



VIRGINIA LAW WEEKLY

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

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Wednesday, 26 January 2021

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

Volume 74, Number 13

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 views expressed reflect the opinion of the writer, and not of the Law Weekly.

I received my first shot on April 10, 2020. Although the COVID-19 virus never caused serious concerns for my safety, I accepted my vaccination shots as a civic act. I felt that getting vaccinated meant being one step closer to seizing back the freedoms, privileges, and amenities the pandemic claimed. Some returned, many did not. I can walk outdoors without a mask these days, but several other aspects of our lives are still coerced.

On December 21, 2021, amidst yet another strain of the virus and the seemingly polarized controversies that surround it (which we have come to expect with any issue that captures our collective attention span for more than five minutes), the University of Virginia announced¹ that all students, all² Academic Division faculty and staff, and all UVA Health team members must receive a booster shot of a COVID-19 vaccine. I have known for some time that I needed to open my mouth and say something, but I struggled deciphering the appropriate angle to take – a polemic approach full of criticisms against the University for implementing a booster mandate is the route I found myself wanting to take. I have, however, decided against that route, and I hope instead to present a more sober argument, as if to lay my chips out there and say what makes sense to me. I wouldn't be surprised to find that my views are shared by a fairly large cohort of sane, concerned members of the University community. I have spoken with several people who feel uncomfortable with the way this booster mandate was implemented.

¹ <https://www.wsls.com/news/virginia/2021/12/21/uva-requiring-students-faculty-and-staff-to-get-covid-19-booster-for-the-spring-semester/>

² <https://hr.virginia.edu/covid-19/uva-covid-19-booster-requirement>

Florida Man Does Ski Trip



Picture courtesy of Sai Kulkarni '23.

Sai Kulkarni '23
Culture Editor

Florida Man wrestles alligator.¹ Florida Man uses bath salts to attempt cannibalism. Florida Man voluntarily enters a Hardy's Jr. These are all headlines that would be common in a newspaper within my wonderful state. And you should be thankful for these headlines. They are a function of the one good trailblazing law that my home boasts: the Sunshine laws.² It is easy to find such stories because the law has allowed much easier access to arrest and incident records than other states. So, in the vein of my countrymen and women, I provide you with the same content. I am a Florida Man who made a bad decision, and it is your right, under the Law School's sunshine laws used by this esteemed "newspaper," to hear about this. As a Florida Man, I am accustomed to three things: (1) Making fun of tourists, (2) the aforementioned innate lack of decision-making skills, and (3) warm weather. It is a surprise, I am sure, to hear that not only did I choose to go to a cold place

¹ Throughout this article I refer to Florida Man. Of course, there is a Florida Woman as well. And one can hope that headlines will adapt to Florida Person to include our nonbinary brethren. This phrase is used as a shorthand in my article due to the famous meme.

² Laws that shed sunshine on incidents. Clever naming, right? Hard to think that a Florida Man came up with that.

for college and law school, I also chose to spend part of my break in cold, bitter, freezing Colorado rather than stay at home with my parents in Melbourne, Florida.³

The trip began with a drive to the home of my best friend Parker Kelly '23 in Steamboat Springs, CO.⁴ The snow was stacked above my admittedly short body. Now I had previously lived in areas that get snow, but this was different. Snow was the nature. Snow was the road. Snow was the homes. It was all snow. I was (appropriately) terrified of what the trip would be. The next morning, we woke to even more snow. And then my genius of a best friend decided to get everyone into his hot tub. Outside. In the cold. And, although I am sure you know, that involved being in freezing temperatures in my shorts. Getting in was horrible. Staying in was paradise. Getting out was my worst nightmare. Wet and cold is the worst combination known to humankind. To quote my other closest friend, Sarah Walsh '23, humans were not intended to live in such a place.


³ Yes. My hometown has a name akin to the famous city in Australia. Other than proximity to the beach, the two places have nothing in common. My dad is fond of the name thing and took us to the other city. It is better.


⁴ What we learned on this trip, as a group, was that while Parker was an excellent host, his younger brother Griffin is objectively cooler.


The next day we went skiing. To start with, it was fun. I was incredibly privileged to get such an experience, something most people will never get to do in their entire lives. However, I have never been so embarrassed in my entire life. I am a Florida Man. I know how to swim. I can play basketball. Outdoor sports are my jam—in the warm weather. To anyone who knows what skiing is, all I can say is that my embarrassment stemmed from the fact that I could not get down Preview without falling on my ass at least ten times. To those of you without experience, it is like getting lapped by a six-year-old repeatedly—a thing that *actually* happened. But despite all the embarrassment, it is safe to say that it brought me and my wonderful teacher, Parker, closer together, as all trauma does. However, I (wisely) chose not to make the same mistake twice and stayed at the house on the second day with a few other sensible souls rather than make the same bad decision twice in a row. That, however, was not the end of the experience.


In addition to the usual debauchery and partying that ensues when a group of law school friends decides to take a trip together, on my last full day in Colorado, we decided to go to some hot springs. Now I am sure, dear reader, that you must be thinking, wow, what a warm activity, that can't possibly be a bad decision. Nope, wrong again. First, we


around north grounds


 Thumbs up to hot mics for capturing what we all really feel, be it slips from Uncle Joe, the raging libs, or the staunch conservatives. ANG lives for the chaos.


