



# VIRGINIA LAW WEEKLY

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

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## Celebrating Lunar New Year

Christina Park '23  
Guest Writer

Happy Lunar New Year! This year, Lunar New Year falls on Tuesday, February 1, although the celebration often extends for multiple days.<sup>1</sup> Lunar New Year, which is also known as the “Spring Festival” and by various other names around the world, is an incredibly important celebration in many East Asian and Southeast Asian cultures.<sup>2</sup>

The holiday is rich with traditions, which vary across cultures—from vibrant red envelopes filled with money, to lantern festivals, dragon dances, and traditional foods, the Lunar New Year is celebrated and enjoyed in many ways around the world. As a Korean-American, whenever I think of the New Year, I think about eating my dad’s homemade *tteokguk*, which is a traditional Korean rice cake soup associated with the Lunar New Year. Every year, my mom also always reminds us to eat noodles, which are meant to symbolize long life.<sup>3</sup> Beyond my own experience, food seems to be a universally central part of celebrating the Lunar New Year. For example, in many Asian cultures, eating and sharing certain fruits, such as kumquats, pomelos, and other golden colored fruits, are critical components of the Lunar New Year celebration.<sup>4</sup>

In addition to the food and festivities, the Lunar New Year is also widely associated with the twelve zodiac animals (the rat, ox, tiger, rabbit, dragon, snake, horse, sheep, monkey, rooster, dog, and pig) and five elements (earth, water, fire, wood, and metal).<sup>5</sup> Each year in the Lunar calendar is associated with one of the zodiac animals and one of the elements.<sup>6</sup> This year is the Year

1 <https://www.history.com/topics/holidays/chinese-new-year>.

2 *Id.*

3 See also <https://www.nytimes.com/2022/01/29/us/lunar-new-year-cut-fruit.html>.

4 *Id.*

5 <https://www.history.com/topics/holidays/chinese-new-year>.

6 *Id.*

# Professor Frampton Wins First Stage of Court Battle



Pictured: Professor Frampton winning a Louisiana client their freedom in a separate case. Photo from UVA Today, <https://news.virginia.edu/content>.

Jacob Smith '23  
Professor Liaison Editor

It took a few months, but the U.S. District Court for the Middle District of Louisiana ruled in Professor Thomas Frampton’s favor. Judge John W. deGravelles released a long, careful opinion that largely agreed with Professor Frampton’s arguments and granted the preliminary injunction his First Amendment retaliation suit requested. The case is still going forward, and will continue to do so unless the defendants agree to settle. But the court’s receptiveness to Professor Frampton’s position suggests that he has a good chance of prevailing on the merits.

Professor Frampton filed the suit in federal court back in June 2021. It arose out of a Louisiana pro bono case. After Baton Rouge police officers stopped a car, strip-searched two of its passengers, and then searched their home, Professor Frampton agreed to represent the passengers (who were brothers) in a civil rights lawsuit. The lawsuit was settled in May 2021. But the Baton Rouge Police Department did not discipline officers or even open an investigation in the aftermath. Hoping to “get some accountability,” Professor Frampton and the plaintiffs’ family decided to put out a press release that linked to a video of the brothers’ search and arrest.

The next day, on May 28, 2021, the East Baton Rouge Parish Attorney’s Office

served Professor Frampton with a show cause motion seeking to hold him in contempt for releasing the video footage. One of the brothers was a juvenile, and the accusation was that Professor Frampton had violated a statute requiring records of juvenile court proceedings to be kept confidential. Alarmed, Professor Frampton put together a legal team and filed a suit in federal court alleging that the Parish and two individual defendants were retaliating against him for exercising his First Amendment rights.

As law students might expect, Professor Frampton moved for a preliminary injunction and the defendants moved to dismiss. Motions to dismiss are normally considered solely by reference to the pleadings, but the court elected to rule on the motion to dismiss and the motion for a preliminary injunction together. Evidentiary hearings were held via Zoom, and by early October the parties were submitting their final briefs.

But the issues were complicated, and Judge deGravelles had trials to attend to, so the parties then had to wait several months for a ruling, instead of the usual matter of weeks or days. As he waited, Professor Frampton described himself as optimistic, or at least “not super worried.” It helped that the delay had no adverse effects. Judge deGravelles made it clear that the state court should put off hearing the case, so in effect, Profes-

sor Frampton had a kind of informal interim preliminary injunction.

When the opinion was handed down on January 7th, it was worth the wait. In a scrupulously careful ninety-two-page opinion, Judge deGravelles decided that Professor Frampton “ha[d] clearly met his burden to show Defendant’s bad faith.” Significantly, the defendants had only taken action against Professor Frampton, even though others had committed “identical violations” of the statute. The court also found it noteworthy that the contempt motion was filed immediately after the press release, and that the defendants did not drop the charge even after finding out that Professor Frampton had the permission of the brothers shown in the video, one of whom was the juvenile in question.

The finding of bad faith meant that an exception to *Younger* abstention, which generally requires federal courts to stay out of ongoing state proceedings, applied.<sup>1</sup> In addition, it meant that the first element necessary for granting a preliminary injunction, likelihood of success on the merits, was satisfied. The other elements were found present in a straightforward fashion: Professor Frampton had already suffered irreparable

1 *Younger v. Harris*, 401 U.S. 37 (1971).

## around north grounds

Thumbs up to the Cincinnati Bengals. ANG loves a great underdog story.

Thumbs up to the slowly melting snow. ANG loves when beautiful things become ugly yet remain a nuisance.

Thumbs up for Libel auditions. Lawyers love captive audiences who have to suffer through their incoherent ramblings. ANG knows ANG isn’t funny, which makes it even more fun.

Thumbs down to Boris Johnson. ANG loves to see the suffering of those who partied during lockdown (or ever, since only squirrels came to ANG’s last soiree).

Thumbs down to the person who left the toilet next to the gunner pit clogged. While ANG appreciates people using Law School as a chance to relive high school, we can leave some things behind.

