



VIRGINIA LAW WEEKLY

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

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Dobbs and Democracy

Andrew Allard '25
Executive Editor

This past Thursday, February 23, the Law School's *Journal of Law & Politics* hosted its 40th Annual Symposium, entitled "Dobbs and Democracy." Panelists discussed the capacity of American democracy to address reproductive rights and the role state constitutions and prosecutorial discretion may play after *Dobbs*.¹ The Symposium included three discussions, with panels moderated by the Law School's Vice Dean Michael Gilbert, Professor Anne Coughlin, and Professor Bertrall Ross.

The star-studded event drew a packed crowd to Brown Hall. Among the Symposium's attendees were former Virginia Attorney General Mark Herring and NYU Law Professor Melissa Murray '97, who delivered the keynote address. Professor Murray is a leading expert in family law, constitutional law, and reproductive rights and justice, and a co-host of the Supreme Court and legal culture podcast, *Strict Scrutiny*.

Professor Murray offered a dim, if at times jocular assessment of the *Dobbs* decision overturning *Roe v. Wade* and *Planned Parenthood v. Casey*. Professor Murray, who observed in 2018 that "there is every reason to believe that [then-Judge Kavanaugh] would provide the fifth vote necessary to overturn or severely undermine *Roe*,"² expressed her lack of surprise at the *Dobbs* decision's outcome and tone.

But Professor Murray did express surprise at the leak of the opinion in May. "I was surprised by the fact of the leak. And when the formal opinion came out, I was sur-

1 The topic was inspired by an argument made by Justice Alito in the *Dobbs* majority opinion: "Our decision . . . allows women on both sides of the abortion issue to seek to affect the legislative process . . . Women are not without electoral or political power. It is noteworthy that the percentage of women who register to vote and cast ballots is consistently higher than the percentage of men who do so." *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228, 2277 (2022).

2 <https://www.judiciary.senate.gov/imo/media/doc/Murray%20Testimony.pdf>

Honor Referendum 2: Electric Boogaloo



Photo Credit: University of Virginia School of Law

Sarah Walsh '23
Editing Editor

We're back, baby. If you're seeing news about an Honor referendum and feeling a sense of déjà vu,¹ you're not alone. Just last year, UVA students voted—by an overwhelming margin—to pass an Honor amendment reducing the University's single sanction of expulsion to a two-semester leave of absence. Now, there's a new Honor referendum on the table. This time, students will be voting on whether to replace the single-sanction system, which has existed for almost 200 years, with a multi-sanction system.

The referendum²—which is effectively a student body ratification of the updated

1 Shoutout to Olivia Rodrigo, the voice of a generation.

2 For more information on the referendum and how the proposed system would work, see Ashley Mosby, *Honor Committee Sends New Constitution Outlining Multi-Sanction System to Student Body*, Cavalier Daily (Feb. 14, 2023), <https://www.cavalier-daily.com/article/2023/02/honor-committee-sends-new-constitution-outlining-multi-sanction-system-to-student-body> and Ashley Mosby, *Decades in the Making: A Closer Look at the Proposed Multi-Sanction System*, Cavalier Daily (Feb. 23, 2023), <https://www.cavalier-daily.com/article/2023/02/decades-in-the-making-a-closer-look-at-the-proposed-multi-sanction-system>.

Honor constitution that was passed within the Honor Committee on February 12—outlines a number of changes to the current Honor system, including the expansion of the possible sanctions that students would face if convicted of an Honor violation.³ If passed, it would be the first successful multi-sanction legislation since the Honor system was first introduced in 1842. The referendum will need both 10 percent of the student body and three-fifths of the voting population to vote in its favor to pass, and that student body includes Virginia Law students. As you've probably guessed, based on the number of SBA campaign posters and smiley face stickers currently floating around the Law School, it's currently UVA election season. So, with the time for voting already upon us, here's what you need to know about the new and improved Honor referendum.

Changes Under the Proposed System

The biggest change proposed by the referendum is the replacement of the current single-sanction system with a multi-sanction one. Under the new constitution, sanctions would be applied on a case-by-case basis, rather than under a "one-size-fits-all" approach. The possible sanctions that students could face would include (but not be limited to) education, amends, the afore-

3 Defined as a significant act, committed with knowledge, of lying, cheating, or stealing.

mentioned two-semester leave of absence, and expulsion.

While this does mean that the proposal brings back expulsion only a year after students effectively voted to eliminate it, James Hornsby '24 emphasized that expulsion would only be available as a sanction in an extremely limited capacity and would be reserved for especially severe Honor offenses. As the Law School's only delegate to this year's Honor Constitutional Convention,⁴ Hornsby helped draft the multi-sanction system proposals that the Committee used to craft the referendum. He explains that one of the major changes included within the referendum—aside from the expansion of possible sanctions—is the inclusion of a new "permanent sanctions" question within the guilt-determination process.

Under the current system, a panel for guilt determines whether an alleged offense meets the definition of an Honor violation and whether the accused student is guilty of committing the offense. The new system would

4 See Sarah Walsh, *Organization Named After Lying Will Represent Law School in Honor Convention*, Virginia Law Weekly, Oct. 26, 2022, at 1 if you're interested in learning about some of the fun lil' shenanigans that surrounded the Law School's involvement in the Convention.

around north grounds



Thumbs up to the lack of snow on Saturday. ANG loves the sound of disappointed students in the morning.



Thumbs down to SBA elections. Don't forget to write in ANG on your ballot.