 Thumbs up to professors who moved classes onto Zoom until February 4th. ANG appreciates not having to actually get out of bed for class, for as long as academically possible.

 Thumbs down to Netflix raising their prices, again. ANG cannot fathom having to pay \$15.49 for a monthly subscription, especially with every firm ANG is looking at matching the new \$215K salary.


 Thumbs up to Charlottesville's weather staying so cold. ANG doesn't have a car but enjoys watching others give up trying to parallel park four feet off the curb because of standing ice.

 Thumbs sideways to professors not having grades in yet. While ANG appreciates not having to tell ANG's parental units about C+'s, ANG's future employer won't stop sending emails about them.

 Thumbs up to the ice and snow coating Spies. ANG likes watching people try to stay upright while walking.

 Thumbs sideways to the stock market. Jerome Powell is taking ANG on a wild ride.

 Thumbs down to getting trapped at home over the break to quarantine. ANG's parental units were too caring, leading to a large increase in ANG's waist size. ANG is hopeful ANG's summer internship is remote so ANG doesn't have to buy new work clothes.

 Thumbs sideways to student loan repayments resuming in the moderately near future. ANG has been collecting graduate degrees for years and will never actually enter the workforce, but wants to be included in the angst.

BOOSTERS

continued from page 1

I would like to first highlight that I do hold that vaccines work. This is not a piece against vaccines or boosters. I received the first two doses of the vaccine as soon as I had the opportunity to do so in town, and I suggested that my friends and family do the same. To be honest, I didn't even find much of an issue with the University's original vaccine mandate that occurred earlier in 2021. We were saving Grandma.

The vaccine is effective. Enough information is out there to show the vaccine's efficacy against serious infection, even for traditional college-aged individuals. For example, according to one recent study, the likelihood of death for a person under the age of 30 who has received two doses of the vaccine is zero.³ But, in light of the new booster mandate, the relevant question to us is not whether vaccines are good, but whether the Omicron variant warrants the demand.

Let me just quickly highlight some of the facts surrounding the city of Charlottesville at the time of the booster mandate. On December, 21, 2021, the city of Charlottesville experienced a daily average of

17 cases,⁴ with seven⁵ reported deaths since August, 2021, and an average of 73 hospitalized individuals testing positive for a variation of the virus. We have little data deciphering whether many deaths and hospitalizations were caused by the virus or whether there was simply a correlation between someone testing positive and hospitalization or death. I imagine that there is at least some *there-there* to the arguments that describe hospitalizations as COVID-19 hospitalizations despite the patient never developing symptoms for COVID-19 that would warrant the obvious fear that such a statistic induces on the public; at least some studies have begun to list whether the virus is the "primary diagnosis"⁶ (i.e., primary reason for the hospitalization) for hospitalization in its COVID-19 data. We also do not have good data deciphering whether the patients who are becoming hospitalized are infected with Delta or Omicron. I would further expect that at least some of the people who have tested positive are so fear-induced that their psychological state has made their symptoms much worse. These factors all muddy

4 <https://www.nytimes.com/interactive/2021/us/charlottesville-virginia-covid-cases.html>

5 Id.

6 <https://www.news-medical.net/news/20220110/A-study-on-COVID-vaccinated-vs-unvaccinated-that-required-hospitalization.aspx>

standard forms of analysis.

If there were a colorable argument that advocated that it was my humanitarian duty as a member of society to receive the booster, then neither myself nor many other people (I would assume) would take issue with the University's booster mandate. But nobody is making the "save your neighbor" argument in 2022. Nor are we hearing the argument that if we don't get a booster, we are sure to keep seeing new variants, as we were originally told. Instead, we are told that we need to get the booster so as not to "strain" the healthcare system. Perhaps they want to keep University-affiliated individuals away from hospital beds so that such beds may go to others in the greater community. That is a fair point, but one would need at least some evidence that there is a viable threat from that end; yet, hospitals beds in the area are in fact becoming increasingly more available.⁷ Furthermore, we have a fair understanding that young adults, especially healthy young adults, are significantly less likely to become severely ill from the virus, and thus significantly less likely to fill hospital beds.

While there is much that we will continue to learn about the virus as research progresses, we appear to have a good bit of relevant information on the variant. By the

7 <https://data.statesmanjournal.com/covid-19-hospital-capacity/facility/university-of-virginia-medical-center/490009/>

beginning of 2022, only one death⁸ had been attributed to the Omicron variant in the United States, and that victim was an unvaccinated man in Texas with underlying health conditions. We also seem to have a pretty clear picture that antibodies to previous variants of the virus, whether it be through vaccine or natural immunity,⁹ provide little protection against becoming infected with Omicron. Plenty of high-profile individuals¹⁰ have been symptomatic and tested positive despite having a booster. Since the vaccines, even after three doses, do not stop symptomatic infection, the vaccines do not stop even the boosted from spreading the virus.