Thumbs sideways to the person in ScoCo at 11:28am on January 31st who said “My standard for a fish restaurant is just that it doesn’t make me sick.” ANG also likes to live on the wild side and play some culinary russian roulette—but the term “fish restaurant” gives ANG the heebie-jeebies.

Thumbs sideways to jokes about Putin. ANG likes any excuse to get out of class, but is easily scared, and is now scared of a new Red Scare.

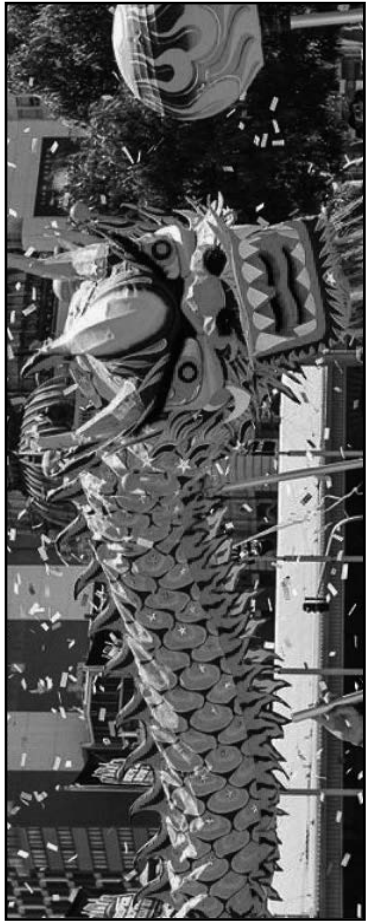
Thumbs up to professors who change their laptop policy for the better. ANG needs some ideas on how to spend the Milbank bump their firm has matched, and Amazon looks better on a laptop.

Thumbs up to the Student Activities Office for having more fruit gummies than before. ANG appreciates not having to shake down 1Ls for their snacks.

## NEW YEAR

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of the Water Tiger, which symbolizes strength, bravery, and taking action.<sup>7</sup> I know I could certainly use a little bit of that this year, and I am hopeful that the Year of the Water Tiger will be a year full of joy, peace, and love for everyone. Wishing you all a very happy and healthy Lunar New Year!

7 *Id.*

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## 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.*

Good morrow mine esteemed brethren,

A writing moste peculiar hath crossed my path by way of carrier pigeon, and I couldst not permit such abhominable arguing forego dispute. Although I am a mere spectre, a phantom of days long passed, I pray thee, take heed of the guidance of thine learned lordships and be grateful for the blessings beforen thee. Verily, I suggest each and every scholar in this fine institution abide by the issued decrees, for they followe the counsel of the moste learned physiciens and philosophres. As for my tale of woe and sorrow, I beseech thou to listen and appreciate the giftes of moderne science for they would have saved mine owne life.

It was the year of the Lord 1348 when a great pestilence took hold of my town in the county of Dorset, and spread forth to all and sundry. With such a fury and tempestuousness yet unforeseen, we wit-

nessen an accursed maladie claim souls in aboundance. Wherever thou loked with thine eies, thine gaze was troubled by an ocean of bodies, one heaped atop another in vast trenches near the churches, merely waitinge to be covered by more dead the morn next. Thruh-oute the land, the peple were affeared and many-fold persounes were abandoned by thine kin to secure the savety of them-selves.

We had no savf refuge nor any hope of salvation in sighte for neither physiciens nor medicines were able to offren a cure. At night, I prayed for a healinge, some sort of miracle. Each morn, I awoke with dread, knowinge there was nought to forestall the spreden of the pestilence. Not long thereafter, the ende of mine life arriven. The course of mine death was afar from peaceable: the tumoures and buboes throbbd and the sores from blood-letting ached while a wretched fever ravaged mine body. There was nought a soul near-by when I toke mine last breth, non there to easen the anguissh.

Wherefore, I do forsake the perspectif writen in the *Virginia Laue Fortnightly* this past six-and-twentieth day of Januarie. It portraien an unconninge of moderne medicine and a voide of compassion for other man-kinde in need. This newest forme of pestilence callen *Covid-Nine and Ten* ist not the same horrou of mine. Now, there are soluciounes and protectiones in existense, unlike mine own time. Nonetheless, the afore-

mentioned writing has many compleinings over imagined injustices and oppressions. Al be that the writer of the opinoun proclaimed he is contrarie to neither vaccines nor boosters, methinks he doth protest over-muche.

Instede of cherishing the quik arivaille of the cure, he be-moans the decree to avail oneself of the wondrous 'booster' as a recquirement to studie at one of the moste respected schooles of laue in thine country. Rather, he besmirches the very name of science itself by invoking the name of sources of ill-repute and insufficient skill and learninge. Moreover, he misconstruen the evidence supportinge continued vaccination to safeguard against the horrid sickness. Thugh I be but a peasant borne into poverte, I carefully examined the resources offren to buttress his controversial judgement on the moralite and intelligence of the decree. I find it sorely lackinge.

One resource listed might be a man of medicine, but upon reviewinge his educaccioun, it appears that his specialtie is on matters of surgerie of the pancreas and not on infectious diseases or vaccination. His owne colleagues at the prestigious Johns Hopkins whom hath studied infecciones find his opiniounes and arguements disagreeable and incorrect.<sup>1</sup> I know not how moderne persounes think, but I cer-

<sup>1</sup> <https://www.virginiamercury.com/2022/01/12/what-to-know-about-glenn-youngkins-newest-covid-19-adviser/>

tainly would chuse to listen to those with expertise on such matters.

