



# VIRGINIA LAW WEEKLY

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

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## Op-Ed: Afghanistan on Edge

Mason Pazhwak '23  
Events Editor

Twenty-three million people in Afghanistan, more than half of its population, are facing “extreme levels of hunger” according to the World Food Program, while 98 percent lack enough food to eat.<sup>1</sup> These alarming numbers represent another dark chapter for a country that has already been devastated by decades of war and instability, stunting the ability of many to meet their most basic needs.<sup>2</sup> Now people are being pushed from deep vulnerability to the brink of calamity as they try to survive the country’s brutally cold winter weather.<sup>3</sup> Desperation comes with this kind of extreme poverty, with some families selling what little material wealth they have accumulated at a deep discount, if they are lucky enough to have any at all, while others have been put at the mercy of predatory individuals who seek to take advantage of the misery by purchasing brides.<sup>4</sup> Millions have already begun to flee in search of a chance to survive, sparking another vast migration crisis, the effects of which will reverberate far beyond Afghanistan’s borders.<sup>5</sup> Millions

1 Hannah Bloch, *For Many Afghans, Winter is Forcing a Cruel Choice of Whether to Eat or Stay Warm*, NPR (Jan. 6, 2022), <https://www.npr.org/sections/goatsand Soda/2022/01/06/1069872384/for-many-afghans-winter-is-forcing-a-cruel-choice-of-whether-to-eat-or-stay-warm>.

2 *Id.*

3 *Id.*

4 See Christina Goldbaum, *Afghan Economy Nears Collapse as Pressure Builds to Ease U.S. Sanctions*, N.Y. TIMES (Nov. 27, 2021), <https://www.nytimes.com/2021/11/27/world/asia/afghanistan-economy-collapse-sanctions.html>. Associated Press, *Parents selling children shows desperation in Afghanistan*, NPR (Dec. 31, 2021), <https://www.npr.org/2021/12/31/1069428211/parents-selling-children-shows-desperation-in-afghanistan>.

5 Christina Goldbaum & Yaqoob Akbary, *Over a Million Flee as Afghanistan's Economy Collapses*, N.Y. TIMES (Feb. 2, 2022), <https://www.nytimes.com/2022/02/02/>

# A Private Conversation



Cover of Julia Dahl's latest novel.

Anna Brinski '23  
Executive Editor

### Content warning: discussion of sexual assault

“The details of whatever happened were gone from her mind, but present all over her body.” The opening scene of Julia Dahl’s novel *The Missing Hours* doesn’t pull any punches, depicting a college freshman as she wakes up and faces the aftermath of a sexual assault. The novel, and its genesis in Dahl’s past as a crime reporter, provided the topic for a Zoom discussion between Dahl and Professor Danielle Citron, titled “Intimate Privacy Violations and the Law.” Sponsored by the LawTech Center; Law, Innovation, Security, & Technology (LIST); and the Virginia Journal of Law & Technology, the discussion focused particularly on the aftermath of a sexual assault and how, as Dahl put it, “there’s not really any good choices when this happens to you.”

I logged onto this Zoom with a certain disadvantage: I hadn’t yet read *The Missing Hours*. Although the UVA Library System is very, very good, it takes a few days to turn around a book request, and I failed to plan sufficiently far in advance. But the discussion only confirmed that I would be reading this novel as soon as possible—and once I did get my hands on the book, I finished it within 24 hours. It’s both quite dark and hard to put

down.

Ms. Dahl began her career as a journalist, with a focus on sex crimes against women; she described a piece that she wrote years ago for *Seventeen* magazine, detailing the experience of a young woman who suffered sexual abuse by a relative. The young woman’s family didn’t believe her; neither did law enforcement. As Dahl covered similar crime stories, the pain—and seeming inevitability—of being disbelieved kept appearing. So did the inefficacy of turning to law enforcement in the wake of sexual assault; while working for a nonprofit that focused on criminal justice news, Dahl wrote a major piece on rape kits “languishing, going bad in freezers across America.” Some may yield a conviction decades after the assault, but most do not.

In the wake of the infamous 2012 Steubenville High School case, which introduced much of America to the upsetting fact that perpetrators of sexual assault could document that assault, and distribute that documentation with seeming impunity,<sup>1</sup> Dahl could not stop thinking about the experience of the victim and

1 After public outcry two juveniles were eventually convicted of rape; multiple adults were indicted for behavior that included obstructing justice, tampering with evidence, and making false statements.

her family. Since the assault took place in a fairly small community, Dahl imagined how every time you meet someone, “you would have no idea if they’d seen these pictures of you, in that traumatic, humiliating moment...I couldn’t get that out of my head.”

During her time writing about this kind of crime, Dahl reached out to Professor Citron,<sup>2</sup> trying to get a handle on why, in cases where intimate photos or videos were shared without the subject’s consent, law enforcement claimed there was nothing they could do. The conclusion: “The law had not caught up to what the crimes were.” While that has changed to some degree—Professor Citron mentioned New York’s 2019 criminalization of revenge porn—neither law enforcement nor lawyers come out of *The Missing Hours* looking great.<sup>3</sup> Professor Citron noted that Dahl’s work serves as education on the failures of the legal system

2 Ms. Dahl and Professor Citron are clearly huge fans of each other, which gave the conversation a really good dynamic despite its difficult subject matter.

3 It’s probably good for law students to periodically read books where at least one villain is a lawyer, to keep things in perspective.