While Omicron provides cause for concern, we should remember that the vast majority of positive cases manifest only in "common-cold

8 <https://www.khou.com/article/news/health/coronavirus/harris-county-first-omicron-death-hidalgo/285-a251bc25-d2b8-4419-9058-bb2920742855>

9 <https://www.dw.com/en/omicron-is-natural-immunity-better-than-a-vaccine/a-60425426>

10 <https://thehill.com/blogs/in-the-know/in-the-know/586591-politicians-and-celebrities-whove-tested-positive-for-covid-19>

symptoms,"¹¹ according to Dr. Marty Makary, M.D., of Johns Hopkins University. That is even more true amongst younger adults, as young adults and children¹² are significantly less likely to have a serious infection compared to older adults. We have no reason to think that the University community, which was already forced to receive two doses of the vaccine, should expect different results from the general public.

If one wants to get the booster, I think that is a perfectly sound decision. Unfortunately, the decision will have already been made for most of the readers by the time of this publication. The truth, and the issue with requiring boosters, by my lights, follows.

Two points guide my view as to why I take issue with the mandate.

The first, as we have already discussed several times, is that boosters do not appear to play a humanitarian role. Since boosted people are testing positive with symptoms, we know that the boosted are contagious. While some people point to other factors such

11 <https://www.wsj.com/articles/dangerous-push-to-give-boosters-to-teens-vaccine-covid-19-omicron-vaxx-requirement-mandate-11640107759>

12 <https://www.hopkinsmedicine.org/health/conditions-and-diseases/coronavirus/coronavirus-and-covid-19-younger-adults-are-at-risk-too>

BOOSTERS page 5

Holding on to Yourself in Law School

As everyone around me is beyond tired of hearing, I took up crochet this winter

Julia D'Rozario '24
Staff Editor



break. I spent the last month obsessively making sweaters, bucket hats, tops, and (inexplicably) baby clothes. I love the act of creating something from scratch, the sense of accomplishment that comes with finishing a project, and the intense satisfaction of wearing something you made yourself.

As I started writing this article, it was supposed to be all about crocheting. It quickly became about hobbies in general, and more specifically, why you should hold on like grim death to your hobbies—especially as a law student.

Law school is time-intensive, work-heavy, and a little stressful. For many people, it's a quick and easy way to lose your hobbies, lose yourself, and become a library-dwelling zombie. After a day of reading cases, outlining, or even just going to class, it can feel exhausting to dedicate time to the things you love... in fact, it can feel impossible to "switch your brain off" at all. It feels much, much easier to continue to overstimulate yourself—to scroll mindlessly through Instagram, listen to music, and watch TV at the same time¹—to keep your-

self from having a mindful thought. Believe me, I empathize. I have gone weeks on end without picking up my guitar or my camera. The only thing I watched all of fall semester was *Seinfeld* and *Hunter x Hunter*² reruns, because I felt too lazy to watch a movie or show I didn't already have memorized.

But hear me out: Don't become a library-dweller. Don't get sucked into the black hole of 18-hour days and a hobby-

1 This is a real thing: It's called media multitasking and it annihilates your attention span and memory.

less life. What do you love to do? I love making music, taking photos, crocheting... you might love yoga, playing chess, doing the crossword, reading.³ Whatever it is you do, please continue to do it. Cling onto your hobbies for dear life, because the things you love are ultimately the things that make you who you are. Your unique interests are valuable, and, at the end of the day, mat-

2 My favorite shows — I've watched them so many times I could recite them line for line. If you haven't watched *Seinfeld* or *Hunter x Hunter*, definitely put them on your spring semester watch-list.

ter more than 1/3 of a letter grade. You never know — the stress-relief might actually improve your grades! Either way, you deserve to cherish and to nurture the activities and skills that bring you happiness.

Law school is demanding, but it's also a lot of fun! Don't let yourself be convinced that it should be painful or draining. Allowing it to consume you and the things you enjoy will needlessly strip law school, and your life, of joy.

3 Reading for PLEASURE, not for class!



Pictured: Hundreds of hours of blood, sweat, and tears. Picture courtesy of Julia D'Rozario '22.

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Letter to the Editor

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Andy Chambers, CLAS '22
Honor Committee Chair

Last October, *Virginia Law Weekly* wrote of possible changes to the University's Honor System.¹ With the help of one of your two dedicated Honor Representatives, the article described the system as it exists and a potential change: reduce the Single Sanction from expulsion to suspension while extending the Informed Retraction further into the case process. I write this article in response to that piece with two ambitions—to describe the status of those proposed changes and to respond to the arguments in favor of that proposed change.

As of the time of writing, that proposal has fallen over 20% short in multiple votes to meet the threshold necessary for Committee endorsement and placement on the ballot in the spring. Among the representatives in opposition, the entire Executive Committee—the body of five individuals elected from among the Committee and charged with carrying out the Committee's functions—unanimously opposes these changes and has voted accordingly. This same Executive Committee supported

¹ <https://www.lawweekly.org/front-page/2021/10/20/honors-pursues-transformational-reform>

multi-sanction options in initial debates and would happily see a progressive change to our Honor System. The objections to this proposal rest in a simple frustration that it does not address any of the problems the system faces.

The article claimed, “we cannot simply excise from the community students who make mistakes, especially since students come to the university from a wide range of backgrounds.” While a noble sentiment, holding a wide range of students to a common standard is the mission of a University in its educational aspirations. As a first-generation college student who attended public school in South Georgia, I took the same calculus exams as my peers who attended Exeter. A Virginia degree is valued because it is a standard met—how could those standards vary based on where one calls home? Education is an individual pursuit that requires charting your path, but the University's role is to establish a shared destination. Holding University students to a high standard is not only acceptable, but it is necessary for any community that wants better for itself.

