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Professor Cahn's New Book Tackles Growing Wage Gap

Andrew Allard '25
Editor-in-Chief

In the United States today, more women hold bachelor's degrees than men, and that gap continues to widen.[1] Why, then, is the wage gap increasing for women with college degrees? In a new book, *Fair Shake: Women & the Fight to Build a Just Economy*, Professors Naomi Cahn, June Carbone, and Nancy Levit claim to have found the culprit: the winner-takes-all economy.

Last Tuesday, Professors Cahn and Carbone introduced their book to a crowd of students. As they explain, the "willingness to accept" (WTA) economy allows corporate leadership to consolidate resources for their own benefit, often through illegal or unethical means. For everybody else, high-stakes bonuses are doled out based on short-term metrics that are "impossible to meet without cheating," Professor Carbone explained.

This system, the professors argue, has allowed toxic leaders to thrive at the expense of workers' health and quality of life. Such businesses, sometimes described as having "masculinity contest cultures," are characterized by low trust, high stress, and zero-sum competition. "When you create that kind of environment, you drive women out," said Carbone. "These high-stakes bonus environments are counterproductive [and] are as-

1 Kim Parker, *What's behind the growing gap between men and women in college completion?*, Pew Research Center (Nov. 8, 2021).

WAGE GAP page 2

Strong Showing from UVA Law in 41st Softball Invitational

Pictured: Donation for ReadyKids
Photo Credit: Katie Barbella '25

Garrett Coleman '25
Executive Editor

The 41st Annual North Grounds Softball League Invitational began last Friday evening, with the first pitches delivered by guests of honor Dean Risa Goluboff and the family of Tessa Wiseman '24. Teams from Georgetown Law and Florida State Law won the Co-Rec Championship and the Open Championship, respectively.

The weekend was not only about softball, but also incorporated a strong charitable component. On this point, Tournament Director Sally Levin '24 said, "Besides bringing law students from across the country together for a fun weekend of softball and socializing, the great purpose of the Invitational is to raise money for our charitable partner, ReadyKids. ReadyKids is a local non-profit that provides counseling, family support, and early learning opportunities to children in Charlottesville.

Our team visited ReadyKids in the fall, and it was clear how many important services they provide in their nurturing spaces. Our partnership with ReadyKids goes back many years, when Professor Schragger served as the president of the board, and is now stronger than ever. Presenting our donation check to ReadyKids is one of the highlights of the weekend." This year's donation came out to $40,000.

When the playoffs came around, this reporter was thrilled to follow the elite CoRec Blue team from UVA Law. Before the first game Sunday morning against the University of Connecticut Huskies, I found myself an excellent perch from which to listen to the players warm up. One Husky said of CoRec Blue, "This is their JV team . . . we have to win." Unfortunately, the Huskies' finest came up short, 15 to 7. The highlight of the game was an early grand slam from Sam Meyer '24. The team's other Sam, Quinan '25, also had an excellent throw from deep left field to get out the Husky who was running home. This reporter thinks that play made up for his earlier at-bats.

Next team up to the slaughterhouse was Yale. During the game, one of my anonymous sources overheard this from a Yalie outfielder: "Dude, they're trying too hard. It's intramural softball, and they've got ten dudes who can hit .500." While we were not sure what metric this student was using, it is fair to say that the Blues had over ten players who had a *home run percentage* of over .500. The Columbia students on the bench voiced similar concerns, accusing many UVA players of using performance enhancing drugs. Perhaps the Blues *were* trying too hard, as the final score came out to 24 to 1.

In the quarterfinals, the Blues faced off against Charleston Law, who put up the best fight so far. Daniel Dunn '25 was a brick wall at third base, catching several low line drives. Andrew Becker '24 continued his fantastic day with a grand slam, sailing far beyond the center fence. Quinan and Becker continued to secure the left and left-center outfield. And Midge Zuk '24 dominated on the diamond with several line drives and a big catch in deep right field. I was able to see this one up close and personal as I picked up Becker's home run ball, which the field monitor refused to authenticate.

Tragedy struck when the Blues met the Georgetown Aiders and Abattors, who had previously defeated UVA's other team, CoRec Gold. The GULCers kept a one run lead through three innings, with both teams

SOFTBALL page 6

around north grounds

Thumbs down to the clouds blocking out the solar eclipse. ANG is the Law School's only true source of both darkness and disappointment.

Thumbs up to LRW oral arguments. ANG loves donning robes to bear witness to this annual tradition of 1L suffering.

Thumbs sideways to the Harvard Law students using the Gunner Pit all tournament weekend. While ANG hates the invasion of other students into UVA Law's sacred places, ANG revels in the fact that they were able to make one of the most fun weekends miserable for themselves.

Thumbs up to the HLS cyberbullying during the Invitational. ANG loves when nerdy law students cause online strife.

Thumbs down to the plummeting price of Truth Social shares. There goes ANG's life savings. All $200 of it.

Thumbs up to the game of pool. ANG loves the sound of clacking balls with a pole.

Thumbs down to InDesign. There's only room for one diva with a horrible work ethic here, and it's ANG.

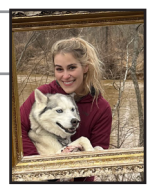
Thumbs sideways to the new student debt relief proposal. ANG is of course always excited about any opportunity to shirk creditors, but ANG has been burned too many times to believe this one is real.

Thumbs up to the little guy from *Twin Peaks* in the Red Room. If you know, you know.

