



# VIRGINIA LAW WEEKLY

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

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## How to Clerk: A 1L Guide

Ethan Brown '25  
Features Editor

On Wednesday, March 15, Senior Director of Judicial Clerkships Ruth Payne '02 gave 1L students a preliminary overview of the clerkship application process, a monthslong—and perhaps even yearslong—journey to occupy some of the most coveted judicial positions across the country.<sup>1</sup> The session, which to this 1L was a freakish reminder that our time in law school is almost a third of the way done, delved into the Whys, Whos, Wheres, and Whats of clerking.

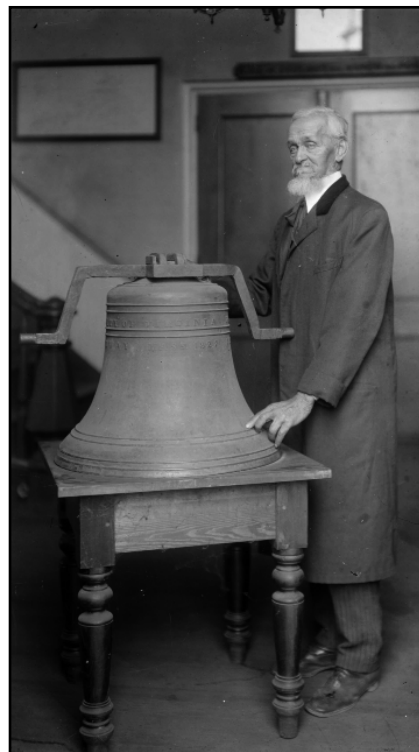
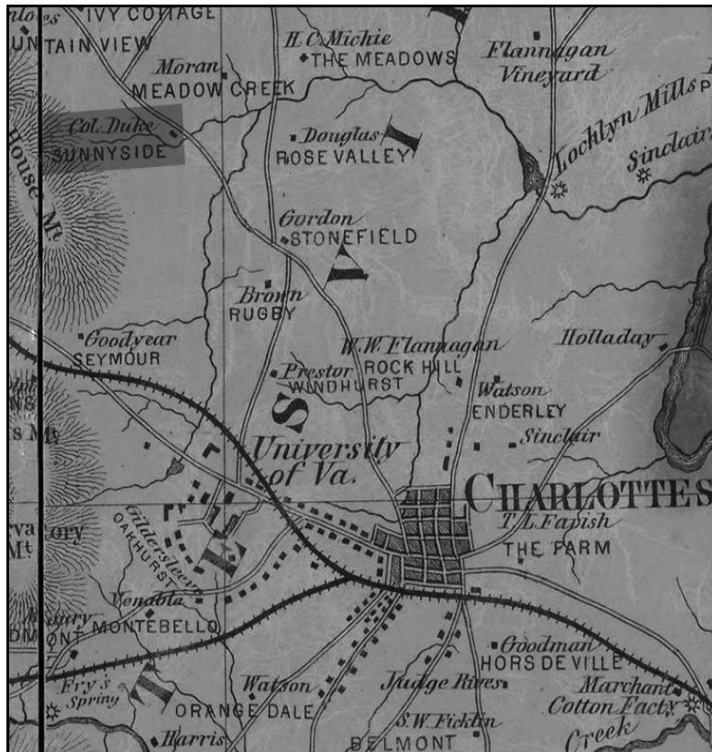
Before breaking clerkship applications down into their constituent parts, Payne tackled the biggest question first, and probably the one that matters most to the anxious 1Ls reading this: At what point do most 1L students need to think seriously about clerkship applications? Payne explained that for the vast majority of us, applying will begin in earnest during our 2L year, likely about a year from now, during spring 2024. However, for a very small portion of students, particularly those interested in clerking for conservative circuit court judges, Payne said that the process could begin as early as this semester and go into the summer.

### Why Clerk?

For students on the fence about whether clerking is the right career move for them, Payne painted a compelling picture. First, clerks get exceptional training from their judges. Unlike at law firms, where junior associates are thrown onto sprawling projects, perhaps with limited feedback, Payne said that judges are at the pinnacle of their career during their time on the bench—and they have a lot of time to provide their clerks with meaningful guidance. Second, in her fifteen years at UVA Law, every clerk Payne has worked with has reported improved writing skills, which benefits lawyers both in litigation and transactional practice. And third, clerks don't get grunt work—they perform substantive duties at their judge's behest

1 DISCLAIMER: If you are a 1L interested in clerking who wasn't able to make the session, I highly encourage you to reach out to Payne, who through her fifteen years of service at UVA Law knows about 1.7 million times as much information about judicial clerkships than this article can possibly contain.

# Hiking Through UVA History



Pictured: Left, 1867 Map of Albemarle County (Credit: UVA Law). Right, Henry Martin (Credit: <https://encyclopediavirginia.org/12010-f4464de63ccacdb/>).

Ryan Moore '25  
Law Weekly Historian

Shortly after noon last Thursday, I joined fifteen of our fellow classmates outside the Law Library. Our mission: partake in an hour-long guided walking tour through North Grounds history with Randi Flaherty and Addison Patrick of the UVA Law Library. Our trek covered portions of the Rivanna Trail behind our Law School. UVA is our home for the next few years, and it's interesting to learn about the history of North Grounds and the people (both free and enslaved) who lived here.

Our first stop on the hike was the Park at North Grounds. When the University first excavated the land for development, workers discovered a possible stone quarry used by the Monacan Indian Nation. The Monacan Indian Nation is believed to be the first inhabitants of the land that became the Law School and were likely present on the land for thousands of years.

Our hike continued into the woods behind the Law School. From 1863 to 1963, the prominent Duke family owned this land. The Dukes were white slaveholders. The patriarch, Colonel Richard Walter Duke, Sr., was an officer in the Confederate military, a member of the US House of Representatives,<sup>1</sup> and a UVA Law alumnus.<sup>1</sup> His son also gradu-

ated from UVA Law.<sup>2</sup>

During the Civil War, Confederate troops wintered in the Duke family's woods. Parts of the University were used as a field hospital for Confederate war casualties. However, on March 3, 1865, the Union army captured Charlottesville. President Lincoln's Emancipation Proclamation, declaring "that all persons held as slaves" within the Confederacy "are, and henceforward shall be free"<sup>3</sup> meant freedom for the enslaved peoples of Charlottesville, including those held in bondage by the Duke family. Many formerly enslaved people left Charlottesville with the advancing Union army. Due to poor recordkeeping, we are unable to determine what ultimately happened to many individuals enslaved by the University and prominent slaveholders in Charlottesville. We do know that the Duke family's chef ended up working as a private chef in New Jersey.

The Duke family home still exists, intact, on the Rivanna Trail. The ironically named "Sunnyside Residence" is now used as admin housing for the University, although it is currently unoccupied. It apparently is still in good condition, and if it has a washer and dryer, it's already better than

2 I guess legacy admissions were a thing even back then.

3 <https://www.archives.gov/exhibits/featured-documents/emancipation-proclamation>.

my apartment.<sup>4</sup>

Our second-to-last stop was the ruins of the old Albemarle County Poorhouse, which stood from 1809 until 1870. At the time, the Poorhouse was perhaps the most diverse space anywhere in America. All those deemed by the state as unable to take care of themselves (the poor, the very young, the elderly), regardless of race, would have all lived in these housing complexes. Not much remains of this era except a few stacked brick walls and the government's continued marginalization of the economically disadvantaged.