The article further declared that “students deserve a second chance.” This was the rallying cry of the Informed Retraction in 2013. That reform extended the Conscientious Retraction to after the

report, when a student has the Reporter testimony and their preliminary evidence. For the last nine years, the Honor System afforded students a second chance. In this same period, we've witnessed decreasing case numbers, increasing critique, and declining buy-in. The IR already fell short of what it promised to do. Notwithstanding, the Informed Retraction affords a second chance to those who made a mistake and admit as much. In all my conversations with students taking IRs, their feedback has been that of restoration. We excitedly welcome students back after their IR, and those students return with an integral understanding of and pedigree in integrity. This change would provide that same second chance to those who commit Honor Offenses and then blatantly deny their actions until proven guilty beyond a reasonable doubt by their peers. A softer sanction is not restoration, it is flouting the University's ideals.

Beyond the sanction, the article incorrectly described the Informed Retraction as a plea. To clarify, the Honor System is not a miniature legal system. We have no pleas nor is there negotiation for lesser sanctions. When one joins the University, they opt into our Honor System. The Honor System is a collection of shared values with a Committee of students charged

with defending it, not a host of laws imposed by the land. No one is born into the Honor System, they make the knowing decision to join a Community of Trust. Extending the IR period to the day of Hearing results from a fundamentally flawed view of what the IR is. It is an extension of the Conscientious Retraction—an opportunity for honest recommitment in a community that values honesty. IRs do not exist to dole out punishment to students who face weak cases. Extending this period provides nothing to honest students hoping to recommit to the Community of Trust. Instead, it protects the student gaming their chances of a guilty verdict under the false flag of extended due process.

This referendum solves problems the Committee doesn't have. In its wake, it ignores pressing issues. The introduction to that article correctly pointed out that “for several decades, various Honor Committees have attempted to alter the University's sanctioning regime.” Previous Committees fought for these changes while starting down the wide range of forms an Honor Offense can take. Under our current system and the proposed changes, a first-year undergraduate who glanced at their neighbor's quiz paper could face the same penalty as a candidate who plagiarized entire

chapters of their dissertation. Our system provides no bandwidth to handle these discrepancies but multi-sanction options do. Never once in the Honor Committee's 180-year existence has the solution to unequal violations rested in removing the sanction shared by every judiciary at this University—it rested in adding new options and an ability to flex with the times and the situation.

The Committee faces issues ranging from panel nullification to inequities in the IR to community buy-in. The proposed change as described solves none of those issues or the problems it claims to address. Committee members lauded this plan for its simplicity and easy-to-understand language. Its merits cease there. This plan is little more than an activity that preys on ignorance or apathy. Where it stops being ineffective, it is destructive. A philosophically fraught Honor System that abandons its original high bar only to provide inconsistent forgiveness regardless of one's recommitment to the Community of Trust is doomed to fail. I eagerly wanted change for this system and I hope future Committees may enact sensible progress forward for our community, but this is not it.

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Tweedle Dum and Tweedle Dee: Google Drive v. Outlook

Caleb Stephens '24
Staff Editor

A Sunny Outlook

Daily a deluge, a torrent, a veritable flood of emails arrives on my metaphorical doorstep. For the past year and a half, I have battled in vain against this plague upon my mind, a clutter in my soul, a pox upon my existence. You too, dear reader, doubtless have experienced this same disaster of which I speak: the endless automated announcement emails from the University of Virginia, clubs, Lexis, Westlaw, and sundry other sources.

Finally, beleaguered students are being given weapons with which to do battle against this flood: the indispensable Outlook Rules. For the uninitiated, Outlook Rules allow one to set up automation to sort emails into folders based on the text, email address, keywords, or any such sorting system one can imagine. While Gmail does have tags and folders, they do not enable auto-sorting in such a manner, only sorting into Gmail's tab system. Many has been the day when I could not find an email because it disappeared into either promotions or updates, without any apparent rhyme or reason.

To adopt a more casual tone, while Gmail features are more intuitive and straightforward, the lack of customization makes it less user-friendly than Outlook. While Outlook admittedly is complicated and

arcane, once the user learns how to use the features, it opens up worlds of possibilities. Automated email sorting is only the beginning of the special features. Much like other Microsoft programs, it does have a steep learning curve (hello there Excel), but once that curve is surmounted, the features quickly won me over. There is a reason that most businesses use Microsoft Outlook, despite its often-outdated interface.

That all said, it is a major inconvenience that we now have two completely different Microsoft accounts, both of which are completely necessary for everyday usage. If these both could be integrated, it would fix many of the problems inherent in trying to remember which of the two Microsoft logins is correct. But hey, at least I won't have links to addresses attempting to open in Google Maps, only to be told that my UVA Google account is not permitted to use that feature.