Thumbs down to the people who remind ANG that there are only two weeks left until finals. ANG prefers to wait until June to start outlining.

Destination Truth: Charlottesville

Nicky Demitry '26
Production Editor



Top C'ville Cryptids

1) Professor Paul Freedman at the C'Ville downtown city market, at 4am.

Politics professor Paul Freedman teaches (among other things) the politics of food at the College, and enjoys lurking around the farmer's market, hissing at people and correcting Karens about city ordinances.

2) The White Deer™

It's a deer. It's white. I saw it once while rowing on the Rivanna Reservoir. I took a grainy photo. I had good luck until the next time I saw a normal deer.

3) Ranger

I'm avoiding naming actual humans in this list for various reasons, but Ranger is an exception because a) I asked and obtained permission, and b) if you go out to bars on the Downtown Mall, you will eventually run across him. My hint for you is sunglasses.

4) ZXCV cat

He's fading a bit now because the artist moved away from Charlottesville. No one really knows what the deal is with this cursed kitty, but I love him, and ZXCV are the four bottom leftmost keys on the keyboard. So there's that. My favorite thing is the unhinged theories people have posited about ZXCV over the years. See if you can find the remaining ZXCV cats out and about C'Ville.

Liminal Spaces[1]

1) York Place

On the Downtown Mall, this weird combo mini-mall/apartment building houses Grit Coffee, Marco & Luca Dumplings, a tailor, a nail salon, some other places... honestly, I don't know. You can walk through it and emerge on the outside of the mall, pointed at South Street Brewery. Does this sound impressive or liminal? No, not really. You gotta experience it for yourself.

2) Dewberry Building when you can hear the rats

C'Ville's great shame and curse. So much I could write on this saga and on my not-so-secret passion for zoning meetings. But this isn't about ME, it's about that weird, uncertain liminality that haunts the towering expanse of Dewberry. Stay tuned for my next piece on eminent domain reform. And stay tuned for the sound of the rats skittering and chittering in the nights, and picture the roiling horde of bodies—remembering of course that we have uncommonly large rats here—coalescing into a rat king. Cute!

Pictured: The White Deer
Photo Credit: Virginia Rieley, CVille Today

Pictured: ZXCV Cat
Photo Credit: r/Charlottesville

3) Miller's Third

What else can I say? My favorite place to go after working a bar shift, or if I just really want my hair to smell disgustingly of smoke whilst I watch drunk people do increasingly sexual maneuvers at the pool table while they make heavy eye contact with some unlucky soul. Nothing says 1:30 a.m. drinking culture in C'Ville's tallest bar like bright lights shining mercilessly upon vacant eyes, reddened by cigar/cigarette smoke. Bonus points if you order pretzel bites, a crispy Coors Light, and gaze upon this renaissance in wonder.

4) The old UVA hospital (West Complex)

Really makes you understand why Charlottesville was the Ground Zero for *Buck v. Bell* (read the fun sign by Region Ten on Preston if you haven't come across this delightful story in class). Anyway. Shit's haunted. Went to free therapy there once in grad school and decided I'd be better off just keeping the depression and recurring nightmares of the weird lil dude from Twin Peaks. And in conclusion, here we are.

5) Gilmer Hall basement (scary!)

Stranger Things, IRL. Conspiracies abound. I participated in experiments there as an undergrad for $20 per appointment, and something definitely went wrong with me. I've said too much.

6) Where I Got My First Covid Vaccine During Pandemic

A circus tent, paid for by Dave Matthews, in the parking lot of the desiccated husk of a Kmart and an abandoned Gold's Gym. Across from Whole Foods. Truly dystopian surrealism.

7) Basement of the Law Library, Maritime Section

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1 Disclaimer. I have had genuine fights with friends over the definition of a liminal space. At one point I planned to pre-defend my categorizations of liminal spaces listed below, but now I just don't care. I welcome your letters. I WELCOME THEM.

WAGE GAP

continued from page 1

sociated with greater fraud, distrust, higher turnover, lower morale, and lesser productivity."

The professors recalled an interview with a woman who had been fired from her job as an office manager at a dentist's office at the height of the COVID-19 pandemic. The unnamed interviewee, whose teenage son was taking care of her newborn child, had to stay home when her son caught COVID-19.

"We went in thinking—oh, a dentist. Small office, the dentist needs his manager, can't do without her—he was in a rock in a hard place. We found out: no. Private equity in New York made the decision to fire her," said Professor Carbone. This story, Carbone explained, illustrates the spread of the WTA model. "It's not about the dentist. It's not about the needs of the dental office. It's about their focus on quarterly earnings and the need to show a constant earning sheet . . . It's violating arguably new regulations passed to protect workers during Covid, and they don't care."

Not only is the growing gender gap a potential problem for the legal equality of women, but also, as Professor Cahn explained, these same trends can be observed in the legal profession. "Although more than half of all law school grads are women, the number of women in senior leadership roles at U.S. law firms is far less than half. 22 percent of equity partners were female in 2020, 15 percent in 2012," said Professor Cahn. And the percentage of women among the highest-paid attorneys in law firms has decreased from 8 percent in 2005 to just 2 percent in 2020.