Thumbs up to SBA elections. ANG loves the democratic process so much that ANG votes multiple times every year.



Thumbs sideways to last weekend's journal tryouts. ANG hates academia but loves suffering.



Thumbs up to Dominion's lawsuit against Fox. ANG doesn't like it when wannabes encroach on ANG's mission to spread misinformation.



Thumbs down to the whole ParkMobile fiasco. ANG already rarely shows up to class on time, and now ANG has to drive in circles around the Law School.



Thumbs down to the outgoing editorial board. ANG loves disorder and mayhem as much as anyone, but the Law Weekly fridge is looking like the Last of Us.



Thumbs sideways to Biden's big semiconductor plan. ANG loves Big Government but hates computers and lights.



Thumbs up to the new editorial board of the Law Weekly. ANG loves coups d'etat.



Thumbs down to student journals. ANG knows that the most prestigious editing jobs are at the Law Weekly.



Thumbs up to the 242nd anniversary of the Articles of Confederation. ANG is a true originalist.

Disoriented by Pro Bono?

Darius Adel '24
Satire Editor



Last week I had the pleasure of attending “Pro Bono in BigLaw”, a DisOrientation event put on by UVA’s National Lawyers Guild (NLG) chapter. The discussion was headed by Io Jones ’24 and Sabrina Surgil ’24. For anyone who hasn’t been to a DisOrientation before it is basically a group led discussion on various topics. Usually there is an article for attendees to read beforehand which provides background information on whatever is being discussed. Doing the reading is by no means necessary to attend the event and I’ve rarely done more than a cursory skim the day of.

The discussion was based around the often lauded pro bono work that big law firms do. Specifically, the talk centered around the benefits and harm that pro bono work can do. I had rarely given pro bono work much thought before attending law school. The public service work I did while working a corporate job before law school was largely undocumented, at least at an hourly rate. To me, pro bono work in big law was always thought of as a small side benefit, an avenue by which an attorney

could pursue work that was interesting or important to them. I personally find corporate law itself interesting, but I can understand why that may not be the case for everyone. In that sense pro bono serves as an outlet for work that attorneys are passionate about.

The discussion was largely critical of pro bono firm work. One student spoke about how attorneys working on pro bono projects would abandon their cases midway through because they had run out of pro bono hours. Other students spoke of firm attorneys who handled cases which they were poorly prepared for resulting in staff attorneys having to come in and fix their mistakes. There were other similar stories discussed during the event but the general sentiment was that while well meaning, many firm attorneys did more harm than good.

One of the ideas discussed was that pro bono is possibly an inefficient way of getting proper legal services to the people who need it. Another issue the group talked about was that some firms would invest pro bono hours into one case only to make millions on the opposite side when it came to their core business. This issue, where both the firm and lawyers play as both liberators and oppressors is something anyone going into firm work

needs to grapple with. It’s true that not every firm is the same, but there are very few resources through which law students can make those educated distinctions.

Apart from big law’s part in the pro bono issue, the group discussed the law school’s role. Students spoke about the law school’s heavy focus on private practice to the detriment of public service. I think anyone who comes to this school can easily see the imbalance. One idea that was raised which I hadn’t previously even thought about was that supporting public service could possibly pull students away from the big law path and hurt UVA Law’s numbers. I’m not sure if this is true but given that further support of public service at the school would amount to a relatively small investment it’s hard to justify why it isn’t being done.

UVA Law does funnel students towards firm work. For some of us, that’s why we came here but for others their path was less clear at the outset. For students like that, the school’s inertia is something really hard to fight against.

It’s a complicated and hard subject to broach. Attorneys who want to do good work are caught between a desire to help the community and the forces of capitalism. The DisOrientation didn’t come to any firm conclusions but

there was a general sense that change needs to be made when it comes to pro bono work. Just like many issues in the law and beyond there needs to be a united front. Attorneys from different backgrounds should be made to understand these issues without feeling alienated. Many of these problems are caused by the industry itself and so it is left to the practitioners to ultimately make a change in the system for the better.

I always enjoy when NLG puts on these events because even if I don’t know much about the subject I come away from it having learned a lot. This is a hard subject to discuss for a lot of people but sometimes it’s better to just rip the bandaid off, especially when it’s others who are the real ones suffering. Being able to have an open discussion in a focused environment with people I admire and respect is a beautiful thing and I wish there was more of it at law school.

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dsa7st@virginia.edu

ABORTION RIGHTS continued from page 1

prised that there wasn’t a lot of substantive changes.” Professor Murray noted that the Supreme Court claims that its practice of exchanging drafts internally forces Justices to refine their arguments. “This draft opinion was substantively the same as what actually was announced. It was almost as though Justice Alito was saying ‘You’re perfect. No notes.’”

Professor Murray was unconvinced by the formal opinion’s claim to be returning the issue of abortion to the democratic process. Professor Murray criticized the majority’s “selective and itinerant vision of democracy.” She expressed her view that the 14th Amendment’s liberty protections are capacious enough to include reproductive freedom. Considering the Amendment’s passage in the wake of the Civil War, one could argue that it explicitly contemplated bodily autonomy.

Responding to the argument that reproductive freedom is nowhere enumerated in the Constitution, Professor Murray asks, “Who gets to participate in the project of identifying and enumerating rights?” Professor Murray argued that by vindicating only those rights that they identify through the lens of history and tradition, the majority in *Dobbs* was binding constitutional rights to “moments of profound democratic deficit.”

