us with notice.”⁵ While it is true that the Barracks Road Chipotle is, indeed, not part of the esteemed University of Virginia School of Law, it is within the emanations and penumbra of the Tangentiality Clause, which extends to any dispute tangentially involving students of the Law School. Therefore, the Barracks Road Chipotle is within our jurisdiction and subject to our petty whims and rulings. For this and the reasoning adopted by the majority, I respectfully concur.

PAZHWAQ, J., concurring.

lenient with the defendant in even considering their “brief” which took the form of an irate email. It is within our discretion to consider when we will waive our own rules of procedure in the pursuit of justice.

4 See, the COPA heading that’s literally above every opinion.

5 Defendant, *supra* note 1.

For many Americans, particularly those in the broke and busy student demographic, Chipotle has become a dietary staple. Their long-standing track record of quick service, affordable pricing, tasty food, and quality ingredients has created reliance on the franchise by many across the country to meet their nutritional needs. The Barracks Road Chipotle, and its relationship with UVA Law students, provides an excellent example of this, with students who are primarily nourished on cheese pizza, packages of snacks, and whatever else they can scavenge from clubs, journals, and events, receiving critical infusions of protein and vegetables from their Chipotle bowls. All while these students, at the same time, not being forced to sacrifice inordinate amounts of precious time to get their food, nor unduly increase their crushing debt loads while doing so.

Based on these established facts, an alternative theory of the case is better applied, namely the principle of promissory estoppel. Complainants argue that they have relied on Chipotle for “fast casual” dining at an affordable price and have now had the proverbial rug pulled out from under them with the substandard performance they have encountered in recent months at the Barracks Road location. It is clear there was no formal consideration between Chipotle and complainants;

however promissory estoppel is implicated if Chipotle made a promise that UVA Law students relied on to their detriment. This presents the question of whether such a promise existed. In examining Chipotle’s past behavior in the aggregate, including, but not limited to, stable business hours, availability of ingredients, and adequate staffing, one can find an implied promise that such behavior would exist in the future in a substantially similar manner. Indeed, such a promise is the main reason one would go to Chipotle in the first place, and not to another bowl-based restaurants such as Cava, Roots, or the very similar but just not-quite-there Qdoba. It is clear, based on the facts before this Court, that this promise was not met based on the conditions complainants have been consistently met with in recent months at the Barracks Road location. It is also clear that UVA Law students suffered substantial loss from this broken promise as Justice Wunderli has described. While the case has been decided on a theory of tort law, I add this concurring opinion to show that the nearly limitless power of the doctrine of promissory estoppel, and its ability to throw the principles of contract law out of the proverbial window when a judge so decides, provides the proper legal approach to this case. With it, the Court can correct this gravely petty wrong that has been done to complain-

ants and make them as well off as they would have been if they had guacamole and their order fifteen minutes earlier on a given day or had not been forced to defect to the nearby, and very inviting, Taco Bell drive-thru.

TONSETH, C.J., dissenting.

Straight up, Associate Justice Wunderli is just plain wrong in this case. However, as my boi threw me two touchdown passes in our flag football league this week, I’ll spare roasting his lack of any legal reasoning skills to go on my own personal diatribe. I mean, who reads the dissents anyway?

First, this dissent serves to put Student Affairs on notice. The past two Fridays, there has not been cookies out for students to enjoy. This cannot stand. We the Court have previously enjoined Student Affairs from revoking Free Cookie Fridays, and I am not afraid to revive Associate Justice Stievater’s opinion. Be warned.

Second, buy your tickets to Fauxfield. Nobody needs an excuse to Darty, but a Darty that has endless pizza? Sign me up, yesterday. Plus, there will be pumpkins, hay bales, and all of the other cute stuff to make your Insta glow-up for the weekend. If you’re claiming “you have class on Fridays,” remember, the ABA only requires eighty percent attendance. If you’re still worried about skipping class and

missing “important information,” hit me up and I’ll get you an outline for the class.

Third, buy your tickets to PILA and buy cool stuff from their silent auction. Will you ever really need fly fishing lessons in front of the Law School? Absolutely not. Will buying softball lessons from me help you hit the ball into the construction zone? Also no, but my services are for hire for the playoffs to the highest bidder. Will buying things from the auction help your fellow classmates have a livable summer experience while you sit at a kush firm job? 1,000 percent. Buy your ticket, bid on things, dress up pretty, and don’t claim that it’s too close to finals and you need to study. You’re at UVA Law. I’ve made it this far with only going to the library 6 times my entire 3 years. You can skip one Saturday night of studying.

In conclusion, Associate Justice Wunderli’s analysis is as lacking as his ability to show up to anything on time, his ability to hit an open receiver in flag football, and the current COVID protocols to prevent a bad spread right before fall break. For these reasons, I dissent.