## around north grounds



Thumbs up to the Superbowl this weekend. ANG is very excited to host a party for all of the forest creatures on Copeley, mainly as a way to collect leftovers to sustain ANG for the next 6 weeks of winter.



Thumbs up to Punxsutawney Phil. ANG aspires to have Phil’s power and be a har-binger of wintry woe (and also to have a cool hat like a groundhog handler).



Thumbs up to the *Law Weekly* staff members who came to meetings and produced this paper even without the inducement of pizza. ANG knows you’re the real ones.



Thumbs down to the mad rush of law students buying Barrister’s tickets as soon as they were released. ANG is slightly amused that law students would spend so much time in line just to buy an overpriced ticket to prom, but then again, ANG will be attending Barrister’s solo, like usual.



Thumbs down to the Virginia Department of Education tip line. Much like the UVA COVID tip line, ANG reminds everyone that “snitches get stitches.”



Thumbs sideways to Feb Club so far. Only six students made it through the first three days and stayed competitive to finish the Feb Club “Ironman.” ANG isn’t sure if that says more about the dedication of law students, or the qualities of the parties so far.



Thumbs sideways to the stand-off in Ukraine. ANG does appreciate a good peacock by all parties, but ANG would appreciate it if ANG could graduate before WW3 starts.



Thumbs up to Meta’s stock price freefalling. ANG never believed in Mark Zuckerberg as a benevolent overlord and is glad the world is coming around to ANG’s beliefs.

## AFGHANISTAN

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more will face the effects of extreme hunger, with countless children, who are particularly vulnerable, facing the emotional and developmental consequences of malnutrition.<sup>6</sup> Finally, millions may die as a direct or indirect result of this catastrophe, representing one of the greatest humanitarian disasters of our time.<sup>7</sup>

Several factors have contributed to this crisis, with the disruption of war, destruction of infrastructure, systematic corruption, a protracted drought, and long-term poor economic conditions all playing roles in the current predicament.<sup>8</sup> However, perhaps the most significant factor has been the nature of the U.S. withdrawal from Afghanistan and policy decisions made in the immediate aftermath. The completely unexpected, rapid collapse of the U.S.-backed Afghan government at the

[world/asia/afghanistan-migration-refugees.html](https://www.world/asia/afghanistan-migration-refugees.html).

6 Murteza Khaliqi, *Afghan children face death from malnutrition without intervention, advocates warn*, NBC News (Oct. 15, 2021), <https://www.nbcnews.com/news/world/afghan-children-face-death-malnutrition-intervention-advocates-warn-rcna3069>.

7 *Id.*

8 Goldbaum, *supra* note 4.

hands of the Taliban, as the U.S. withdrew, saw the longtime U.S. enemy assert unilateral control over the country.<sup>9</sup> This led policymakers to apply longstanding sanctions against the Taliban to large parts of the Afghan economy, with Afghanistan's banking system losing access to \$7 billion in foreign government reserves needed to maintain currency liquidity and many international banks ceasing any interactions due to the stiff consequences of a violation.<sup>10</sup> This caused the banking system to seize up, depriving millions of their deposits and bringing economic activity to a halt.<sup>11</sup> This was combined with

9 See Amanda Macias, *Secretary of State Blinken calls Taliban 'the de facto government of Afghanistan'*, CNBC (Sept. 13, 2021), <https://www.cnbc.com/2021/09/13/secretary-of-state-blinken-calls-taliban-the-de-facto-government-of-afghanistan.html>.

10 *Explaining US Sanctions Against Taliban*, VOA (Feb. 5, 2022), <https://www.voanews.com/a/ready-explaining-us-sanctions-against-taliban-/6427771.html>; Ellen Ioanes, *US policy is fueling Afghanistan's humanitarian crisis*, Vox (Jan. 22, 2022), <https://www.vox.com/2022/1/22/22896235/afghanistan-poverty-famine-winter-humanitarian-crisis-sanctions>.

11 *Id.*

the almost instantaneous cutoff of the substantial foreign aid that was a cornerstone of the Afghan economy that funded the vast majority of public expenditures, including the country's healthcare system.<sup>12</sup> This one-two punch had completely foreseeable, far-reaching consequences, with the economy now teetering on the brink of collapse.<sup>13</sup> The U.S. has since tried to make humanitarian sanction exemptions to ease the flow of relief into the country, as well as commit some funds to help with the aid, but much broader action is needed to avert a disaster.<sup>14</sup>

I understand the difficulty faced by U.S. policymakers in approaching the issue of the Taliban gaining access to resources and legitimacy if sanctions were eased and aid was increased. The group was warned of the consequences of seizing unilateral control, including a cutoff of aid, yet did so anyway, showing a disregard for the impact it would have on the Afghan people.<sup>15</sup>

12 *Id.*

13 *Id.*

14 *Id.*

15 Jacob Knutson, *U.S. envoy warns Taliban of global cutoff if Afghanistan taken by force*, Axios (Aug. 10, 2021), <https://www.axios.com/afghanistan-taliban-global-cutoff-afghanistan-force-6bbb638b-d7d0-45d4->

They also remain a deeply uncompromising group that behaves in ways that violate international norms in areas such as women's rights, and they should rightly be challenged for their abuses.<sup>16</sup> However, U.S. sanctions as they are applied now are a wrecking ball to Afghan society, punishing so many more people than the Taliban that they have become unduly cruel and harmful. In addition, the Taliban is a group which withstood twenty years of concerted effort by the international community, led by the most powerful military in the world, to destroy them. I find it highly unlikely that economic sanctions, which generally tend to have uneven effects everywhere they are applied, will impact their decision-making in a significant way.<sup>17</sup> Instead, the outcome we are seeing is mass starvation for the civilian population with few indications of concession. In addition, the U.S. has a special duty to the Afghan people irrespective of the government in power. The Af-

[a8d6-8e569f7182c9.html](https://www.a8d6-8e569f7182c9.html).