Our final stop was the former Charlottesville barbecue grounds. I was surprised to learn North Grounds used to host multiple high-profile barbecue clubs from the 1860s until the 1930s. The Duke family hosted the annual Cool Spring BBQ Club, an elaborate, all-day event for prominent members of the Charlottesville community. (Mostly Black) chefs would braise and cook the meat with a mixture of salt and vinegar and slow roast it over coals. If I go into any more detail while writing this article, I will cave and order Zaxby's for dinner, and my wallet cannot afford it.

The Dukes also hosted BBQ events for fellow UVA Law alumni and those associated with the university. My favorite part of the tour was

4 Seriously, I don't have a washer and dryer.

## around north grounds



Thumbs up to bar applications. ANG loves watching the 3Ls have to do actual work, especially since most of it is completely pointless.



Thumbs down to Darden. ANG sees you frantically trying to finish construction before those sweet, last minute graduation reservations come rolling in.



Thumbs up to the new SBA President and VP being the most Spies Kegger-friendly candidates. ANG will hold you to those campaign promises, even if no one else will.



Thumbs sideways to Naomi Biden being at Bar Review.

ANG loves the heirs of corrupt imperial dynasties, but is uncomfortable with people who are so friendly.



Thumbs up to this semester's Snack Office candy. ANG has been hoarding a stash of candy like a squirrel in anticipation of finals.



Thumbs down to Ben and Jerry's free cone day. Why send ANG such a tantalizing email, when ANG must wait another three weeks to seize the freebie?



Thumbs sideways to Libel's Thursday Evening Show. ANG loves making fun of law school but hates the sound of 1Ls laughing.



Thumbs up to admitted students. ANG loves seeing the wonder on their faces before their 1L civil procedure final drains all their hopes and dreams.



Thumbs down to March Madness and UVA's loss. The only thing ANG hates more than sports is scrappy underdogs.

# Admitted Student Archetypes

Darius Adel '24  
Satire Editor



Navigating social interactions can be a little bit like exploring a dungeon full of high-level skeletons and slimes. In video games, you have the freedom to choose what kind of class you'll be before setting out on your quest. In real life, you already have preset stats. Last week, I ventured out to the Admitted Students Activity Fair and got to observe the different student admit archetypes. There is no one type of admitted student. Creating these categories is ultimately a flawed endeavor, since most of my interactions boiled down to two-minute conversations while orbiting around the student org tables.

The first type of student was actually a disguised mimic that cleverly tried to fool me, the Overbearing Parent. If I didn't know better, I would have thought they were the ones about to attend law school. Being interested in the school is one thing, but I listened to one parent talk over their child repeatedly while asking about clerkship numbers. Another overzealous parent I spoke to had a bit of a Freudian slip, saying, "I'm still deciding between UVA and Penn." I'm sure they have a great relationship with their kid.

The second and thankfully more common archetype I saw was the Swag Lord. This

person is decked out in all the latest UVA gear. I'm not just talking about hats or hoodies. They have a coordinated outfit down to the blue and orange socks. I imagine that this person prayed at the UVA Law altar every night before getting their acceptance letter. This admit has a mental map of the school and already knows what Libel sketch they are going to write as a 2L. High-level ones may even have access to secret knowledge, like what a Wahoo is and the meaning of collegial. Their love for the Law School is contagious, and that makes them my favorite type of admit.

I dealt with a few students who fall under the Archeologist archetype. These people have intensity. Every conversation is a treasure to be unearthed. They have no qualms with asking the harder questions in their search for knowledge. The reason I enjoyed talking to these people so much is because I could tell they were sincere and serious about picking the right school. One admit asked me if the school's clerkship numbers were inflated due to the Federalist Society and what their chances of landing a liberal clerkship would be here. Another asked why our public service support lags behind many of our peers and if UVA is just a law-school-to-BigLaw pipeline. Such pointed questions were a bit jarring to hear, but I appreciated them. It is clear that these people have

done their research. They see past the fancy website banners and glossy brochures and are thinking critically about their acceptance decision.

In direct opposition to the Archeologist is their failson brother, the Keg Fiend. These ones were hard to spot, but I did find a few in the wild.

three-mile radius of me and regretting their decisions.

Next, we have the Scholar. These people are all business, all the time. Brooks Brothers gingham shirt? Check. Fleece vest? Check. Firm handshake and unshakable eye contact? Check. I don't really have much to say about this type

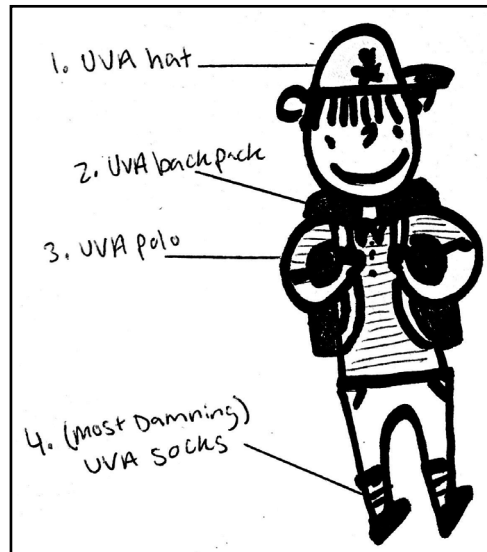


Figure 1:  
Artist's rendition  
of the elusive  
"Swag Lord"

of admit, except that they are definitely a type. As someone who usually rolls to class in a wrinkled t-shirt and faded corduroys that I haven't washed since leaving California, I admire how put-together they are. They are usually very polite, yet distant. They came

to the Admitted Students Open House this weekend because it is a box to cross out on their giant checklist, which started in the womb and culminates in them becoming a judge magistrate of the new world order.<sup>2</sup>

I feel a bit silly categorizing people I spent between one to five minutes interacting with. That being said, first impressions are powerful. Just like in a good roleplaying

You can identify them from a distance by the thick forearms they've developed from dual-wielding borgs. This person spent all of Thursday snooping around for the best pre-games and parties for the weekend. "Do I have a plug at the school?? Sorry, no, but you can borrow a charger at the library."<sup>1</sup> As I'm writing this article on Saturday morning, this person is probably throwing up somewhere within a

<sup>1</sup> <https://libguides.law.virginia.edu/using/students>.

<sup>2</sup> If you want to play a game about corrupt judges, *Final Fantasy XII* is a great one.

game, your starting class isn't necessarily what you will end up as. People are complicated and probably house multiple archetypes within them. The fun part about getting to know someone is being surprised by their unexpected qualities. It will be enjoyable to really get to know some of these people next year. Who knows, maybe the Keg Fiend will become a pious Judicial Warrior. Or, maybe the Scholar will become a Constitutional Necromancer.



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# Infidelity in Golf (But Tiger is on the Right Side)

Garrett Coleman '25  
Managing Editor



With the Players Championship having taken place just over a week ago, the golf season is in full swing for 2023. But a great schism divides the sport. This is the first full season in which the Professional Golfers' Association (PGA) has a true rival: LIV Golf. Backed by the Saudi Public Investment Fund, this alternative tour has broken the market by offering players absurdly large contracts in exchange for their souls... I mean, commitment to play in LIV events. To offer some perspective, Phil Mickelson signed for \$200 million.<sup>1</sup> But now, because of Mickelson v. PGA Tour, I finally have a reason to air my distaste for all things LIV in a legal newspaper.