Muche of the other resources seem to suggest that the current variacioun of the pestilence, *Omicron*, does not warrant the decreed use of the booster. However, mine owne research hath found that the booster was approximately ninety per cent effective in forestalling hospitalisations whereas merely possessing the first two doses was only seven-and-fifty per cent effective.<sup>2</sup> Thus, evidence supportens the conclusioun that the booster is needed to reducen the amount of infecciounes. The writer might assert that the lackinge of severe illness and symptoms indicates that *Omicron* is not dangerous, but many reputable institutiones hath concluded that it remains a sizeable risk to moste persounes [III].<sup>3</sup>

To be sure, the last four-and-twenty months hath been distressinge and the cause of much frustraccion. Hou-ever, I haven little sympathy for the alleged aggrievances of the writer. It is no burden to undertake a harmless and effective medicine as a measure of proteccioun and care for thine neighbours. On be-half of fellow victimes of diseses past, I

<sup>2</sup> <https://www.cnn.com/2022/01/21/health/cdc-omicron-booster-studies/index.html>

<sup>3</sup> <https://jamanetwork.com/journals/jama/fullarticle/2788105>

BOOSTERS page 6

FRAMPTON

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harm, a chilling effect on his free speech. He faced potential jail time, which tilted the balance of hardships in his favor. And there was no reason to think that granting an injunction would harm the public interest.

So what happens next? My (in)experience led me to think that parties often start settlement talks when a preliminary injunction is handed down. But the Parish is not backing down yet. On January 20, the defendants filed an answer, the next step required after a motion to dismiss is denied. But at least Professor Frampton is safe from being held in contempt for now. And even though Professor Frampton would much prefer to have the case over with, he has found it a valuable experience being on the other side of the lawyer-client relationship. Obviously, being a plaintiff/defendant is quite different from being the lawyer representing a party, particularly in the increased impatience you feel as a client. So despite its inconvenience and stress, the ordeal should ultimately benefit the lucky students and clients who get to work with Professor Frampton this semester and beyond.

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## OPP's 2L Job Search Advice for 1Ls

The 2L private practice job search has begun—and that's terrifying. Like many

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Staff Editor



of my fellow 1Ls, I have yet to secure a position for this upcoming summer. Thinking about next summer and, ultimately, post-graduation employment, can be overwhelming. For those of us interested in private practice, the time to start is now, and the Office of Private Practice (OPP) offers resources and advice to help make the process as effective—and as painless—as possible.

First and foremost, you will be fine. If you don't have a 1L summer job yet, it's not all over. The 1L and 2L job search run concurrently. Keep working with your counselor, no matter what office they're in. If you're interested in private practice and do not currently have an OPP counselor, request a referral as soon as you can. If your summer job plan isn't moving forward, talk with your counselor about a backup. People get job offers as late as April. However, the main 2L recruiting season runs from now until September.

Relying solely on OGI is no longer the name of the game. For the sixth straight year, UVA Law students found more jobs outside of

OGI than through it. According to OPP, the current market for people looking to go into private practice is one of the best in years. Across cities and practice groups, hiring has been robust. Further, strong preparation will serve you well, regardless of how conditions may change.

Many firms recruit in the preseason, but most start when second-semester grades come out around the middle of June. At that point, you will need to have your documents updated, be prepared to interview at the drop of a hat, and formulate and carry out a networking strategy. Dedicate yourself to a few extracurricular activities—whether through the Law School or not—which you're passionate about. Overloading yourself for the sake of a beefy resume is counterproductive. Focusing primarily on classes, and then the job search, will help maximize your chances of landing that 2L summer associate position. However, even knowing where to begin can seem daunting.

Networking is key. OPP describes it as a "non-negotiable" part of the 2L firm search, and the earlier you form a networking strategy and engage with employers, the better. There is no such thing as a law firm "soulmate." Many excellent firms would likely be a good fit for you. The purpose of networking is to form a relationship with employers while learn-

ing about where you want to work and what kind of environment you see yourself in. With most events now being virtual, it may be harder to get a personal sense of the firm. Luckily, virtual events are easy to attend. Review the SBA newsletter, look at regional affinity group emails, and regularly check for events as they are posted on Symplicity.<sup>1</sup> There will be several city days throughout the semester, which are the best way to learn about specific markets if you are at all interested in them.

When it comes to grades, it's important to remember that they are, as is often repeated, just one piece of a larger puzzle. A particular firm's grade sensitivity simply tells you how that firm has chosen to recruit its summer associates. The goal is to find a firm that's good at the things you want to do, regardless of how they use grades. If you have concerns about how your first semester grades may impact your job search, talk to your OPP counselor.

Lastly, a little practical advice: Avoid missing important information by making sure you read OPP's emails. And practice. Practice your interview answers. Practice giving your elevator pitch about yourself. Many virtual recruiters, in-

<sup>1</sup> OPP's website even has a video on networking for introverts.

cluding for Winter OGI, use FloRecruit. Make sure that you have all your technology set up prior to your interview time. Center the image of your interviewer right underneath the camera so that it appears like you are making eye contact. And, if anything goes wrong, remain calm. There's perhaps no better way of showing a prospective employer that you are professional and work well under pressure. It's extremely important to develop healthy coping mechanisms for stress and be self-aware when you start to burn out. Your health and well-being are of the utmost importance.

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# Meet Me at Feb Club, It's Going Down

Kathryn Querner '22  
Features Editor



Jessie Goodman '22  
Guest Writer



February...

It's a month of simp behavior (some people use the term "love," but I'm not one to believe in unicorns) • Age of Aquarius • Start of Pisces season (let's gooooo) • And for others, it is simply 28 days of bitter cold (much like my heart).

And maybe if you weren't at the 8th BeSt LaW sChOoL iN tHe NaTiOn, then you may find one of the above descriptions applicable. But, as a LawHoo, you have waived any right to a "normal" February. Rather, as a student of this renowned institution, you have subjected yourself to a full month of debauchery fused with degeneracy. Put differently, February at UVA Law means Feb Club, and the only way out is to rage your way into the month of March.

So, aside from what Ian Clemens '22, describes as a "celebration and worsening of UVA Law's collective drinking problem by hosting organized themed parties every night of February," what is Feb Club?

Historically, Feb Club is a series of 28 (or, on a leap year, 29) parties, one every night for the entire month of February. This February, to be consistent with UVA Law's protocol that Law School events be online or outdoors until February 4, Feb Club Feeling 2022 will kick off on February 4 and run through the 28th.