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Go Play Outside: My Favorite Things to Do in Charlottesville in Springtime

Nikolai Morse '24
Editor-in-Chief



Upon seeing the ominous headline, “Rain, Some Sleet and Snow Soon,”¹ I found myself wondering why I didn’t stay in the Midwest. At least in Chicago, you know that February is going to be a rough month, but in Charlottesville, you can hope for some truly beautiful weather as what passes for “winter” here winds down. But, as we all know, there can be no despair without hope.² And, while I am an eternal optimist, the news that Canada’s groundhog, Fred La Marmotte, was found dead only hours before his Groundhog Day prediction does not bode well.³ So, in my eternal ef-

1 Reported by one of Charlottesville’s fledgling news organizations, NBC29. <https://www.nbc29.com/2023/02/11/rain-some-sleet-snow-soon/>. The Virginia Law Weekly, as always, is honored to help the reputation of its lesser-known imitators and is happy to lend the folks at NBC29 some pointers any time.

2 Bane, *The Dark Knight Rises* (2012).

3 First, is there a more Canadian or Groundhog-ian name than “Fred La Marmotte”? Holy maple leaf! Second, while usually we don’t—and shouldn’t—concern ourselves with what Canada thinks about

fort to be an optimist, I will do my best to hope for the speedy arrival of springtime weather. In service of that dream, I will present some of my favorite springtime activities in Charlottesville for your consideration.

Hiking

Alright, hiking is probably the most obvious activity that you can cite when someone asks you for a list of things to do in Charlottesville. But, just like that great quote from *The Kite Runner* about clichés,⁴ it’s

anything, if there is one thing they know, it is winter. Jordan Mendoza, Fred La Marmotte, Canada’s Groundhog, Found Dead Hours Before Groundhog Day Prediction, USA Today, (Feb. 2, 2023), <https://www.usatoday.com/story/news/world/2023/02/02/fred-la-marmotte-dead-groundhog-day/1171427002/>.

4 “A creative writing teacher at San Jose State used to say about clichés: ‘Avoid them like the plague.’ Then he’d laugh at his own joke. The class laughed along with him, but I always thought clichés got a bum rap. Because, often, they’re dead-on. But the aptness of the clichéd saying is overshadowed by the nature of the saying as a cliché.” If I’m being honest, my favorite thing about this quote is how Khaled Hosseini’s creative writing teacher probably really regretted buying all of his friends copies of the book by “this famous author I

5 Fun fact, this is actually the first brewery I ever went to, during a road trip in college.

#1 for a reason. The hiking in and around Charlottesville is awesome. Whether it’s walking up the Saunders-Monticello Trail or taking a jog around the Ragged Mountain Reservoir, the Blue Ridge Mountain Tunnel, or the UVA classic, Old Rag Mountain, you will never regret a few hours spent getting outside. My biggest gripe about Charlottesville has to do with how UVA students do themselves a massive disservice by only going to bars and vineyards, which in general present the same experience repackaged into different locations.

Breweries

Breweries, on the other hand, are way, way different. For one thing, they serve beer, which is clearly the superior form of soft liquor. For another, rather than people at wineries wearing sundresses and Sperry Top-Siders, breweries have real salt-of-the-earth types. You know, people like me, who wear Sperry Top-Siders at school, but then change into a flannel and a Carhartt beanie. But by far the best reason to get into breweries in Charlottesville is that we have so many great ones, including Random Row, Rockfish, Blue Mountain Brewery,⁵ Champion Brewing, and Deciper Brewing.⁶ Especially when the weather is good, is there anything better than hanging out with your friends—one of whom preferably has a dog—and grabbing an IPA and a seat outdoors? Even better, why not combine hiking and brewing, and walk on the Rivanna Trail from the Law School to Woolen Mills for a beer at Selvedge Brewing?

Music

Some of you may know, in an abstract sense, that a ton of great music comes to Charlottesville. But again, in the hopes of helping you to actually go see some music other than the Law School band at Crozet,⁷ here are a couple of my favorite spots. For the big names, you should go to Ting Pavilion. They get the same caliber of big names as JPJ, but you’re outdoors. So much better. For more medium-sized acts with some really interesting smaller groups, head to the Southern Café and Music Hall, and The Jefferson Theater. As a bonus, the Southern also has open-mic nights every Monday for all you aspiring standup comedians.⁸ And

6 100% veteran-owned and operated!

7 Also, what ever happened to the band? Are we just not going to talk about this?

8 Who obviously are really just hoping to pivot into a lucrative pod-

for everyone looking to see the hottest act in town—aka your own classmates doing karaoke? Dirty Nelly’s on Wednesday nights. Lastly, you absolutely cannot miss Charlottesville’s best musical event/festival of the year, Porchella. Hosted in this writer’s own neighborhood of Belmont, Porchella is a day of performances by a variety of Charlottesville’s best musicians, held on the front porches of Belmont-ians,⁹ and it is hands-down one of the best days of the year in Charlottesville.

Moral of the Story: Go Play Outside

In closing, I hope that this article can help some of you get out of the North Grounds bubble and experience a little bit more of the vast bounty of activities that Charlottesville has to offer. I promise that you will cherish your memories of getting out of the Law School area much more than you will another hour spent studying in the library, or, even worse, going to a pregame in Pav. You deserve better. You are worth more. Get out there, and have some fun this spring.

casting career pretending they’re not political commentators.

9 I can promise you that I am only sharing this secret because of a deep moral obligation to share a beautiful thing with the world. Enjoy the music, and stay off my lawn.