Pictured: Naomi Cahn
Photo Credit: UVA Law

Pictured: June Carbone
Photo Credit: Minnesota Law

Pictured: Nancy Levit
Photo Credit: UMKC School of Law

Professor Carbone is nonetheless optimistic that the disadvantages of these systems are leading investors to switch to more open business models. "In corporate America, there's actually greater recognition of the business case for diversity . . . . While diversity doesn't guarantee good practices, the lack of diversity is almost always associated with bad practices." This change in thinking has motivated changes in business practices, like the NASDAQ's new disclosure requirement for diversity in corporate boards, added in 2020. "It's not about being woke, and it's not about DEI," said Professor Carbone. "It's about a tell."

Professor Cahn similarly expressed optimism about the possibility of change. "There are already changes happening in corporate America . . . . Your generation is already emphasizing the importance of work-life-family balance." Professor Cahn suggested that an increase in men taking family leave may also help, as maternity leave is a major contributor to the wage gap.

Stressing the availability of viable alternatives, the professors also noted that the mid-century predecessor to the modern winner-takes-all paradigm was characterized by values now seen as feminine. The so-called "Company Man," emblematic of the era, had a collectivist approach to work. Whereas then, employees bragged "My company is better than yours," today, instead we brag "My bonus is bigger than yours," explained Professor Cahn. "There was a feeling of community . . . . The values associated with community and cooperation, today seen as feminine values, in earlier times were seen as male values."

The trio of professors began working on the book in 2016 when they still believed then-candidate Hillary Clinton might soon be president. "One of the nice things about the eight-year process was that after we started, that's when #MeToo happened. And so, there were some changes. There was more visibility to some of this that also occurred after we started," said Professor Cahn. But one thing that didn't change in those eight years: the fact that women at the top are falling behind.

Professor Cahn is the Justice Anthony M. Kennedy Distinguished Professor of Law at the University of Virginia School of Law. Professor Carbone is the Robina Chair in Law, Science and Technology at the University of Minnesota Law School. Fair Shake: Women & the Fight to Build a Just Economy *will be available for purchase beginning in May.*

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FedSoc Presents: Text, History, and Tradition

Ryan Moore '25
Law Weekly Historian

When I first came to law school, I did not truly understand what judges did.[1] Sure, judges settle disputes, but how exactly does a judge decide what is right and who should lose? Magic?[2] Reading pig entrails?[3] Their own personal views?[4] All were equally plausible to a 29-year-old me listening to Dean Dugas's orientation PSA about the Bar Exam's Character and Fitness requirements.

During law school, my professors focused extensively on discussing "why" a case came out the way it did. We spent hours each week going through a court's "output": what was the black letter law from the case, and how did the court justify its reasoning. But comparatively less time was spent discussing the court's "input": what arguments the advocates made to shape the court's thinking on the matter, and what arguments the judge(s) found most persuasive. When I began my 1L summer job, I was surprised to learn how much time the Fairfax County Public Defender's Office spent researching the ins and outs of each judge their clients appeared before. "What arguments will this judge buy?" "What aspects of my client's history should I emphasize?" "Is it smart to seek bond on Thursday if [judge redacted] is the one considering my motion, and they tend to deny bond for drug crimes?" By knowing the judge, the lawyer knew which arguments to present.

This is an extremely long-winded (and word-padding) lead-in to my coverage of the Federalist Society's 5th annual symposium, *History At Work: Text, History, and Tradition Applied*, held on April 5. The event began at 8:00 a.m. on a Friday. You read that right: 8:00 a.m. on a Friday. Can you believe I got up that early just to cover an event for *Law Weekly*? Because I did not; I blew through all four of my alarms. I missed the free coffee and pastries from 8:00-8:30 a.m. I missed the first panel discussion on *Text, History, and Tradition on Bruen's Second Birthday*, featuring my free food table buddy,[5] Professor Frederick Schauer. I missed *Post-Ratification History and Liquidation*. I missed the free lunch catered from Mezeh, although I did eventually collect some scraps.[6]

Pictured: Julia Mahoney
Photo Credit: UVA Law

I even missed the event I was most excited for: *Judging History: A Look into Chambers*, with Professor Rachel Bayefsky and Judge Joan L. Larsen of the Sixth Circuit. I had so many questions. What does text, history, and tradition mean in practice? How do judges most effectively use history? What do judges do when history is unclear, or contradictory? Whose history counts? Also, "text" and "history" both make sense, but what does "tradition" cover separate from "history"? These are all really great questions, and extremely relevant given the current makeup of the Court and its love affair with ~~private jets~~ text, history, and tradition. And I would have known the answer to them if I had made it on time.

Pictured: Kurt Lash
Photo Credit: Richmond Law

By the time I slinked into Caplin Auditorium at 1:10 p.m. for the 1:00 p.m. *Which History: Originalist Debates in Incorporation* panel, I was kicking myself for missing the good stuff. After all, everything but two parts of the Bill of Rights have already been incorporated against the states, what else was there to discuss?

I shortly realized how wrong I was, as the talk lead by Professor Julia Mahoney[7] and Professor Kurt Lash of the University of Richmond School of Law, expanded from a discussion of incorporation into a wide-ranging summary of the day's events that addressed a number of my earlier questions. The panelists began their remarks by noting that while history is enlightening, it can easily be misused. So-called "law office history" is open to abuse, as advocates selectively parse the historical record only for facts supportive of their side. Professor Mahoney cited the Court's reasoning in *Dred Scott*[8] as a good example of this misuse of history.