16 See Lindsay Maizland, *The Taliban in Afghanistan*, CFR (Sept. 15, 2021), <https://www.cfr.org/background/taliban-afghanistan>.

17 See Jonathan Marcus, *Analysis: Do economic sanctions work?*, BBC News (July 26, 2010), <https://www.bbc.com/news/world-middle-east-10742109>.

ghan people were made to rely on the aid we provided, and many believed in the stability of the system we built there. I am sure that if they had understood it would collapse so quickly, they would have taken steps to prepare themselves for the transition. Instead, they had faith in the competence of an American foreign policy and that the U.S. would not pull the rug out from under them. But instead, they have been rewarded by being literally and figuratively left out in the cold. A responsible U.S. drawdown, if it expected an eventual Taliban victory, would have slowly weaned the people off aid, created a banking system not so tied to ours so as to be completely debilitated by sanctions, and occurred in the spring so that people might have had a growing season to prepare for winter. Even if U.S. policymakers did not anticipate a Taliban victory that would necessitate building in an adjustment period, they nevertheless should have used targeted (as opposed to broad) sanctions and maintained public sector aid at least through the winter. Yes, the Taliban may have benefited from this, and it would have rewarded their bad behavior to some extent, but there would have been ample time to increase pressure later. The immediate goal of preservation of life would have been worth the cost.

President Biden ran on a platform of empathy and

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## Feb Club Kickoff and Feeling Euphoric

Recently, it has come to my attention that this esteemed newspaper has started to

Sai Kulkarni '23  
Culture Editor



garner criticism with our writing choices. Some say that this has become a form of media even worse than grocery store tabloids: a personal blog. I have heard some critiques from many people in the last two weeks that our fearless leader Phil and I have made this newspaper about our personal lives, partying, and content unappealing to the general public. To those critics I say . . . you are correct. That's right, I agree with you. I think the two of us write about ourselves every week. And to that, my only response is, at least we aren't turning this into some sort of Gossip Girl-style teatrag that insults people.<sup>1</sup> As a newspaper, the *Law Weekly* exists to *both* issue commentary *and* make you laugh. I enjoy writing about the partying culture at the law school; it's my actual title.<sup>2</sup> So if you read through all of that and decided to keep go-

1 I recently found out who Gossip Girl actually is and let me say, the showrunners were really lazy on that one. And honestly it makes no sense.

2 Culture Editor is such a refined title that I even put it on my resume.

ing, then clearly you want to hear about the kickoff to Feb Club.

Having never experienced the original event, my only experience leading up to Feb Club was the Summer Series this past June. Suffice it to say, I had a ton of fun then. I even wrote an entire article about it last semester. So, despite not knowing what Feb Club was actually supposed to look like, I was psyched for the series of events. I think in these times, we have to party as hard as we can. We have anywhere between 2.5 to merely 0.5 years left to enjoy ourselves and be young before either BigLaw or public interest work drains whatever remains of our souls, leaving mere husks working in the legal field. Therefore, it is simply "go big or go home."

The hosts of the first party<sup>3</sup> clearly took that phrase to heart. Feb Club is meant to be a series of parties that have their own themes. The men of the Thomson House chose their theme to be "drinking." While some may declare the theme lazy, I choose instead to label it appropriate. Simple and to the point. For a group that hosts people more often than the average house in law school, they really know how to prepare for a large amount of patrons. Over the course of

3 Alex Albert, Bennett Robinson, Sam Mirzai, Sean Hickey, and Woody Nimoytyn, all of the Class of 2022.

the night, there were likely over a hundred people walking through those doors, coming in waves from their own pre-games. With multiple boxes of . . . medium quality libations, everyone seemed to be provided for.

In my humble opinion, the party was exactly what everyone needed to set the tone for the upcoming month. There were people from all three classes mixing and mingling and actually talking to one another.<sup>4</sup> There were no expectations of dressing up, only \*gasp\* socializing. The freezing<sup>5</sup> temperature did not seem to dissuade people from spreading out and occupying the large deck and all areas of the house. The music was prime 2018 fraternity basement vibes—the exact energy needed for such a party. Much like most college parties, everyone came and went in waves. While I have no idea what time everyone finally called it a night, I can safely say that it was exactly what we all needed. Having already experienced one themed party, there is no doubt that this month will be full of good vibes and interesting ideas. But this simple house party was a perfect launch for

4 I actually spoke to some 1Ls. Apparently, they are normal people. Who could have known?

5 In this Florida Man's opinion, everything below 40 is freezing.

Feb Club. At the end of the day, this month is intended to bring us all together and connect disparate student groups. I cannot imagine a more equalizing experience than simply partying together like we are back in college. Hopefully everyone had a good time and will continue to do so in the month going forward.