Mason Pazhwak '23
Events Editor

An Overcast Outlook

While other law students may have reasons why they are either overjoyed or outraged by the switch from Google's Gmail to Microsoft's Outlook as our school's new email platform, I am here to represent the email checker that was neutral, and perhaps even indifferent to the

change. When I use my email, I do not set complex email sorting rules, connect external applications, or appreciate having multiple inboxes for different types of emails. All I do is open my inbox in a browser or on my phone, go through and read my emails linearly, move a few important ones I will need to reference later into a simple, intuitive folder hierarchy, delete the others, and get on with my day. Both Gmail and Outlook allow me to do this extraordinarily well. In fact, I can't think of a single time where I have been unable to get this done on either platform. It is almost as if both were created and continue to be updated by multi-billion-dollar companies that have teams of highly paid designers and engineers who spend hours making user experiences as easy and intuitive as possible. Or even more simply, it is that an email platform doesn't need that many unique features to be effective, and a whole range of different platforms would be largely interchangeable for most people.

Perhaps my email use is less complicated and well thought out than some, and as a consequence I spend a few extra seconds sorting around like a caveman. Conversely, maybe I do more than others, who just read and delete while I waste my time moving things into my folders. All I can say is either platform works fine for my purposes and likely the purposes of most, and I can't see how either changes the game for me. The only major

difference I have felt so far is having to log into a new website. Now, if I were to bring in other factors external to the email platforms, such as the merits of the full set of Microsoft and Google tools, I am sure I might find something to gripe about. But as far as the emails go, I am going to pull a Switzerland and take a nice seat on the sidelines as other power users duke it out.

Michael Berdan '22
Opinions Editor

A Dark and Stormy Outlook

When I was notified that there would be a transition, I was livid. Really? Changing whatever it is you're changing, right now? In the Year of Our Lord Two Thousand Twenty-Whatever? Surely I wasn't the only 3L who let out the true soul's call of all 3Ls: the exasperated sigh that evolves into a belch, groan, and whimper all at once. The way things were prior to the change was just fine, probably, so why does the administration have to go under the hood and start tinkering?

The main issue I have with this change—whatever it is—is that it's out of step with the Law School's established pattern of *doing the absolute least*. Time and again, the Law School has shown its desire to *not* change, to *not* make bold course corrections, and to *not* innovate. When the safety, mental health, and

educational benefits of remote learning were staring them in the face, they forced everyone back to the in-person status quo. When Thomas Jefferson's history of slavery, rape, and violence was brought to light by historians, this university decided to hang tight with their man. When job markets tanked, they continued to plod ahead with tuition increases year after year after year!

I will concede, however, that I do appreciate that in this change, the Law School has stuck with its default modus operandi of not seeking or caring about student input. The change was made, as is tradition, as is normal, without asking its 900-some, tuition-paying students what they think, or what they would prefer. It was made with the apparent assumption that we could not possibly comprehend or opine on the complex dynamics at play in deciding whether to change whatever they changed. We can at least take solace in the fact that the switch was made by an opaque bureaucracy, not by any democratic means. And that makes this change—whatever it was—a little more palatable.

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LAW WEEKLY FEATURE: Court of Petty Appeals

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

UVA Gym-Goers v. UVA
74 U.Va 13 (2021)

PETERSON, J. delivered the opinion of the Court, in which REYNA, J., BNINSKI, J., LAKE, J., WUNDERLI, J., PAZWAK, J., and D'ROZARIO, J. join.

QUERNER, J., concurrs.

TONSETH, C.J., concurrs.

Today, the Court is faced with an important question. One which has bearing on both the health and the wallets of not only students, but also faculty, spouses, children, and all manner of relations and acquaintances of the UVA community. Petitioners request that the court enjoin all fines, both present and future, which were levied because of so-called "Meter Violations" at IM-Rec facilities on Grounds. Further, petitioners request that the Court order repayment of all previously paid fines, with interest, that occurred in metered parking areas specifically meant for IM-Rec facilities. The Court responds to petitioners' requests with righteous enthusiasm.¹

Facts

"IM-Rec Sports is the obvious choice for the UVA Community. . . . IM-Rec Sports is convenient and affordable for anyone affiliated with UVA."²

Clearly, respondents pride themselves on their commu-

nity's ability to provide for their mental health and well-being with "convenient and affordable" access to the facilities necessary for many of us to stay active and healthy. And one might actually think this is the case, as "[f]ull-time, current students are automatically members [of IM-Rec facilities] through student fees."³ However, as petitioners have astutely pointed out to the Court,⁴ permission to use the facilities is not *everything* when it comes to accessing the gym and its various amenities. Access itself is

held in the public trust.⁸ In this instance, the application of this doctrine is clear. Access to the gym is necessary for students to make use of the memberships, memberships which they have paid for in the form of tuition. And while formally these students do have access to the gym through their memberships, this court is no stranger to looking through the form of an arrangement to its substance. At a rate of \$2.60 for each hour and a half session at North Grounds, if a student wanted to go three times a

Analysis

Petitioners' claim is as follows. Respondents have promised that if students pay up, they may use and enjoy the facilities and IM-Rec to their hearts' content. Respondents claim, on the other hand, that

" This turns the 'convenient and affordable' gym membership included in tuition fees into three times the cost of a membership at Planet Fitness, which only charges \$10 a month. "

an important factor, and one which the respondents have quietly left out of their "convenient and affordable" package. Yes, that's right, I'm talking about *parking*. IM-Rec facilities all have plentiful parking spaces—I certainly have never seen them full. These parking spaces are not, as one might expect, included as part of the gym membership (as they would be at *literally*⁵ any other membership-based gym). Instead, like the rest of respondents' parking, one must

3 *Id.* It is of further note that full-time employees receive only a \$50 subsidy on year-long memberships, leaving them with an annual \$340 fee, or roughly \$28.33 per month

4 And made very clear by Justice Peterson's ticket, which is next to him as he authors this opinion.

5 I believe this may actually be a case where I am using literally correctly, and not just hyperbolically.

their signage at the parking locations as well as their answer under the "FAQ" section in response to "[h]ow does parking work?"⁶ has put petitioners on notice, making them responsible for any fines incurred while trying to exercise the gym-use they were promised mere lines above this statement.