Professor Mahoney then

1 Honestly, I probably still don't.

2 Cold.

3 Warmer.

4 Hot! *See Dobbs v. Jackson Women's Health Organization*, 597 U.S. ___, (2022).

5 First, can I call a law professor "buddy," or should I wait until after graduation? Second, do you think he remembers the three times we have randomly met at the free food table?

6 No Professor Schauer in sight.

7 Who I swear I am still doing RA work for. I'll have a draft to send you soon!

8 *Dred Scott v. Sandford*, 60 U.S. 393 (1857).

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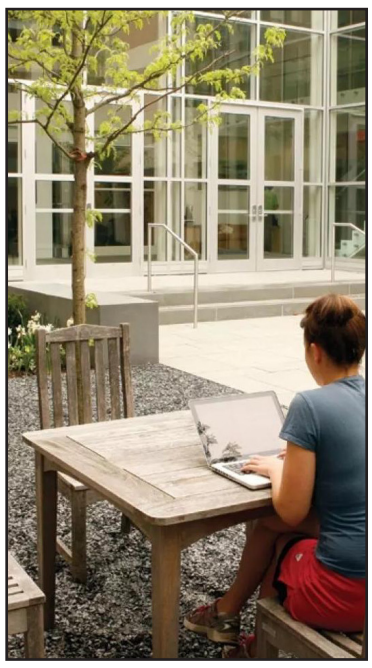
Off the Beaten Path: North Grounds' Alternative Study Spots

Ashanti Jones '26
Features Editor

As of this week, there are only three weeks left until the start of final exam season at the Law School (the final countdown if you will), which also means we are on the eve of the undergraduate invasion.™ As a 1L, the undergraduate invasion™—the seasonal flocking of undergraduates from main grounds to the Law Library to ~~talk at ungodly volumes and watch TikTok videos at the monitors~~ study—was by far in the top ten of the most infuriating events of the fall semester.

This semester, I have decided to take matters into my own hands and bravely venture outside of the Law Library to study for the sake of my sanity and my Con Law grade. In case anyone else was a dedicated Law Library study-er last semester and wants to reclaim their study time this time around, I present a list of other study spots on North Grounds to utilize this semester.



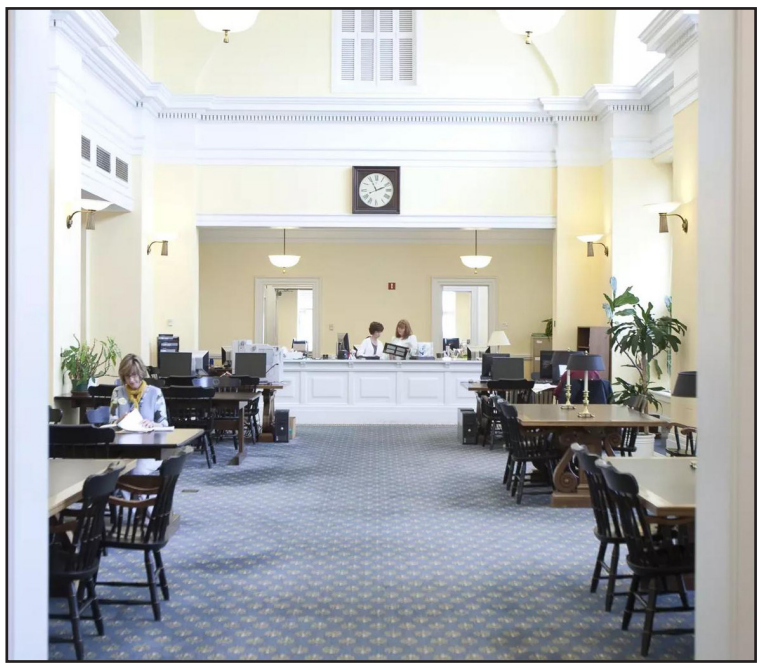
Pictured: Purcell Garden
Photo Credit: UVA Law

Slaughter Hall Rooms 290 and 292 – Moot Courtrooms

The moot courtrooms are a personal favorite. Nine times out of ten, they are completely empty except for the rare class or mock trial practice, making them pretty reliable makeshift private study rooms for those in a pinch.

Purcell Garden

Purcell Garden, the little outside area right across from the Admissions Office, makes for a great study spot because it's relatively quiet since it's rarely utilized by students and provides a steady supply of snacks to refuel since it's a short distance away from the Student Affairs office.



Pictured: Darden Library
Photo Credit: UVA Darden School

Darden Library

Similar to the moot courtrooms at the Law School, the Darden's library is completely empty probably 90% of the time[1] *and* has a lot of monitors – don't think I have to say much more to sell this one.

Pictured: Holcombe Green Lawn
Photo Credit: UVA Law

Holcombe Green Lawn

For the more outdoorsy study-er who wants to avoid the foot traffic of Spies Garden but doesn't want to sacrifice the greenery of Spies for the quietness of Purcell Garden, I present Holcombe Green Lawn, a.k.a the big yard in front of the law school. Holcombe is not the most "ready to study" space, in that you have to put in a little effort to make it work by bringing a picnic blanket or something to sit on if you don't want to be on the bare grass, but it's still a pretty decent option. The biggest problem with studying on Holcombe would be the noise from the traffic on Massie Road, but this can also be solved by popping in some earbuds.

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1 No shade, just facts.

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

Law Weekly *Editors*
v.
Andrew Allard, in his capacity as Editor-in-Chief
76 U.Va 21 (2024)

Per Curiam. Allard, C.J. concurs. Coleman, J. concurs. Allen, J. dissents in part and concurs in the judgment. Sandu, J. dissents. Morse, C.J. emeritus dissents.

