



# VIRGINIA LAW WEEKLY

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

Watching Football is Good for Society.....	2
Do You Know Every Program on Your Computer?.....	3
Stay Away From Cold Calls.....	3
Court Of Petty Appeals.....	4

Wednesday, 7 September 2022

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

Volume 75, Number 2

## You Are at Risk of Developing a Substance Abuse Disorder

Dana Lake '23  
Editor-in-Chief

Oof, you might say. Rough article headline. Glad she's not talking to me.

Reader, I am talking to you. One in five lawyers drinks at a hazardous level, and the statistic is over one in three for some studies.<sup>1</sup> For many, the problem started in law school.

Substance abuse in law school is not a secret, but it is diminished in other ways. The idea of a work hard, play hard culture from big firms is easily translated to law school, where just about every social event is centered around drinking. SBA has made great efforts in recent years to specify that there are both alcoholic and non-alcoholic drinks available in their event notifications, and at celebratory events—like the Midway Toast for 2Ls—the Law School makes festive non-alcoholic options available. But the truth remains that alcohol is a major part of the social scene for most people in the legal field.

Recent summer associates can certainly attest to this. Your firm will cover the bill for drinks at every event they host, and you will be encouraged to participate. For people worried about a return offer, the pressure to be considered fun and a good sport—that is, someone willing to do shots with the first years—can be overwhelming. The stress of a difficult job where you spend almost all of your time with your coworkers in something of a bubble exacerbates the risk of problem drinking, and it doesn't fade with an offer in hand. Studies show the heaviest drinkers in law firms are junior associates.<sup>2</sup>

All that is to say, now is the time to define your relationship with alcohol. Not when you get the offer, not when you graduate, not when you finish studying for the bar—creating healthy boundaries can start today. The Virginia Judges and Lawyers Assistance Program has a self-as-

1 <https://www.therecoveryvillage.com/alcohol-abuse/alarmed-alcoholism-rate-lawyers/>

2 <https://medium.com/exploring-sobriety/do-law-schools-encourage-excessive-drinking-effd06dec699>

Substances page 2

## Professor Frampton Receives \$86,000 in Civil Rights Suit



Pictured: Professor Thomas Frampton

Jacob Smith  
Professor Liason Editor

It took well over a year, multiple Zoom hearings, complicated Federal Courts issues, and hard work by a handful of dedicated civil rights lawyers, but Professor Thomas Frampton finally prevailed in his tangle with the City of Baton Rouge. On August 24, the city's Metropolitan Council approved a settlement award promising to dismiss contempt charges against Professor Frampton and paying \$86,000 in legal fees—a sum that could have been completely avoided had the city been willing to apologize.

This episode began when Professor Frampton was blindsided with contempt charges last May. Professor Frampton had successfully represented Clarence Green in a civil rights lawsuit against the Baton Rouge Police Department based on an unconstitutional strip-search of Green and his brother and a warrantless entry into his mother's home. The case settled for \$35,000. After the settlement, Professor Frampton released body camera footage on behalf of the Green family in an effort to hold the police officers accountable for their conduct. The next day, Professor Frampton was surprised to learn that the Parish Attorney for the Parish of East Baton Rouge had filed a petition seeking to hold him in contempt for releasing the video. If the contempt charges succeeded, Professor Frampton could be jailed for up to six months.

The contempt charges

were based on the premise that Professor Frampton had released records of a juvenile criminal proceeding without authorization. But it was easy to smell a rat, in part because a newspaper had paid the clerk's office a small fee to obtain the same video. Professor Frampton immediately began reaching out to contacts and put together an impressive legal team. Professor Frampton's lawyers quickly sent the Parish Attorney a demand letter. When that did not succeed, they filed a § 1983 lawsuit in the U.S. District Court for the Middle District of Louisiana, alleging that the contempt proceeding was brought in retaliation for protected First Amendment speech.

Professor Frampton spent the Fall 2021 semester waiting for the federal district court to decide his motion for a preliminary injunction and the Baton Rouge defendants' motion to dismiss. The court finally announced its decision this January. It denied the motion to dismiss and granted a preliminary injunction in a careful ninety-two-page decision. But despite wading through the intricacies of *Younger* abstention and the preliminary injunction test, the opinion had a clear bottom line: The record was "replete with evidence" supporting the conclusion that the contempt charges had been brought because of the Parish's "bad faith motive to retaliate." The court concluded that Professor Frampton had engaged in no criminal activity, and that the Parish had "no hope or reasonable expectation of obtaining a

valid conviction."

Given that one-sided outcome, one would think that Baton Rouge would have been eager to put an end to the litigation. But it dragged on. The city filed an answer. Then Professor Frampton filed a motion for summary judgment, and the city countered with its own summary judgment motion. But eventually, the city "realized the writing was on the wall," and the parties brokered an agreement through a series of meetings before a magistrate judge. Baton Rouge agreed to dismiss the contempt charges and pay \$86,000 in attorney's fees.

While the protracted nature of the litigation might raise an eyebrow, the city's negotiating stance was even more questionable. Professor Frampton offered to settle the case for nothing more than dismissal of the charges and an apology to him and the Green family. But the city refused, instead preferring "to set \$86,000 of taxpayer money on fire," in Professor Frampton's words. Professor Frampton almost showed up to the council meeting that approved the settlement to denounce it, but his lawyers wouldn't let him.

