



VIRGINIA LAW WEEKLY

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

A Look

Inside:

Squirrels: Friends or Foes?.....2
COPA Confronts Water Fountain Etiquette.....4
Spotlight on Health Law Association.....5

Wednesday, 13 November 2019

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

Volume 72, Number 11

Homecoming in the Wrong Colors

Stan Birch '22
Staff Editor

Standing on the Lawn, drinking a light beer, and shivering to stay warm was the most undergrad thing I've done since graduating. Then again, it was Homecoming. The problem for me: I was cheering for the other team.

I grew up watching games in Scott Stadium whenever an alumni weekend brought my family up. Back then it was obvious which team to root for, but after matriculating at Georgia Tech, the annual bet with my dad on who would win the GT game struck up.¹ We gave each other grief for years, but when I announced I was going to the Law School, my dad was happy to have another Hoo in the family. After cheering for the Cavaliers all season, I had to make the tough decision about which team to cheer for.

As I got dressed in my usual white and gold, I was comforted knowing that twelve of my college friends were going to be dressed to match and sitting around me. What I didn't take into account was that they would be late, and I would be standing on the Lawn in the cold, holding the ingredients for several mimosas, for forty-five minutes. As soon as they showed up, I realized that all of that was quickly going to be fixed, except the cold.

A few minutes later, a snappily-dressed man² approached my friends and was kind enough to loan them some solo cups, welcoming them to the University but cautioning them that "The Lawn does not have a liquor license." Drinks were transferred, thanks were given, and he disappeared as swift and elegantly as he had arrived. As we mingled with the parents and residents of the Lawn, my friends really got a feel for what it was like

¹ In my five years in college (yeah, you read that right), the Yellow Jackets were 4-1 against the Cavaliers.

² I've since been informed this may or may not have been Dean of Students, Allen Groves.

HOMECOMING page 2

PILA: The Final Hoo-Rah Before Finals



From left to right: Taylor Mitchell '20, Kaitlin Cottle '20, Brooke Bean '20, Rachel Staub '20, Julia Jackson '20, Sarah O'Brien '20, Nicholas Barba '20, Haley Cambra '20. Photo credit Kolleen Gladden '21.

Jacob Jones '21
Events Editor

Sarah-Jane Lorenzo '21
Staff Editor

The 2019 PILA festivities began this year with a dramatic live auction that pitted professors and students against each other in vicious battles to obtain cookies, fancy artwork, and the right to pie students in the face. Expertly emceed by Professors Charles Barzun and Kimberly Ferzan, the Live Auction packed Caplin Pavilion with students, some of whom found themselves purchasing items that they did not actually expect to win.¹ Items that engaged some of the most ferocious bidding wars included a six-month supply of cookies from Lena Welch '20 (purchased by Professor Crystal Shin, who prevailed in a brutal battle against Professor Cale Jaffe) and the right to pie 2L Dominique Fenton in the face, which ultimately

¹ For example, after imposing a cardboard cutout of a professor as a Marvel Avengers hero at a price higher than one student claimed to have bid, Professor Barzun thanked the student for his donation to PILA. As PILA grant recipients, we thank him, too. Rumor has it, Vice Dean Kendrick purchased her own cardboard cutout for \$1,000 so students couldn't hang out and vape with it in the back of her classes.

went to Assistant Dean for Public Service Annie Kim, who threw the pie with such enthusiasm that even Fenton seemed surprised by its impact.

Professor-hosted events also sparked dramatic Live Auction bidding wars—even by professors. In one dramatic fracas, Professor Deborah Hellman beat a team of eager student bidders vying for a chance to enjoy a St. Patrick's Day meal with Professors Anne Coughlin and Barbara Armacost. While Professor Hellman mentioned that she felt kind of bad about out-bidding students, she still prevailed, and we appreciate her donation, even though our St. Patrick's Day experience will be slightly less exciting. In the spirit of balance inspired by Thanos, each of the Law School bands' performances were sold at \$200, and everyone breathed a sigh of relief. This was despite Professor Barzun's declaration that the Gunners' band was "the" Law School band, which amounts to fighting words in thirty-seven states including Virginia.²

On Saturday night, the ² See generally ELEANOR SCHMALZL, SCHMALZL'S JURISPRUDENCE §3.7: FIGHTING WORDS (concluding fighting words are "totally a thing" and "don't try to start no drama unless your llama comes ready in pajamas sporting Yokohamas").

misleadingly named Silent Auction happened.³ The men donned the suits that they had bought for OGI and probably hadn't been washed since, and the women put on dresses that have been on sale since senior prom ended. As a 2L, I was fashionably late, and boy, was the coat check line long when we got there. Next year, people, don't wear coats. The part of the event people seemed to enjoy the most was the homecoming-like dance floor. The DJ, whoever he or she was, chose a mix from the 80s, 90s, and now, much like your favorite radio station back home.