Anne Reyna '23  
Staff Writer



If you weren't at Lambda's Euphoria party, you might have been the only one. This party had everything you could've wanted, with colorful lighting, loud music, a taco bar, and a wicked hangover in the morning. Like every good journalist, I took it upon myself to make this a night to remember by literally going around and getting quotes on the record from my ~totally in the right state of mind~ peers. Interestingly enough, some of my peers elected to only talk off the record or had no comment, for which I applaud them because they are already better attorneys than those individuals who did agree to speak with me. With that being said, I do have to disclaim that the views and opinions expressed in this article do not reflect the official policy or position of *The Law Weekly*. With all the legal talk out of the way, let's

dive right into all the pressing questions you guys want answered, like "how do I get this glitter off my face?" or "do I have a black eye or is this just purple eyeshadow?" Hopefully I can answer all of these questions and more.

Now, while the theme of the party was the popular HBO show *Euphoria*, after talking to a number of people, it's safe to say only about 10% of the partygoers had actually seen the iconic show. Being *The Law Weekly's* unofficial pop culture correspondent and an available-for-hire 'new age' media expert witness,<sup>1</sup> I was not thrilled to discover this. *Euphoria* is an expansive and immersive cinematic experience that is often a comfort show for many people. This is because they are able to sit down after watching an episode and think "well, at least this isn't my life," and this makes people<sup>2</sup> feel a little bit better about their own lives. With that being said, most people did have some idea of what the show looked like or was about from Twitter or TikTok, so as a huge fan of the show, the Lambda party was a huge success in my eyes and very on theme. I felt as though I had been transported to *Euphoria*, U.S.A. and I was indeed feel-

1 My fees are very reasonable, future trial attorneys.

2 Me.

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good judgment in American foreign relations, yet Afghanistan seems to be worthy of little compassion from his administration.<sup>18</sup> It is not too late, however, and U.S. investment could still help stabilize and preserve innocent Afghan lives.<sup>19</sup> Whatever our future engagement with the country, our legacy, after twenty years of sacrifice by countless American Soldiers, diplomats, and civilians, cannot be the disaster that is occurring. To allow that would be morally damaging and would plant the seeds of future instability in Afghanistan that, based on our recent history, we should well understand the danger of.

18 See Peter Baker, *Biden Ran on Competence and Empathy. Afghanistan Is Testing That.*, N.Y Times (Aug. 20, 2021), <https://www.nytimes.com/2021/08/21/us/politics/biden-afghanistan-withdrawal.html>.

19 See Ruby Mellen & Julia Ledur, *Afghanistan faces widespread hunger amid worsening humanitarian crisis*, WASH. POST (Jan. 24, 2022), <https://www.washingtonpost.com/world/2022/01/24/afghanistan-humanitarian-crisis-hunger/>.

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EUPHORIC

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ing euphoric.

While most of the esteemed women at this party understood the assignment and came dressed to the nines, some of the men were clearly struggling with the theme and looked like they were auditioning for *Oklahoma*.<sup>3</sup> Regular reader and even more regular contributor Jon Peterson '23 was thrilled to be at the party despite his outfit being inspired by a single Google search. "I got to see all my friends, I got to push through a bunch of 1Ls that I don't know, and I got pushed around by some of them too," claimed Jon.

I really couldn't have said it better myself, Jon, there was a great mix of classes there, ranging from the class of 2024 all the way to the class of 2022. It really was a party for all ages: even known older and wiser 3Ls Stanley Birch and Phil Tonseth made their way out on Saturday and were, and I quote, "vibing." And they weren't the only ones. Many people I spoke to that night commented that the "vibes were immaculate" or that the party "[was] a whole vibe." It's really great how nights

3 *Oklahoma* is a popular school play being produced by the high school drama department in *Euphoria*; when said men were asked if they were auditioning for *Oklahoma*, they all maintained they were not. This claim was not investigated further.

UVA Men's Basketball Nears End of Season

Out of respect for the *Law Weekly's* actual Sports Editor, I won't pretend to give you a

Dana Lake '23  
Production Editor



match report for the February 1 men's basketball game that is filled with things like "stats" and "knowledge." You can check out Jeff White at VirginiaSports.com for a great summary of that game and the overall season. This article has a more critical goal than pointing out career bests (Number 21 Kadin Shedrick, scoring thirteen points) and team highlights (UVA made twenty-six out of twenty-nine free throws). This writing is purely to encourage you to get to a game while you can.

Spring semester is the worst, no matter what year you're in. 1Ls are looking for jobs and applying to journals, 2Ls are taking as many credits as they can so they can do 12-and-12 their last year, and 3Ls are so mentally checked out they might as well be Big Law drones already. It's cold, it's wet, and Valentine's Day is right around the corner to disrupt the last of your emotional equilibrium. We are all Rose, looking for our bit of driftwood to cling to without regard for the Jacks we drown along the way. Some people grab onto Feb Club, others throw themselves into Libel. But for you folks who don't want to drink

and don't want to sing, there is UVA Men's basketball.

The student section is on its feet for the whole game, interrupted often enough with breaks and timeouts to be bearable for even the most sedentary law student. There's also a pressure-free section on the side for those who can't or don't want to stand but still want the hype of being surrounded by heckling undergrads. And boy, do they heckle. UVA fans know how to demoralize opposing teams and referees alike, with coordinated arm movements and chanting to drive the point home. There are a few traditions that are easy to pick up over the course of the first half, but there is plenty of room for ad-libbing your own jeers and cheers.