Law in a Time of War: VJIL's International Law Symposium

Monica Sandu '24
Production Editor



We are living through one of the most volatile periods of the last decade. From Russia's war in Ukraine to Iran's freedom protests, the international landscape is dramatically changing. On Tuesday, February 21, the John Bassett Moore Society of International Law and the Virginia Journal of International Law hosted the 72nd Annual International Law Symposium. The headline topic was "China vs. Taiwan: Using Current Conflicts to Predict the Future," aimed at answering that crucial question: what's next?

War is as much a battle of information as it is bullets. The symposium's first panel, "Cybersecurity's Role in Conflicts," centered around this technological battlefield.¹ Hosted by Veronica Glick,² Raymond Romano,³ and

1 I was unfortunately unable to attend the second panel, "Current Trends in Maritime and Naval Conflicts."

2 Partner, Mayer Brown.

3 Director, Cyber Threats and Investigations, U.S. Department of State.

Zhanna L. Malekos Smith,⁴ and moderated by Professor Kristen Eichensehr, the panel discussed advancements and concerns in cyberspace, especially relating to the war in Ukraine. The first major question was why Russia had not been as destructive in its cyberattacks as first feared in the early days of the war. First, massive cyberattacks are extremely costly. Second, there may be a greater value in keeping communication and data infrastructure intact, as they can be used to gather more information. Wiping everything out at once might cripple the opponent, but it also cuts off a valuable resource. Scorched Earth cyberattacks may thus be a Pyrrhic victory.

The panel noted that we're not out of the woods yet. The biggest threat remains potential targets to physical infrastructure, such as dams and power plants, the effects of which would be devastating. It is also very difficult to trace who is responsible for cyberattacks, as well as identifying the attack's ef-

4 Senior Associate, Aerospace Security Project; Adjunct Fellow, Strategic Technologies Program, Center for Strategic and International Studies; Cyber Law & Policy Fellow, Army Cyber Institute, U.S. Military Academy

fects. How can you tell if a private citizen is working on their own, if they are conducting so-called "patriotic hacktivism," or if they are acting directly at the behest of their government? How can you trace all harm back to a particular source? These challenges make prosecuting cybercrime extremely difficult, especially when certain digital actions may become a real-life act of war. Moving forward, the panelists identified several fields to keep an eye on: artificial intelligence; data sovereignty; and the risks of space debris, along with the potential offensive capabilities of space debris cleaning satellites.

The keynote talk was given by Beth George, a partner at Wilson Sonsini and former Acting General Counsel for the U.S. Department of Defense. Like the name of the symposium suggests, George spoke about the future anticipated for Taiwan in light of Russia and Ukraine. Following a brief overview of the history of Taiwan, George discussed the constitutional challenges to mounting an American response should China attack Taiwan. Would the president have the independent authority to take the United States to war? George described how the Department of Justice uses a test based on the anticipated

nature, scope, and duration for the use of armed forces to see if a given action would rise to the level of constitutional force. While low-level hostilities are unlikely to escalate, and the president may be able to act within infringing on Congress' Article I power to declare war, the use of force against a sovereign such as China, rather than a non-state actor, inherently carries a high risk of escalation.

Next, George highlighted how the United Nations Charter forbids the use of force against the territorial integrity of another state. While China is a member state of the UN, Taiwan is not. Self-defense cannot be invoked by a non-state entity as a justification for the use of force. Because the United States does not officially recognize Taiwan, instead choosing to keep the question of sovereignty ambiguous, George recognized that may be difficult for the the United States to intervene in case of an attack by China. Though Taiwan likely meets the requirements of statehood under the Montevideo Convention (a permanent population, a defined territory, a government, and the capacity to conduct international relations),⁵ there

5 https://en.wikisource.org/wiki/Montevideo_Convention

is also a terrible precedent of recognizing a territory's independence for the immediate purpose of using force to then defend it. In any scenario, war would be devastating – for Taiwan and for the whole world.

Nevertheless, George believed Taiwan would easily meet a national interest test, given the US' strong presence. Furthermore, justifications for the legitimate use of force have been widened to include humanitarian interventions, as well as the defense of nationals in peril. In a world as connected as ours, the role of international law ought to be the promotion of peace and the protection of our future.

[org/wiki/Montevideo_Convention](https://en.wikisource.org/wiki/Montevideo_Convention)

ms7mn@virginia.edu



Belk? More like "Bleck"

Ryan Moore '25
Staff Editor



As a proud Ohioan, I find most of the South to be a weird, alien world.¹ So, when I was first assigned this article on Belk, I thought I was being trolled. For those of you who are blissfully unaware, Belk is an American department store chain and apparently a staple of Southern culture. The store was founded in 1888 by William Henry Belk,² a South Carolinian merchant. In true Southern fashion, his father (Abel Nelson Washington Belk) was killed in 1865 by Union troops "for refusing to divulge the whereabouts of [a family] gold mine."³ Cause of death: drowning.⁴

Speaking of Southern fashion, Belk's tagline has, since 2010, been "Modern. Southern. Style." I have no idea what it is now.⁵ The store sells Southern-style clothes, shoes, cosmetics, and other fashion accessories. But

1 And I've lived in Phoenix, Arizona. (Have you ever seen a cholla?)

2 <https://en.wikipedia.org/wiki/Belk>.