The most important part of Saturday night's auction was the auction—there were many interesting items and less tangible things for students to bid on. Lots of great local businesses gave gift cards.⁴ I was outbid on several items, including an amazing disco ball, a drawing of an astute sloth, and a Barbri discount. Some of the more exotic items included

³ It was actually very loud. It also didn't just happen, but was organized in part by the *Law Weekly's* very own Lena Welch.

⁴ I would list some of these businesses, but the photo I took came out blurry, much like my own vision for most of the night.

PILA page 3

around north grounds

 Thumbs up to veterans. ANG never served, but did take part in the great ScoCo food fight of '16. Salami was stuck to the ceiling for days.

 Thumbs down to 1Ls who creepily join upper-classmen at tables when there are other ones open. ANG has no savvy advice to give, and in the spirit of Christmas ANG is the grinch and wants to be left alone.

 Thumbs down to the cost of a soda at the PILA silent auction. ANG brought ANG's own mini-bottles to save money, but didn't plan on paying \$5 for a chaser.

 Thumbs up to anti-social season starting. ANG already doesn't enjoy small talk, but now it's completely acceptable to blow someone off and blame it on upcoming final's stress.

 Thumbs up to the signal see generally. ANG has been using this signal to avoid reading more than the synopsis for all of ANG's 5-10 years of law school.

 Thumbs down to the bartender at PILA who hesitated to repour a drink with moldy ice. ANG is already sick of school and doesn't need to actually get sick too.

 Thumbs up to the still living prestige of the Class of 2019's honor pledge hanging up in ScoCo. ANG appreciates it's been a lawless world since, with no posting of responsibility.

 Thumbs down to the cold weather during the PILA weekend. Thanks, Stephen T. Parr (P.S. ANG misses your weather emails. Down with Allen T. Groves).

 Thumbs up to the person suing Madonna for starting her concerts two hours late. ANG can't wait to see what the material damages are against the material girl (or, as she calls herself, "A Queen who is never late").

Deeks, Harrison Discuss National Security and Impeachment

On Thursday, November 7, the Karsh Center held the third

Maria Luevano '21
Staff Editor



event in their series exploring the current impeachment inquiry. This event focused on the national security implications of impeachment, presented by Professors Ashley Deeks and John Harrison. The professors each provided interesting viewpoints on the issue. Professor Harrison provided the perspective of his background in constitutional law along with experience from his time working at the Justice Department and serving as a counselor on international law in the Office of the Legal Advisor at the U.S. Department of State. Professor Deeks spoke as an expert in international law, particularly as it relates to national security and intelligence. She has held various positions at the Department of State and currently serves as a member of the State Department's Advisory Committee on International Law.

Professor Harrison led off with some of the issues that the current impeachment inquiry has led him to think about. First, he asked whether the Constitution gives the president broad discretionary power. Specifically, he described the debate around the president's power as it relates to foreign affairs. Some argue that the Constitution con-

fers upon the president complete discretion in conducting the nation's foreign affairs and making national security decisions.

However, that view is highly controversial and contested. If that view is accepted, it brings up a second question—whether the Impeachment Clause actually covers all of these powers bestowed on the position. If the president commits a high crime or misdemeanor when exercising powers that have legitimately been conferred, is that still an impeachable offense? Professor Harrison pointed out that most people would respond with yes, particularly if the exercise of power is connected with actions of bribery or treason. He then described another debate that occurs around these questions of impeachment: The issue of whether government power is conferred for exclusively government ends, and not personal ones. Where exactly is this line drawn between permissible and impermissible use of power? Does it fall in the distinction between public and private motivations? This point has led him to question what this means under the Impeachment Clause and what would happen if a president claimed to have both motives in mind. Finally, specifically related to the details of today's inquiry, how should electoral motives count under the "government versus personal ends" question? Is this a personal or public concern?

The answer to this question is not clear, but Professor Harrison concluded by pointing out that we may see some plausible arguments that political and electoral interests are of public concern.