Now, at last, the contempt charges have been dismissed, and Professor Frampton is rid of what was a very unwelcome distraction. Professor Frampton is glad he will not have to ask Dean Goluboff's permission to teach on Zoom from a jail cell. But he also expressed frustration about charges that should never have been

Frampton page 2

## around north grounds



Thumbs up to Section H winning Dandelion, which is a direct shortcut to getting on the SCOTUS clerk shortlist.



Thumbs up to Student Affairs starting Tuesday Talks. ANG loves complaining and loves complaining to Student Affairs specifically.



Thumbs up to new COVID Boosters, available at Walgreens.



Thumbs down to learning that Lucky Charms were originally made from orange circus peanuts and Cheerios. ANG's comfort cereal is forever ruined.



Thumbs down to iLs who haven't sent in professor quotes. ANG is still waiting to see proof of your suffering.



Thumbs sideways to appointing a Special Master in the Trump Mar-a-Lago State Secrets case, an objectively cool name for what amounts to simple obstruction.



Thumbs sideways to the beginning of softball season. ANG likes having something to watch from ANG's perch in the trees but cheering makes ANG nervous.



Thumbs up to people who put profile pictures in Canvas. ANG appreciates being able to figure out what your name is without having to have social interactions with you.



Thumbs down to the mandatory student loan meeting on Wednesday. ANG never plans on graduating so ANG should not be forced to understand things like "interest payments restarting" and "crippling lifelong debt."



Thumbs up to having class on Labor Day. ANG fully supports adjusting students to the incessant demands of Big Law as early as possible.

# UVA Football Season Opener Watch Party

Jonathan Peterson '23  
Co-Executive Editor



On Saturday, September 3, I attended a watch party for the first game of UVA's football season. The Cavaliers were playing the Richmond Spiders, and, considering the football behemoth that is UVA's program, attendance and spirits were high. The event, hosted by three different organizations,<sup>1</sup> was held in Kardinal Hall's back room.<sup>2</sup> Nadia Doherty '24 said that it was the fact that the three great organizations were bringing spirit to the Law School that got her out to Kardinal Hall. Although, the free food also played a role, she admitted. The full buffet line of sides definitely drew a

1 The Virginia Sports and Entertainment Law Society, The Virginia Bar Association, and Southeastern Wahos all participated in organizing the event.

2 I had actually not thought this possible after a notorious Law School/Med School mixer that took place last year, much to Kardinal Hall's chagrin. In fact, I never expected to see an official Law School event back at Kardi. Those of you who get it, get it.

## Substances

continued from page 1

assessment that can be a good place to start.<sup>3</sup>

If you have Professor Mitchell for PR, then last week you read the excellent article by David Jaffe and Janet Stearns about the movement to change the Character and Fitness questions bar exams are allowed to ask their applicants.<sup>4</sup> The American Bar Association and Conference of Chief Justices have both resolved that improving the well-being of the legal community is a priority, and improvement can start with changing how mental health diagnoses and substance abuse disorders are weighed when evaluating a person's ability to practice law.

The simple idea is that when disclosing a diagnosis has perceived negative consequences, people are less likely to disclose. And in the legal field, where disclosure and honesty in the bar and law school applications are hammered home so strongly, people are less likely to get diagnosed in the first place. Though only a handful of people fail to get licensed based on character and fitness evaluations every year (less than 1 percent of Cali-

3 <https://vjlap.org/students/>

4 *Conduct Yourselves Accordingly: Amending Bar Character and Fitness Questions to Promote Lawyer Well-Being*

lot of people over, the author of this piece included (everybody loves the Kardi brussel sprouts). Add on a food tab of around \$1,500—which, rumor has it, was entirely used up by the end of the event—and you've got yourself an incentive to attend. Take note, all ye orgs of low attendance—food can turn even the most introverted of 1Ls into an extrovert for an hour. Suffice it to say, as with most events that include good drinks, free food, fun people, and mediocre football, the vibes were immaculate. And, to top things off, the Cavaliers won!

While at Kardinal, I was lucky enough to speak with representatives from each of the three organizations. I spoke first with Conor Rooney '23, the president of the Virginia Sports and Entertainment Law Society. After giving me a run-down on who was responsible<sup>5</sup> for the phoenix-like rise to prominence that VSELS has had this semester, I asked Rooney what he was most excited for in the organization's future. "Soon, we'll be co-hosting an event with the Virginia Law and Business Society," Rooney said. "The chief legal counsel of

3 Vice President of the Treasury David Kinnaird '23, Vice President of On-Campus Events Sean Onwualu '24, and Professional Development Vice President Derek Hitz '24.

fornia state bar applicants, for example),<sup>5</sup> the culture of fear around the bar has a significant impact on how willing law students are to seek help.

The stigma around mental health is changing, and updating C&F disclosure requirements is only one part of that. The role of law schools is also expanding—at the University of Virginia, the UVA Collegiate Recovery Program is a community of support for anyone "in recovery, an ally, or just sober curious."<sup>6</sup> They meet Wednesdays at 6 p.m. at 550 Brandon Avenue, no RSVP necessary (with free food and coffee). Student Affairs is also available to law students—Dean Davies and the Office of Student Affairs are a resource law students can lean on for help managing classes and professors if they are in a crisis, or for getting assessed and into treatment.<sup>7</sup>

5 <https://www.reuters.com/legal/legalindustry/fake-lawyer-real-question-do-bar-morality-requirements-serve-purpose-2021-11-23/#:~:text=For%20most%20people%2C%20it's%20a,%20bar%20spokesman%20told%20me.>

6 <https://crp.virginia.edu/>

7 <https://www.law.virginia.edu/wellness/alcohol-and-substance-abuse>

---  
dl9uh@virginia.edu



Pictured: Christian Carlow '24, Dierdre McDonough '24, & Conor Rooney '23

Netflix will be coming and doing a lunch Q&A with our students. I think that should be really exciting, as he's a UVA graduate who really wants to talk to students. That should be happening in two weeks." Rooney went on to say that he was excited to continue similar programming. In addition to this, VSELS is hoping to host more informal events, like tailgates and more football watch parties. Interested individuals may reach out to Rooney directly at his email, [cjr7cs@virginia.edu](mailto:cjr7cs@virginia.edu).