Per curiam.

Several cases against Chief Justice Allard have been consolidated on this appeal. He stands accused of embezzling from the *Law Weekly* coffers, both to enrich himself and pay off a porn star, abusing his staff in meetings, and inciting a mob to hang Executive Editor Coleman. All of this was done while Allard was Editor-in-Chief, sovereign of the *Law Weekly*. This suit was initiated by the staff of the *Law Weekly* to recover monetary damages against Allard.

The group of editors contends that Article II, Section 1 of the *Law Weekly* Constitution allows editors to sue the Editor-in-Chief for breach of their official duties and other mismanagement. The editors rely on this Court's precedent, in which we have asserted our authority to rein in unruly EICs. *See e.g.*, *Ex parte* Law Weekly, 76 U.Va 16 (2024).

Just last term, this Court addressed the core issue in this case—the ability of disgruntled editors to sue the Editor-in-Chief. *See Gay Section H Law Weekly Staff v. Lake*, 75 U.Va 16 (granting a Law School-wide injunction against confusing two editors because of the then-Editor-in-Chief's mistake). In the months since, this Court has favorably cited that opinion no less than four times. *See Students for Attending Cool Events v. UVA Law Faculty*, 76 U.Va 13 (2024); *Ex parte* Law Weekly, 76 U.Va 16 (2024); *Virginia v. Harvard Law Review Ass'n*, 76 U.Va 6 (2023); *Allard v. Editorial Board of the* Virginia Law Weekly, 76 U.Va 12 (2023). Evidently, it is an important and well-regarded case.

> *"We now hold that the Editor-in-Chief, as sovereign of the Law Weekly, enjoys [...] immunity from suit."*

But something more important has happened since *Gay Section H Law Weekly Staff* was decided: This Court's composition has changed. The new Editor-in-Chief is also the new Chief Justice. And frankly, he doesn't want to get sued by his underlings. We thus hold what any rational judge would hold. *Gay Section H Law Weekly Staff* was egregiously wrong on the day it was decided. It must be overturned. We now hold that the Editor-in-Chief, as sovereign of the *Law Weekly*, enjoys editorial immunity from suit. *See Allard v. Editorial Board*, 76 U.Va 12 (2023) ("Our sovereign, Chief Justice of this Court and Editor-in-Chief of our paper, lays original claim to all news, future and past.") (Coleman, J., concurring). The cases brought against Mr. Allard are accordingly *dismissed*.

Allard, C.J., concurring.

I agree wholeheartedly with the Court, but I write separately to address questions left unanswered in its opinion, as I believe our precedent should not be overturned lightly. Firstly, the Court's decision today is a narrow one. Our constitution has long emanated editorial immunity vibes. Indeed, the existence of editorial immunity has previously been recognized by *Law Weekly* editors. *See* Petrina Thomas, *Hot Bench: Phil Tonseth '22*, Virginia Law Weekly (Feb. 23, 2022); Nikolai Morse, *Hot Bench: Dana Lake '23, Deposed Tyrant*, Virginia Law Weekly (Mar. 15, 2023). And as we made clear in the *Slaughter Hall Cases*, *Law Weekly* articles that have nothing to do with the Court of Petty Appeals can still be cited as binding authority. Thus, in issuing today's opinion, the Court has merely clarified existing law.

Further, our opinion does not disturb the central holding of *Gay Section H Law Weekly Staff*, namely, that Ethan Brown '25 and Andrew Allard '25 are distinct entities. Nothing in the per curiam opinion can rightly be characterized as overturning that core conclusion. Nor does our opinion do anything to affect the concurrence's foundational observation that "There is nothing more vital to the exercise of justice than committing to the bit." *Gay Section H Law Weekly Staff*, 75 U.Va 16 (Lake, C.J., concurring). This opinion thus does *not* threaten or cast doubt on the canon of uncomical avoidance.

Lastly, some may interpret today's decision as an effort by the Chief Justice to immunize himself from future litigation and entrench his position as the paper's Editor-in-Chief. This is essentially correct. But who is going to stop me? *You?*

Coleman, J., concurring.

Why did Caesar cross the Rubicon? Contrary to popular belief, it had nothing to do with a lust for dictatorial power. The Senators back in Rome demanded that he relinquish his control over Gaul and return to the capital fully exposed to vexatious litigation–a Hobson's choice if ever there was one. Before humanity had a robust concept of executive immunity, transitions of power were fodder for civil war.

This lesson was lost on our Court when *Section H Gays* was decided. But now, I will rest easy knowing that Dana Lake '23, Nikolai Morse '24, or Andrew Allard '25 will never storm this office with legions at their backs. This Court comes to the appropriate conclusion that their war crimes should never result in crushing civil liability.

Allen, J., dissenting in part and concurring in the judgment

The issue at hand is both complex and arcane, implicating some of the most basic tenets of our constitutional order. Because the Editor-in-Chief of the *Law Weekly* is undoubtedly a state actor by virtue of their immense power at this public institution, it must be considered whether they are properly shielded against this suit by sovereign immunity, and if not to what extent relief may flow to Petitioners. Because the suit is not merely a pretext for a suit of the state itself, it is not automatically barred. However, to the extent Petitioners seek damages which would ultimately come from the coffers of the Commonwealth, I agree their suit is properly barred, as *Ex Parte Young* and its progeny make clear[1] that such suits may only seek prospective and equitable relief in the form of injunctions rather than any retrospective monetary damages. I believe this Court unnecessarily reads *Section H Gays* as broadly as possible, going out of its way to overrule it. That case gave little analysis to the sovereign immunity questions at play, likely due to the author having just taken the bench.