Professor Deeks then turned to look at some of the practical ways to examine the impeachment inquiry as it relates to national security. She framed these as positive and negative viewpoints. On the positive end, the inquiry can be seen as a way to condemn the President's threat to our country's national security. It may work as a signal to both our allies and countries with which we have more precarious relationships with, as a limit to what the U.S. will accept in the behavior of government officials. However, Professor Deeks also sees the ways in which an impeachment inquiry can severely complicate the government's ability to properly conduct national security. As Professor Harrison pointed out, the Office of the President is the most empowered of the three branches to protect the country and its national security. In light of this, Professor Deeks then noted that the inquiries are heavily distracting to all branches of government, but especially those that deal with national security interests—the executive and the legislature. This distraction could lead to a decimation of our country's soft power: nonmilitary tools in our dealings with other coun-

tries. The inquiry also takes focus away from substantive foreign affairs work and directs it towards procedural issues of impeachment. This creates a good environment for enemies to take advantage of and a bad environment for our allies, who might be more reluctant in their dealings with the U.S. and less willing to share their information. Finally, it makes citizens doubtful of the need for public secrecy when actions by public officials are questioned so publicly. However, Professor Deeks pointed out that these potential drawbacks could be counteracted by the understanding that the impeachment inquiry acts as a systemic corrective of acts that actually hurt our national security more than not addressing them would.

This inquiry has the potential to explore the fact that as a country, we may have significant policy disagreements about what the right course of action is in the national security space. It may also demonstrate areas where we potentially agree—for instance, that we need to know that our officials have our country's national security interests in mind rather than their personal interests. Ultimately, Professor Deeks cautioned against having "too rosy" a view of these proceedings in light of the practical concerns.

ml9gt@virginia.edu

HOMECOMING

continued from page 1

on grounds. Beer blankets were donned, and it was time to go to the game.

Arriving fashionably late, like anyone who's ever been to a pre-game, didn't seem like it would make a difference. In this case, those five minutes meant missing a fifty-nine-yard touchdown pass that was there just to get every Yellow Jackets' fan's hopes up. Before we knew it, both teams had scored twice and the first quarter had just ended. This game was turning out much closer than any of us were expecting and we were excited. One person in my group asked if I wanted a beer, excited that Scott Stadium had started selling alcohol this year. With a heavy heart, I informed him that this "gameday enhancement" was not all it was cracked up to be. Once you purchase your drink, you have the honor and the privilege to finish it while in one of the new "beverage gardens."³ Most importantly, you are required to stay there if you want to enjoy that overpriced can.

As the end of the first half approached, my hopes were elevated once again, only to suffer the same fate as before. With less than a minute left, the Cavaliers took the lead. Once the teams had rushed to the warmth of

3 Virginia Athletics seems to have defined "garden" as a dirt-floored, open, white-flap tent with a small television and far too much security.

HOMECOMING page 5

Tweedledee and Tweedledum: Squirrels

Two 1Ls set aside their memos, outlines, and differences to decide the age-old question of who runs the world. Squirrels?

Pro-Squirrels:

Squirrels Run the World

Squirrels are the true embodiment of the American spir-

Phil Tonseth '22
Staff Editor



it. Most importantly, they show the true grit that most Americans expect of and cheer for in the underdog. Squirrels are often counted out, left for the vultures as road kill, or seen as vermin. Yet, they survive. Everyday, squirrels wake up, pick themselves up by their bootstraps, and keep going. You are more like a squirrel than you even realize; allow me to enlighten you.

Law school is all about finding the easiest way to succeed, whether buying supplements, only signing up for afternoon classes, or eating at the free food table every day of the week. Squirrels are similarly resourceful. They learn from an early age how to steal every morsel of food, hence why they look frightened when you see them in the street. They don't want to get arrested for a petty crime either. Also, they hoard food like it's going out of style, similar to the kids that take five gummy pouches from the Dean of Snacks.

Even more applicable, squirrels are quintessential millennials. First, there're so many of them. You can't walk down the street around here without running into one, millennials

and squirrels alike. Next, they act like they're environmentally conscious and care about climate change. At least their accidental acorn planting contributes to new trees that produce oxygen, whereas millennials getting Starbucks to stop producing straws, while useful to turtles, doesn't pack the same punch against climate change. Lastly, when they get lost or scared, squirrels and millennials alike, always run back to their moms in a panic.¹ When a baby squirrel is lost, they become trainable by humans and turn into adorable pets. Millennials just become "influencers."