3 I kid you not. <https://www.ncpedia.org/biography/belk-william-henry>.

4 *Id.*

5 What am I, a reporter?

after hearing Belk also offers a wedding registry, my wife⁶ was insistent on experiencing this monument to Southern culture firsthand, and not just because I promised to buy her one item if she accompanied me.

I'm sad to report that after visiting the one Belk store in the Charlottesville area, I was left very unimpressed. To commemorate my disappointment, I will be ranking the six worst items I found at Belk. This will be the worst insult inflicted on the South by an Ohioan since General Sherman's March to the Sea.⁷

Sixth: Floral Sandals



I included these because there is nothing too egregious about them, but I think they're mistimed when it's 40 degrees and rainy outside.

6 Who is an actual reporter.

7 Little known fact: General Sherman was born in Ohio.

Fifth: "Hideous" Purse



I personally think all purses look the same, but my wife insisted this "hideous" purse should be ranked within the top five.

Fourth: "Blessed" Bag



I've stared at this handbag for twenty minutes, and I can't understand how it costs \$109.99 (plus tax). Is it the material? The beads? Did an actual priest bless it? The world will never know.

Third: Beer Body Soap



Whenever I think of Busch or Budweiser beer, I naturally think of body soap. In all seriousness, why would you want to rub a product on your body that tastes like pee in its liquid form?

Second: "Coal Miner" Face Wash



What could be more masculine than beer soap? A face wash named after a dying profession in a declining industry. I guarantee you actual coal miners are not using this product. They prefer the Dove Sensitive Skin Beauty Bar.

First: Hippie Tom and Jerry T-Shirt



Out of everything I saw at Belk, this t-shirt truly surprised me. A tie-dye shirt featuring the 1940s cartoon cat and mouse Tom and Jerry is weird enough. But printing "Be One With Nature" on the front? While Tom and Jerry smile at each other, surrounded by flowers? Did the designer of this t-shirt even watch a *Tom and Jerry* cartoon?

Overall, I left Belk very unimpressed. Every dying department store looks and feels the same, but somehow, Belk managed to imprint its famous Southern style on late-stage capitalism. My wife sums up the store as "the perfect place for a 'mother of the bride' dress." I don't know if that's a good thing or not. But I do know that I never should have crossed the Mason-Dixon line in the first place.

tqy7zz@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 editor@lawweekly.org.

Everyone
v.

Parking and Transportation
75 U.Va 17 (2023)

PETERSON, J. delivers the opinion of the court, in which COLEMAN, J., ADEL, J., D'ROZARIO, J., SANDU, J., ALLEN, J., and MORSE, C. J., join.

This is not the first time I have written about parking enforcement for this Court.¹ In *UVA Gym-Goers*, I enjoined “all future enforcement of . . . metered parking” at IM-Rec facilities. That decision was handed down on January 26, 2022. Just recently, less than a month ago, this Court’s own Justice Kulkarni released another scathing opinion regarding parking, *Students v. Parking Enforcement*.² In his concurrence to *Students v. Parking Enforcement*, Justice Morse referred to the practice of charging students for the use of parking spaces as “one of the most pernicious and extractive practices condoned by the Law School.” So, why are we here today?

On February 14,³ Dean Davies forwarded an email to the student body. That email, originally written by Greg Streit, the Assistant Dean for Building Services, stated in matter-of-fact terms that, despite “inconsistent” enforcement in the past regarding parking violations, this was no longer going to be the case. Further, Parking and Transportation (P&T) would be limiting the spots available for ParkMobile parking to only fifteen. However, perhaps the big-

1 *UVA Gym-Goers v. UVA*, 74 U.Va 13 (2022).

2 75 U.Va 13 (2023).

3 Literally on Valentine’s Day.

gest change is the decision to adjust the rate from an affordable \$1.75 per day to an outlandish \$2.50 per hour for parking. What was once a charge that I was absolutely willing to accept now has me reminiscing about the good old days of only paying \$14 per day to park in San Diego.

Typically, when I write opinions for this Court I try to feign some degree of judicial legitimacy or legal reasoning. Perhaps I do it by using fancy headers, like “Background,” “Analysis,”

“The fact that I am being treated as a thing from which the school can extract value from even after I have paid roughly \$195,000 to be here is an absurdity, and speaks to how the University values its students.”

and “Conclusion.” Perhaps I do it by employing a real-life legal doctrine. However, this case defies that sort of reasoning. The depraved actions of the school in pursuing this path necessitate the removal of all appearances of propriety. Y’all wanted to play dirty, so the Court is going to play dirty.

Frankly, this decision is just shocking. It doesn’t make sense on so many levels. It leaves me reeling with many unanswered questions. So, the first question I would like to pose is: Do you, UVA, care about your students and, if so, why are you simply trying to extract every last ounce of monetary value you can from us? I already pay upwards of \$65,000 per year—that’s almost enough for the diversity jurisdiction requirement in *one year*—why must you not only try to rip \$25 per day from me on top of that, but also make

my life miserable with fines and fees for violations? To put it simply: Parking enforcement and provision seems like the kind of cost that could be buried in our cost of tuition. The University could charge me \$4,000 per year for parking and, if they embedded that charge in my tuition fee, I wouldn’t bat an eye. I wouldn’t even think about it. It would be cost of attendance, and I would be lucky enough to have a school which provides me parking.⁴ The fact that I

am being treated as a thing which the school can extract value from even after I have paid roughly \$195,000 to be here is an absurdity, and speaks to how the University values its students.