The energy in John Paul Jones Arena is hard to resist. Fitted with industrial-strength subwoofers and filled with cheerleaders and dance teams anytime the players aren't sprinting back and forth across the court, there are enough flashing lights and activity to take your mind off even the most pressing deadline. For two hours you can let go of the law and embrace the epic highs and lows of college basketball.

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Photo Courtesy of Dana Lake '23.

REMAINING HOME GAMES

VS. <b>GEORGIA TECH</b>	<b>Saturday Feb 12</b>
VS. <b>DUKE</b>	<b>Wednesday Feb 23</b>
VS. <b>FLORIDA STATE</b>	<b>Saturday Feb 26</b>

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:

Hi, I have heard generally about journal tryouts from other 1Ls, but I haven't heard much in terms of concrete, actionable tips that would help me during the process. I'm feeling a little behind. Is there anything I can do to optimize my journal tryout experience?

Answer:

Well, it makes sense why you haven't heard any "concrete, actionable tips" from other 1Ls. First of all, they haven't been through the process. More importantly, they are your competitors, so they have an incentive not to help you or, worse yet, to provide bad advice.

If there's any group of people that reacts strongly to incentives—even slight ones—it is people in the legal industry. Doesn't it seem odd that the vast majority of students do journal tryouts, despite having no interest in legal academia? That's because having the resume line-item, which will have little to no value for most people, *might* provide some edge during the job search. Meanwhile, professors who clerked for the Supreme Court suck up to 2Ls on the VLR managing board because it *might* provide some edge in getting their articles published. It is part of the

game.

In terms of "concrete, actionable tips," definitely start studying for tryouts. I would start by memorizing the Bluebook sections. I used flashcards, but Quizlet will do. You'll know you're ready when you can glance at a citation and know which rule to flip to.

For the writing part, there's a couple of things you can do. Personally, I did a few timed LSAT writing sections (like a dozen or so). It is like the journal tryout because it involves timed, persuasive writing on a prompt with two reasonable sides.

However, I learned a tip after my tryout that I wish I would've known earlier. First, pick any Supreme Court case decided in the last term, but don't read the opinion. Then, read the appellate briefs for that case. Pick four cases from those cited in the appellate briefs and read their opinions. Then, write a mock opinion for the original Supreme Court case. Time this so that you start reading and finish writing your paper over a weekend. If your reasoning looks nothing like the Supreme Court majority opinion, you should be in good shape. I promise this will not be an immaculate waste of time.

I hope you have as much

fun with journal tryouts as I did! It will be a weekend worth remembering.

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



# 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)

*3Ls v. Administration*  
74 U.Va 15 (2022)

TONSETH, C.J delivers the opinion of the court, in which KULKARNI, J., REYNA, J., BNINSKI, J., WUNDERLI, J., PAZWAK, J., and PETERSON, J.

BROWN, J. dissents.  
BIRCH, J. dissents.

**Facts**

Picture this. You're a spring semester 3L. You didn't learn until this past August that you'd need to take Professional Responsibility and the MPRE before graduation, let alone 6 practical skills credits. Luckily, you accidentally signed up for a course that filled the writing requirement as a 2L and the gunner you befriended out of sympathy as a 1L told you about the PR/MPRE requirement before it was too late. Coast is clear to graduate, right? In this sense, yes, without any help from the Administration. However, the claim brought today against the Administration is not for failing to properly notify students of graduation requirements. No, it is far more vile and hits too close to home.

To the simpleton, law school should teach someone how to sue someone else and how to become a lawyer. As nobody on this esteemed Court has learned the first, it is not surprising that today's claim arises from the second factor. Namely, the plaintiffs allege that the Administration conducted and continues to conduct a grievous breach of contract for failing to properly educate 3Ls on how to become legitimate lawyers. The 3Ls allege that through detrimental reliance, many are just now learning (including by reading this opinion) that

deadlines to apply to take the Bar, to submit their applications to pass Character and Fitness, and to complete the required pre-Bar courses' actually exist and happen before the 3Ls will graduate.

This complaint is not solely limited to Student Affairs, whose entire existence is to advance and protect the welfare of students. Nor does the buck stop at the Registrar's office, whose failure to properly warn 3Ls of graduation requirements is only the tip of the iceberg. This complaint, and the de-

pendants comprising the Administration, also include the Office of Private Practice (OPP) and the Public Service Center (PSC).<sup>2</sup> The 3Ls aim to take down the entire system, to which this Court is happy to oblige.

that tuition is in no way consideration. This argument is as whimsical and flimsy as the ban on drinking and eating unless a student is in ScoCo. Even if this Court were to find that there was no consideration, the 3Ls have posited a valid alternative. Under the caretaking doctrine, the Administration is tied to the success of each 3L becoming a valid lawyer by promissory estoppel. In either case, the 3Ls have detrimentally relied on the Administration to prepare them to become lawyers. The Administration further argues that their duty to prepare the plaintiffs to become a lawyer stops at graduation. The Court is receptive to this line of reasoning, almost. If the Administration wasn't quick to tout its clerkship numbers, frequently highlight UVA Law Grads, and solicit donations from alumni as soon as (or before) they

get their first check all after these alumni become qualified lawyers, the outcome of this case would be different. The buck stops here.