In such increasingly partisan times, squirrels are an animal we can rally around. Sure, they may faze you with their football worthy agility drills in front of your car or efforts to take unhealthy French fries away from you in the park, but they embody all that America stands for. John Winthrop eloquently opined in 1630, "We shall be as a city upon a hill, the eyes of all people are upon us." In establishing the foundation of the United States, the early settlers built this country through grit, hard work, and trees.² None of this would have

1 I perfected this practice after winning hide and seek in clothing racks at department stores. Don't worry, I still call my mom weekly.

2 Wood cabins were pretty popular, plus ships were made

been possible if squirrels hadn't done their job, planting millions of trees throughout the country to ensure future generations could prosper. The hill that America stands on today isn't made of acorns, as squirrels would prefer, but, in my humble and unbiased opinion, you have to respect the work that squirrels have put in.

out of wood. All quite important.

Threats from Above: The Case Against Squirrels

Of all the creatures on God's green earth, none terrify me more than squirrels. Yes, squir-

Ben Stievater '22
Staff Editor



rels. It's a long story not worth telling that definitely doesn't involve years of trauma stemming from four-year-old me trying to pick one up only to run screaming for my mom when it lunged at me. The bottom line is that I despise them. I know what you're thinking—squirrels are harmless, cute even, and this is a ridiculous phobia. You'd be in good company with a majority of people, specifically my sophomore-year-of-college Tinder date, Rachel, who never texted me back after I used her as a human shield while we were walking and a squirrel jumped in front of us. However,

in a world where it's normal to fear snakes and spiders but not these furry demons, I'm here to preach the truth of the animal kingdom: squirrels are public enemy number one.

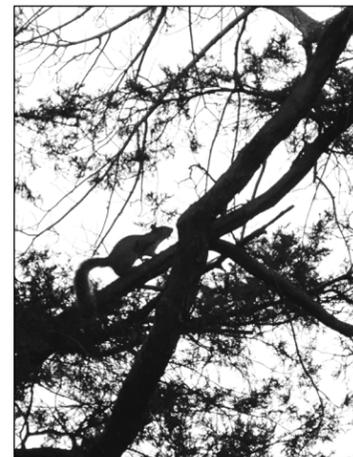
Squirrel supporters will often tell you that they are "cute" or "fluffy" due to the fact that they have bushy tails. Shave the tail, however, and what are you left with? A RAT. Without their tails, squirrels bear an almost identical resemblance to their Black Plague-causing cousins. Rats are nearly universally abhorred as dirty and disease-ridden, so why, then, do we tolerate squirrels? Are we so impressionable as to be fooled by decorative evolutionary fluff?

Perhaps this resemblance alone wouldn't bother me so much were it not for the fact that squirrels are so prevalent. Rats at least have the decency to stick to alleyways and sewers at night. No, squirrels will just sit there in groups of two or three and stare at you, taunting you with their presence and encroaching on the daytime as they monopolize the acorn trade. Their presence is particularly a problem on college campuses, where a few twisted people, who just want to watch the world burn, feed the squirrels, causing them to become a dangerous combination of hungry and fearless, which is coincidentally also the title of my law school memoir thus far that consists solely of tales of me wandering from room to room in W.B. during lunchtime.

The most concerning aspect

of squirrels, however, is their pure athletic ability. They can jump, scurry, and climb in any direction at what amounts to a FRIGHTENING level of acrobatics. Worse still, they're total spazzes and impossible to keep eyes on. One second they're on the ground, zig-zagging to and fro, and the next they're climbing backward up a tree to the higher ground. It's over for you if it came to it. The only thing keeping you safe is their magnanimity, and only a fool would trust an acrobatic rat with that short of an attention span and the potential to strike from any angle. So think it through and say no to squirrels, or at least don't laugh if you see me powerwalking in their opposite direction in the courtyard.

pjt5hm@virginia.edu
bes4cf@virginia.edu



This furry creature has caused a massive rift among the Law Weekly staff.

PILA

continued from page 1

fly-fishing lessons,⁵ tarot card readings, a ride in an old school Mustang, abstract octopus art, and socks. In the category of “creative student donations,” the student offering an all-day designated drivers for wineries won first place, followed closely by people offering poker lessons, babysitting, time with dogs, a “Fly Dog aerial party,” and pies. The *Law Weekly’s* Maria Luevano ’21

5 Readers who paid close attention noted the lessons would take place at the law school, which is why they were so cheap. It makes me wonder if Professor Fore is planning on fishing out of that tiny fountain outside Caplin Pavilion.

got really into bidding for candles, but it remains to be seen if she won. If not, she could just go to the store and buy candles, just like you could do for something like socks.