Eleven LIV players filed suit against the PGA Tour in August of 2022 after they were suspended from participating in events.<sup>2</sup> In February, Judge Beth Labson Freeman of the Northern District of California allowed the PGA to countersue both LIV and the Saudi Public Investment Fund for wrongful

interference with its business.<sup>3</sup> Additionally, the PGA is currently under a DOJ investigation for monopolistic behavior, stemming from the same player suspensions.<sup>4</sup>

The complaint alleges that "the PGA Tour has 'craft[ed] an arsenal of anti-competitive restraints to protect its long-standing monopoly."<sup>5</sup> It goes on to list a host of alleged violations of the Sherman Antitrust Act. With much discovery and economic analysis yet to be released, I feel at liberty to give my own, preliminary legal take: Treason!

Whatever you would like to say about the PGA Tour, you cannot contend that it stifles innovation. Every year, courses get longer, and greens get faster. Still, players come in further below par. After the hegemony of Tiger Woods, the Tour has been filled with rising and falling stars. And regular coverage of events places trackers on nearly every shot, which would be an unimaginable luxury for viewers twenty

<sup>3</sup> *Id.*

<sup>4</sup> Louise Radnofsky & Andrew Beaton, *Justice Department Is Investigating PGA Tour over Potential Antitrust Violations in LIV Golf Battle*, Wall St. J., Jul. 11, 2022, [https://www.wsj.com/articles/pga-tour-antitrust-liv-department-of-justice-investigation-1165755177?mod=hp\\_lead\\_pos1](https://www.wsj.com/articles/pga-tour-antitrust-liv-department-of-justice-investigation-1165755177?mod=hp_lead_pos1).

<sup>5</sup> Tim Derdenger & Alison Palo, *The Key Role of Economic Analysis in PGA Tour Antitrust Suit*, Law360 (2022).

years ago.

The golf market does not lend itself to strong substitutes, either. Much of the draw to PGA events is that they are filled with all the world's best players. That is certainly the case with the four major championships. But LIV is set to destroy that by buying off the more selfishly minded. This could create a world in which viewers have two tournaments to watch, neither of which is half as enjoyable as the pre-2022 PGA event.

The most recognizable name in golf has remained stalwart in his loyalty to the PGA Tour. Tiger Woods has been quite vocal in his opposition, wanting to leave the Tour better than he found it.<sup>6</sup> And in my opinion, the Brooks Koepkas and Dustin Johnsons ought to follow the lead of their elder, if for no other reason than that Tiger Woods is responsible for their massive paychecks to begin with. When Woods won his first professional tournament in 1996, he earned \$567,000, adjusted for inflation.<sup>7</sup> At the Players Championship last week, Scot-

<sup>6</sup> Joel Beall, *Tiger Woods Explains Why He's Been So Vocal Against LIV Golf*, Golf Dig., Dec. 1, 2022, <https://www.golfdigest.com/story/tiger-woods-liv-golf-hero-2022>.

<sup>7</sup> *Tiger Woods Won His First Pro Tournament in Las Vegas in 1996*, Sports Illustrated, Oct. 6, 2021, <https://www.si.com/golf/news/tiger-woods-won-his-first-pro-tournament-in-las-vegas-in-1996>.

tie Scheffler brought home \$4.5 million. So much of that increase in popularity is due to the new face that Woods put on golf. And it is a reminder that these new players have reaped what they did not sow.

Lastly, the PGA Tour is a classic American institution worthy of a special status, akin to Major League Baseball. It is widely known to be an incredibly charitable organization, having used non-profit tournaments to raise billions for local organizations.<sup>8</sup> Turn on any PGA event and watch the commercials for Youth on Course, PGA REACH, and PGA Hope. It is patently obvious that many players and Tour officials are committed to giving back to the communities in which they play. This organization must now defend itself against a competitor that is backed by a foreign monarchy that regularly beheads people.

But I should concede one point to some of the treasonous LIV players. Professional golf offers almost no certainty to the guys outside of the top 100, and the consistent money is mostly reserved for the top fifty. In the Korn Ferry Tour—think of Triple-A baseball or G League basketball—it is not uncommon for players to live in their cars. Out of the best players I knew in high school, who went on to start for top D1 teams, none of them have come close to securing membership

<sup>8</sup> PGA Tour Impact, <https://www.pgatour.com/impact>.

on the PGA Tour. And much of this financial concern is the result of the tournament structure itself. As independent contractors,<sup>9</sup> PGA players are guaranteed nothing outside of their sponsorship contracts. If they miss the cut that week—which around half of them will—they lose money. So, the mega-contracts backed by the Saudi Public Investment Fund offer genuine appeal to good players who would otherwise live with financial uncertainty.

This means that there should likely be more player cooperation to secure benefits for up-and-coming golfers. But LIV is doing something different. It is siphoning off top players with absurd contracts and then crying foul when the PGA defends itself. Hopefully, the courts do not shelter LIV with antitrust law.

<sup>9</sup> Evan L. Conder, *Wait, Is that Pro Golfer an Employee or Independent Contractor?*, Lexology, Dec. 8, 2022, <https://www.lexology.com/library/detail.aspx?g=6870e9f1-0boe-47f1-af85-66d39ff8e475>.



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<sup>1</sup> Emily Washburn, *PGA v. LIV: Everything You Need to Know About Golf's Messiest Drama*, Forbes, Feb. 23, 2023.

<sup>2</sup> *Id.*

# United By Music: Eurovision 2023

Monica Sandu '24  
Production Editor



Anybody who knows me knows I'm obsessed with very passionate about Eurovision. And yet, whenever I bring it up, I'm always met with the question: What is Eurovision?

## Background:

Eurovision is the world's longest-running broadcasted music festival. Countries take part through their national broadcasters, who are members of the European Broadcast Union (EBU).<sup>1</sup> Every country selects a song and an artist, either through a national competition or by their broadcaster, to represent them in a Europe-wide battle of the bands typically hosted by the previous year's winner. 2023's edition will be held in the UK, which placed second, as 2022 winner Ukraine is currently unable to host.

All participants, with the exception of the "Big Five" (i.e., the EBU's five largest financial contributors: the UK, Spain, Germany, Italy, and France) and the previous year's winner are evenly divided by random draw into one of two semifinals. All artists perform live on stage in one massive concert, after which the public votes via text for their favorite acts.

<sup>1</sup> Plus Australia, which participates as an invited guest of the EBU.

Points are allocated by country, where each country gives out one to eight points, ten points, and the coveted twelve points to their top ten performances. The top ten from each semifinal advance to the Grand Final.<sup>2</sup> In the Grand Final, each country also has a national jury of five music industry professionals who judge songs based on performance, composition, and staging, and rank their favorites. The top ten of each national jury receive twelve, ten, and eight to one points. There is also a public vote, which counts for 50 percent of the total points. The song with the most points wins!

## Participants:

- Albania – *Duje*,<sup>3</sup> Albina & Familja Kelmendi
- Armenia – *Future Lover*, Brunette
- Australia – *Promise*, Voyager<sup>4</sup>
- Austria – *Who the Hell is Edgar?*, Teya & Salena
- Azerbaijan – *Tell Me More*, TuralTurax
- Belgium – *Because of You*, Gustaph

<sup>2</sup> Qualifiers are announced in random order and results are kept secret in order to avoid influencing the final.

<sup>3</sup> "To Love."

<sup>4</sup> Fun fact: Australia's lead singer this year is also a practicing immigration lawyer and has his own firm! Thus, this entire article is related to law school.