Today, the Court finds the most apt analogy to be the topic of our previous opinion,⁷ the public trust doctrine. When a piece of property is held for the use and enjoyment of the public, additional property which is actually necessary to achieve that use and enjoyment is also considered to be

6 UVA IM-REC MEMBERSHIP, <https://recsports.virginia.edu/membership> (last visited Jan. 23, 2022, 11:32 PM) .

7 See *UVA Student Body v. Ivy Gardens Pool, et al.*, 74 U.Va 12 (2021).

week during the paid hours (as I intend to) they would have to pay roughly \$31.20 a month in parking alone. This turns the "convenient and affordable" gym membership included in tuition fees into three times the cost of a membership at Planet Fitness, which only charges \$10 a month. And guess what—Planet Fitness's membership *includes parking*.

Conclusion

8 See generally *Matthew v. Bay Head Improvement Association* 95 N.J. 306 (holding that the public must be given access to privately-owned dry sand to access waters held in the public trust).

The Court sides with petitioners. Respondents are enjoined from all future enforcement of their metered parking. Further, respondents must refund, with interest, all parking tickets previously levied. The case is remanded to the District Court of Petty Affairs for determination of respondents' duties consistent with this opinion. Further, the Court awards petitioners with attorney's fees, because the Court has that power and thinks that respondents should understand what unnecessary fines feel like as well.

QUERNER, J., concurring.

For many Law students, going to the gym is difficult enough on its own. Finding the motivation, time, and energy to get to the gym, then putting oneself through a grueling workout, can take a heroic level of effort. Imagine, then, an exhausted student, post-gym, who wants nothing more than a warm meal and a shower, coming to find that she owes a \$60.00 parking ticket to IM-Rec facilities.

One might ask, why should she not pay the \$2.60 parking fee for her hour-long workout? At the outset, that seems to help the student avoid owing \$57.40. However, drawing the math from Justice Peterson, if the student attended the gym three weekdays per week, she would still owe \$31.20 per

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Faculty Quotes

P. Mahoney: "Nothing personal here, but you know nothing."

L. Szeptycki: "Fire is sort of a hot-button issue."

J. Monahan: "A lot of judges are not into hugging."


A. Johnson: "If someone offers you a 40% return on your investment...RUN."

E. Kitch: "It's good for our profession...whether it's good for the country is a different question."

J. Setear: "So one potential problem is that rich people are stubborn and won't change their behaviors. Another potential problem is that poor people are poor."

J. Harrison: "Maybe I shouldn't speculate, but I'm a law professor and that's my job."

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



Virginia Law Weekly

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COPA

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month in parking fees! Going to the gym, while often exhausting and difficult to fit into a busy student schedule, is a time where students can decompress, de-stress, and build healthy, sustainable habits.

However, considering that many students are not within a close enough vicinity to NGRC or AFC to walk up, the costs of parking are a barrier to these students accessing the multitude of benefits of going to the gym. And, the parking fees are a barrier to all students on days when inclement weather makes it challenging to walk up to the gym. Therefore, to further the purpose of the IM-Rec gyms—which is to provide the physical and mental health benefits of gym-going equally to all students—I concur with the majority that Respondents are enjoined from all future enforcement of their metered parking.

Also, I agree that IM-Rec must refund, with interest, all parking tickets previously levied upon students (I concur with this holding mostly because of the ticket this Justice received at AFC last spring). For these reasons I concur.

TONSETH, C.J. concurring.

It is with the gusto of being refreshed after a two month hiatus from North Grounds that I eagerly join the opinion of this esteemed Court. However, I must urge the Court to go further in their ruling. If I knew how joinder worked, I'd

explain how I believe that this decision should equally apply to the Law School itself. As I never really learned Civ Pro,⁹ let's just act like I can add the Law School as a party to this suit and move on with our days.

How does this case apply to the Law School, you may ask? Hasn't this Court and the *Law Weekly* already complained about the excessive parking fees charged, with the asinine fees imposed for parking during exam periods, when our ~trusted~ PAs told us parking was free?¹⁰ The lessons from these past complaints are easily understandable: 1) Don't trust your PAs; 2) Don't trust UVA's Department of Parking and Transportation to actually care about students; and 3) and 3OH!3 made bangers.¹¹ Today's decision failed to expand on our prior decision in *NGSL v. UVA IM-Rec Sports 73 UVa. 9, 2020* to the detriment of every student at North Grounds.¹²

At this point, you're probably wondering what this over-the-hill 3L is rambling about. Let me do you an edu-

9 S/O Professor Harrison.

10 "Parking and the Student-Centered Law School," Michael Berdan. <https://www.lawweekly.org/col/2021/4/14/parking-and-the-student-centered-law-school>

11 IYKYK.

12 Let the kids play.

cate real quick. Law students are incredibly vain. They post their summer associate positions on LinkedIn in the hopes a partner will see, they post Instagram pictures of their winter vacations to Vail with the "Live, Laugh, Love" caption, and complain that their firm gave them AirPods, for free, with Sidley written on the side because it's "bad for the brand." In this same vein, I would apply the Court's public trust doctrine to the Law School. What is the remedy for this? Not paying back parking fees, or reducing parking costs. No, something more valuable to the vanity of a law student. I'm talking about a gym in the middle of Spies Garden.