The NGSL-sponsored event is open to all Law students, and everyone is encouraged to show up. It's a great opportunity to get to know new LawHoos. And, if you don't believe me, then maybe you'll believe it if it is explained by someone much cooler than me. J. Carr Gamble '22 explains that Feb Club is "a time to make new friends and meet more of the upper classes, and for 2Ls and 3Ls it's a great opportunity to catch up with old friends and make some memories together before graduation." But aside from ~making memzzz~, "participation from student organizations is always a big plus."

Frances Asbury '22 and Caroline Spadaro '22 were tasked with coordinating the event dates, and sent around a schedule containing all of the information about the parties. If you didn't receive the schedule by email, it was also posted in each of the class GroupMes. Feb Club events are hosted by a number of student organizations as well as some being private parties at various Law students' houses. This year, 12 of the parties are hosted by student organizations. The hosts are in charge of planning the event, choosing the theme, and picking a location for their designated night. The event-planners encourage students to continue to check the spread-

sheet as events and locations are updated frequently.

And for those events that are RSVP only, they are typically for smaller houses that just want to ensure they are not overcrowded. It's not meant to be any sort of deterrent, just send over an email to the address listed on the spreadsheet for those events.

This heavy emphasis on student organization participation lends encouragement to law students being more involved. So much so that if you attend all Feb Club events, you are deemed to have successfully completed an "Ironman." After an unimpressive attendance record his 1L year, and a canceled season his 2L year (like, actually, why do we have pandemics?), Trace Larabee '22, has committed to bringing his A-game this year. He explains that this year's Feb Club "might be my first and only chance to compete in an Ironman. I'm taking the training seriously."

Now, if you find yourself wanting to participate in the month-long shenanigans, but know that a completed Ironman is not within your purview, then how do you decide which events to attend? Well, \_\_[insert naive 1L or uninformed 2L's name here]\_\_, I'm glad that you asked. Simply put, all the events are awesome, and I encourage everyone to shoot for an Ironman. If you do want to limit your raging quota, but also want to get the most out of the month, it would behoove you to attend, what I like to call, the "big 3" of Feb Club events - LAMBDA RAGERRRRR, Barrister's Ball, and Das Klüb. And, since Frances and Caroline are event-planning superstars, the Big 3 are appropriately spread out throughout the month to give you recovery time between events.

Gamble further shared that he is "personally looking forward to Lambda's annual rager. I think everyone appreciates the event in their own way, but I couldn't imagine Law School without it" (we! love! supportive! allies!). The man doesn't lie, but I encourage you to check out what the hype is about for yourself.

Barrister's Ball typically falls right in the middle of Feb Club. This year it is scheduled for February 19, and is Vegas themed (so whatever happens, stays ;) ). As an iconic night filled with formal attire, live music, excessive amounts of hors d'oeuvre (pinkie up), and sticky dance floors (you guys really need to learn to stop spilling your drinks), it's no wonder that Barrister's tends to be a Feb Club highlight for many of your fellow colleagues, peers, and degenerates.

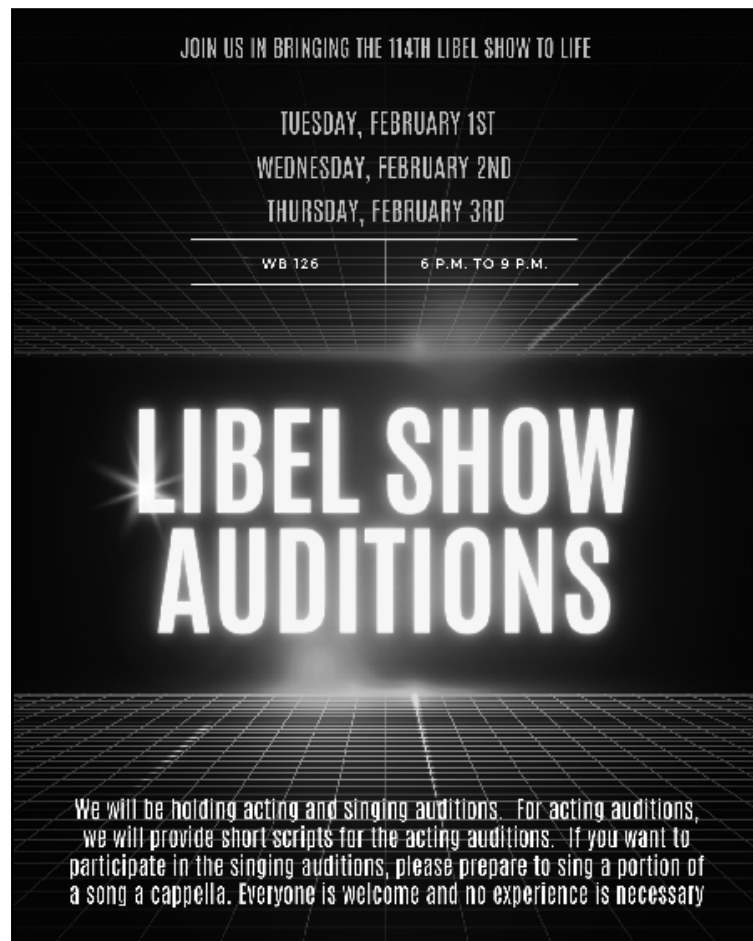
Das Klüb is THE finale of finales. Except I, much like half of the 3L class, only know how celebrated this event is through second-hand storytelling (shoutout first weekend of journal tryouts during Das Klüb...). After hearing everything I had missed that night, I implemented a ban on any Das Klüb discussion due to the devastating FOMO I kept experiencing.

But today, that ban is lifted, because I, much like my other classmates who also drowned in FOMO, can confidently say that we will be at Das Klüb this year. We can finally experience (and will likely forget), the night-long dance party fueled by strobe lights and hype house music in a ~Klüb~ venue dedicated to just us hooligans of UVA Law. And if you do it right, you'll wake up the next morning with a hangover to last you all the way through March.

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Auditions will be held from 6 p.m. to 9 p.m. in Brown Hall 126:

**Tuesday, February 1st**  
**Wednesday, February 2nd**  
**Thursday, February 3rd**

Feel free to come by any time between 6 p.m. and 8:30 p.m. on any of the above dates where we will be holding acting and singing auditions. We will provide short scripts for actors to read. If you want to participate in singing auditions, please come prepared to sing a portion of a song a cappella.