Pictured: Eurovision 2022 Winners Kalush Orchestra with their trophy, which they would later auction to raise money for the war effort. Source: <https://www.bbc.com/news/world-europe-61628590>

- Croatia – *Mama Šć!*, Let 3
- Cyprus – *Breaking a Broken Heart*, Andrew Lambrou
- Czechia – *My Sister's Crown*, Vesna
- Denmark – *Breaking My Heart*, Reiley
- Estonia – *Bridges*, Alike
- Finland – *Cha Cha Cha*, Kääjä
- France – *Évidemment*,<sup>5</sup> La Zarra
- Georgia – *Echo*, Iru Khechanovi
- Germany – *Blood and Glitter*, Lord of the Lost
- Greece – *What they Say*, Victor Vernicos
- Iceland – *Power*, Diljá
- Ireland – *We Are One*, Wild Youth
- Israel – *Unicorn*, Noa Kirel
- Italy – *Due Vite*,<sup>6</sup> Marco

<sup>5</sup> "Obviously."

<sup>6</sup> "Two Lives."

- Latvia – *Aijā*,<sup>7</sup> Sudden Lights
- Lithuania – *Stay*, Monika Linktė
- Malta – *Dance (Our Own Party)*, The Busker
- Moldova – *Soarele și Luna*,<sup>8</sup> Pasha Parfeni
- Netherlands – *Burning Daylight*, Mia Nicolai & Dion Cooper
- Norway – *Queen of Kings*, Alessandra
- Poland – *Solo*, Blanka
- Portugal – *Ai Coração*,<sup>9</sup> Mimitat
- Romania – *D.G.T.* <sup>10</sup> (*Off and On*), Theodor Andrei

<sup>7</sup> "Rockabye."

<sup>8</sup> "The Sun and the Moon."

<sup>9</sup> "Oh Heart."

<sup>10</sup> Pronounced "de-ge-te," meaning "fingers."

- San Marino – *Like an Animal*, Piqued Jacks
- Serbia – *Samo Mi Se Spava*,<sup>11</sup> Luke Black
- Slovenia – *Carpe Diem*, Joker Out
- Spain – *Eaea*,<sup>12</sup> Blanca Paloma
- Sweden – *Tattoo*, Loreen
- Switzerland – *Watergun*, Remo Forrer
- Ukraine – *Heart of Steel*, TVORCHI
- United Kingdom – *I Wrote a Song*, Mae Muller

## My Ranking:

### 1 point to Italy

I love a good Italian ballad, and *Due Vite* is no exception. After all, it did win Sanremo, which is an even bigger deal in Italy than Eurovision. It's powerful, full of emotion, and quite beautiful.

### 2 points to Slovenia

I don't speak a word of Slovenian, but the band is so charming and engaging, especially live, that they more than make up for it. *Carpe Diem* is exactly what you'd think—a party song with a great beat.

### 3 points to Malta

This song is so silly and sweet, I can't help but like it! Plus, it has a Maltese version

<sup>11</sup> "I just wanna sleep."

<sup>12</sup> "The sound of a lullaby."

# Naked Mole-Rats II: Ugly Essentials

Jonathan Peterson '23  
Executive Editor  
Emeritus



In my last article, I discussed many of the basic physical characteristics of naked mole-rats. Even those were bizarre, but the main focus of that article was on the infinitely more bizarre social structure of a naked mole-rat colony. These mammals live in groups which more closely resemble colonies of insects than the mammalian social structures we know. However, that article should not be taken to imply that the social structure of naked mole-rats is the craziest thing about these extraordinary little aliens. These mammals have been the subject of significant scientific research to discover both the "how" and the "why" of many of their physical characteristics.

## Thermoconformers

Mammals are notoriously thermoregulators—they maintain their body temperature within a specific and fairly narrow range. For instance, humans generally range from ninety-seven to ninety-nine degrees Fahrenheit. We expend energy to keep our body temperature within that range. This is how *all* mammals function—except for one.

Naked mole-rats are *thermoconformers*. This means that their body temperature conforms to the temperature of the environment around

them. Because they live in burrows, the underground temperature is fairly consistent. Further, this adaptation is undeniably beneficial in their low-resource environment. Because their body temperature conforms to the temperature of their environment, they need not expend significant resources heating and cooling their bodies, like all other mammals.

Some argue that naked mole-rats are not true thermoconformers, but rather behavioral thermoregulators. This is based on evidence that, at temperatures above eighty-four degrees Fahrenheit, naked mole-rats will retreat deeper into the cooler areas of their burrows. And in cooler temperatures, naked mole-rats will huddle together, or congregate near the entrances to their burrow, where the sun is stronger.<sup>1</sup> So, some argue that they regulate their temperature through behaviors.

## Pain Tolerance

In addition to being pink, hairless, and wrinkly, naked

<sup>1</sup> As with the last article, assume all uncited information is supported by Wikipedia. [https://en.wikipedia.org/wiki/Naked\\_mole-rat](https://en.wikipedia.org/wiki/Naked_mole-rat). I'm not entirely sure how this evidence is incompatible with the thermoconformer hypothesis. It seems to me that seeking out warmer or cooler environments to maintain a comfortable internal temperature is entirely consistent with maintaining an internal temperature consistent with the environment—otherwise known as thermoconforming.

mole-rats are also immune to certain forms of pain. "This superpower only works with specific chemical stimuli—acid and capsaicin—heat and

mole-rats have gained this adaptation is, again, related to the lack of resources in their environment. Having a less complex nervous system re-

quires less energy—this makes naked mole-rats more efficient in their isolated environment.<sup>3</sup> Another theory posits that this adaptation developed in response to the naked mole-rat's low oxygen and high carbon dioxide environment. The high levels of carbon dioxide can cause acid buildup in the body tissues of the rodents—this adaptation literally allows

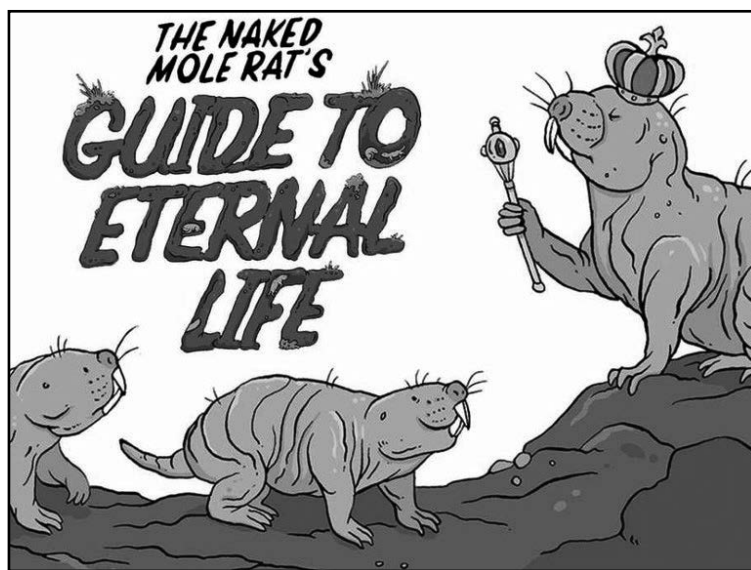
them to not experience the pain associated with this acid buildup. Harnessing the power of this adaptation could help doctors to manage patient pain levels in treatments more effectively. This could be important for those suffering from cancer and arthritis. Acid buildup in the body is a significant contributor to chronic pain for both. If scientists could harness the ability of naked mole-rats to not experience pain resulting from acid, those suffering from cancer and arthritis could eliminate much of their chronic pain.<sup>4</sup>

## Oxygen Deprivation

Naked mole-rats are also incredible at surviving in poorly ventilated, low-oxygen tunnels. For one, the hemoglobin in their blood is particularly efficient at oxygen uptake. Further, their respiratory and metabolic rates are far lower than other mammals their size—about 70 percent compared to a mouse—which allows for minimal oxygen use. Couple the two together and you have a rodent that is incredibly efficient at utilizing oxygen while simultaneously needing very little.