As the Administration has shown a penchant for piggybacking off of the success of its students post-graduation, this Court holds that their duty to prepare 3Ls to become legitimate lawyers extends until the 3Ls are officially sworn into the bar.

**Remedy**

The Administration has shown a clear and continu-

barred in D.C. or New York.<sup>3</sup> Therefore, this Court orders any of the named Administrators to create a checklist with the timelines for these two localities for the 3Ls. List what each 3L needs to accomplish to be qualified. The date and time of the bar in July (or January), the date to submit the Character and Fitness application, and how the Administration could help. With the amount of tuition the 3Ls have paid, there's plenty of money to go around to make this someone's full time job. It is so ordered.

BROWN J., dissenting.

The Court's complaints about the lack of guidance from the Law School about how one actually becomes a lawyer are based on a fundamentally flawed understanding of what law school is meant to do. We are not put through the rigor of doctrinal classes, awkward section events, unclear COVID restrictions, and exhausting Zoom networking events in order to learn "how" to be a lawyer, we do so to learn

3 While this opinion isn't about the death spiral that is OPP and BigLaw funneling junior associates to these two tax heavy major markets, just to burn them out, this Court abhors BigLaw, save the new matching salaries.

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*"As the Administration has shown a penchant for piggybacking off of the success of its students post-graduation, this Court holds that their duty to prepare 3Ls to become legitimate lawyers extends until the 3Ls are officially sworn into the bar."*

Analysis

The Court's analysis of the class action complaint is rooted in the law of contracts. The analysis from the plaintiffs is as follows. For a hefty and rising annual tuition fee, the 3Ls are trusting

1 Looking at you, New York, and your required pro bono hours.

2 Personally, I'd give the PSC a break. It's hard enough to find PI students jobs, let alone tell them the requirements to pass the Bar in whatever state they're lucky enough to find a job in. PSC can only do so much good for this world.

## Faculty Quotes

**T. Haley:** "Josh, save me from my increasing decrepitude."

**R. Harmon:** "We fought a war against marijuana, and marijuana won!"

**A. Bamzai:** \*Phone rings\* "Oh, I'm sorry about that. This is the second time this has happened to me in six years. I remember the first time because it was extremely embarrassing. It's less embarrassing now because it's the second time."


**K. Kordana:** "He seems like a pretty for-profit kind of guy."

**C. Jaffe:** "Who's taken admin law? Oh, a lot of you. Uh oh, that means I can't make things up as we go along."

**Law IT:** "Yeah so you have to hit start."

**R. Schragger:** "Oh, I have to hit start..."

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



## Virginia Law Weekly

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COPA

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how to “think like a lawyer.”

As with any worthwhile dissent, this is based on the original public meaning of “law school.” Early legal programs were not meant to instruct students on how to be lawyers, they were just meant to supplement a legal apprenticeship. When Judge Tapping Reeve established the Litchfield Law School in 1784, he did so to provide laypeople a chance to understand the law and to provide entertainment for his apprentices.<sup>4</sup> Law school then was understood to not be something meant to give practical skills, and that original meaning remains the case today.

Imagine what would happen if law schools actually tried to prepare all of us for a career in the law by building skills instead of telling us to go play softball. LRW would be graded, assignments would come periodically with little warning, and we might actually get told what a transactional lawyer does. This nightmarish world the majority hopes to bring in would push law school away from being an excuse to avoid getting a real job for three years into a trade school where we would learn practical skills.

<sup>4</sup> Attending a legal lecture as a form of entertainment may strike some as odd, a sign of how far our glorious profession has fallen.

The legal world has been intentionally designed to be unintuitive and difficult to navigate for lay people. Law school is not exempt from this reality, nor should it be. As we are about to enter a profession known for its complexity, we should not be coddled by the administration in any way even if it would make the lives of students measurably better with minimal cost to the institution.

For these reasons I respectfully dissent.

BIRCH J., dissenting.

The majority’s opinion in this case completely misses the mark and I vehemently dissent. I join in my colleague’s dissent but must write my own as well for two reasons. First, to remain relevant. Second, the duty claimed by the injured party is not a duty that exists, nor has ever existed.

The “contractual relationship” that is claimed can be boiled down to a simple exchange: a fancy piece of paper with your name on it in exchange for crippling student debt. Money for paper, that’s it. There are fringe benefits to having that particular paper, but that paper is what you are buying. To imply that the administration should be obligated to do a single thing more than this would upend the contract. Students have to put up with anything the

administration does in the three-year vesting period, but softball has been provided to drown out the sorrow.

The claim of “detrimental reliance” is even less substantial than the contract claim. Simply put, if a student relies on the administration or any of its subsidiaries, then they have dug their own grave. Much like going on a diet or trusting your ex when they say, “it won’t happen again,” reliance on something famously unreliable provides no basis for a claim. The students in question have been fooled once, twice, and 3L is the charm. You’d think they would have learned by now, but learning is not what law school is for.

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PRIVACY

continued from page 1

and can spur change. “But it’s bleak!” she exclaimed. “Did you think about having the police maybe help a little?”

Claudia, the protagonist of *The Missing Hours*, discovers that the perpetrators documented their assault on her. Characters variously attempt to contain, weaponize, and repurpose the video. Partially due to a prior less-than-flattering appearance on a reality TV show and partially because of society’s generally terrible treatment of sexual assault victims, Claudia knows that her obvious incapacitation during the assault won’t save her from being painted as a party girl who invited the violation, rather than as the victim of a crime. Ultimately, she turns to extra-legal means to exact a measure of revenge. Dahl explained that while she does not endorse her character’s decisions, and doesn’t think they’ll make her happy, the system she’s facing does not allow her any good choices.