1 Maybe? — IDK, I haven't taken FedCourts.

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Virginia Law Weekly
COLOPHON

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Faculty Quotes

J. Mahoney: "The quote 'power corrupts and absolute power corrupts absolutely' does apply to HOAs."

N. Cahn: "Ding, ding, ding! Wrong."

J. Harrison: "Florida is God's waiting room."

T. Nachbar: "Give me *Arlington Heights* and duct tape, and I can fix any Constitutional problem there is."

F. Schauer: "To use the appropriate technical legal term...the court was lying."

D. Law: "I mean, what's stopping you from making explosives out of fertilizer in your backyard? You could!"

M. Versteeg: "Autocrats like to be rich."

F. Schauer: "The use of contraception is not the only way to have sex without making babies."

J. Harrison: "How did they know William the Conqueror was going to conquer something when they named him that?"

D. Law: "Are we proud of running on the world's oldest operating system? Boy, are we ever!"

Heard a good professor quote? Email us at editor@lawweekly.org or submit to lawweekly.org/quotes

COPA

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While the reading entertained by the Court today is not impossible, it is strained and unneeded—a pretense to agglomerate power in the hands of the Editor-in-Chief-Justice. Thus, I would retain *Section H Gays'* operative holding, retaining the possibility of injunctive relief against an Editor-in-Chief, while clarifying that the sweeping language of *Section H Gays* should not be read as supporting relief in the form of damages.

Sandu, J., dissenting

The majority's decision today directly undermines the very foundation of this Court. The ability to sue Editors-in-Chief is an inalienable right of the *Law Weekly* and the broader Law School community. It has always existed within this Court, for it is inconceivable that the drafters of the *Law Weekly* Constitution did not envision themselves being potential parties in a Court designed to resolve disputes within the Law School.

First, Petty Rule of Civil Procedure 1 states clearly that "We do what we want." The Court's present holding therefore impermissibly constrains the Court's jurisdiction and prevents it from doing what it wants if it wants to sue the Editor-in-Chief. While my colleagues may argue that "do[ing] what we want" includes overturning any rules which this Court has promulgated, a far better approach would be the arbitrary and capricious denial of suit on a case-by-case basis, depending on the will of the Court. The categorical rule promulgated in this case is far too broad.

Furthermore, members of this Court are permitted to rule on cases in which they themselves are parties. As a result, Editors-in-Chief who disagree with the suit being brought against them have every opportunity to convince the majority to rule in their own favor; they may even write the majority opinion. Therefore, cases where the Editor-in-Chief failed to avail themselves of such opportunities may be construed to have consented to this Court's jurisdiction, making the problem of sovereign immunity a moot one. Again, if the Court truly can do whatever they want, then the Chief Justice may dismiss cases against them at will – but it must depend on what would be the funniest outcome for the individual case before the Court.

Most egregiously, however, the majority's holding directly violates this Court's Commitment to the Bit, as codified in PRCP 3. How can this Court ever hope to decide the funniest outcome possible in each case before it if all cases involving the Editor-in-Chief, of which there are many, are entirely barred? If anything, it is often far funnier for the Editor-in-Chief to *lose* in a Court where they themselves are the Chief Justice. The present Court has chosen a myopic approach to comedy, humorously overturning fundamental precedent for a single case rather than considering the impact it will have on future litigants. We are cutting off our nose to spite our face.

For the above reasons, and to make known the opinions of the outgoing 3L members of this Court, I must respectfully dissent.

Morse, C.J. Emeritus, dissenting.

The consequences of today's decision are as astonishing as its reasoning is dull. As my colleague J. Sandu correctly points out, the so-called "majority" opinion conveniently ignores our precedent, the *Law Weekly* Constitution, and most damning of all, the Petty Rules of Civil Procedure. I write separately, however, to criticize the majority's use of the term, "sovereign." Chief Justice Allard, clearly having attended at least one Constitutional Law class (or, more likely, having at least one friend who has granted him access to their Quimbee subscription) flings what he seems to believe is quite the gauntlet: he claims that he is the "sovereign" of *Law Weekly*, and therefore entitled to "editorial immunity." At this point, dear reader, please join me in a facepalm. Literally do that. Smack your open palm against your forehead with medium force. Maybe twice. Feeling a little better? Me neither.

It seems to me there are two possibilities. First, the Chief Justice might actually understand what a "sovereign" is, and intends to subvert both the *Law Weekly* Constitution, doing away with popular sovereignty which is the foundation of American democratic constitutionalism. Under this reading, the Chief Justice seems to be anointing himself as some sort of monarch. But given his lack of arms or resources (surely a monarch should be able to afford to print a newspaper each week), this seems unlikely.

The second, and more likely reading of the "majority" opinion, is that the Chief Justice heard someone use the word "sovereign" in passing, and thought to throw it in as simply another ingredient in his "everything but the kitchen sink" approach to judging. So, let's help the Chief out. A sovereign is not a job title, like lifeguard, proctologist, or Editor-in-Chief. Rather, it is the entity which possesses "supreme political authority; paramount control of the constitution and frame of government and Its administration ; the self-sufficient source of political power, from which all specific political powers are derived."[2] While there is a colorable argument that the *Law Weekly* is a sovereign, the Chief can no more lay claim to sovereign status than can Darden students can credibly claim to have worked hard and learned a lot.