Next, I spoke to Dierdre McDonough '24, the president of the Virginia Bar Association.<sup>4</sup>

4 She would like all 1Ls to be

VBA is an "organization for networking and connecting people with opportunities if they would like to work in Virginia after graduation." It's this connection that brought VBA, VSELS, and Southeastern Wahos together at the event—a love for Virginia. VBA also has some exciting things planned for this year—not only is there a new advisor, which should lead to some incredible events for the organization, according to McDonough, but there was also a huge turnout at the activities fair, meaning that the club is back and better than ever. Plans include meetings with professionals all over Virginia, as well as an upcoming general body meeting. For those interested, please reach out to McDonough to get on the list-serve by emailing her at [zfc7wu@virginia.edu](mailto:zfc7wu@virginia.edu).

Finally, I spoke with Chris-

firmly aware that they do *not* have to join VBA, despite an apparent mix-up between SBA and VBA (neither of which have mandatory attendance, for the record). It's okay, 1Ls. It only gets harder from here!

5 Can we talk about how the School seems to have abandoned using initials in emails? How in all that is holy does "zfc" relate to "Dierdre McDonough" in the slightest? Sincerely, jtp4bw.

tian Carlow '24, the president of Southeastern Wahos. "With great power comes great responsibility," were some of the first words that Carlow had to share with me, signifying an illustrious reign and a prosperous future for those looking to practice in the Southeast during Carlow's time at the helm. Carlow described the event as "a fun time with three fun clubs," which the author of this article firmly agrees with. Carlow and McDonough share territory hiring-wise, or as Carlow put it, "have concurrent jurisdiction over Virginia," so any who would like to be hired in the area should reach out to them both. Southeastern Wahos started over COVID, but this is, according to Carlow, the year that Southeastern Wahos "reaches Lone Star Lawyers level." The plan begins with a new website—[sewahoos.com](http://sewahoos.com). Others who are interested can reach out to Carlow directly at his email, [cc4bn@virginia.edu](mailto:cc4bn@virginia.edu). And if you loved Southeastern Wahos' Durty Nelly's Feb Club night last February, expect similar programming going forward from Carlow. He knows what the fans want.

And remember, in the wise words of Jeremy Kass '23, "secrets are what we want them to be." Deep stuff happening at Kardinal Hall.

---  
jtp4bw@virginia.edu

## Frampton

continued from page 1

filed, and bad actors that will probably never have to answer for their misconduct. Unfortunately, it's unlikely that Baton Rouge voters will pay attention to settlements like this one and hold their representatives accountable, although Professor Frampton and the Green family are still suing one of the officers involved in the original incident.

But Professor Frampton also reiterated that the litigation was a "really educational experience." How many lawyers (let alone law professors) can think back on personal experience as a civil rights plaintiff and criminal defendant? The episode certainly makes for a great story that will "definitely feature in future classes." But as Professor Frampton continues representing pro bono clients, he is hopeful that fresh success stories will quickly overshadow this one.

---  
[js3hp@virginia.edu](mailto:js3hp@virginia.edu)



# #EATPIZZA

## MIX OR MATCH ANY 3 OR MORE

**\$6.99 EACH** 9222

- MEDIUM 2-TOPPING PIZZAS
- BREAD TWISTS
- STUFFED CHEESY BREAD
- OVEN BAKED SANDWICHES
- 8PC BONELESS CHICKEN
- 6PC BONE-IN WINGS
- SPECIALTY CHICKEN
- MARBLD COOKIE BROWNIE
- 3PC CHOCOLATE LAVA CRUNCH CAKES
- PASTAS OR SALADS

BREAD TWISTS  
CHOOSE FROM:  
• CINNAMON  
• PARMESAN  
• GARLIC

Delivery charge may apply. Not valid with any other offer. Limited time offer. Handmade Pan Pizza & Bread Bowl Pasta E!

We Are **HIRING DRIVERS**

*Flexible schedule*  
Work as little as 4 hours per week!  
Drivers take home cash daily &

Drivers average \$15-25 per hour

APPLY ONLINE AT [JOBS.DOMINOS.COM](http://JOBS.DOMINOS.COM) OR  
TEXT "PIZZA" TO (434)404-4400

FREE KINDNESS WITH ORDER

CHARLOTTESVILLE  
434-971-8383  
1137 MILL MOUNT ST  
CHARLOTTESVILLE  
434-970-7777

ORDER ONLINE from **DOMINO'S**

# Five Common Programs You Should Be Using (But Probably Aren't)

Caleb Stephens '23  
Technology Editor



If you're like most of us, you probably have a few programs that you use on a regular basis on your personal computer. Among these are Microsoft Word, your browser of choice (see *Virginia Law Weekly*, Volume 74, No. 16, p. 2), Excel (if you took that Corporate Finance class), and maybe Adobe Reader (but hopefully a better pdf reader that isn't run by Adobe).