You're probably thinking, this is crazy. But, what's a better way to improve student health and reduce any potential parking fees? Make a more accessible gym, where students can either show off their new Lulu leggings on the stair stepper, or simply go shirtless and do crunches hoping that cute 1L notices them. Incredibly vain? You bet. Cost effective? Check. Improves mental and physical health? Win-win.

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BOOSTERS

continued from page 2

as viral load to be the real indicator for one's contagiousness, studies showing a correlation between one's viral load and contagiousness are shoddy,¹³ leaving one hesitant to make conclusions on the importance of viral loads. Further, even if viral load were an important factor,, the decreases in viral load produced by the booster are short-lived, and become insignificant after three months, according to one study out of Israel¹⁴ focused on the Delta variant.

Second, whether one should attribute vaccine hesitancy to misinformation or disinformation, the fact remains that there are people who do not feel comfortable receiving the vaccine. That is an unavoidable fact that all sides to the argument can agree upon.

Again, if one wants to receive a booster shot, and it is available, they should have the power to do so. But why must we be forced? Humans, especially the type in the United States, who let liberty beat through their chest, generally dislike finding themselves on the receiving end of political domination. If an institution is to keep a high degree of civic compliance, the rules it implements must make sense to the members (i.e., the members

13 <https://www.webmd.com/lung/covid-viral-load#1>

14 <https://www.medrxiv.org/content/10.1101/2021.12.27.21268424v1>

believe the rule benefits them), or the threat of force against the institution's members for breaking such rules must be powerful enough to coerce compliance. Those latter situations are to be reserved. Members will comply with the University's mandate, but there will be a significant number of members who comply for the latter reason, fear.

For me, this is not about the booster. I don't really believe I need the booster—I've had the vaccine and previously had Omicron—but I might have gotten it on my own. I was certainly contemplating doing so. If the booster is available, and if one wants it and qualifies to take it, one should take it.

What I am advocating for instead is that we establish a limiting principle. An idea of what this social contract with the University, to which we are all parties, entails. Does my status as a student at the University override my basic rights—i.e., my bodily autonomy? Perhaps so, but this is something we should know, so that we can have a clear understanding of the dominating forces we can prepare to have pushed upon us. We do not live under the Leviathan (the beauties of a federalist political system protect us from that), but it would be nice to have a better understanding of where the line is drawn when it comes to the University's willingness to coerce its student body, faculty, and staff.

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HOT BENCH



Reidar Composano '23
Interviewed by Dana Lake '23

Hey Reidar, thanks so much for taking the time to talk to us! This back-to-school Hot Bench special is all about winter break.

Where did you go over break?

I was back in Washington over break. I stayed at my mom's place, which is in a community called Normanna Park, deep in the woods of the Pacific Northwest.

Mind telling us about one or two adventures you got up to out there?

There was a ton of snow, so I spent lots of time around the house. My favorite adventure was cleaning my mom's basement. I have this irrational fear that someone else is going to clear things out down there,

and I wanted a first look at a lifetime of stored memories. Outside of working around the house, I spent my time catching up with family and friends and lounging in front of the fire.

Word on the street is you got a 3D printer for Christmas. How did you manage to fly it home, and what's your favorite thing you've managed to print so far? Any future projects you're looking forward to?

I did get a 3D printer for Christmas. Shout out to my grandma for picking my name in the gift exchange two years in a row. I managed to get it back to Charlottesville in a tote, which I checked at the airport. My favorite thing that I printed so far is this weird tool that allows tables to adjust to a certain angle. I couldn't figure out its name to look up a model, so I ended up designing one in CAD. So far, it's only semi-functional, so I'll likely be entertained by that for a while.

I heard you signed up for a J-Term. Which one are you doing? What made you choose it, besides having fewer credits to take as a 3L?

I signed up for Corporate Law of HBO's Succession with Hwang and Lyons. With the hype of Season 3 fresh on my mind, it just felt right to try and snag one of the two spots available for 2Ls once the add/drop opened. After consider-

able time on the waitlist, I was thrilled to see an email from Mr. Dugas saying that I got in.

How was the switch to virtual? Would you have made different winter break plans if you knew earlier the course would be online?

The switch to virtual was disappointing but understandable. The course being online wouldn't have affected my travel plans. With bad internet at my mom's and no quiet place to attend class, another week in Washington just wouldn't have been practical.

How has the Charlottesville weather compared to out west?

The weather in both places hasn't been great. The main difference is that I walk a lot of places in Charlottesville, so I'm exposed to the elements more often.

Anything you're looking forward to this semester?

I'm looking forward to my classes. Last semester was my first exposure to "this is what you'll be thinking about on a daily basis," which makes the abundance of reading a whole lot easier.

Lightning round questions!

Favorite food?

Pizza.

Favorite place in Charlottesville?