I dissent.

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2 Black's Law Dictionary, 2d Ed., accessed at https://thelawdictionary.org/sovereignty/. *See* Chisholm v. Georgia, 2 Dall. 455, 1 L. Ed. 440.

HOT BENCH

Julia D'Rozario '24

Interviewed by Noah Coco '26

Welcome to the Hot Bench, Julia! And thank you for participating in our 3L Hot Bench send-offs. Let's just get started with you telling us about what you were up to before law school and what brought you to UVA Law?

Between undergrad and law school, I was back in my hometown, Hong Kong, for two years. I was working at a local charity serving children without families and young pregnant girls. It was a life-changing experience, and I make sure to visit and volunteer whenever I'm back home.

My journey to law school was less intentional than almost—I was a philosophy major as an undergrad at UCLA, and I quite literally looked up "what do philosophy majors do for a job." Google spat out "law school," and I just kind of took that and went with it. I definitely don't recommend making big life decisions that carelessly . . . but it did ultimately work out, because I ended up loving it.

It seems like you were doing such impactful work, so how did you come to join a publication of such austere yet dubious character?

I decided to join after I stumbled on the *Law Weekly* table at the activities fair during my 1L year. I went up to the table just because they were handing out popsicles. But I found that I liked everyone I met, and it made me want to join!

As the *Law Weekly*'s New Media Editor, have you seen any good "new media" lately that you would recommend to our readership?

Frieren is changing my life, it's so good. It's newish—the first season just finished airing last month. I'm also very much looking forward to the new season of *Demon Slayer* (which starts airing May 12, and which threatens grave harm to my Bar prep.)

What is your favorite place to visit in Charlottesville?

I love Charlottesville so much, it's almost impossible for me to choose. I love the Downtown Mall—my perfect day involves tea at the Twisted Branch, followed by lunch at Botanical Fare and an afternoon of wandering into all the little shops. Another favorite is the Farmers Market at IX early morning on Saturdays. I also really enjoy just driving around the mountains and back roads – the scenery is so beautiful and always changing from season to season. And most of the year there are horses, cows, deer and other animals everywhere.

What about the most overrated part of Charlottesville?

Monticello is very cool, but there are so many other things to do in Charlottesville that are just as cool and which don't get nearly as much hype.

I am sure Thomas Jefferson is weeping from the grave. What was your favorite class taken during law school?

I took (and loved) every class Professor Krawiec offers. Repugnant Transactions was my favorite; it had the same energy as some of my undergrad moral philosophy classes. It's also a class that has really stuck with me—I find myself thinking "what would Professor Krawiec think about this?" super often.

I also recommend Law and Literature with Professor Annie Kim to everyone. That class completely changed the way I read and write, and I truly think I'll be a better lawyer for having taken it. Professor Kim is a fantastic educator.

What is your favorite law school memory?

There aren't many places as beautiful as Charlottesville, with such close access to mountains, rivers, campgrounds, waterfalls . . . and I'm moving to New York City after graduation, so my memories in nature will be particularly dear to me. I went on a camping trip with some friends last fall, which is an experience I'll cherish forever. I'll also miss the weekly fall visits to Carter Mountain, and all the amazing vineyards nearby.

What brings you the most joy?

Nothing fancy—I get a lot of joy from small things. I really enjoy my day-to-day life. I like waking up early and meditating; collecting and drinking good tea; cooking and trying new recipes; eating dinner with friends; going for walks; drawing and crocheting. I make sure to do each of these things every week. I think it goes a long way toward keeping me sane and balanced in school (and hopefully will when I'm working, too).

Okay, it's time for our lightning round! What is one class you would have taken if UVA offered it?

I would have loved to take a class on the Philosophy of Law.

Summer or winter Olympics?

Summer! I only really watch diving and gymnastics.

Any ideas for a novel fundraising campaign to cover the *Law Weekly*'s printing costs next year?

We should start auctioning off our leftover pizza on Tuesday mornings.

What career would you be doing if not law?

I'd like to think I'd be running a board game cafe or something similarly fun. I've also always thought it would be fun to illustrate a children's book or be a postcard designer (is postcard designer a job that exists?)

Favorite painting in the Law School?

The cows!

Alternatives to run against Biden and Trump?

Denise, from the Harris Teeter bar. I seriously love her. The proof is in the photos—if you ever find yourself at the Teeter bar, count how many pictures of me are on the door. Jon Greenstein '24, Tristan Deering '24, and I also make up the entire month of September on the Harris Teeter calendar. Yes, really.

SOFTBALL

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fielding beautifully. But the Blues answered in innings four and five, scoring seven runs. With massive homers from Dunn and Cooper Lewis '24, steady line drives from Sadie Goering '24, and effortless fielding from shortstop Matan Siskind '25, the Blues looked unstoppable. Unfortunately, an eight-run rally in innings six and seven secured the win for Georgetown. Their steady line drives into the outfield kept runners moving consistently. While disappointed, the players of CoRec Blue and their many fans behind home plate kept their chins up and left the diamond with collegiality intact.