Further, even if this was somehow still seen as the morally and financially right decision by the University, the choice was flawed in another way: the timing. Valentine’s Day of the last semester for students that started at the Law School during the height of the pandemic is not the time to pull the rug out from under students. We are talking about a class of students who, relative to the average law student, have already had so much taken from them by the school. And not just experientially—this statement holds true mone-

4 Even if, in reality, that school is severely overcharging me for the good.

tarily as well. Because, while other classes got events like Dandelion, Admitted Students Weekend, Barristers, a Fall, Thanksgiving, and Spring break, and more during their 1L year, instead our class paid full tuition to attend half of our classes over zoom.

The point that I am getting at here is that this was simply a stupid time to make this change. Eat whatever costs you have to eat for the next three months before the Class of 2023 is gone. I’m

sure that the endowment won’t be hit too hard by that decision. In fact, in the long run, it would likely be a boon to the school. Because all I can say is that I don’t think a single person I have talked to from the current class of 3Ls has any intention of donating a dime to the Law School after their experience these last three years. And it seems unsurprising why those students feel that way.

This Court orders the University to publicly recognize that this decision was, at best, a stupid one, and at worst, a stupid decision that revealed the University’s nefarious intent to treat its students as mere things from which to extract value. The University is also enjoined from charging for parking outside of costs hidden in tuition. Courts are rarely tasked with crafting policy, but luckily ours’ is no normal court. So, the Court is happy to order the Uni-

versity to reverse its current parking decision, leave the status quo in place for the remainder of the semester, and then increase tuition while simultaneously making parking free for all students. The school shall distribute parking passes to all students at the beginning of each year and still hire parking enforcement to ensure that no undesirable townies are using the parking spaces. This is a well-crafted and sufficiently insidious policy as to not immediately turn any heads. I’m shocked the school didn’t implement it sooner.



Faculty Quotes

C. Nelson: “Maybe if you believe in aggressive forms of imaginative reconstruction is this gin or water?”

M. Collins: “Brainerd Currie began and ended his career at Duke Law School, which already casts him under a cloud of suspicion.”

J. Duffy: “It has to be illegal everywhere and likely to remain that way. And that’s why I used cocaine.”

K. Kordana: “My Mormon quote made it to Law Weekly and now the federal government is going after Mormons. I would tell the federal government to back off.”

J. Harrison: “There are people at firms whose social skills might not be so great. We call them tax lawyers.”

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

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

Phone: 434.812.3229
editor@lawweekly.org
www.lawweekly.org

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Hogwarts Legacy: Reviewed and Recommended

Will Holt '23
Reviews Editor



As a child, I had a dream—a beautiful dream full of wonder and magic and all sorts of adventure. I wanted to be a wizard, and not just any wizard, a wizard with a ticket for a train departing from King’s Cross Station’s Platform Nine and Three-Quarters at precisely 11:00 a.m. At the age of ten, I no longer believed in Santa Claus, but I still maintained a secret hope that upon my next birthday, I would receive a letter of acceptance to the Hogwarts School of Witchcraft and Wizardry. Unfortunately, I am now about to turn twenty-five, and I STILL don’t have my damn letter. In recent weeks, however, I have been able to obtain something of a small consolation prize. Portkey Games, a label of Warner Bros. Games, released *Hogwarts Legacy*, a fully open-world, single-player, role-playing game set within the *Harry Potter* universe, on February 10 of this year.

There have been a vast number of *Harry Potter* games released over the past twenty years, but few of them have had any purpose greater than extracting that last bit of revenue to be sponged from the enthusiasm surrounding the then-latest movie. *Hogwarts Legacy* represents a true de-

viation from this trend, for it empowers the player to craft his or her own identity and embark on an adventure that is wholly independent from the events of the books and movies. This independence, however, does not mean that the game does not allude to elements in those foundational materials. Naturally, Hogwarts, Hogsmeade, and other locations are present—it is set in that world, after all—but, in addition, famous wizarding families such as the Blacks and the Weasleys are present; many famous spells and potions can be mastered; and all manner of our favorite creatures make appearances. These allusions to foundational materials draw in the player, while the unique plot and characters work their magic to keep them invested. The story centers on a brewing goblin rebellion, led by the malevolent and formidable Ranrok during the nineteenth century. The player’s custom-made protagonist is a young witch or wizard entering Hogwarts as a fifth-year who also happens to have a rare and mysterious link to a form of lost magic that was integral to both the rebellion and the creation of Hogwarts itself. The new student must learn quickly, a task aided by the game’s intuitive controls and simple skills-acquisition system, to get up to speed in

classes and fight the forces of dark magic. As an open-world game, however, one is not limited to following the main story; there are numerous side quests, challenges, and places to explore. Even attending class is an adventure. In the player’s first Potions class, for example, they have the option of deviating from the assignment to help a Weasley steal an ingredient for a potion that promptly blows up in front of the entire class.

The combat mechanics, I believe, deserve special attention in this review. Dueling and defensive magic are the real draw of the game for many people. Fighting requires the most skill of any activity within the game, and it is where the player is in the gravest danger. I am happy to say that, thus far, I have been impressed with the combat mechanics. As previously mentioned, the game’s controls are intuitive in general, and its structure makes sure that the player is confronted with appropriately challenging opponents. My character certainly has fallen a number of times during my playthrough, but at no point did I ever feel terribly stuck or too frustrated to continue. In addition, non-combat spells can be used in combination with damaging spells to make

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ABORTION RIGHTS continued from page 1

Asked whether she thought there were any redeeming features of the *Dobbs* majority opinion, Professor Murray quipped: “Well, it certainly fueled my research agenda.” But Professor Murray also expressed some approval of the majority’s insistence that the opinion did not affect other substantive rights. “The opinion is very clear—this is just about abortion. I hope that that dividing line remains intact. I don’t know that it will.” Professor Murray highlighted Justice Thomas’s concurrence, which she described as a reaction to Justice Kavanaugh’s moderation. “He was sort of like ‘Hold my beer.’”