In fact, naked mole-rats can survive for *at least* five hours in an environment which contains only 5 percent oxygen. And they can survive indefinitely in an environment

<sup>4</sup> Smith, *supra* note 2.



Credit: BBC Science Focus

pressure" are still painful to naked mole-rats.<sup>2</sup> This is because naked mole-rats do not have neurotransmitters in their cutaneous sensory fibers. Or, in English, their skin doesn't have the nerves necessary to transmit the "pain" sensation.

## One theory for why naked

<sup>2</sup> Ewan St. John Smith, *Meet the Naked Mole-rat: Impervious to Pain and Cancer, and Lives Ten Times Longer than It Should* (June 17, 2019) <https://theconversation.com/meet-the-naked-mole-rat-impervious-to-pain-and-cancer-and-lives-ten-times-longer-than-it-should-118809>. Capsaicin is what gives chili peppers their spiciness. It is a chemical irritant and neurotoxin for mammals.

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<sup>3</sup> Elizabeth Pennisi, *How Naked Mole Rats Conquered Pain—And What It Could Mean for Us* (Oct. 11, 2016), <https://www.science.org/content/article/how-naked-mole-rats-conquered-pain-and-what-it-could-mean-us#:~:text=Although%20it%20has%20a%20face,pain%20from%20injury%20and%20inflammation.>

# 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)

*Students for Early Spring v. Punxsutawny Phil*  
75 U.Va. 19 (2023)

ALLARD, J. delivers the opinion of the court, in which COLEMAN, J., ADEL, J., BROWN, J., SANDU, J., ALLEN, J., and MORSE, C.J., join.

PAZHWAQ, J., dissents.

**Allard, J. delivered the opinion of the court.**

This action was brought by law students in response to recent inclement weather. Plaintiffs appeal from a ruling by the infamous Court of Public Opinion, holding *inter alia* “Aw, don’t sue the groundhog, he’s so cute” and “Hey wait, didn’t he die?” Plaintiffs allege in their complaint that Punxsutawney Phil, along with numerous other marmot meteorologists, have conspired to delay the arrival of spring. Members of the so-called “Inner Circle”—the secretive organization that communicates on behalf of Mr. Phil—intervened to contest Mr. Phil’s capacity to be sued.

The material facts of the case are not in dispute. Mr. Phil is a groundhog residing in Young Township, Pennsylvania. Mr. Phil is a meteorologist by profession who forecasts using the ancient art of sciomancy. Each year, on February 2, Mr. Phil emerges at Gobbler’s Knob, where he is charged with searching for his shadow and communicating his findings to the Inner Circle. The result of Mr. Phil’s inspection determines whether spring will come early or winter weather will persist for an additional six weeks. This year, Mr. Phil, having seen his shadow, predicted a long winter. Several other groundhog meteorologists who forecasted a long winter are joined in Plaintiffs’ complaint.<sup>1</sup>

<sup>1</sup> On behalf of Mr. Phil, the Inner Circle insists that all other groundhogs

Plaintiffs argue that because Mr. Phil claims 100% accuracy, his predictions are in effect proclamations of future weather for which Mr. Phil is liable. Plaintiffs thus seek compensatory damages and injunctive relief for a recent Sunday snowfall. Because Plaintiffs are desperate to dawn their spring outfits and the snow was not “not even . . . the fun kind that you can play in,” Plaintiffs seek damages for serious emotional harm. Plaintiffs also seek to enjoin Mr. Phil from engaging in future forecasting that is likely

to cause them “irreparable inconvenience.”

*“Such extravagant barbarism is, of course, beneath the Court of Petty Appeals.”*

to cause them “irreparable inconvenience.”

Apparently in protest, Defendant gnawed on the Court’s benches and squeaked at the Justices.<sup>2</sup> Due to Mr. Phil’s apparent inability to communicate with the Court, the Inner Circle was allowed to intervene in the case. They then insisted that the case be dismissed for lack of jurisdiction.

On appeal, we are asked to answer two questions: Can Mr. Phil be brought before this Court as a defendant in a civil suit? And, if so, can Mr. Phil

are imposters and should thus be dismissed from this case. While we share Intervenor’s skepticism as to the veracity of other groundhogs’ predictions, that question need not be decided in the present case.

<sup>2</sup> Mr. Phil also insolently failed to rise when the Justices entered the courtroom. The Inner Circle explained that Mr. Phil understands only Groundhogese and could not understand the bailiff’s instruction. While we appreciate such reassurances, the prestige and authority of the Court of Petty Appeals is universally recognized. All living creatures know to rise for us. The bailiff’s instruction is a mere formality.

be held liable for inclement weather in light of his persistent claim of 100% meteorological accuracy? We hold that although Plaintiffs may sue Mr. Phil, the *sugere id* doctrine requires Plaintiffs to accept the hardship of an extended winter.

The Inner Circle, as Intervenor, argues that Mr. Phil cannot be haled into this Court. Intervenor, noting that Mr. Phil speaks only Groundhogese, argues that it would violate his Fifth Amendment Due Process rights to conduct a civil pro-

ceeding against him which he is incapable of comprehending. In response, Plaintiffs point out that Mr. Phil communicates through the president of the Inner Circle, Tom Dunkel. During cross examination, Mr. Dunkel admitted that he acts as an interpreter for Mr. Phil. But Mr. Dunkel insisted that Mr. Phil’s language is exceedingly complex and that they only discuss “simpler topics.” Mr. Dunkel thus concluded that he could not effectively communicate the court proceedings in Groundhogese.

While we are sympathetic to Intervenor’s arguments, we are skeptical of their truthfulness. The Inner Circle indicates on their website that, in his spare time, Mr. Phil enjoys “reading the daily newspaper.”<sup>3</sup> We are aware of no daily publication in Groundhogese. It thus appears that Mr. Phil is capable of reading English and can comprehend this Court’s proceedings—to the extent that they are comprehensible.

Intervenor next argues that

<sup>3</sup> *Phil FAQ*, The Punxsutawney Groundhog Club, <https://www.groundhog.org/phil-faq>.

suits against animals are a long-abandoned and inhumane practice of ancient law. But this Court has recently expressed its commitment to originalism.<sup>4</sup> We thus find that it is appropriate, indeed necessary, to exercise our jurisdiction here. If anything, our decision shows comparative restraint. Prosecutors in other jurisdictions have thought it lawful to seek the death penalty in criminal charges against Mr. Phil.<sup>5</sup> Such extravagant barbarism is, of course, beneath the Court of Petty Appeals. But

here, Plaintiffs seek only to coerce funds from Mr. Phil’s vast riches and to dictate his professional conduct. It is well within our authority to order such relief.