PILA, after noticing that it had assigned its grantees an amount of hours that were difficult to make up, decided that it would take a page out of the medieval churches’ playbook and let people buy their way out of obligations. Grantees could spend a potential \$39 to be relieved from just one of their PILA hours obligations! One has to wonder whether it would’ve been better for PILA to just reduce the hours requirement in the first place instead of selling indulgences.

After the auction/homecoming dance ended, the party began as one of the Law School bands raptured

everyone to, well, Rapture. The law students were out in impressive numbers, and filled the club up completely. I managed to stay for about two songs before the chicken and pepper pizza I ate on the way got the best of me and I had to return home. The Gunners looked great for those two songs though.

While many people say that PILA marks the official start of outlining season, many of people can also be wrong.⁶ What PILA does is separate the true bar reviewers from the true nerds. So in the spirit of UVA Law, party on.

jmj3vq@virginia.edu
sll5fg@virginia.edu

6 See, e.g., Pineapple Pizza.



Above: Professors Kimberly Ferzan and Charles Barzun pose after demonstrating their superior auctioning skills.

Below: Justin Aimonetti ’20 gets a pie to the face from Manal Cheema ’20 for a good cause.

Photo credit Jacob Jones ’21.



Top left: 1L Section A poses in solidarity on the last night of their social lives as they know it.

Middle left: Stan Birch ’22 strikes a pose, much to the dismay of his soon-to-be ex-girlfriend Rachael Blackstone.

Below left: A compilation of various 1Ls in other sections, in original fashion, does exactly what Section A does above.

Below right: David Turitzin ’21 (L) and Jake Weiner ’20 (R) lift the spirits of many, including Jessie Frances Maroquin, Weiner’s soon-to-be wife.

Photo credit Kolleen Gladden ’21.



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 four 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 mes5hf@virginia.edu

Students with Large Water Bottles v. Thirsty Students

369 U.Va 42 (2019)

RE, Judge, sitting by designation, delivered the opinion of the Court, in which SHMAZ-ZLE, C.J., ELICEGUI, RANZINI, LUK, and SCHMID, JJ. join.

JUDGE RE delivered the opinion of the Court.

The issue before the Court today plays itself out multiple times a day, at predictable intervals, the four days a week¹ during which classes are held at the Law School: thirsty students, realizing their water bottles are empty five minutes before class starts, flock to the drinking fountains and/or new motion-sensing-electric water bottle fillers, only to encounter a line that will not move fast enough before class starts to get water. The cause of the delay is students with large water bottles who are definitely going to fill them all the way up, no matter how long it takes (and despite that fact that it is unlikely that even someone who had just run a half-marathon in D.C., in July, would actually be able to drink that much water during an 80-minute class period). The question specifically before the Court today is whether the class of Thirsty Students may enjoin the class of Students with Large Water Bottles from

1 The panel comprising today's court does not include any 1Ls, from whom we have heard rumors of classes meeting on Fridays. As this has not been confirmed by the members of today's court, who would not dare to darken the doorway of the school after 5 p.m. on Thursday, we only address the water dispute occurring before classes, necessarily meaning Monday through Thursday.

filling them up all the way. We hold that they cannot.

I.

Earlier in the semester, various students walked into class, took their seats in W.B. classrooms, and reached for a refreshing drink of water, only to find their water supplies depleted. Each student

looked at their phones to see how much time there was before class started. Alarming, less than five minutes remained. But because of its natural geography, W.B. is blessed with many places to get water.² This was not, after all, a trip all the way to the W.B. coffee shop³ for a hot beverage. The students arrived at the line and found three students ahead, waiting to fill up personal water storage tanks which they were euphemistically calling "water bottles."⁴ Faced with

2 Maybe connected to wells (?), or the natural underground aquifer where the snakes which sometimes visit W.B. live—we are not entirely clear on how plumbing works.

3 Which the lower courts have erroneously been referring to as "the library."

4 In the interest of transparency, we only had time to read Thirsty Students' brief, but it really did sound like the water bottles were too big, and in any event we are ruling against them, so it's probably still fair.

the bad options of embarrassingly walking into class late or being sort of thirsty for the next hour, the thirsty students sued. They seek to enjoin students with large water bottles from filling them all the way up in the five minutes before class, claiming a substantive due process right to have water in class.