Professor Murray suggested that *Dobbs* may encourage activists to think about the other ways in which we might be pro-life. She lamented that “the interest in potential life begins and ends with the fetus.” Professor Murray expressed hope that *Dobbs* might lead to greater protection for families, such as paid family leave, pregnant worker protections, expansions of healthcare coverage, and greater protections for black and brown bodies. “If you are pro-life, you must ask yourself whether the current state of state violence against certain individuals is acceptable.”

Not all in attendance shared Professor Murray’s views of the pro-life movement. After the keynote concluded, UVA Law’s Professor Julia Mahoney objected to the

claim that pro-life individuals only care about the fetus. “There are so many people who identify themselves as pro-life who are interested in so much more. To say that their concern just begins and ends with the fetus doesn’t do people a service.” Professor Mahoney criticized the Symposium and called for a follow-on event. “The Karsh Center is supposed to be non-partisan. It’s supposed to put on events that have a range of ideas. This has not—I think—been what the Karsh Center is supposed to do.”

Professor Murray responded that the pro-life movement is at least largely focused on the potential for fetal life. But Professor Murray also cited the Whole Life Democrats, which she described as a group of black, evangelical Christian democrats who favor redistributive methods to promote a pro-life agenda, including expanding the earned income credit, expanding access to healthcare, and increasing opportunities for education, among other things.

Professor Mahoney responded that she follows the group on Twitter. But a review of the 3,300 accounts followed on her public account (@JuliaMahoneyUVA) did not reveal Whole Life Democrats (@WholeLifeMov). Professor Mahoney does follow Susan B. Anthony Pro-Life America, Secular Pro-Life, and Virginia Law Advocates for Life.

tya2us@virginia.edu

HOT BENCH



Anna Bninski '23
Former Features Editor
Interviewed by Garrett Coleman '25

I am so happy to welcome our esteemed Features Editor, Anna Bninski, Class of 2023! Anna, would you please introduce yourself to our vast readership?

Sure! So, I am originally a Navy brat, but I grew up here in Charlottesville after my father was stationed at the Navy ROTC at UVA. Then, I went to UVA for undergrad. After graduating, I spent about seven years bouncing around volunteer opportunities, academic pursuits, and various jobs mostly for non-profits. Then, instead of continuing to work in communications, I decided that I would rather get into a track with the possibility for more concrete accomplishments. So, that’s what brought

me to law school.

What area of the law are you most interested in?

Litigation, with a focus on employment law.

And what sparked your interest in that field?

So, I’m pretty nosy, which means I’m interested in an area of law that has scope for some investigation-type projects. And wild stuff happens at work. That makes it an interesting area of law—and it’s also one that pretty much everyone’s life will intersect with at some point because most folks will have a job. But there is a lot of misconception about what is and is not legal practice. I think people often think that activities that are merely unfair are illegal. But then they don’t recognize that some things employers are doing that seem normal are actually illegal. So, it’s an area that I find very interesting that has both human and legal aspects. And I’ve been informed that I have “litigator energy,” which seems pretty accurate. I’d say I’m one of the many litigation-focused types who have only a *very* foggy grasp of what M&A lawyers actually do.

Besides writing and working as an editor for the Virginia Law Weekly, what other activities are you involved with on Grounds?

I was the Philanthropy Chair and am now Co-Vice President of the Domestic Vio-

lence Project. While we are not the most visible club, we have been able to do some really great volunteering and fundraising work. That has been very rewarding. For example, I was particularly happy when we raised over \$700 for the Shelter for Help in Emergency. And I also work at the circulation desk at the Law Library, so come check out an iPhone charger from me. Or a book, if you’re feeling really wild.

Wonderful! So, I know you came to the law school in the COVID year. . .

Oh yeah.

What are the noticeable changes you’ve seen in the law school?

Well, I was a complete hermit first year because one of my roommates at the time was an essential worker. I couldn’t in good conscience justify bringing bonus germs into the house. So, if I had the option of doing school on Zoom, then that was what I needed to do. After being a hard-core hermit, things were relaxing a bit during 2L. And with that came many delightful classmates! For 3L, the ability to just hang out at school and not have to deal with the same stressful environment of early COVID has been really lovely.

And how would you say that impacted the friendships you’ve built during law school?

I would say that I made 1 or 2 good friends during 1L and it

has been a pleasant expansion of that number ever since.

Building off of that unique experience, what advice do you have for 1Ls and 2Ls?

This isn’t really for 1Ls or 2Ls specifically. While this is probably advice that you hear a lot, it’s important to think about what matters to you and not necessarily what everyone else or the institutions of the school are telling you are the best things. I feel this with myself—it is very easy to want things because everyone tells you that is what you should want. And then you pursue those goals because they feel like the right ones. This is not to say that all widely accepted goals are bad goals and no one should do them! But I just think that it’s important to take a minute and imagine what you want to get out of life and prioritize from there. And this reflects both career goals and academic goals. You don’t actually have to kill yourself over every class. You can be strategic about how you spend your time.