We now turn to the question of whether Mr. Phil can be held liable for inclement weather. Plaintiffs essentially argue that because Mr. Phil’s forecasts are 100% accurate, Mr. Phil functionally controls the weather. In response, Intervenor objects that: (1) Mr. Phil uses a sciomantic forecasting methodology, so his forecasts are not some arbitrary decision, but rather a matter-of-fact divination of future weather; and (2) Even if Mr. Phil’s forecasting could be correctly described as controlling the weather, the proper target of a suit for such con-

<sup>4</sup> See *1L Students v. Virginia Law Review et al.*, 75 U.Va. 18 (2023) (Coleman, J., concurring) (“[O]riginalist methodology . . . is obviously correct.”).

<sup>5</sup> Jason Samenow, *Ohio Prosecutor Seeks Death Penalty for Punxsutawney Phil After Bad Forecast*, Wash. Post (Mar. 21, 2013).

duct is the Inner Circle, as they bear ultimate responsibility for communicating Mr. Phil’s forecasts.

Counsel on both sides make compelling arguments. But we need not decide them here because Plaintiffs have done the unthinkable: They have made a complaint too petty even for the Court of Petty Appeals. We thus brush the dust off the all-but-forgotten *sugere id* doctrine and require Plaintiffs to endure the hardship of a long winter. The nearly imperceptible dusting of snow that touched Charlottesville last Sunday, though perhaps unusual, was of such little consequence that I sort of forgot that that’s why I was even writing this thing in the first place. This ruling should not be construed to prevent a judgment against Mr. Phil should a blizzard be visited upon Charlottesville in future years as a result of his forecasting. But, in the present case, we hold that Plaintiffs’ suit cannot proceed, because they must simply get over it.

**Pazhwak, J., dissenting.**

There is much to object to in the majority opinion. Never before has this Court entertained the notion that there is a “complaint too petty even for the Court of Petty Appeals,” and the majority makes a mockery of its supposed “commitment to originalism” in even suggesting such a ludicrous idea. This Court must decide even the most petty and insignificant of matters, or else leave the billions who rely on our august jurisprudence adrift in a sea of uncertainty.<sup>6</sup> For those sleep

<sup>6</sup> See *ANG v. Scott* (ANG III) 28 U.Va. 12 (1997) (discussing how the opinions issued by the COPA are closely followed and studied by a wide-ranging group consisting of prospective UVA Law students, current law students, alumni, law students at every

## Faculty Quotes


<b>A. Bamzai:</b> “Last time this happened, I made it into the <i>Law Weekly</i> . I should be very careful about similar types of disclosures in the future.”	<b>M. Collins:</b> “It involved two cases of vehicular manslaughter. That’s why I don’t want to call it a pedestrian case.”
<b>A. Bamzai, five minutes later:</b> “This is going to make it into <i>Virginia Law Weekly</i> again.”	<b>J. Mahoney:</b> “Trespassers can make America great.”
<b>C. Nelson:</b> “Mindless invocations of dictionaries is only for trained textualists, not amateurs like Justice Breyer.”	<b>M. Riley:</b> “When you graduate and start donating to the Law School, make sure you donate directly to me.”
<b>M. Livermore:</b> “The Ten Dollar Torture Tuesdays deal.”	<i>Heard a good professor quote? Email us at <a href="mailto:editor@lawweekly.org">editor@lawweekly.org</a>.</i>

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## Virginia Law Weekly

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COPA

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deprived, indebted, huddled masses of law students longing for relief from their trivial concerns, do not pay too much heed to their errant, bizarre holding. The Court of Petty Appeals sees you, it hears you, and it will certainly deliver justice against a groundhog on your behalf.

Moreover, the majority evinces a great callousness in discussing this case without reference to the recent death of Fred la marmotte. At least a footnote would have in some measure paid tribute to the amazing life and untimely death of this faithful Québécois groundhog, who did not have the opportunity to carry out his duty this year like his counterpart Mr. Phil. While this omission admittedly does not play a great part in deciding the issues in this case, and was indeed never raised by the contending parties, the sole mention of Punxsutawney Phil nevertheless seems to indicate a preferencing of the Anglophonic world by Justice Allard and company. I can only caution my colleagues at the dangers of generating indignation in le monde francophone, and mutter a quiet “sacré bleu!” to myself at their oversight.

For the foregoing reasons, I respectfully dissent.

other U.S. law school, certain non-human sentient beings residing within the boundaries of North Grounds, and other people across the globe likely numbering in the billions).

CLERK

continued from page 1

and aren’t treated as rungs at the bottom of the ladder, as freshly minted lawyers might feel in Big Law.

Who Can Clerk?

In Payne’s own words, “Anyone who comes to UVA Law can clerk,” with the obvious caveat<sup>2</sup> that most of us will not be completing those clerkships at the Supreme Court. Regarding grades, Payne emphasized that most clerkships are not that grade-sensitive; she even mentioned one judge she works with who said they rarely even look at applicants’ transcripts. Like with recruiting through OPP, Payne said that students with less work experience and less leadership experience at the Law School may need to rely on grades more throughout the process relative to their peers. But she in no way suggested that high grades were necessary to land a clerkship, even those—like federal clerkships—that many UVA Law students assume require impeccable academic credentials.

While Payne was insistent that anyone who wants to clerk can do so if they stick with it, she also cautioned that the process is competitive. Most judges receive thousands of ap-

2 Though maybe this isn’t as obvious of a comment as I thought it was, judging by the handful of people who came in Day 1 of 1L fall thinking that landing a SCOTUS clerkship was going to be as straightforward as getting on the eighth-grade honor roll.

plications for only two or three spots, so being flexible and patient is vital.

What Kind of Court Can I Clerk for?

Interested in appellate litigation, academia, and living like a cloistered monk? Then a federal appellate clerkship may be for you! These clerkships are highly competitive positions focused on legal research and the intricacies of constitutional law. They tend to be more grade-sensitive than federal district courts. Meanwhile, federal district courts tend to be much faster-paced than their appellate counterparts. Clerks draft motions, attend status meetings and hearings, and generally gain more practical experience that can be easily translated to a law firm environment. Payne also explained that some clerks will opt to do an appellate clerkship for a year immediately after they complete a one-year trial court clerkship, enabling clerks to experience both settings.

Payne also encouraged us to consider state court opportunities, particularly state supreme courts for those interested in appellate litigation. Because the types of law clerks are exposed to during their clerkships vary wildly from what they may see in their legal practice afterward, clerking in a state court where you do not intend to practice is not a concern. Even if the state’s substantive law might not be translatable to your post-clerkship plans, the practical experience will be. Additionally, fifty states means fifty different

universes of clerkship applications, all with their own deadlines and eccentricities—so there’s something for everyone.

Where Should I Clerk?

Lots of judges look for geographic ties, so if you’re willing to go back to your hometown for a year or two to clerk, those ties can go a long way. Some markets differ—New York and Washington, D.C., for example, tend not to require geographic ties because they understand why young lawyers are motivated to move there. Geography also influences hiring timelines. Payne said that virtually no clerks will be hired to clerk in D.C., NYC, or California immediately after their graduation because those jurisdictions know they can get experienced attorneys, and why would they bother hiring plucky law school graduates when they can get their hands on jaded third-year associates?

Another note on timelines: While there is a federal hiring plan in place that asks judges to wait until students have four semesters of grades before consideration, compliance with this protocol is weak—with only 60 percent of judges actually following it. So, some judges will start hiring clerks after 1L, and typically, conservative judges move quicker than liberal judges in considering and hiring candidates. But Payne reiterated that UVA does a good job of “getting ahead of the market,” so students hoping to apply only to liberal judges should not feel dissuaded by having to wait until 2L to begin their application process

in earnest.

What Materials Are Required?