The Petty Appellate Division for the W.B. Circuit ruled in favor of the Thirsty Students and enjoined the Students with Large Water Bottles from filling the bottles all the way up within five minutes of class. This created a circuit split with the Petty Appellate Division for the Slaughter Circuit, which found that students are free to take as much time as they want filling their water bottles. *Students Running Late v. Students with Nalgene Bottles*, 343 Sl. 3d 321 (Sl Cir. 2015) ("Honestly, just stand there pouring water on your hand for all we care.") We take this case to resolve the circuit split.

II.

It is unclear from Students with Large Water Bottles' brief what errors the lower court allegedly committed,⁵ but because "[w]e do what we want[,]," we will be reviewing this case *de novo*. It's usually fun to opine on the merits of something.

5 Because, again, we only read Thirsty Students' brief.

Thirsty Students claim that there is a substantive due process right to having water in class. Because Students with Large Water Bottles could still fill the bottles part way, the injunction, Thirsty Students argue, will not infringe on the Students with Large Water Bottles' rights. In response, Students with Large Wa-

skimmed, it looks like the Court held that it was not a violation, writing, "If Dean Davies decides to bring back the coffee, we will, as always, salute her benevolent judgment. But we will not order it." *Id.* at 4.

This (purely discretionary) restraint by the Court is admirable, and we impulsively choose to follow it today, though the Court commends Thirsty Students for their substantive due process claim. This theory was later codified as the Court of Petty Appeals' first Rule of Procedure, and it is certainly welcome in briefs to this Court.

It is also worth noting that based on the course descriptions on the School's website, Land Use Law might be the most applicable to a water-rights case. But as the author of today's opinion has not taken Land Use (and given the notice concerns that would arise from actually applying principles from a class taken by so few people), we decline to consider any of these arguments.

Thirsty Students also had a number of pages about water bottle size. A holding which simply limited water bottle size might be sensible, but that would drag us into the realm of policy-making. That sounds like a lot of work, so we decline to do so here.

Absent legislation from SBA, or a royal pronouncement from Dean Goluboff,

COPA page 5

// Honestly, just stand there pouring water on your hands for all we care." - Judge Re (internal citations omitted).

ter Bottles probably⁶ cited a Court of Petty Appeals case from last term: *Class of 2021 v. Davies*, 918 U.Va. 34, 71 V.L.W. 14, 4 (2019). In *Class of 2021*, the Court considered whether the Administration's decision to remove the high-quality free cookies and coffee from W.B. on Friday morning⁷ without a hearing violated the due process rights of the 1L class. After much expert analysis which the author of today's opinion

6 See footnotes 4 and 5, *supra*.

7 Thus removing the sole reason one might come to school on a Friday.

Faculty Quotes

R. Hynes: "I know you guys think you're all special but you're what we refer to in the industry as fungible billing units."

G. Rutherglen: "In this case the investment bankers win. They're always an insular and discrete minority."

R. Mason: "There is nothing we can do to avoid it—except lie."

J. Setear: "So, the evidence creeps into this case... much like the rats creeped

into my house from the holes that were created by squirrels."

M. Schwartzman: "I'm not recommending that any of you do this. But I'm also not recommending that any of you do this."

D. Howard: "Sometimes I think our national motto should just be 'I'll see you in court!'"

Have a good professor quote? Email editor@law-weekly.org!



Virginia Law Weekly

COLOPHON

<p>M. Eleanor Schmalzl '20 <i>Editor-in-Chief</i></p> <p>Christina Luk '21 <i>Executive Editor</i></p> <p>David Ranzini '20 <i>Managing Editor</i></p> <p>Samuel Pickett '21 <i>News Editor</i></p> <p>Kolleen Gladden '21 <i>Photographer</i></p> <p>Jacob Jones '21 <i>Events Editor</i></p>	<p>Michael Schmid '21 <i>Production Editor</i></p> <p>Anand Jani '20 <i>Special Projects Editor</i></p> <p>Raphael Cho '21 <i>Cartoonist-in-Chief</i></p> <p>Lena Welch '20 <i>New Media Editor</i></p>	<p>Taylor Elicegui '20 <i>Features Editor</i></p> <p>Grace Tang '21 <i>Lifestyle Editor</i></p> <p>Douglas Graebner '21 <i>Format Editor</i></p> <p>Tyler D'Ambrose '21 <i>Columns Editor</i></p>
--	---	---

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

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

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

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



PIECE of the PIE

REWARDS

JOIN TODAY AND START EARNING POINTS TOWARD

FREE PIZZA



SIGN UP

at [Dominos.com/Rewards](https://www.dominos.com/Rewards) to start earning points.