But what if I told you there are other tools out there that are *already on your computer*?

Unfortunately, this guide is mostly for Microsoft users. I know, I know. You probably *are* more adept than those Mac folks, you know how to use things that aren't just the default programs, and you might even have customized your device. But there are still some applications you probably don't know are even *on* your device. (My apologies to Mac users, but I don't know of similar tools on a Mac, so, after debating whether to research that, I decided to just warn you that you'll probably use a Windows machine in your professional life anyway, and you should just get

used to it.)

## Notepad

Notepad is one of my favorite applications. In essence, it's a very basic word processing program. When you click on the icon, you get a white box, into which you can type. And then you can save the file after you've typed in it.

"But Caleb," I can hear you asking, "why would I use that instead of Word?"

Good question. Sometimes Word is just too much. It's very difficult to minimize Word to a tiny box that you can type in while looking at a different program, due to all the useful tools at the top, like the font choices, paragraph options, and the myriad of tools that Microsoft has kindly included. Notepad has four buttons at the top: File, Edit, View, and Settings. Each gives you exactly the options you would expect from your training on Word. I like to use Notepad when I'm working on an Excel sheet, or taking notes during a phone call when I need to reference a pdf, because you can resize Notepad to whatever size window you want without messing up the text, and without worrying about margins (although enabling word wrap in settings makes this much easier). Notepad is perfect for taking notes, and

if you want to copy the notes into something that looks nicer later, go right ahead.

## Task Manager

This is where things get a little bit more complicated. If you use your computer for multitasking, you've probably noticed it beginning to overheat at times, having trouble loading an internet page, or running the internal fan until it starts to sound like a Boeing 747 beginning takeoff. Well, Task Manager is here to help. Task Manager can easily be accessed by hitting Ctrl + Alt + Esc on the keyboard (or by searching "task manager" and pinning the icon to your taskbar). It displays all processes the computer is running and can easily show you what is clogging up your computer's computing power. If you right-click on the problematic program, it will give you the option to "end process," which will force-close the program. Don't do that if you need to save something on the open program, obviously. (I claim no responsibility for using this power recklessly, so just remember that with the power to recklessly end programs comes the power to accidentally close Word without saving your last changes).

## Calculator

Yes, you probably have one on your phone. Yes, it

probably has loads of functions and is easier to use. But the standard Windows calculator program has far more in it than you would ever expect. In addition to standard calculations from a scientific calculator, it can also automatically perform conversions, telling you that there are 9,072,000 seconds, 105 days, or 2,520 hours in fifteen weeks; 4,046.856 square meters, 4,840 square yards, or 0.37 soccer fields in an acre; and 116.73 Albanian Leks in a dollar. It can graph functions (if you're *really* into math), tell you how to convert 42 into binary (0100 0010), or tell you that there are thirty-one days between September 7 and October 8 (the start of Fall Break). I only began researching the use of the calculator when my summer firm sent me a training video of tips and tricks for the practice of law and specifically called out the humble Windows calculator as essential for determining the exact date that briefs were due under the Federal Rules of Civil Procedure.

## Snipping Tool (Snip & Sketch for older OS)

This tool is one of my commonly-used programs for communicating with others. With an icon shaped like a pair of scissors, Snip & Sketch lets you simply open

the program, click "New," and click and drag over the part of your screen you want to screenshot. You can then save that image, mark it up, share it, and disseminate it however your heart desires. I mostly use Snip & Sketch for taking quick screen grabs to show someone else what I'm seeing (frequently IT people, who will want you to save images of error messages).

## Settings

Yes, the last entry is just your settings on your computer. Yes, Macs have this too. But rarely do most people open their settings and actually adjust them. Each computer will have a slightly different settings menu, depending on the model, but generally, tweaking a few settings will make some tasks much easier. Every so often, I like to go in and check my display settings, make sure that I have the brightness settings the way I want, and check the focus settings, what time zone my computer is in, what my automatic update settings are, how my notifications are delivered, and (essentially) how long it takes my screen to time-out. Who knows, you may discover your new favorite feature when you dive into your settings.

---  
cs8ws@virginia.edu

# Quick Tips for Avoiding Cold Calls

Will Holt '23  
Opinions Editor



What scared you the most about entering law school? Finding a job? The workload? Making Law Review, perhaps? Well, the answer to this question naturally varies from student to student, but I am confident that (nearly) all of my readers have also worried about one particular quirk of the Socratic method from time to time—the cold call. Like thunderbolts from Hell, these aggressive and unwelcome inquiries strike every law student, especially during his or her first year. They are inevitable, but not necessarily unmitigable. Students can adhere to certain key practices to reduce the chances that they will be called upon and required to answer. These following methods work by either rendering the student employing them a less obvious target for a call or by deflecting attention away from the question, making a reply unnecessary.

1) Don't be that guy. Most first-year classes are large and filled with innocent, bright-eyed idealists who are eager to catch the attention of their professor and prove that they are the brightest pupils in the room. They are misled. Being a law student necessitates accepting



Pictured: Where You Should Go in the Case of a Cardiac Event.

that there is always someone smarter, someone more knowledgeable, or someone more articulate. Fighting this reality by painting a target on oneself is just bad form. By trying to catch the eye of an instructor, a student will become one of the first names that pops into that instructor's mind when he or she thinks about lobbing a cold call. It's simply better if professors don't know one's name at all.