Simple: cover letter,<sup>3</sup> resume,<sup>4</sup> writing sample,<sup>5</sup> and three letters of recommendation.<sup>6</sup> And, if you’re lucky, an interview with the judge and/or his current clerks.

What Should I Be Doing Now?

If you’re applying this summer—likely to conservative, federal appellate judges—get in touch with Payne. Otherwise, concentrate on finals, because all things being equal, you will have more options with better grades. And make sure to monitor your health and wellness. This is a long-term process, and the more relaxed you can be in approaching it, the better.

3 Judges hate them, but thankfully, most clerkship cover letters can be short and sweet—and even replicate content from judicial internship applications.

4 No special format required, just use whatever resume you’ve worked on with OPP or Public Service.

5 Do not use anything from LRW if you apply after 1L. Use something self-edited either from your 1L summer job (with permission), from a higher level writing class, or from another faculty-mentored experience.

6 Preferably from law school professors, or from relevant work or pro bono supervisors during law school.

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HOT BENCH



Sarah Walsh '23

Editing Editor

Interviewed by Ethan Brown '25

In this issue’s Hot Bench, we say hi to Sarah Walsh ’23, our outgoing editing editor. Two questions to start us off: First, how are you doing; and second, can you please tell me the origin story of your utterly ridiculous colophon title?

I’m doing alright! I’m probably (definitely) not 3LOL-ing as hard as I should be, but I’ve made my peace with that. I’m also a little sad to be leaving the *Law Weekly* colophon life behind, but the sadness mostly comes from the knowledge that I won’t be passing the Editing Editor title along to anyone. I do appreciate that someone noticed the title, though, which was inspired by

Mason Pazhwak ’23 and his “Hand of the EIC” title. By the time I worked my way onto the colophon, all the standard “\_\_\_\_\_ Editor” titles were already taken, so when asked what I wanted my position to be, I decided that it should be something ridiculous but also appropriately descriptive of my role on the paper—resulting in Editing Editor.

Can you tell us where you’re from and why you ended up at UVA Law?

I grew up in Atlanta, Georgia and attended UC Berkley for undergrad (go Bears) before coming to UVA Law. One of the reasons I wanted to attend UVA Law was the baseball J-term class, which I mentioned in my admissions interview. I passed it off as a joke, but it wasn’t a joke.

I know you’re very involved across UVA Law, but I have to shout out of your involvements here because it’s so close: The Libel Show! How are you involved with Libel, and can you give us any sneak peeks into what we can expect to see later this week?

We appreciate the publicity! I am a director (along with Ruby Cherian ’23) and a head writer (along with Jack Brown ’23) for the show, as well as an actor in it. While I don’t want to spoil any of the surprises that Libel has in store, I will say that this year’s show has something for everyone: a murder mystery, *Real Housewives*-inspired intros, fake ba-

bies named after various Law School locations—you want it, we’ve got it.

How long have you been working at the Law Weekly? What drew you to it?

I first started working at the *Law Weekly* during the spring semester of my 2L year (proof that it’s never too late to join), beginning with my first-ever article, “Balls to the Wall: Softball at UVA.” I’ve always loved writing, especially as a creative outlet, but “creative” isn’t exactly the word that I would use to describe legal writing. While writing for Libel during fall of 2L helped provide that kind of outlet, I wanted more, and lo and behold, there was the *Law Weekly* to give me exactly that.

Tell me either the favorite piece you’ve written during your time here, or your favorite types of stories to edit.

I know you asked for either, but I’m going to hit you with answers to both. My favorite piece that I’ve written during my time here is “C Them Run: Cold Callers Win Crown” about this year’s 1L Softball Tournament. If I weren’t doing this whole law school thing, I would probably want to pursue some kind of career in sports journalism, so writing the article gave me the chance to live out that dream for a little bit. I also had a great time covering the games (although my notes from them were absolutely unhinged, since I didn’t really know any 1Ls at the time and thus knew barely any players’

names).

Meanwhile, my favorite types of stories to edit are Jon Peterson ’23’s animal articles. They’re not really stories per se, but they are excellently written, informative, and—this is key—almost completely error-free, which makes editing them way easier. I also love animals, so getting to learn about them while I’m editing is a huge plus for me.

What’s next for you after law school? What non-law-related thing are you most excited for in this next chapter?

After law school, I’ll be working in white collar investigations at a firm in San Francisco, and I’m definitely excited to be going back to the Bay Area—I went to UC Berkeley for undergrad and miss the area dearly. What I’m most excited for, though, is a Minor League road trip that a couple of my friends and I are planning on doing right after graduation. I’m a huge baseball fan, and Minor League Baseball games are especially entertaining (if you’d like to learn more, look up the Lehigh Valley IronPigs and their “Whack-an-Intern” promo). Driving around and going to those games with some of my closest friends is about as perfect of a law school wrap-up as I can imagine.

What is your favorite memory from Law School?

Either winning the NGSL Spring 2022 Tournament with SA & Pals or driving down to watch Game 5 of the 2021

World Series in Atlanta with Jack Brown ’23 and Parker Kelly ’23.

Lightning round:

Describe your relationship with your parents using a cream cheese flavor.

Herb (specifically the Bodo’s herb) cream cheese. I will not be elaborating further.

Favorite font.

Georgia—I love a good serif font, and I’m partial to this one, having grown up in Atlanta.

If you woke up and you had been magically transformed overnight into a fully sentient, literate aardvark—so you retain all of your knowledge and human intuition—would you drop out of UVA Law and try to lead your fellow aardvarks to rise up against humankind? Or would you prefer to become the first aardvark to graduate law school, with the trials and tribulations that entails?

Aardvark revolution, no question. I’m barely willing to endure the trials and tribulations of doing law school as a human, plus an aardvark uprising sounds like a pretty exciting time.

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## EUROVISION

continued from page 3

of Epic Sax Guy (who represented Moldova at Eurovision in 2010 and 2017)!)

## 4 points to Austria

*Who the Hell is Edgar?* masks its serious critique of the music industry's poor treatment and payment of songwriters in a silly tune about being possessed by the ghost of UVA alumnus Edgar Allan Poe.

## 5 points to Czechia

*My Sister's Crown* is a song about Slavic sisterhood. With lyrics in Czech, Ukrainian, Bulgarian, and English, it pleads, "My sister's crown, don't take it down," referencing Russia's attempt to destroy Ukraine's sovereignty. The chorus is in Ukrainian, repeating, "My beautiful sister, you are so strong. Brave and the only one, the crown is yours."

## 6 points to Finland

Imagine a crazy mixture of metal, Euro-pop, and Nordic rap. All in Finnish. Sung by a man wearing bright green puffy sleeves, no shirt, and tight leather pants. With a bowl cut. And it's brilliant.

## 7 points to France

Those who know me know this is not a shock. *Évidement*, sung by Québécoise singer La Zarra, is a delightful blend of French *chanson* and upbeat disco pop. Paired with beautifully evocative lyrics

about love and lies, it's exactly what I like to hear.

## 8 points to Portugal

Though there are four songs this year about the heart, *Ai Coração* is by far the finest. It's a unique and charming Portuguese dance song singing about the foils of love. It took Portugal fifty-three years to get from their debut in 1964 to their first victory in 2017, but hopefully, their second victory won't take nearly as long.