Dance auditions will be held at a later date. Anyone interested in being a part of the band (interested in a variety of instruments) can reach out to Chris Nolan ([eke8dh@virginia.edu](mailto:eke8dh@virginia.edu)) to schedule an audition.

Feb Club Calendar						
Sun	M	Tu	W	Th	F	Sat
Libel "Hot for Teacher" Darty	Heartland Hoos Presents: Heartless Hoos	Taylor Swift's Loverfest: Live from Ivy Gardens	Southeastern Wahoos' Dirty Nelly's Southern Kickback	VLW and WOC Present: Palentine's Day	Aspen in the 80s	Lambda Presents: Euphoria feat. TORTS ILLUSTRATED
Super Bowl Sunday	Valentine's Bachelor Watch Party	Tall Girl 2'sday: Tall Girl 2 Release Party	Lone Star Lawyers' Texas Country Hoedown Throwdown	JDA/MBA Mixer: Wolf of Wall Street	DAD KLÜB	Disco Cowboy
MENA: Hookah Event	JLSA Bar Mitzvah	BLSA's 70's Bash	DÜRTY KLÜB	Fed Soc Presents: Margbury vs Madison	LALO's "Tropical"	Barrister's Ball
Beer Pong Tourney	All the Holidays We Missed					DAS KLÜB

**Rules:** Fill out the Feb Club Bingo card for all of the parties you attend. If you attend all 25 parties, let the Law Weekly know so that you can be featured in a future edition!

## LAW WEEKLY FEATURE: Court of Petty Appeals

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

*Law Students v. Law Professors*  
74 U.Va 14 (2022)

KULKARNI, J. delivered the opinion of the Court, in which REYNA, J., BNINSKI, J., QUERNER, J., WUNDERLI, J., PAZWAK, J., PETERSON, J., and TONSETH, C.J. join.

BIRCH, J. concurs.

Law school students are fond of the mantra that 1Ls are scared to death, 2Ls are worked to death, and 3Ls are bored to death. Yet, regardless of this mantra, petitioners from all three classes bring a claim of breach of contract and intentional infliction of emotional distress. The subject of this complaint is the professors of the Law School, specifically those that failed to upload students' grades by the established deadline. Once again, we are presented with a number of procedural and substantive issues surrounding this case.

The students bringing this complaint allege that in attending this Law School they enter into a contract with their professors. The students give up a month of their life to live in the library or their other study spot of choice; in return, their professors provide them with their grades by a set deadline in order to alleviate the inevitable stress that the students have accumulated. The 1Ls have been encouraged to be hyper-competitive for the sake of the unknown, mysterious curve and for a chance to be on the less famous organization with the words "Virginia Law" in the name.<sup>1</sup> The

<sup>1</sup> The Virginia Law Review is clearly the less prestigious organization...but congratulations anyway to their newly appointed Managing Board.

2Ls range from those who are trying to build their applications for public interest jobs, those who want to flex on their friends,<sup>2</sup> and those who are simply too anxious to allow themselves some time off from working hard. It is baffling that there are any 3L petitioners, but this Court must admit that there might be one of them who eventually clerks for the Supreme Court.<sup>3</sup> This wide range of students has all claimed that in failing, and allegedly even refusing, to upload grades by the first date of Spring Se-

*"Maybe this shared struggle is exactly what you need in order to bond with your class for the tough times ahead. As usual, these claims are dismissed with extreme prejudice."*

mester, the professors have severely impacted their ability to "enjoy law school."<sup>4</sup>

To begin with, the 1Ls have no standing. In order to make such a claim, they have to be valid petitioners. As this Court has held time and time again, 1Ls have no rights; this is a bedrock principle of our jurisprudence.<sup>5</sup> For the complaints brought by these students, our decision is simple: suffer in silence. Your grades have zero bearing on your 1L job. You will get one, and, if your parents are dedicated

<sup>2</sup> i.e. get a clerkship.

<sup>3</sup> Whoever you are, we know you will be biased towards all of us and we thank you for that.

<sup>4</sup> There is no such thing.

<sup>5</sup> *1L Gunners v. Everyone Else*, 324 U.Va 22 (2019).

enough to buy you a 1L summer associate position,<sup>6</sup> then these grades matter even less. For those of you who don't, live like the rest of us. Everyone takes these classes and everyone is suffering together. Maybe this shared struggle is exactly what you need in order to bond with your class for the tough times ahead.<sup>7</sup> As usual, this party's claims are dismissed with extreme prejudice.

For the upperclassmen, however, the complaints have merit. Much of these students' precious time has

been wasted on something as mind-numbing as their grades. For many of us, these are the last one to three semesters to be young and fun. Keeping us hanging on the questions of whether or not we made median (and what median even was) in a given class takes away from this time. There is, indeed, a clear contract between these students and their professors. In return for turning down the gunning and asking of random hypotheticals to impress professors who have no interest in being impressed, the professors who teach 2Ls and 3Ls have implicitly agreed to hand down better grades and to hand them down faster. No

students, they are doing it to themselves as well by keeping themselves stuck in the previous semester. Rather than calculating what the median GPA is in a given class, handing out medians to 90% of the students and using a random number generator to assign grades on either side of the

<sup>8</sup> With the possible exception of Professor Bayefski and her Fed Courts class.

<sup>9</sup> Especially not the author of this case.

<sup>10</sup> I apologize for butchering consideration, Professor Verkerke. In my defense, I scored below median in your class.

median to actually create a curve, these professors insist on slacking and making their own jobs harder. It is for the few students still competing for clerkships and public interest jobs that professors are inflicting the most harm. These students gave the professor the consideration of paying attention in class, and therefore, these students have the most explicit contract with their professors for swift grading.<sup>10</sup>

Thus, this Court finds itself forced to issue a clear and firm order to the professors of the Law School: abide by the grade deadline. Lift the stress upon the few students who care. Lift the annoyance from the shoulders of those who do not. And save yourself the emails from the registrar's office and the most persistent of students to get your grading done faster. A failure to abide by the deadline going forward may force this Court to issue an even more drastic order: requiring fall grades by January 1st.