2) Don't seek out eye contact, but don't avoid it, either. It is a cliché, I know, but it is true that eyes are the windows to our souls. If a student repeatedly makes eye contact with a professor, the former's face and seating position will become more prominent in the latter's mind. Professors are (technically) human, and

they aren't inclined to pause class just to mull over who, exactly, is the best candidate for a surprise interrogatory. They make snap decisions that are heavily influenced by their unconscious, which itself is heavily biased on the basis of familiarity. Unfortunately, this doesn't mean anonymity is a bullet-proof defense. Professors can smell fear, and if they sense that a student is trying to avoid eye contact, their predatory instincts will kick in, and they will eventually call on him. In a way, avoiding eye contact actually attracts the attention of professors more than does seeking it out.

3) Do not bring a mouse to class. To be clear, I am not talking about the fuzzy and adorable rodents that snakes find so tasty (I have never heard of a student who

brought a pet mouse to class and was cold called as a result) but rather the kind of mouse that plugs into one's computer. Most upperclassmen will only mention typing speed and frequency when a 1L asks them how professors identify students using their computers for non-scholastic purposes. I disagree with this conventional wisdom, at least to an extent. Professors are smart individuals and generally recognize that students have different note-taking styles. Some transcribe every word that comes from professors' lips, whereas others only note the most critical and insightful information. A student that rarely types is not necessarily slacking off, provided that he or she looks up at least occasionally, and a student who types nonstop is not necessarily chatting with a dozen friends. A mouse, however, shows the professor exactly how a student engages with his or her computer screen. A lot of clicking indicates transitioning between many different webpages, and a lot of scrolling indicates a lot of reading—neither are good signs to a professor who has done nothing but lecture for an hour straight. Trust me. Just avoid giving off these signals entirely by sticking with a trackpad.

4) Feign a minor cardiac event. If one's name has been called and a particu-

larly nasty question levied, it is natural to assume that the die is cast. But this is incorrect. As with contracts, there has to be the assent of both parties. The key is to avoid giving such assent while steering attention away from the question, so as not to hurt one's participation grade. Put otherwise, one needs a diversion, and nothing is a better diversion than a medical emergency. Minor cardiac events tend to have fairly easy-to-feign symptoms (chest pain, shortness of breath, etc.), are presumed to be dangerous, and moreover, are hard to dismiss as fake without the administration of a number of tests. They thus are excellent at distracting a class long enough for any cold call to be forgotten entirely.

5) Feign a major cardiac event. Sometimes, a little tightness in the chest won't cut it. One may find himself or herself at the mercy of a particularly determined instructor who simply won't take any excuses whatsoever. In these moments, there really is but one way out—to jump out of one's seat, clench one's left arm, and cry, "I'm coming, Elizabeth!"

---  
wjh4ew@virginia.edu



## 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 [dl9uh@virginia.edu](mailto:dl9uh@virginia.edu)

*2Ls Who Are Way Too Eager to Post on LinkedIn v. Everyone Else*  
75 U.Va 2 (2022)

MORSE, J., delivers the opinion of the court, in which LAKE, C.J., PETERSON, J., KULKARNI, J., D'ROZARIO, J., BNINSKI, J., GRUBBE, J., and BROWN, J., join.

WALSH, J., dissents.

Morse, J., delivered the opinion of the court.

### I. Factual and Procedural Background

This time of year, the Law School is alive: The hallways are aflutter with the pitter-patter of 1Ls scurrying between classes and club orientations, Courts & Commerce is slinging textbooks like a ticket scalper at a Billy Joel concert, and 3Ls are leaning hard into BigLaw life by spending inadvisable amounts exclusively eating out or ordering UberEats. But all these activities pale in comparison to the frenetic pace of daily LinkedIn posts from 2Ls by the dozen announcing their newly secured 2023 summer associate positions and loudly proclaiming for all the world that they are, officially, future lawyers.<sup>1</sup>

Seeking refuge from this career-centric social media cacophony, the remaining 1,000-plus members of the UVA Law community who are not 2Ls<sup>2</sup> brought suit in the District Court of Petty Complaints, seeking an

1 So long as you don't do something crazy during your summer, like use firm resources to attempt to file a frivolous lawsuit against your lifelong nemesis. I'll find another way to get you, Stephen Colbert.

2 As well as the 2Ls too shy or, like yours truly, too confused by technology to actually figure out how to post on LinkedIn.

injunction. The District Court, agreeing wholeheartedly that "this stuff is awful" and commenting that "Covington rejected me, but they gave Alfred<sup>3</sup> an offer?!",<sup>4</sup> ruled in favor of the non-2Ls and granted the injunction.

Respondents won a reversal on appeal to the Circuit. Agreeing with the LinkedIn Stars' impassioned free-speech arguments,<sup>4</sup> the Circuit Court reversed the District Court's decision and lifted the injunction.

The non-LinkedIn 2Ls appealed to this Court, and we

A.

Is there anything wrong with being proud of a significant accomplishment? Absolutely not. But if there is one thing that I learned from the truly voluminous critical feedback I received on my final 1L LRW brief,<sup>6</sup> it is that you should choose your words carefully. Having just completed OGI, many members of the 2L class are eager to share their successes, and given our well-documented social media addiction, 2Ls feel the need to share on LinkedIn. As Respondents point out, it is the tone,

*"The...issue is clearly annoying Gunner behavior."*

granted certiorari, both in recognizing how deeply petty this case is,<sup>5</sup> and to address the question of whether an injunction on overeager LinkedIn posts is a violation of the LinkedIn Stars' First Amendment freedom of speech guarantee.