Before you leave law school, is there anything you would like to accomplish?

Well, I’m doing the Workplace Rights clinic at the LAJC right now, which is something new for me. I’m really looking forward to seeing my academic work be useful to people who are serving folks in the real world.

Great work following CREAC and tying this back into employment law. Do you have any last words that you would like to leave our audience with?

My husband and I have a mid-size dachshund named Otto. He is very long and very low to the ground, and so is a constant tripping hazard.

Lightning Round!

How many siblings do you have?

I’m the youngest of four!

How do you take your coffee?

Cream, no sugar.

Favorite kind of library patron?

People who have a book on hold and are excited it’s finally arrived.

What’s your horoscope?

Scorpio. I’m great at holding grudges.

Favorite restaurant around town?

That’s a hard one...it was Anna’s Pizza No. 5 before it closed. RIP.

What’s your phone screensaver?

It’s a picture from my wedding. Me and my husband and a lot of bushes.

HONOR

continued from page 1

require the student portion of the panel for guilt—which would be made up of five Honor Committee members and seven randomly selected students—to decide whether the offense at issue calls for expulsion or other permanent sanctions, including transcript notations. As Hornsby explains it, if less than five of the seven students on the panel vote for a permanent sanction, then those sanctions—including expulsion—will be placed in “a little glass box,” unavailable as possible sanctions for that particular offense. If the five-sevenths threshold were met, then the new sanctions panel—composed of the five Committee members on the guilt panel—would be able to hand down those sanctions, but they would not be required to do so.

Hornsby also highlighted that another major change proposed by the referendum involves what are called “Informed Retractions” (IRs). Introduced under the old system, where the single sanction for Honor violations was expulsion, IRs were meant to be a way to reward students for taking responsibility for their actions and making amends to the UVA community. If a student filed an IR prior to their Honor trial, they would be rewarded with a lesser sanction for their actions: a two-semester leave of absence.

If that lesser sanction sounds familiar, it should: Last year’s Honor referendum reduced the single sanction from expulsion to that two-semester

leave of absence. The problem is that it forgot to address IRs when it did so, effectively making it so that filing an IR is now equivalent to entering into a guilty plea for an Honor violation—except that students filing IRs also have to basically write a letter apologizing for their transgressions, meaning that in return for owning up to their mistakes, they actually get to do more work than they would otherwise. Since a system that punishes students for being honest and trying to make amends is deranged, the proposed system would make it so that a student who filed an IR would automatically have any kind of permanent sanction taken off the table for them once their case went to the sanctions panel.

Why We Need the New System

Now, is the system proposed by this year’s Honor referendum perfect? No. But as Hornsby describes it, “It’s a good step in the right direction.” A single-sanction system, which ignores the severity of alleged offenses or the context in which they were committed, inherently lacks the compassion and fairness that all students deserve. It ignores the permanent impact that an Honor violation conviction can have on a student’s life, affecting not only their future job and graduate school prospects, but also their ability to graduate from the University altogether. A student found guilty of committing an Honor violation is ineligible

to receive financial aid during their leave of absence, stands to lose University housing and scholarship eligibility, and—if they’re an international student—can lose their visa status if sanctioned. Add in the fact that data collected on the Honor system has indicated disproportionately high reporting and sanction rates for African Americans, Asian Americans, and international students,⁵ and it becomes clear that the current system needs to change. While the proposed multi-sanction system won’t magically solve all these problems, it at least recognizes that the problems exist and offers a fairer, more compassionate Honor system in response. At the very least, it’s a good step in the right direction.

⁵ Riley Walsh, Geremia Di Maro & Erica Sprott, *Report Shows Disproportionate Honor Violation Reports of Asian Americans, International Students in Recent Years*, Cavalier Daily (Feb. 18, 2019), https://www.cavalierdaily.com/article/2019/02/report-shows-disproportionate-honor-violation-reports-of-asian-americans-international-students-in-recent-years?ct=content_open&cv=cbox_latest. See also <https://report.honor.virginia.edu/#1>; <https://transparency.honor.virginia.edu/>.

saw8rc@virginia.edu

HOGWARTS

continued from page 5

the latter more effective. The number of spells and the various valid combinations of them make dueling a surprisingly complex and challenging task. In this sense, dueling in *Hogwarts Legacy* feels more like combat in *Assassin’s Creed* or *Red Dead Redemption* than dueling in some other *Harry Potter* games.

Hogwarts Legacy, unfortunately, has not been free of controversy. Most of it stems from its association with J.K. Rowling, who has been criticized for transphobic comments she has made. Since the game was announced in 2020, some have questioned whether it is appropriate to separate the art from the artist, and a few have even called for consumers to boycott the game. I think this is an overreaction. From what I have read, Rowling has had nothing to do with the development of this specific game, and the game itself goes out of its way to show its good faith. For instance, the character-customization feature is gender-neutral, and a transgender character has been introduced in the universe. Because of these factors, it is my belief that the creators put in real effort to distance themselves from Rowling’s comments and to make the wizarding world an inclusive place (well, except for muggles, that is). In fact, I think *Hogwarts Legacy* shows what the *Harry Potter* franchise can accomplish without Rowling’s help. She may have created the marvelous world of magical Britain, but, now more than

ever, I have confidence in the abilities of the countless others who have poured hours into making her dream a reality—so long as they are given the creative freedom to take risks and make their visions a reality.



wjh4ew@virginia.edu

Sudoku

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

Solution

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

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