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HOT BENCH



Duncan Morrow

Interviewed by Marlyse Vieira '22

Hi, Duncan! Welcome to the Hot Bench. To start off—where are you from?

I’m originally from just outside of Oakland, California: a town called “Pleasanton,” which is, in retrospect, a hilarious name for a suburb. Right at the end of high school, my parents moved up to Portland, Oregon, so I’ve spent a lot of time up there as well. When I go “home” for the holidays, I’m going to Portland. It’s a really great city; I’m a huge fan of the Pacific Northwest in general.

What are you involved in at UVA Law?

I’m a fellow in the Law and Public Service Program and in the Employment Law Clinic with LAJC (the Legal Aid Justice Center), which I suppose are the big things for me. I’m also in the National Lawyers Guild, and of course, the standard journal stuff (Law and Social Policy!).

What drove you to UVA Law (why law school, and why UVA)?

After college, I worked briefly at a labor union, which I really enjoyed. I worked pretty often with the union’s legal department, working on wage-and-hour enforcement and alongside lawyers who were advising the organizers. It was work I really, really enjoyed, and it kinda convinced me that I’m actually interested in how the law works.

What type of law are you planning to practice after law school?

I’m definitely on the public service track — love not having a job in my 3L year — it doesn’t fill me with a sense of impending doom at all. I’m primarily interested in labor and employment. I would love to do something either on the union side or for the government.

What are your favorite hobbies?

Probably the things I spend the most of my free time doing are either watching movies, thinking about movies, and hiking. My dad is much more outdoorsy than I am, but he used to bring me on overnight backpacking trips, climbing mountains in the Sierra Nevada once or twice a year. I’ve tried to carry that outdoorsy vibe with me since, although I’m not doing anything impressive. I’ve also gotten exceptionally into Microsoft Flight Simulator lately, but no one wants to hear about that. Film is the big thing.

How many movies would you estimate you’ve seen, and what are a cou-

ple of your favorites?

During quarantine, I started keeping track of everything I’ve watched, and I pretty easily hit 200 last year alone. I think I may have breached that a few times in undergrad, so you can do the math if you want! As for my favorites, I really love *Chungking Express*, this weird little love story that functions as a great portrait of Hong Kong in the ’90s. It’s so full of energy and noise and life; I just love it. I also really love *High and Low*, which is this epic Japanese crime story from the 1960s that was pretty obviously a huge influence on *Parasite*. And, since it’s spooky season, John Carpenter’s *The Thing* rules and is the absolute best.

If you didn’t go to law school, what would you want to do instead?

I’d like to think it would be something artistic! Writing, filmmaking, anything like that. Something involving telling stories.

Lightning Round!

Favorite pizza topping?

Mushrooms.

Favorite fruit?

Blackberries.

Favorite Charlottesville restaurant?

Really love Maru; Korean food’s my fav.

What place in the world would you most like to visit?

Hong Kong.