Wool Factory.

Anti-Stress Hobby?

Woodworking.

Favorite word?

Complicated.

If you could live anywhere, where would it be?

Near a warm beach or lake.

What's one movie that left an impression on you?

Walking Tall.

If you won the lottery, what would you do with it?

Index funds, student loans, chef.

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

"Liar" by Taking Back Sunday.

What is your least favorite sound?

Glass breaking.

What's your spirit animal?

Tiger.

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

Oman.

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

One minute of self-affirmation per day.

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LL.M. Spotlight!



At Yaesu Sogo Law Office, a small boutique law firm located in Tokyo, Masahiro specialized in Crisis Management and Criminal Defense. During his five years practicing in Japan, he argued various criminal cases including tax evasion, bribery of foreign public officials, and election violations. On top of that, he carried out some internal investigations on bid-rigging for his clients. Through advising an American executive officer on the Japanese criminal justice system in his third year as an associate, he recognized the vital importance of understanding the common law system and decided to pursue an LL.M. degree in the United States. After completing an LL.M. course at UVA, he hopes to expand his practice areas to include cross-border transactions and dispute resolutions.

The Docket

TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY – January 26				
13:00	IL Private-Sector Careers Spring Kickoff	Online	Free	⊕
THURSDAY – January 27				
18:00	Community MLK Celebration Keynote Address: “Black History and the Legacy of MLK: Purpose, Truth, and Justice”	Online	Free	⊕
19:00 – 20:30	2022 Unified Journal Tryout: Journal Open House	Online via Zoom	Free	⊕
FRIDAY – January 28				
10:00 – 11:00	Free Speech and Freedom of Religion at School: <i>Kennedy v. Bremerton School District</i>	Purcell Reading Room	Free	⊕
13:00	Legal Writing Fellow Tryout Information Session	Brown Hall 126	Free	⊕
14:00 – 15:00	IL Private-Sector Careers Spring Kickoff	Online	Free	⊕
MONDAY – January 31				
12:00 – 13:00	Virtual Winter “On-Grounds” Interviews	Online	Free	⊕
16:00	Add/Drop Period Ends	n/a	Free	⊕



Cartoon courtesy of Monica Sandu '24



Doing Pie Crust Justice

Over winter break, I stumbled on an internet controversy: *what is the best way to*

Anna Bninski '23
Executive Editor



make pie crust? Is it to use Crisco? All butter? Do you, counterintuitively,

incorporate vodka into the dough? Does the mixing bowl have to be chilled? Does the butter have to be frozen? If you knead the dough one instant too long, are you doomed to produce an inedible slab that only beavers have adequate jaw power to chew?

For those who, like me, crave a sense of control and accomplishment, let me recommend the project of pie making. Nothing says “I definitely don’t care that I’ve been waiting for my fall grades for a month, while also society crumbles in the face of a pandemic and sustained political turmoil” like concocting four different fillings for a batch of hand pies.

Of course, a law student may have some additional questions before committing to this kind of research project. What are the necessary traits for an item to be characterized as pie crust? What authorities define “good” pie crust? If you make a crust but never fill it, does it become mere “crust” or

1 This may, in fact, be intuitive to law students; the counterintuitive part is baking the alcohol out.

is there a legal fiction of pie? Does a custard pie to the face constitute the tort of battery? Is buying a premade crust a signal of moral defeat, in the manner of a crushed idealist going into BigLaw “definitely just to learn the ways of the enemy”?² If your crust is damaged, can you successfully sue someone? (The answer to that, of course, is “maybe.”)³

Although pastry case law offers a variety of “good” pie crust definitions, a commonly cited trait is “flakiness.” While generally annoying in people, flakiness—achieved by making a dough that contains perfectly sized pockets of fat, be that butter or other shortening—separates crusts that are mere containers for tasty filling from those that are an *experience*. An experience that ideally leaves flecks of golden-brown crust absolutely everywhere.

I embarked on this research project much as I did upon my law school career: overconfident and unprepared for the mess that would follow. And just as in outlining season, when I invariably stand upon the shoulders of those

2 No. If you’re making a pie at all, you’re making the world a better place.

3 *Pillsbury Co. v. W. Carrollton Parchment Co.*, 287 F. App’x 824 (11th Cir. 2008) (finding a material question of fact as to whether appellee negligently failed to warn of danger to crusts) (this is real).

academic giants who have the wherewithal to make comprehensive, color-coded monuments of information, I benefited from the hard work of those who came before. Did y’all know that there are a *lot* of recipe blogs out there? It’s wild.

Because my outlines will never help anyone, let me offer this pearl of wisdom instead: *It’s all about the frozen butter.*⁴ Seriously. Once you have your dry ingredients (probably just flour and salt) in a bowl, grab that stick of butter and grate it right in. Shred it like you’re J. Alito and that butter is a statute that could, conceivably, burden a religious practice. Add a little ice water, smush it all together, and chill it in the fridge for a while before rolling it out, filling it with something, and baking.

We may be embarking on careers in a field with mental health statistics that headlines describe as “startling,” “upsetting,” and “a problem.” But for a little while, the audible crunch of a perfectly flaky crust can drown out the woes of law school.

4 If you are making the crust by hand. Many recipes suggest a food processor, which I am not blessed with at this time.

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Sudoku

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

Solution

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