1 = 10

ORDER POINTS

Earn 10 points for every online order of \$10 OR MORE.*

60 =

POINTS FREE PIZZA!

Get a FREE medium 2-topping pizza when you earn 60 point

FREE KINDNESS WITH EVERY ORDER

Club Spotlight: Health Law Association

When I came to law school, it was explicitly with the goal of practicing health law. But

Savanna Williams '21
Guest Writer



in reality, I did not know what this dream of mine looked like. All I knew was that I am passionate about healthcare reform and that I wanted to understand the law generally before attempting to change it.

So, what is health law, anyway?

Health law focuses on the rules and regulations that govern the health care industry. The health care industry includes hospitals, hospital systems, health care providers, insurers, pharmaceutical and device manufacturers, individual healthcare providers, and group providers like nursing homes, psychiatric centers, acute care centers, and health maintenance organizations. Some of the regulations health lawyers work with include the Stark Law, HIPAA, the Anti-Kickback Statute, EMTALA, and individual state privacy laws.

What do health lawyers do?

Health lawyers in private practice work across the full spectrum of law, from litigation to transactional to regu-

latory work. Healthcare litigation most obviously includes medical malpractice but can also include litigating fraud and abuse claims, reimbursement matters, or antitrust issues. In the transactional realm, healthcare lawyers serve as subject matter expert deal support, evaluating general corporate matters like tax, antitrust, and contract negotiation issues. On the regulatory side, healthcare lawyers might provide guidance on Medicare and Medicaid fraud and abuse, confidentiality, or health reform issues. Health lawyers also represent healthcare providers before state and federal agencies that regulate the industry.

In the public sector, healthcare lawyers might work for government agencies like the Department of Health and Human Services, the Centers for Medicare and Medicaid Services, or Veterans Affairs. In-house opportunities include hospitals, pharmaceutical companies, or insurance.

This opaqueness about what health law is comprised of is what drove me to run for president of the Health Law Association. Our goals are to:

- Explain what health law is;
- Give students a better view of the different areas of health law;
- Introduce available health law-related classes; and
- Promote a healthy law school environment.

Previous Events

This fall, we hosted a meet and greet with the health law-adjacent professors in order to give students, especially 1Ls, an idea of what classes they might take if they were interested in practicing health law. A common area of confusion is when students have an interest in a particular field of law, but they do not know what courses to take in order to reach that goal. We hoped to remove some of that ambiguity by having each of the professors talk about their course offerings in the coming semesters. We hope that this helped with course planning, not just next semester, but for a holistic law school career.

In addition to the professors, we also had Michaela Lieberman, co-director of the Health & Disability Law Clinic, speak about clinic opportunities. This year-long clinic offers students firsthand experience and insight into how health law touches in the individual patient, which we often forget about in the private practice setting where your clients are predominantly health care systems.

I also had the chance to speak at a University Democrats meeting on Main Grounds earlier this semester about the vastness of health law and how to translate an interest in healthcare reform and policy into a legal career. One of my big goals as president is to expand our membership beyond the walls of the Law School, because health law is something that truly touches all of us. Since that meeting, we have recruited

regular attendees of HLA events from Main Grounds.

Upcoming Events and Goals

Next semester, we are planning a healthcare reform debate in advance of the March primaries. It goes without saying that healthcare reform is at the forefront of the election news cycle, and we hope to shed some light on the legal status of the Affordable Care Act and the legal implications of candidates' proposed reforms.

At the Shaping Justice conference, we are co-sponsoring a panel with Lamda that focuses on Disability Rights Advocacy: 30 Years After the Americans with Disabilities Act. We are also co-sponsoring an event on maternal health with If/When/How and another on food labeling with FLAVA. We are always looking for co-sponsorship opportunities, so if your organization is interested in planning something healthcare-focused, please reach out!

sbw5va@virginia.edu



COPA

continued from page 4

today's Court is not inclined to step in with equitable remedies. Though it is worth noting, it would certainly be within the Court's authority to do so. *See Petty Rule of Procedure 1: We do what we want.*

Because we do not want this opinion to drag on unnecessarily with neurotic distinctions and unhelpful legal analysis (*see, e.g.*, no U.S. Supreme Court opinion ever), we will conclude the opinion here. While SBA, Dean Goluboff, or non-legal considerations like thoughtfulness are free to step in to address the issue of water-bottle line speed, we decline to do so here.