BIRCH, J., concurring.

I start by commending my colleague for now upholding the precedent that 1Ls have no rights, now that he is se-

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## Faculty Quotes

**A. Bamzai:** "Nebraska is a reasonably well-governed state."

**B. Sachs:** "Don't look weak in front of your students."

**P. Stephan:** "We still trade with the Canadians, even though they punt on third down."

**L. Szeptycki:** "It's on my list of rivers I really want to go to."

**A. Johnson:** "Never trust a bald man with a ponytail."

**G. Rutherglen:** "No, we're not creating federal common law, we're just following the Restatement of Agency. What they're really doing is making a mess."

**J. Setear:** "I was the only one watching *Cats* in the theater, and I'm not going to lie, I kind of enjoyed it."

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

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COPA

continued from page 4

curely in their second year of Law School. It is a large turn in his personal jurisprudence, but I must acknowledge the necessary change. As to the other petitioners, my colleague has absolutely hit the median in the center.

While I concur with the majority, I should first note the worthiness of some delay. Having grades released, en masse, after the conclusion of many of the religious holidays that occur in December is a benefit for students visiting their families. “My professor hasn’t submitted them” is the best possible response for why you can’t talk about grades at the dinner table. However, when New Year’s Eve approaches, this is the perfect time to know and announce your median-ness, and claim that you’ll start fresh into a new year.<sup>11</sup>

The methods used by professors described in the majority are true to form and practice. The speed of these methods should not be the cause for delay of a professor’s grades. If anything, these tried-and-true methods should be considered a windfall for simplicity and expediency, something that rarely is seen in Law School or the legal profession. Professors who provide too much information and thought into their grading, should have realized

they chose a profession that shies away from math like this court shies away from 1Ls’ rights.

In addition to the secondary IIE claim that occurs at the start of the semester when grades are long-delayed, the delay itself extends and exacerbates the already present IIE claim deriving from many final examinations. The delayed grading of a semester impedes the ability for students who were emotionally harmed by the class and its resulting examination to begin the recovery process. Students need to be given the opportunity to move on, otherwise, how will they start to find meaning outside of being a 4.0 K-JD.

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<sup>11</sup> Even though you know you won’t.

The Docket

TIME	EVENT	LOCATION	COST	FOOD?
<b>WEDNESDAY – February 2</b>				
11:30	“The Value of Dissent,” With Judge Patrick Bumatay and Aditya Bamzai	Purcell Reading Room	Free	☉
1:00	Clerkships Nuts and Bolts for 2Ls	Online	Free	☉
18:00 – 21:00	Libel Show Auditions	WB126	Free	☉
19:00	2022 Unified Journal Tryout Information Session	Online	Free	☉
<b>THURSDAY – February 3</b>				
12:00 – 13:00	Black Law Students Association Black History Month Kickoff With Chief Judge Roger Gregory	Online	Free	☉
18:00 – 21:00	Libel Show Auditions	Online	Free	☉
<b>FRIDAY – February 4</b>				
16:30	Shaping Justice Conference: “Forging a More Just Society,”	Online	Free	☉
17:00	Virginia Law Review January Notes Pool Closes	Brown Hall 126	Free	☉
<b>MONDAY – February 7</b>				
12:00 – 13:00	Arrogance, Showing Off and Hiding the Ball: The Dangers of Judicial Rhetoric in American Democracy	Purcell Reading Room	Free	☉



Counsel's Counsel

Counsel's Counsel is the world's preeminent advice column for law students. Written by recent UVA Law graduate, Jane Doe, J.D.

Question:

I’m a 1L, and my grades last semester weren’t great. I’m concerned about OGI and clerkships because I’ve heard they care a lot about grades. I’m especially concerned because I’m a K-JD, and I feel like I can’t point to a lot of objective things except for my grades. I know I need to bounce back, but I’m not sure how. I think part of the problem is that I had a hard time getting interested in some of my classes. Part of it may have been my studying strategies. I’m really worried, so I appreciate your help!

Answer:

First of all, it’s great that you’re thinking about OGI and clerkships now. It’s never too early. This is your career we’re talking about, after all.

I’m glad you fully appreciate the importance of grades. While everyone loves an underdog in the movies, BigLaw attorneys eat underdogs for lunch (at their desks, of course). Unfortunately, since you are a K-JD, your identity has become your education. If you were writing in at the end of 1L, all hope would probably

be lost. Luckily, that’s not the case!

I was in a similar position after my first semester, and coming back from bad grades is tough. As for advice, mindset is essential. What really helped me was viewing classes less like an educational experience and more like a means to an end.

Some people have a genuine curiosity about the world that keeps them interested across subjects, but those people are rare. Typically, people in the legal field are driven by competition, anxiety, and deep-seated insecurities. So, it yields much more consistent outcomes to (1) reduce your education mentally to a transaction—you trade time for results; (2) view your colleagues as obstacles to actualizing your potential; and (3) channel any anger you feel from step #2 into your studies.

In terms of studying strategies, change everything. You were probably told to “Do whatever works for you,” but that didn’t work, so it won’t work this time. If you studied in a study group, study alone. If you studied in the library,

study in ScoCo. Leave no stone unturned.

It also wouldn’t hurt to be wealthy. As with most things, having money is an advantage in law school. If possible, it is time to invest in Quimbee, commercial outlines, a bookstand, and a second monitor. Go golfing with your professors. Plus, you can use your parents’ legal contacts for networking in case OGI falls through.

I believe in you, and I wish you the best of luck in your studies!

For a serious response to your serious inquiries, please access the anonymous submission form using the QR code below.