From sources who wished to remain anonymous, this reporter did learn of some hiccups in the event. There were multiple hospitalizations from injuries–nothing too serious, thankfully, but to be expected when law schools continue to spurn KJDs. A non-UVA player was ejected for yelling at an umpire. And a certain D.C. school even had an *illegal* bat confiscated from them. Our noble lawyers would do well to remember that there will be sharp practices once we leave these honor-bound Grounds.[1]

Pictured: UVA Law's CoRec Blue
Photo Credit: Katie Barbella '25

While the bleachers were replete with chirping, some of it migrated online. The Harvard Law School softball page on Instagram posted this message after their elimination: "And, thank god we're not Yale, who lost 46-0 today." After seeing Yale in the playoff round against the Blues, this reporter is confused as to where the Harvard students got that information and would be happy to consult on any future libel actions. The HLS Softball account also posted about their new accolade: Ivy League Champion at the UVA Law Softball Invitational. While this is also disputed, I would like to invent an even newer accolade in light of the most recent rankings: UVA Law wins the T4 Championship.

Congrats to the winning teams and thank you to all the event's organizers for a well-run and enjoyable weekend in Charlottesville. Field Monitors were constantly running between games and putting in the necessary behind-the-scenes work, thanks to the guidance of our other Tournament Director, Grace Stevens '24. It was an excellent showcase of our wonderful town, talented school body, and uniquely collegial spirit.

1 This was before the final rounds, and I am unfortunately quite confident that the Aiders and Abettors corrected the honest mistake immediately.

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HISTORY

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laid out her argument for a three-part approach to applying history to legal analysis. First, history can act as legal authority. The idea is that through a careful examination of the historical record and reasoning by analogy, judges can arrive at "right" or "wrong" answers, and "better" or "worse" outcomes. This is, in Mahoney's words, currently "where the action is." Second, history can serve as guidance to judges. Third, history is inspiration.

Mahoney cites *Tyler v. Hennepin County*[9] as highlighting this three-part approach. Applying history as authority, the Court arguably could have found for Minnesota. Statutes authorizing the state to sell a home subject to a tax-lien and keep the post-lien equity ("home equity theft" as its detractors refer to it) are well-rooted in history. While certainly a minority rule applicable in just about eight states, the statutes date back to the New Deal era, if not before. If home equity theft was a longstanding, legitimate practice, how could the practice become illegitimate and unconstitutional over time absent a constitutional amendment?

In response, Mahoney argues that the Court then applied history as guidance, and to some extent, as inspiration. The Court looked back to the Magna Carta and its notions of the protection of private property. After establishing these principles, guided and inspired from this country's English legal tradition, the Court ruled unanimously for the homeowner. But Professors Mahoney and Lash ended their talk by warning that the use of history as authority is often wrongly defended as a constraint on judges. For example, American history has tolerated significant restrictions on the freedom of speech that are draconian to our modern conception of the First Amendment. The Founding generation, with its lofty rhetoric about freedom of speech and the press, also brought us the Alien and Sedition Acts, after all.

9 *Tyler v. Hennepin Cnty.*, 598 U.S. 631 (2023).

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Section C Birthday Celebrations

Mark Graff '26
Online Editor

I've always been a birthday person. As a kid, going to school on my birthday meant the excitement of entering the classroom to birthday wishes and extra attention. As I've gotten older, this desire has remained, yet its social acceptability has seemingly dwindled. Luckily, as a 1L at UVA Law, fellow birthday lovers once again receive that special designation from their section reps, typically in the form of store-bought treats prior to a doctrinal. As a section rep myself, I enjoy making the trips to Harris Teeter to pick out the best-looking cupcakes for my classmates. However, after receiving homemade cookies on my birthday from my longtime friend Will Chambers '26, I learned that his section honors birthdays with a more personal touch than the rest.

In Section C, all birthdays are celebrated with homemade desserts and flowers courtesy of their section reps. The idea seems to echo the same youthful desire that I (and I suspect many others) have missed as I've gotten older. "I don't remember exactly how we settled on it, but Steve Kim ['26] and I just wanted to do stuff a little out of the ordinary for the birthdays in our section, get flowers and have like a handmade treat for folks. It's a little rough as you get older and you're not getting necessarily the birthday attention and wishes you might've had before law school, so we figured why not do something to make sure everyone's special day still feels special," said Will.

Each time there's a Section C birthday, the process of baking treats involves an hour or two of labor, all intended to make their section mates feel special on their big day. For Will, the time investment is a source of personal satisfaction and a way to unwind, as he turns off his phone and gets lost in the process of making delicious birthday gifts. "I'd say most are less than two hours of total work time, and it's really just a favorite activity of mine for decompression—turn off my phone, listen to some music, and make something tasty," said Will. Though 1Ls have little time to spare, Will makes sure each treat is prepared with care, no matter the extra time commitment. "It could go faster if I used a stand or hand mixer, but most of the time, baking is about just getting ingredients together in the right proportions and adding your own spin on flavors and forms of the final product," said Will.

Though Section C may now be used to the standard their reps have set, people seem to enjoy the fruits of their labor each time, "It's less of a surprise for folks now than it was the first dozen or so times but because we try to switch it up for each person specifically it's still fun to see people react to a treat they maybe haven't had in a while." Will and Steve's aim embodies UVA Law collegiality™, with the goal of making someone's day one birthday at a time. "Ultimately, it's a small gesture that helps brighten folks' time together in this stressful place. We won't be in our sections beyond this year so it's nice to do something for the folks you see day in and day out during 1L."

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