### II. Discussion

We will address the question in two parts. First, we will resolve the primary question raised by Petitioners' appeal regarding the LinkedIn Stars' so-called freedom of speech. Second, we will consider an argument made by Amici (a.k.a. students whose curiosity outweighs their annoyance at the flashy posts).

3 So far as the Court's researchers can tell, there is no student at UVA Law called Alfred. But if there is, congrats on the offer!

4 In what was surely the worst free-speech brief ever, LinkedIn Stars made numerous odd references to "the Jabberwock" and non-otic piercings. What a truly terrible Law Review prompt brief.

5 Because our single, determinative factor for this Court is pettiness.

rather than the message, that is the issue. In what some have called Academy Award Speech Job Posts, 2Ls will excitedly announce where they will be spending their next summer and then will either thank a surprisingly long list of "mentors and colleagues" or frame it within a broader, historic personal narrative.<sup>7</sup>

The Court is, like most law students, deeply in debt. It is completely understandable that given the crushing financial burden we have entered into—some amount of loan forgiveness not-

6 A brief, which was described by various judges as "confusing" and "unrelated to any of the questions raised in the case" and "arguably the most self-aggrandizing and unhinged student brief I have seen in my thirty years of judging first-years." To my LRW fellow, if you are reading this, I am sorry.

7 These can actually be pretty touching, and also intimidating. They really burst my notion of having overcome adversity because I have (extremely mild, some might say non-existent) asthma.

withstanding (thanks, Biden)<sup>8</sup>—we are eager to celebrate our shared success and, most importantly, the increased likelihood that we will actually one day be able to pay off our student loans.

However, our broke-ass sympathy notwithstanding, free speech is not the issue here. The speech at issue is clearly annoying Gunner behavior, and therefore is not protected by this Court's First Amendment jurisprudence. Similar to 1Ls, which, as we have noted many times, have no rights and thus always lose,<sup>9</sup> today we announce a new,

Amici for the respondents argue persuasively that Petitioners doth protest too loudly. They note that, despite being aware of these purportedly frustrating LinkedIn posts, Petitioners continue to return to LinkedIn (often daily!) in order to scroll for any juicy updates. Amici argue that Petitioners' own wealth of highly-detailed complaints belie the contention that they are trying to avoid these LinkedIn posts. Amici contend that at the very least, these LinkedIn posts satisfy their idle curiosity and need to procrastinate on the reading for the first two weeks.

While we agree with Petitioners that the tone and length of these posts can sometimes get a bit long, we agree with the argument raised by Amici that the benefit of satisfying our mildly neurotic curiosity outweighs all of these complaints. Accordingly, we affirm the Petty Circuit Court's decision to strike down the District Court's injunction and to allow these 2Ls<sup>10</sup> effusive, yet earnest, LinkedIn posts. It is so ordered.

Walsh, J., dissenting.

With all due disrespect to my colleagues in the majority, today's opinion can most generously be described as "utterly

10 In all seriousness, congratulations to all the 2Ls who are done with recruiting. And best of luck to those who are still in the process, and please do post on LinkedIn when you know where you're going. Just keep it classy.

COPA page 5

## Faculty Quotes

**R. Harmon:** "You could double the price of my coffee, and I'm still going to buy the damn coffee."

**C. Barzun:** "Everyone's favorite thrust, the liberal thrust."

**T. Frampton:** "[The charge], to use the correct legal term, was bullshit."

**T. Haley:** "This will not be on the exam, because I don't want to write hypotheticals about creepy pervs."

**K. Kordana:** "We're paying for our Torts, as we should."

**H. Franks:** "If I wanted to generate expenses [for a company] I would buy beer."

**C. Jaffe:** "The thing about law professors is we can give a 50 minute lecture with no notes, but a five minute lecture? That's when it gets hard."

**R. Schragger:** "I know for a fact at least some of you have learned this. Or at least, I taught it to some of you."

**J. Harrison:** "The Administrative Procedure Act is no practical joke, it just sometimes feels like one."

**A. Coughlin:** "Telephone booths only exist in fanciful places."

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



*Dana Lake*

**Nikolai Morse '24**  
Managing Editor

**Jack Brown '23**  
Sports Editor  
**Rachel Martin '23**  
Copy Editor  
**Anne Reyna '23**  
Pop Culture Liason Editor  
**Clint Roscoe '23**  
Entertainment Editor

## Virginia Law Weekly

### COLOPHON

**Dana Lake '23**  
Editor-in-Chief

**Jon Peterson '23**  
Co- Executive Editor

**Sai Kulkarni '23**  
Production Editor

**Julia D'Rozario '24**  
New Media Editor

**Caleb Stephens '23**  
Technology Editor

**Devon Chenelle '23**  
Prose Style Editor

**Monica Sandu '24**  
Co- Executive Editor

**Anna Bninski '23**  
Features Editor

**Jackson Grubbe '23**  
Satire Editor

**Mason Pazhwak '23**  
Foreign Correspondent Editor

**Will Holt '23**  
Opinions Editor

**Jacob Smith '23**  
Professor Liaison Editor

Published weekly on Wednesday except during holiday and examination periods and serving the Law School community at the University of Virginia, the Virginia Law Weekly (ISSN 0042-661X) is not an official publication of the University and does not necessarily express the views of the University. Any article appearing herein may be reproduced provided that credit is given to both the Virginia Law Weekly and the author of the article. Advanced written permission of the Virginia Law Weekly is also required for reproduction of any cartoon or illustration.