HOT BENCH



Jeffrey Horn '23

Interviewed by Jonathan Peterson

**Tell me a little bit about yourself—where you’re from, why you came to law school, what you want to do after.**

I’m from Henderson, Nevada, which is a suburb outside of Las Vegas. So, yes, I am in fact from THE Sin City. I went to the University of Nevada Las Vegas where I studied economics and then took a year off to work for the Kamala Harris campaign in Las Vegas. When that ended, I worked for a vending machine company for a few months. I went to law school because at UNLV I was a big debater. I did policy debate from high school through undergrad, so for eight straight years. I was spending about 30 hours per week on debate—what can I say? I liked debate; I like arguing. I liked reading and writing as well. So, I went to law school.

**How do you say the name of the state you’re from again?**

It’s Ne-vah-duh, not Nevaw-duh. It’s a very controversial thing in Nevada.

**And do you know what you’ll be doing after law school?**

I’ll be working for Covington & Burling in D.C. in litigation. Which makes sense since I like arguing. I hope to clerk as well.

**Do you have a favorite vending machine snack after working for a vending machine company?**

Wow, that’s a very good question. Funions. I’m a big Funions guy. Oh, and also Welch’s fruit snacks, those are really solid.

**Do you have a favorite drink?**

Oh no, I’m chronically dehydrated, so I’m sticking to water lately. My mom *really* loves Diet Coke though—it’s the only thing she drinks.

**Do you think that had an impact on you? Developmentally or otherwise?**

It might explain a lot. Maybe? I’m not sure—I wasn’t there. Well, I guess I kind of was.

**What are some of your hobbies here?**

I really like walking and listening to podcasts. Recently, I’ve started playing chess with some other law students.<sup>1</sup> I also like bingeing Netflix. I’ve just finished watching *You*, as well as *Breaking Bad* (for the fourth time). I also really like music—I’m an indie pop fan, big concerts guy.

**Do you have a favorite season of *You*?**

I thought the second season was the best. The third just felt a little too predictable—I felt like I knew what was going to happen.

**Is there anything that really keeps you going in Law School?**

It’s gotta be getting outside, which is why I walk. Chess also helps, and my roommate and I have been playing some NHL Hockey lately.<sup>2</sup>

**Do you have any maxims that are really important to you?**

Oh wow, going from hobbies to life motives. Big change. I think mine is kind of cliché,

<sup>1</sup> Shout out to Parker Kelly '23.

<sup>2</sup> Shout out to Nick Stratman '23.

so I don’t really want to say it. But “control what you can control” is a really good one. My dad always tells me to not worry about something until it becomes a problem and not a second before. And I feel like it’s a good thing to live by—it helps avoid a lot of stress. Clichés are clichés because they’re good. Incidentally, I recently lost my passport. That is a problem.

**Alright, I think that it’s about time that we do a lightning round.**

**Spirit/favorite animal?**

Polar bear. I actually have a purple shirt of a polar bear that is, you know, kind of reflecting on its life and looking at the sky. They are kind of mean though, to be honest. Kind of vicious. People think they’re cute but, only from a distance.

**Pump-up song?**

Definitely “He’s a Pirate.”

**Biggest pet peeve?**

Sand.

**Why?**

It’s disgusting. It sticks to your body, it’s hard to get off, I hate the texture. What’s there to like? I mean sure, there are some good uses. But overall? No.

**If you could have a superpower, what would it be?**

Teleportation. It would remove a lot of inconvenience. I hate travel, I hate travel time, I hate planes. Especially being from the West Coast, it’s like a six-hour flight. I think most people would use teleportation for international travel, but honestly? I would mostly use it so I didn’t have to walk to school in the morning.

**Do you have a favorite word?**

I’m going to give you my favorite punctuation instead. The em dash. It’s the most versatile punctuation. You can use it for everything. It’s sleek.

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## The Libel Show is Still Looking to Fill Two Roles!

**Choreographer(s):** Choreographers have a lot of flexibility to set their own auditions and how they run practices. They will have to create 3-4 dances for the show. This is a fun, low stress job and the choreography can be pretty simple.

**Videographer(s):** Videographers film the sketches that are meant to be in a video format, usually 3-5 for the show. After filming, you will finalize and cut the videos together. During the show, the videographer will set up the camera for recording the show and will need to monitor it periodically.

Please email Lauren Johnson at [lnj6kq@virginia.edu](mailto:lnj6kq@virginia.edu) if interested and note any relevant experience. Also happy to answer any questions you have.



## Spring Semester TV and Movie Guide

Now, if you're like me you're counting down to your next hit of dopamine

Anne Reyna '23  
Staff Writer



or something that will aid in your procrastination from doing your Antitrust readings. If you can relate to this, you're in the right place. This semester is just getting started, and I'm already scrolling through my streaming services wondering when the next big thing is going to help me forget about all my responsibilities and keep me up until 4 a.m. While I'm not looking for anything life altering, it would be nice to be so encapsulated by a movie or TV show that I forget to check my email for a few hours. The bar is low. With that being said, I have compiled an extensive and all-inclusive list of shows and movies that should be worth your attention this semester.

So, let's start fresh, 2022. While we're already at the end of January, so much good content has premiered, and I cannot overlook it. This month brought a little bit of everything from drug-addicted high-schoolers in *Euphoria*, the resurrection of feared bounty hunter Boba Fett, and dark comedic superheroes in *Peacemaker*. All of which deserve your undivided attention. If you're looking for something

Carrying out their duties along the Ukrainian frontier, Russian troops surely grow

Will Holt '23  
Reviews Editor



impatient as they await the final order from Moscow. Of the more than 100,000 men stationed in this sector, I imagine a scarce few do not look upon the brewing conflict and feel a combination of agitation and anticipation. As much certainly is understandable. Few of them were alive to witness the breakup of the Soviet Union, and fewer still served a day in the Soviet Armed Forces. The tragedy of the Romanovs, the sorrows and triumphs of the Great Patriotic War, Sputnik, and even the '79 invasion of Afghanistan are but stories told in school and around the dinner table. Nevertheless, the Russian soldiers today menacing their Ukrainian kin see themselves as the modern incarnation of past generations who fought and froze on that same soil. Perhaps to our chagrin, this perception is rather acute. French, Germans, Poles, and others have used the open spaces of the Ukraine<sup>1</sup> as a

<sup>1</sup> "Ukraine" is the name of the existing Ukrainian state, whereas "the Ukraine" is the historical name for the region,

nearly perfect invasion corridor leading to the heart of Holy Russia. In the present day, however, the Russian army is not the reactive party, but rather the aggressor. The great corridor through Eastern Europe no longer points to Moscow or Petersburg, but rather to Kyiv—and beyond.