## 10 points to Moldova

Is it heavily biased to have Moldova in my top two for two years in a row? Perhaps. Do I care? No! *Soarele și Luna* is a unique, Romanian-language, ethnic folk bop with a dark and mysterious flair, accompanied by a traditional wooden flute and powerful drums. It has the lyrics of a love song, heavy with imagery from Romanian folk mythology, about how the Sun and the Moon will hold the wedding crowns<sup>13</sup> of a young couple and bless their marriage under a sky of stars.

## And finally, 12 points to... SPAIN

*Eaea* is a beautiful, mystical mixture of traditional flamenco with modern, avant-garde performance flair. A chant to singer Blanca Palo-

<sup>13</sup> Orthodox Christian weddings include a traditional crowning of the couple after the bulk of the ceremony is performed, with the crowns linked by a ribbon, symbolizing two becoming one.

ma's late grandmother, the song speaks of how her grandmother wished to be buried on the moon when she died so that she may watch over Blanca every night, except one, when Blanca joins her. It's a work of art that I hope will bring Spain their first victory since 1969.

Eurovision 2023 will take place on Tuesday, May 9 (Semi-Final 1); Thursday, May 11 (Semi-Final 2); and Saturday, May 13 (Grand Final), in Liverpool.

All three shows can be streamed for free online at SVT, Sweden's national broadcaster. Alternatively, it can be streamed for American audiences on Peacock. For the first time in Eurovision history, people from non-participating countries will be allowed to vote in a "rest of the world" category.

Let the Eurovision Song Contest begin!



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## HISTORY

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the photos Randi and Addie passed around to the group. One of these photos depicts Henry Martin, the long-time university bell ringer and head janitor of UVA. Born enslaved in 1826 at Thomas Jefferson's Monticello, Martin was one of more than 4,000 enslaved people who built the University of Virginia. Martin worked for UVA from around 1868 until his retirement in 1909. He became one of the most recognizable parts of UVA daily life at the time.

As a descendent of enslaved persons myself, I struggled with deciding to attend the University of Virginia. UVA is the flagship university, built with enslaved labor, of the same state that enslaved ancestors on my father's side of the family. The University has a long way to go to address its historical connection to the institution of slavery, the "hideous blot"<sup>5</sup> supported by our university's own founder, Thomas Jefferson. The UVA President's Commission on Slavery published the University Report less than five years ago.<sup>6</sup> In a sense, the North Grounds tour (and my writing this article) is my own effort to process attending the University of Virginia.

I highly encourage every-

<sup>5</sup> <https://www.monticello.org/thomas-jefferson/jefferson-slavery/jefferson-s-attitudes-toward-slavery/>.

<sup>6</sup> <https://slavery.virginia.edu/>.

one to check out these sites themselves on the Rivanna Trail, which is easily accessible from the parking lot behind the Law School. For those interested in learning more about Henry Martin, *PBS Newshour* recently covered an exhibit featuring his portrait on Main Grounds.<sup>7</sup> Randi also teaches a course on this subject called "Race and Slavery at UVA North Grounds," cross-listed with the Department of History. The University plans to offer it again in spring of 2024.

<sup>7</sup> <https://www.pbs.org/news-hour/arts/images-of-black-life-black-joy-are-immortalized-in-historic-charlottesville-portraits>.



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## NAKED

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which contains 80 percent carbon dioxide and 20 percent oxygen. To put this into perspective, our atmosphere is 78.08 percent nitrogen, 20.95 percent oxygen, and 0.93 percent argon. Greenhouse gases like carbon dioxide, methane, nitrous oxide, and ozone collectively account for a mere 0.04 percent of our atmosphere.<sup>5</sup> So, carbon dioxide typically makes up only a portion of 0.04 percent of our atmosphere. Bump that up to 80 percent and leave oxygen at about 20 percent, and naked mole-rats would be content.

If that wasn't crazy enough, naked mole-rats can take this a step further. "Their nerve cells can function for almost one hour in the complete absence of oxygen,"<sup>6</sup> and they seem to experience no negative side effects from being completely without oxygen for eighteen minutes.<sup>7</sup> They do

<sup>5</sup> Alan Buis, *The Atmosphere: Getting a Handle on Carbon Dioxide*, NASA (Oct. 9, 2019), <https://climate.nasa.gov/news/2915/the-atmosphere-getting-a-handle-on-carbon-dioxide/#:~:text=By%20volume%2C%20the%20dry%20air,methane%2C%20nitrous%20oxide%20and%20ozone>.

<sup>6</sup> Smith, supra note 2.

<sup>7</sup> Park et al., *Fructose-driven Glycolysis Supports Anoxia Resistance in the Naked Mole-rat*, *Science* (Apr. 21, 2017), <https://www.science.org/doi/10.1126/science.aab3896>.

this by switching from glucose to fructose for energy production within the body. Animals typically use glucose in an aerobic reaction—one which requires oxygen—to produce energy. Once a glucose molecule is broken into three smaller carbon molecules by glycolysis, the Krebs Cycle begins, and energy is produced. Naked mole-rats can, however, create energy through another means: fructose-driven glycolysis. Despite being far less efficient at creating energy than glucose-driven glycolysis, fructose-driven glycolysis is an anaerobic reaction, meaning no oxygen is required to produce the energy to keep vital bodily functions going. If this could be harnessed by scientists to aid humans, it could be used to prevent brain damage in patients suffering from strokes and other complications that restrict oxygen flow to the brain.<sup>8</sup>

## Cancer Resistance

If the naked mole-rat isn't your favorite animal by now, I don't know what else I can say—besides the fact that they are almost entirely resistant to cancer.<sup>9</sup> Scientists aren't fully sure what it is about naked mole-rats that makes them so cancer resistant, but there are a few theories. The first relates to what are known as "overcrowding" genes. Most mammals, including naked mole-rats, have the gene p27. This gene prevents cell divi-

<sup>8</sup> Smith, supra note 2.

<sup>9</sup> They are also not my favorite animal, to be clear.

sion based on cell density—once cells come into contact with each other and reach a certain density, cell division will no longer occur. This prevents the unrestricted cell proliferation that is quintessential to cancer. While most mammals have the gene p27, naked mole-rats also have the gene p16. The two are both overcrowding genes; however, p16 functions at a much lower cell density than p27. This double layer of protection is believed to contribute to naked mole-rats' cancer resistance.

In 2013, two other discoveries were made about naked mole-rats that may contribute to their cancer resistance. The first is that they have very high-molecular-mass hyaluronan molecules—five times larger than typical hyaluronan molecules.<sup>10</sup> Additionally, their ribosomes produce extremely error-free proteins, which contributes by limiting the number of mutations. Mutations are what lead to cells which exhibit unrestricted proliferation, so limiting the number of mutations reduces the risk of cancer.

## Longevity

Finally, if you thought to yourself, "Maybe the naked mole-rat doesn't get cancer because it doesn't live very long," you would be wrong. Naked mole-rats are the longest-living rodent and have a maximum recorded age of thirty-two years. And, unlike most mammals, their mortality rate

<sup>10</sup> I simply do not understand how this has an impact, but allegedly it does.

does not increase with age.

Explanations for this include the naked mole-rat's ability to lower its metabolism and the error-free proteins, both discussed above. Finally, both humans and naked mole-rats have higher levels of genes dedicated to repairing DNA than shorter-lived species, like mice.

## Conclusion

I'll keep it short: Naked mole-rats are crazy. They may not be beautiful, they may not

be soft and cuddly, but they are incredibly interesting. And part of appreciating nature fully is appreciating things for more than their mere aesthetics. And loving nature is loving things despite their aesthetics. To me, naked mole-rats are ugly essentials, deserving of all the love they don't receive.

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