Virginia Law Weekly  
580 Massie Road  
University of Virginia School of Law  
Charlottesville, Virginia 22903-1789

Phone: 434.812.3229  
[editor@lawweekly.org](mailto:editor@lawweekly.org)  
[www.lawweekly.org](http://www.lawweekly.org)

**EDITORIAL POLICY:** The Virginia Law Weekly publishes letters and columns of interest to the Law School and the legal community at large. Views expressed in such submissions are those of the author(s) and not necessarily those of the Law Weekly or the Editorial Board. Letters from organizations must bear the name, signature, and title of the person authorizing the submission. All letters and columns must either be submitted in hardcopy bearing a handwritten signature along with an electronic version, or be mailed from the author's e-mail account. Submissions must be received by 12 p.m. Sunday before publication and must be in accordance with the submission guidelines. Letters and/or columns over 1200 words may not be accepted. The Editorial Board reserves the right to edit all submissions for length, grammar, and clarity. Although every effort is made to publish all materials meeting our guidelines, we regret that not all submissions received can be published.

COPA

continued from page 4

incomprehensible.” Much like my motivation to do literally any readings in a given semester, the Court’s reasoning starts strong but declines expeditiously. The issue presented to the Court today is whether excessive and overeager LinkedIn posts by 2Ls celebrating—or bragging about, whichever term the reader prefers—new summer associate job offers may be enjoined under the First Amendment. Thus, if the speech at issue is not covered by the First Amendment, or if it is covered but is not protected, then the outcome of the case should be clear: Respondents should lose. The majority comes within inches of (correctly) reaching this conclusion, first citing the immutable rule that “1Ls have no rights,” then wisely expanding this precedent to encompass Gunners. The majority even goes so far as to explicitly state that speech involving “annoying Gunner behavior...is not protected by this Court’s First Amendment jurisprudence.”

Yet, somehow, against all odds (and common sense), Respondents prevail. How does the majority reach this conclusion? By simply discarding the reasoning that it has already performed and the precedent that it has just created in favor of satisfying “idle curiosity” and the need to procrastinate on readings.

Go scroll through the UVA Law subreddit or something instead.

---

[cpg9jy@virginia.edu](mailto:cpg9jy@virginia.edu)  
[saw8rc@virginia.edu](mailto:saw8rc@virginia.edu)

# How to be a Corporate Sellout

Sai Kulkarni '23  
Production Editor

It’s the second edition of the year, which means it’s time to return to my unhinged writing ways. So, today’s topic is simple: How to Be a Corporate Sellout™. A very large portion of the student body is either seeking private jobs, has them, or will want them after a year in the Law School. For those of you who manage to maintain your interest in public interest or came in knowing that you would never have a firm job, you are simply built different, and I respect you immensely.<sup>1</sup> But, for all the rest of you, I’m sure you need a little help on your path. Selling out to a firm or a company as in-house counsel is not the easiest thing to do. Converting from a summer associate position to a full-time position is even harder—so here’s a quick guide.

First of all, you need to stay late. As late as you can. Corporate employers love when you work overtime, especially since they don’t have to compensate you extra because of how billable hours work.<sup>2</sup> If you have to stay late

1 Here you go Parker Kelly '23, your annual *Law Weekly* shoutout.

2 I don’t know how bonuses work. Do you? Please tell me.

enough that you get to see the sunrise from the rooftop of your corporate cell—I mean office building—then that’s great too. Consider bringing a blanket and a pillow to take a brief under-the-table nap. I’m sure any partner would love to walk in at 10 a.m. and see the remnants of a long all-nighter at your desk.

Next, remember to over-caffeinate. One of the perks of working at a firm is a near-unlimited accessibility of coffee and tea. Make sure to take full advantage of that. If you don’t drink any caffeinated beverages at all, this is one good habit that you should absolutely develop in the workplace. If you only drink coffee once a day, what are you doing? Catch up to your peers.<sup>3</sup> It’s essential that your corporate employers know that you are putting your life and body on the line. Health and wellness are essential to good workplace performance—increasing your base heart rate will help with that.

Also keep in mind that you need to embarrass yourself at social events and in networking settings. This is key and something a lot of potential corporate employees forget to do. This can be something

Please. I’m afraid to ask.

3 Specifically, Morgan Graff '23, who defies logic with her high coffee consumption.

as small as using a picture of yourself with a friend at a party as your firm profile picture or something as big as showing off your shotgun skills in front of partners at a sporting event. The important part is to show your personality through embarrassing, socially inappropriate acts. How else will they know that you will be a good fit? This kind of behavior at a firm is essential to getting a return offer.

Additionally, you want to make sure to get rid of any distractions you have. It’s important that you only think about your workplace at all hours of the day. Whether or not you take my advice about sleeping under your desk, you still need to always focus on your job. That means pets, children, and families are all immediately out of the realm of possibility.<sup>4</sup> Who needs hobbies when you can dedicate your entire life to an entity that will never fill that hole in your heart that will inevitably develop? Dating is no longer a concern, since you will never have the time to meet people outside the firm. And definitely don’t date within the firm or within your summer class; that would just

4 If you have them already, then you need to learn how to clone yourself. It’s an essential skill.

mess up the firm synergy.<sup>5</sup>

Finally, and most importantly, you need to always say yes to assignments. All of the advice so far was about not setting boundaries because you don’t need them anymore. That’s demonstrated best with this piece of advice. You need to take on a bunch of assignments at once. If you think you have enough, you can take more. Are you only impressing one partner? Not good enough. You need to have work from every group or lead attorney within the firm. If you find yourself with any free moments, you are not maximizing your potential. When the firm or company hired you, they hired someone with youth and vigor that they could contractually work to the bone.