Dahl expressed hope that someday we’ll reach a change in the legal system, where the *default* is for police and prosecutors to believe victims—and for prosecutors, when deciding whether to bring a case, to expect the same of the jury.

During the Q&A portion of the event, Professor Cathy Hwang noted that Claudia was a semi-public figure, and

that the novel could encourage people to feel comfortable asserting boundaries in the parts of their life that are documented and disseminated. Dahl added that privacy is not an all-or-nothing proposition: “Just because you’re an influencer, a movie star, a public person, doesn’t mean you’re not allowed to have privacy.”<sup>4</sup>

<sup>4</sup> For those interested: Throughout the discussion, Dahl recommended further reading, including *Know My Name* by Chanel Miller, *Is Rape a Crime?* by Michelle Bowdler, and *The Damage* by Caitlin Wahrer.

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HOT BENCH



James Ford '23

Interviewed by Nikolai Morse '24

**How does it feel to have been nominated by Sai and JP for this week’s Hot Bench?**

It’s about time! I’m one of the more eccentric people at the law school. I have an interesting background, views, and style.

**Tell me about that interesting background?**

I’m originally from Florida. I came from a pretty working-class family. Did poorly in high school and figured out that my best chance to get a good college education was in the UK, because they rely heavily on standardized tests. I went to the University of Dundee in Scotland, where I got a Bachelor of Laws. I was published, won Best Honours Dissertation, and graduated with First-Class Honours. My education there has given me a unique view on what the study of law is.

**How is your view of legal education different?**

Everywhere else in the world the law is considered an academic discipline. Similar to English, history, or philosophy. It is one of the humanities. So, the goal of your education is not to teach you a way of thinking, but rather to teach you what the law is in terms of its content and subject matter. The purpose is to be a legal scholar, rather than teach you common law reasoning, which I think is the goal of an American legal education.

**What do you think accounts for those differences?**

Two reasons. First, in Britain you’re expected to do an apprenticeship after law school, so the British legal academy expects you would get your practical training in that way. Second, you could probably trace the difference back to the emergence of legal realism in America and the idea that you can study law as a science by working through cases and deriving their rules.

**Do you believe the realist method is uniquely American?**

Interesting, because “Law AND”<sup>1</sup> is ascendant in the academy, but from a teaching perspective, we still follow the legal realist way. You aren’t told the point of the case ahead of time; you are asked to analyze it and derive the rule. The approach elsewhere is that the law is a distinct body of knowledge, and the way you learn it is by engaging with it.

<sup>1</sup> E.g., “law and economics,” “law and sociology,” etc.

**How is the structure of assessment different in the U.K.?**

You write more. Every class at my university had a paper which was 25% of your grade. And not a memo or case note, but a truly academic paper on a topic assigned by the professor. Sado-masochistic injury was historically illegal under the Offences Against the Person Act, and one of the papers I was asked to write asked whether it should still be illegal today—there’s an important normative inquiry. Your final is closed-book and handwritten. You’ll have some “problem” questions like we do here, but also questions on history and policy.

**Why did you come back to the U.S. for your J.D.?**

Originally, I thought I might want to be a legal academic, but I realized at a certain point that I did not enjoy writing legal academic papers and would want to be a practitioner. Since America’s legal market is substantially larger than Britain’s, and I am from here, it made sense.

**What are you doing this summer?**

I’m working for UVIMCO which manages UVA’s endowment. The endowment is huge—\$21 billion—so they do lots of interesting things. My work seems like it will primarily be reading a lot of contracts the university makes with companies it invests in. It’s very transaction-focused.

**I was told by some of my classmates to ask you about two (seemingly) unrelated topics: Communism and Tarot. Would**

**you care to elaborate?**

On communism: for me it comes down not to state control or centralization but unlocking human potential. Are people more free in a world where their lives are dictated by whether they are close to the imperial core or the imperial periphery, or would they be more free, creative, and capable of being more virtuous people if they didn’t have to live under that system? Currently in the U.S. there is an increasingly intricate system where upper-middle class families can send kids to the right prep school, the right universities, and to work for the right companies. The institutions of America have shown themselves to be incapable of dealing with this, because academics don’t want to talk about it and politicians are taking legal bribes from corporate interests.

Back to law school, the purpose of law school is not to teach you the law but to think like a lawyer. What is that, if not reproducing a certain kind of ruling class logic, to reproduce the method of thinking of those in power?

**Would advancing Communism be a long-term goal for you?**

It is actually federally unlawful to be a member of the communist party (though the law isn’t enforced), so it could be a problem if I joined a communist party before I pass the bar. The second problem is the financial aspect. My parents lost everything in ’08, so I have to earn some money. So, it’s important when you’re a leftist to think about how

much you’re allowing your career to impact your values.

**What about Tarot?**

Some people at the law school know that I give tarot readings. My mom did this when I was growing up, which got me interested. I was in Dundee one summer and I started reading a lot of theology, a bit of occult history, and started meditating on tarot cards. Not sure if they have any kind of power, but they are rooted in a really interesting Christian theological system. When you understand this, and how specific the meanings of the cards are, when someone comes and speaks with you it gives you a structured way of jumping off into a broader conversation.