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SUDOKU

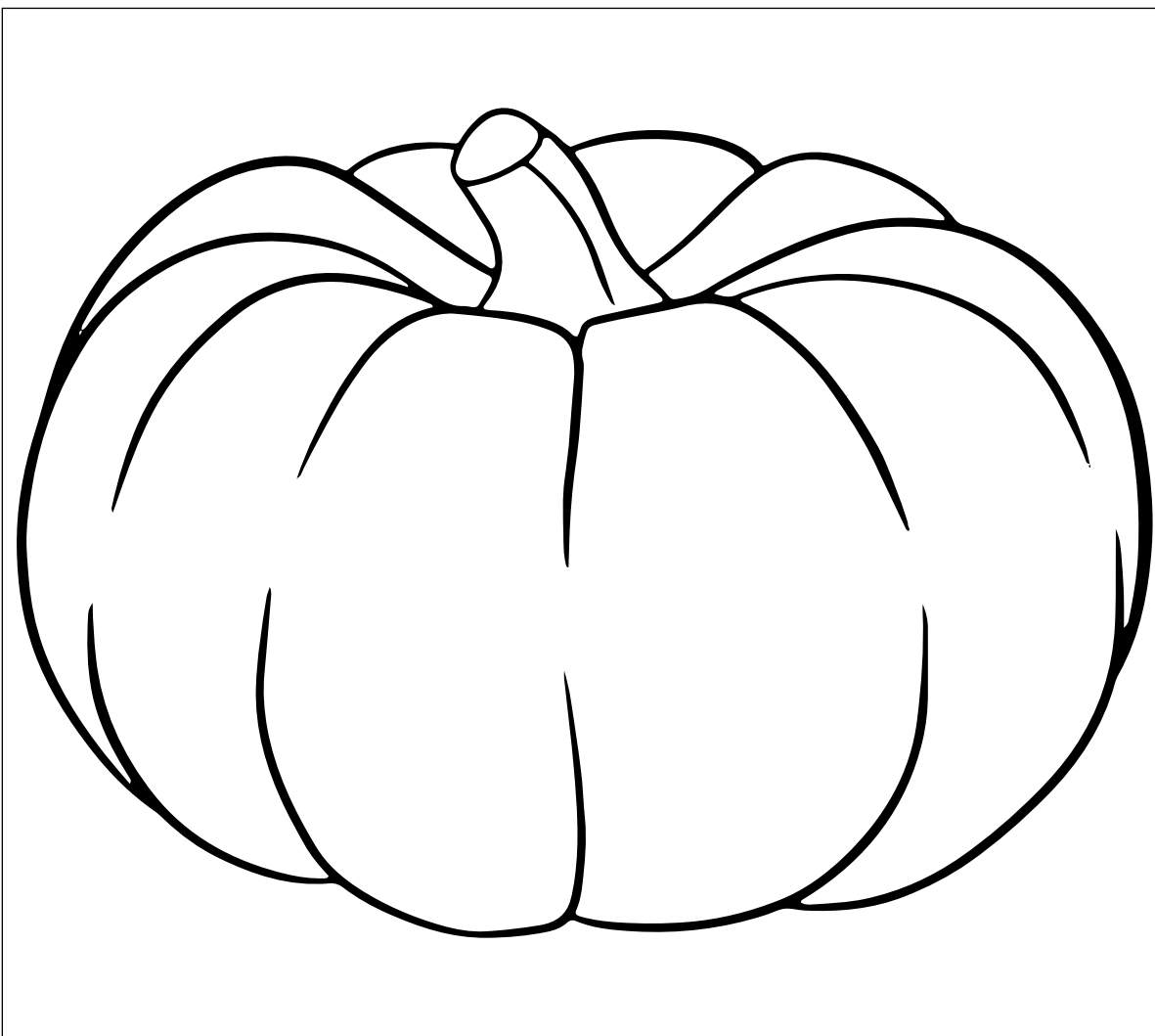
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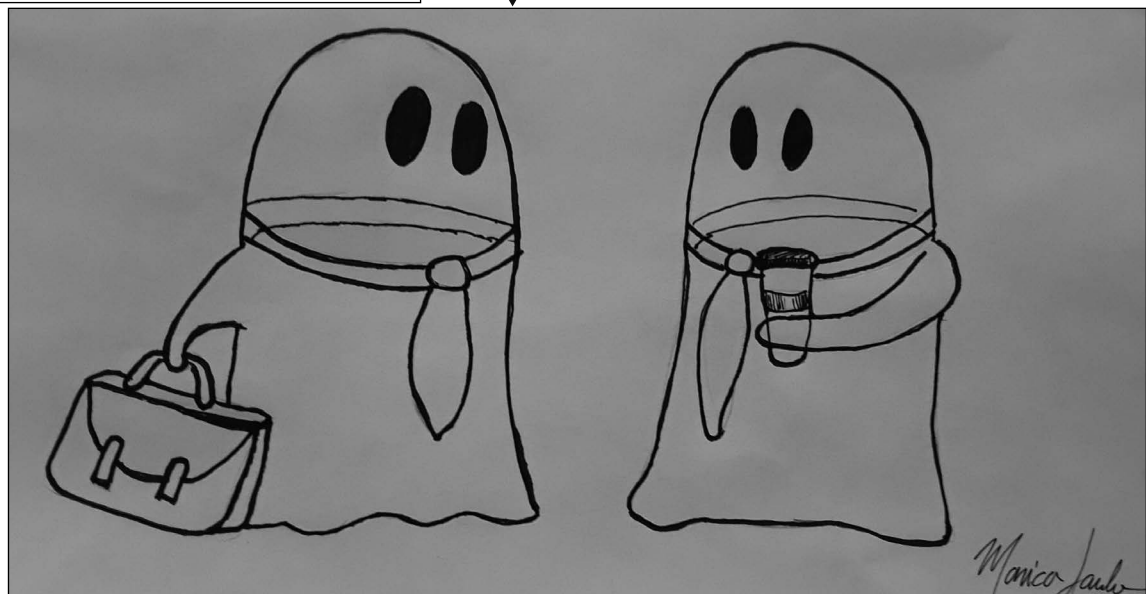
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6	2	3	1	9	8	5	7	4
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LAW WEEKLY FALL 2021 CONTESTS



COLORING CONTEST
 Design the perfect pumpkin and enter for the chance to win! Submit your masterpiece to editor@law-weekly.org, or drop off a hard copy at SL279 by November 1, 2021.