I hope that all my dear readers take this advice to heart. All I want is for there to be more profit-maximizing individuals entering the workplace. Unfortunately, I will not be following any of the above advice, because I want you to be better than me. So, best of luck to all the 2Ls who just got jobs and to the 1Ls who are about to start their search.

5 Dating within your summer class will definitely end well and not as a Greek tragedy, I’m sure.

---

[omk6cg@virginia.edu](mailto:omk6cg@virginia.edu)

## HOT BENCH



Jackson Makanikeo Grubbe '24

Interviewed by Jack Brown

### What was your path to law school?

Born and raised in Sherwood, Oregon, south of Portland. Until the end of high school, I really struggled with reading (I was in remedial classes in grade school), and I really wasn’t interested in reading. I had loose plans to be a welder during high school because I had taken welding classes, and I had been an apprentice. During senior year, though, I became friends with my school’s librarian, who just asked me a simple question—“have you ever tried reading for fun?”—and gave me a copy of *The*

*Hitchhiker’s Guide to the Galaxy*. After that, I understood the appeal of reading and started reading books on both the First and the Fourth Amendments. All of this kind of showed me that there was more to the world than binding metal (not to knock welding—who knows where my career will take me) and helped me make the choice to go to college.

I studied English at BYU-Hawaii and graduated in 2018. After that, I worked on a political campaign, and then at a think tank doing policy work on topics ranging from native Hawaiian homeland issues to energy. I had taken a few classes in undergrad, and had some mentors who had been attorneys, so I had planned to go to law school for awhile but wanted to work before going back to school. One thing that solidified my decision to go to law school was a week-long networking trip to D.C., where we met with attorneys in government and private sector positions. I plan to use my policy and compliance experience to do regulatory and compliance work in D.C.

### What have been some of your favorite memories from law school so far?

Going back really far, my section put on a field day near the start of 1L, which was a great time.

I like the energy at UVA generally; people here are just down to do things. My

section would dress up for Torts each week with themes like “Torts and Jorts,” “Jerseys and Torts,” and “Morts and Torts” (everyone wore Halloween costumes, even Professor Strauss). Stuff like that really is consistent with how UVA had been described to me before I came here and has made it really fun to be a student here.

Honestly, being part of the softball tournament last year was really fun, even though it was a ton of work. Just getting to meet so many other law students from all over and seeing the whole event come together was awesome.

### Stepping outside of the law school bubble, what are some hot takes you have?

I unironically like Pitbull and I am skeptical of people who say they like him now because there haven’t been that many of us that have been consistent until recently. Part of his charm is that he is bad; it’s like campiness for music.

### Why do you think people have embraced Pitbull?

Maybe it’s nostalgia, maybe it’s cool to like unapologetic pop music from middle school, maybe all the Pitbull lovers came to UVA Law. But back in the day, it was popular to hate on Pitbull, and I was getting heat for liking him.

Another apparently “hot” take is that I like cotton can-

dy ice cream. It’s one of my favorite flavors, and telling people that gets them heated. I am just so confused. Ice cream is already so indulgent, so why not just push it to the absolute juvenile max and make it taste like cotton candy, too? I can go to the store and buy strawberries; why do you need strawberry ice cream? Strawberries are healthy for you; why are you just going to make them unhealthy when you could have the healthy source? Bottom line is that you should open your heart to cotton candy ice cream (this also applies to bubblegum ice cream).

### Okay, time for the lighting round:

#### If you could bend one element, which would it be?

Water bending. I would just constantly explore the ocean with that. Look for buried treasure and Atlantis, try to befriend a whale. Easy choice for me. The exploration value of water bending is too high to pass up.

#### Who would you have dinner with, dead or alive?

Probably Jesus, get a sense of what he really was saying. Be nice to get answers straight from the horse’s mouth.

#### What movie do you think every law student should watch?

I think if you are an incoming 1L, you should watch *Birdman* or *Whiplash*. *Birdman* gives you a sense of the pace of 1L, and *Whiplash* can show you what it looks like when ambition goes too far.

### Any final shoutouts you want to give?

Shoutouts to Reece Henry '24, who is always smiling and giving off incredible vibes. Also, shoutout to my mom and brothers, who will be visiting in late October; I can’t wait for them to meet the Law School community. And, finally, shoutout to the 1L who brought house wine to Morris last week. We never got your name and are sincerely trying to thank you.

---

[jmg3qt@virginia.edu](mailto:jmg3qt@virginia.edu)



# Dandelion 2022

This weekend, North Grounds Softball League hosted the Annual Dandelion Softball Kickoff. Each 1L section and the L.L.Ms performed in a lip sync competition while their 2L and 3L peers provided tough criticism. The beer and seltzer were flowing and the pizza was piping hot. After stiff competition, Section H was declared the winners and were rewarded with a softball game against the NGSL team. Despite an admirable performance by Section H, it surprised no one that the NGSL team provided yet another beat down, this time winning 8-2. Thank you to all the participants and attendees.