The Russian Armed Forces face a deceptively simple task: Cut through Southern Donbass in the direction of Donetsk, breakthrough in the north (perhaps as far north as Kharkiv), and in a classic pincer movement, envelope the tens-of-thousands of experienced Ukrainian troops currently deployed in the region. Having decapitated the Ukrainian army in the field, Russian forces would then be able to consolidate their gains east of the Dnieper or even pivot north to march on Kyiv. Such an encirclement, however, is far easier said than done.

The borders of eastern Ukraine create an artificial salient, or bulge, in the lines, giving the Russians easy and obvious access to the Ukrainian flanks and rear. No general with all of his faculties would simply allow his forces to become encircled—he of course would order a prompt and orderly retreat to a more defensible line. Should such a maneuver

used when its people lacked a sovereign nation of their own.

ver be attempted, the Russians would have to advance with sufficient speed and momentum to prevent the Ukrainians from disengaging and falling back towards the Dnieper before the trap shuts. The former can accomplish this task, but only with sufficient superiority in numbers and or firepower. Early estimations held that they would require 300,000 to half-a-million men to conduct an invasion and defeat the Ukrainians in the field. To the confusion of many, however, barely a third of that number have actually been deployed along the border.

One possible reason for this discrepancy is that Vladimir Putin does not intend to conduct a full invasion but rather, to quote President Biden, plans a "limited incursion." But this idea is the product of wishful thinking—a dream of "peace for our time." A force of 100,000 men is not a winning army. It is a liability. The Ukrainian government has mobilized more than 400,000 troops, and although many undoubtedly are but undertrained and underequipped reservists, that figure alone should give any Russian strategist reason to worry.

The more likely explanation for the low Russian troop numbers is that Putin has yet to reveal his full hand, leaving the rest of the world guessing as to the true disposition of

his forces and their intended objectives. Although perhaps politically advantageous, conducting an invasion while still mobilizing the bulk of one's own forces is a perilous mission—at least when the invaded party is a peer adversary. A defensive and overly-cautious enemy will likely miss key opportunities to hinder one's advance. Ukraine must not fall into this mold. If Russian troops cross the frontier, Ukrainian forces cannot afford to hesitate. Troops caught inside the salient must conduct an orderly withdrawal to more secure lines, ideally while a large mobile force launches a massive counterattack against the Russian right, near the angle in the border. By pulling back endangered units and threatening the Russian flank, the Ukrainians could temporarily gain the initiative and steel themselves for a more comprehensive and attritional defense. Unfortunately, this likely represents a best-case scenario. Ukrainian forces can surprise the Russians and halt their advance, but only temporarily. Russian technology, reserves, and foreign politics have already signed away Ukraine's sovereignty—if Putin is willing to pay the price for it.

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### BOOSTERS

continued from page 2

decree the callousness to those infortunate souls for whom the sickness did beget concerns most severe for their savety. Not all peple hath so muche privilege to be so unaferead of a disease which hath claimed the lives of milliounes throughout the world and created long-lastinge effectes on those who mercyfully survived. I declare that under-takinge the slight effort of innocuallcioun is not just a humanitarian dutie, but the only logical conclusion to reach with all avaiable science.

For those who foresake the plentiful giftes offren by societie, I simplie must say that I muste commit the crime of flatulence in thou generale direccioun. Hou darest thou bemoan the opportunitie presenten to thou. I suffren a needless and horrifyinge death and thou can assiste others in avoidinge similar fates, but proclaim it an injustice to do so by decree. Great shame upon thou and upon thine cattle and upon thine kin. Eache persoun with dignite and honour wouldst never questioun the wise edicts of thine lordshipes whomst are lokinge out for our all best interestes.

With muche displeasure,  
A concerned ghoust of times passed.

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there may be a few hidden gems if you like Tom Holland, Channing Tatum, Megan Fox, or another space disaster film, but don't be on the lookout for any blockbusters just yet in the year.

Now we come to March. This is where things start getting serious. Not only do we get the long awaited third season of *Atlanta*, Oscar Isaac making his MCU debut in *Moon Knight*, and Adam McKay (director of *Succession*) bringing *The Rise of the Lakers Dynasty* to our screens, but we also get possibly the movie of the year. Of course, I am talking about the one and only Caped Crusader, Defender of Gotham, the World's Greatest Detective, the Dark Knight himself, *The Batman*. With all that being said, I take back everything I said about remakes. Remake it all. Inject this movie into my veins and then make more. On March 4, we get Robert Pattinson portraying a younger and darker Bruce Wayne solving riddles for three hours while simultaneously teaming up with Zoë Kravitz playing Selina Kyle. What more could someone want?

Including all the content previously mentioned, we are also getting some major blockbuster television series towards the end of 2022. Streaming services are pouring absurd amounts of money into content that we can consume in less than a day, and personally, I love this for us. If you've

been waiting around to see what shows everyone, and I mean *everyone*, is going to be talking about this year, your time has come. Some people might be wanting to hear about the new *Stranger Things* season, *The Boys* season 3, *The Walking Dead* final season, or the new *Star Trek* shows, but I'm not here for small talk like that. I'm here to talk about possible generation defining content that we could see premiere in a few short months. I'm talking *Game of Thrones* redemption in *House of Dragon*. I'm talking Obi-Wan Kenobi himself gracing our screen again to take on his former padawan, Darth Vader. And I'm especially talking about the most expensive television show ever made, and the most anticipated prequel series possibly in history; the famous mythology of Middle Earth is coming to Amazon Prime this September in a brand-new *Lord of the Rings* project titled *The Rings of Power*. Strap in, because we are in for a hell of a year.