CAPTION CONTEST
 Tell us what these ghosts are saying and enter for the chance to win! Send your submission to editor@law-weekly.org, or drop off a hard copy at SL279 by November 1, 2021.



Announcing PILA+

Morgan Maloney '22
 Lizzy Harris '22

PILA is incredibly excited for our new supplemental grants program, PILA+! Last spring our board discussed ways PILA could better serve the public service community and adapt to its growing needs. In particular, we had heard about the experiences of a number of students who struggled to make ends meet while relying solely on the guaranteed public service summer grant when interning in high cost-of-living cities like D.C. and New York. We felt that while the guaranteed public service summer grants are a great way to create a stable baseline for financial support of public service students, their limited flexibility of these grants to vary in amount based on factors such as geographic area, financial need, and lack of family support can create vast inequities for students with different internships and in different job markets. Given this inflexibility and need for greater assistance, we decided to do something about it, and thus the idea for PILA+ was born. Since then, we have worked closely with the Public Service Center to transform our idea into reality and to create an additional source of funding to help try to close the gap and make summer public service internships more feasible for students with increased financial need. We are very grateful to Dean Annie Kim '99 and Assistant Director of Public Service Andrew Broaddus in the Public Service Center for their extensive support and advice as we worked through how to create an entirely new and student-run grants program to offer additional assistance, on top of the guaranteed summer public service grants, which was no easy feat.

The guaranteed public service summer grant, which is now called the "UVA Law Public Service Grant," will remain unchanged in both its amount

and its qualification requirements, and it will still be guaranteed to all students who meet the eligibility requirements. To qualify for a PILA+ grant, students must first qualify for the UVA Law Public Service Summer Grant.

Additionally, students must also meet five additional criteria to qualify for the PILA+ supplemental grant. Students must (1) live in a high cost-of-living city; (2) anticipate to receive less than \$2,000 in familial support for costs of living; (3) receive less than \$1,000 in wages or a stipend from their public service employer; (4) pay two rents over the summer; and (5) receive less than \$2,000 in total summer fellowship funding. The deadline for submitting a PILA+ application is March 18, 2022. For more information about the PILA+ grant and each of the above criteria, students can visit our website at www.pilauva.com. As for the amount of the grants, all money raised (after paying applicable taxes and other necessary expenses) will be divided equally between all eligible students. Therefore, each dollar raised is another dollar in the pockets of public service students!

The new PILA+ program is entirely student run, fundraised, and administered. Because of this, we are entirely dependent on the help of everyone in the UVA Law community. Members of the UVA Law community, including both students and faculty, can support us by volunteering to help with—or simply attending—our numerous fundraisers throughout the year, as well as donating to the upcoming auctions. This program was designed by public service students for public service students. If students have any questions, concerns, or ideas about how we can improve this grant, we invite them to reach out to PILA.

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The Docket

TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY – October 20				
Ongoing through Nov. 2	Virginia Law Women Clothing Swap Donations	Hunton Andrews Kurth Hall	Free	☺
8:30 – 16:30	Wellness Week: Origami Raffle	WB125 Student Lounge	Free	☺
12:00 – 13:00	VaSe's Fall Symposium: Entertainers and Athletes' Rights--- Panel 2 Entertainers & the Law	Zoom	Free	☺
17:00 – 18:00	Blue Ridge Community Bail Fund Interest Meeting	WB101	Free	☺
THURSDAY – October 21				
12:00 – 13:00	Wellness Week: Therapy Dog With Officer Rexrode and Pressed Juices From Willkie	Holcombe T. Green Lawn	Free	☺
12:45 – 13:45	Afghan Refugee Crisis Panel	Caplin Pavilion	Free	☺
17:00 – 18:00	National Security Law Forum Kickoff	WB103	Free	☺
17:30 – 18:30	International Law, Odious Debt and Human Rights	Purcell Reading Room	Free	☺
17:45 – 18:45	National Lawyers Guild Presents: Sumayya Saleh of Civil Rights Corps	WB105	Free	☺
18:00 – 19:00	Fireside Chat With Judge Susan Oki Mollway	WB128	Free	☺
MONDAY – October 25				
12:00 – 1:00	American Bar Association Tabling	Scott Commons	Free	☺
15:30 – 16:30	Law and Public Service Paper Panel	Purcell Reading Room	Free	☺
October 20 - 22				
9:00 – 16:00	Student Bar Association Random Acts of Kindness Week	Hunton Andrews Kurth Hall	Free	☺
October 20 - 21				
9:30 – 16:00	Bake Sale for Paltek	Scott Commons	Donations recommended	☺