**Alright, time for the lightning round!**

**Favorite food?** Oysters.

**Favorite class you’ve taken at UVA Law?** Trusts and Estates, with Johnston.

**Favorite place in Charlottesville?** Clark Hall.

**Favorite book?** *Moby Dick*.

**What is your spirit animal?** Octopus.

**If you could time travel, when and where would you go?** The Holy Roman Empire, around the 12th century. I would be really interested in studying feudalism on the ground.

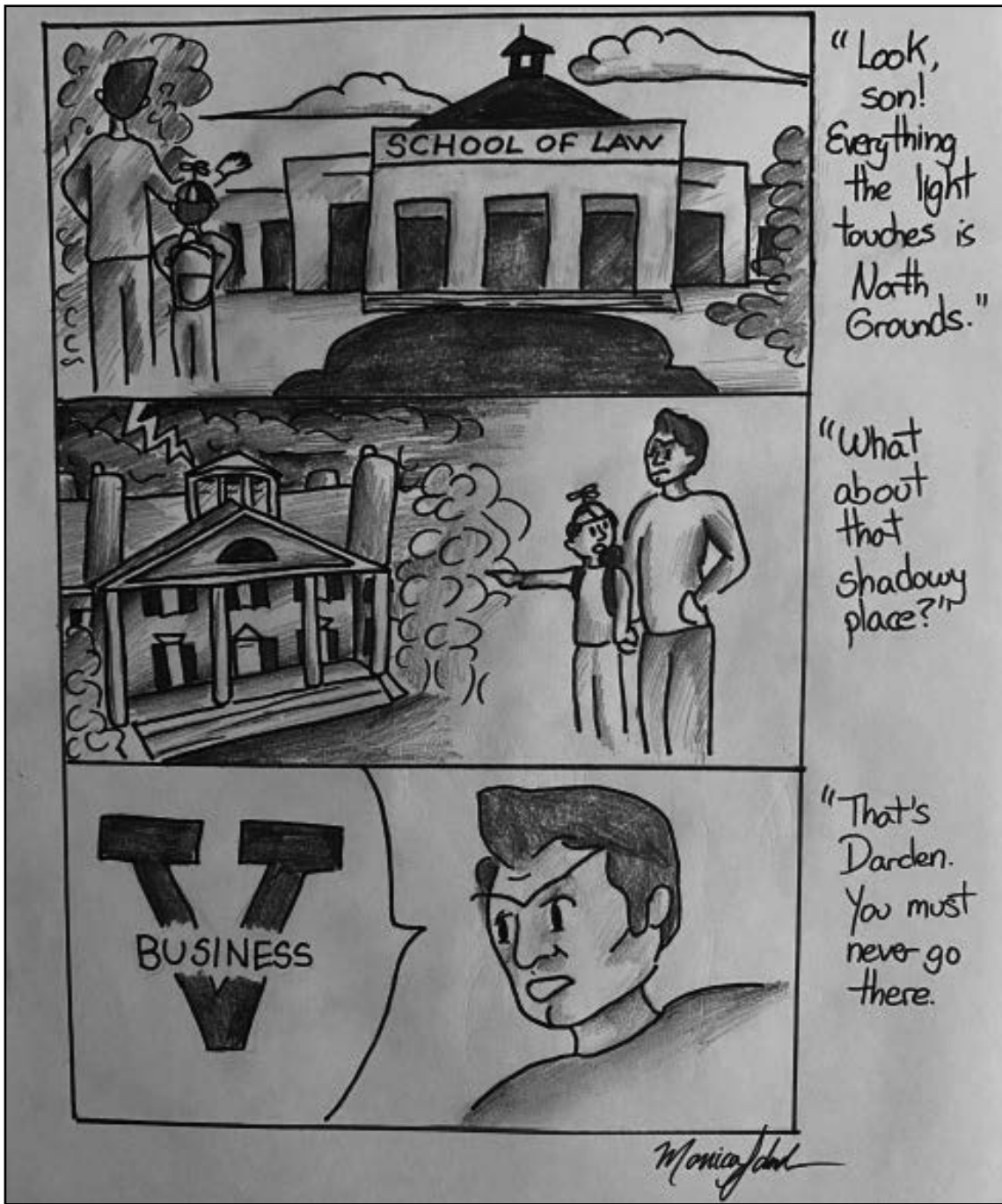
**Favorite place you have traveled to?** Sterling, Scotland.

**If you could pick one person to win the lottery, who would it be?** Myself.

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# Cartoon



Cartoon courtesy of Monica Sandu '24

# Sudoku

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

# Solution

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

Feb Club Calendar						
Sun	M	Tu	W	Th	F	Sat
<b>Rules:</b> 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!					Feb Club Kickoff	Lambda Presents: Euphoria feat. TORTS ILLUSTRATED
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	Disco Cowboy
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	Barrister's Ball
MENA: Hookah Event	JLSA Bar Mitzvah	BLSA's 70's Bash	DÜRTY KLÜB	Fed Soc Presents: Margbury vs Madison	LALO's "Tranquily Tropical"	DAS KLÜB
Beer Pong Tourney	All the Holidays We Missed					



**Congratulations to Gray Moeller '22 and Davis Metzger '24 who won the National Telecommunications Moot Court Competition at the Catholic University Of America School of Law!**