The judgment of the Petty Appellate Division for the W.B. Circuit is VACATED.

It is so ordered.

wdr3mq@virginia.edu



HOMECOMING

continued from page 2

their locker rooms, the UVA Marching Band took the field. After a few classics, they were joined by members of local high school marching bands for a "Salute to the Space Program." It was a fun distraction from the cold, but seemed more like a thinly-veiled excuse to play Bryan Adams' "Summer of 69."

The second half had a slow start and an unceremonious finish. The Ramblin' Wrecks far beat the seventeen-point spread, but with the final result everyone anticipated. Just before my friends and I left the game, I spotted a family a few rows in front of me, all dressed in Georgia Tech apparel, except one. The back of his hat read "40 Years NGSL" and the front had the distinct "V Law." We chatted for a moment and his family offered up a few jokes at their dad's expense. While the rivalry in his family was alive and well, his parting words were one thing his family and my friends could all agree on: "To Hell with Georgia."

Getting ready for the PILA Auction, I regretted every decision I had made that day since the festivities began at 7 a.m. It turned out far better than I could have hoped, and the night was still young. I might have been cheering for the visiting team in Scott Stadium this past weekend, but with all my friends gathered around, cheering, chatting, and catching up, it really was a successful Homecoming.

sf9yu@virginia.edu

HOT BENCH



Lena Welch '20

Hi Lena, welcome to Hot Bench! Where are you from?

McLean, Va.

Tell us something about McLean!

Mmmmh, I don't like it. I do like Chesapeake Bagel Bakery though.

Who will you root for when UNC comes to JPJ Dec. 7?

Don't be silly. #GoHeels

What's something at which you're elite?

Serving up piping hot reality-checks to my friend Harrison or serving up piping hot bakes. Also remembering people's computing IDs.

Speaking of "hot bakes," what do you put in your cookies that causes professors to get into a bidding war?

Love.

If you were a kitchen utensil which would you

be?

I'm probably a wooden spoon. I'm really traditional, and I think wooden spoons are more useful than people give them credit for.

Best episode of GGBO?

I'm torn between the finales of Nancy's season (I love Luis) and Nadiya's season (I love Tamal). Killer finalists, and some of my favorite showstoppers.

Favorite food?

Never met a carb I didn't like, but let's say chocolate chip cookies. Also, I'm a big believer in breakfast milkshakes.

Favorite place in Charlottesville?

Klöckner Stadium, where they play soccer and lacrosse. It was actually my place at UVA before I came to Law School, because I love watching my teams play there. It's a beautiful stadium.

What's your favorite UVA Sport?

I can't answer that.

What song would play in the background of your life?

Right now, it's probably the Whitney-Kygo version of Higher Love.

Anti-Stress Hobby?

Yoga at FlyDog.¹ Or baking. Or hanging with my cat. All of

¹ Going to throw Sam Pickett '21 a bone here for mentioning me in last week's Hot Bench. I do teach aerial yoga at FlyDog. Come to my classes Saturdays at 4:30 p.m.

my hobbies are anti-stress hobbies.

What is your favorite yoga pose?

Side angle. I'm big into turning my rib cage to the ceiling.

What do you like to do with your cat Draco?

What don't I like to do with my cat? He's my favorite guy.

Pet peeve?

When people do not use a direct address comma.

Catch phrase?

"Catch you on the flippity flip."

If you could live anywhere, where would it be?

Scotland. I can't explain why.

What's one movie that left an impression on you?

The Peanut Butter Falcon. Absolutely my favorite movie. It's like someone made a movie just for me.

The Office or Parks and Rec?

The answer has to be The Office, but I recently came up with the phrase "Parks and Rec-ference," so people should start using that. You know what else I do that people should do? Voice-memo my laughter and use it instead of "lol."

Very cool. So what are you involved in?

Public Interest Law Association, the Program in Law and Public Service, the Virginia Law Weekly, Amici Signatae Linguae (the ASL club), itrek, and I'm an LL.M. PA.

lw8vd@virginia.edu

² Editor's note: He already graduated...

Letter to the Editor

Letters of interest to the Law School community may be sent to editor@lawweekly.org. Letters may be published at the discretion of the Editorial Board and are subject to editing for grammar, style, and clarity, but not content or viewpoint. The Law Weekly does not necessarily endorse the content or viewpoint of any letter herein published.

Michael Berdan '22

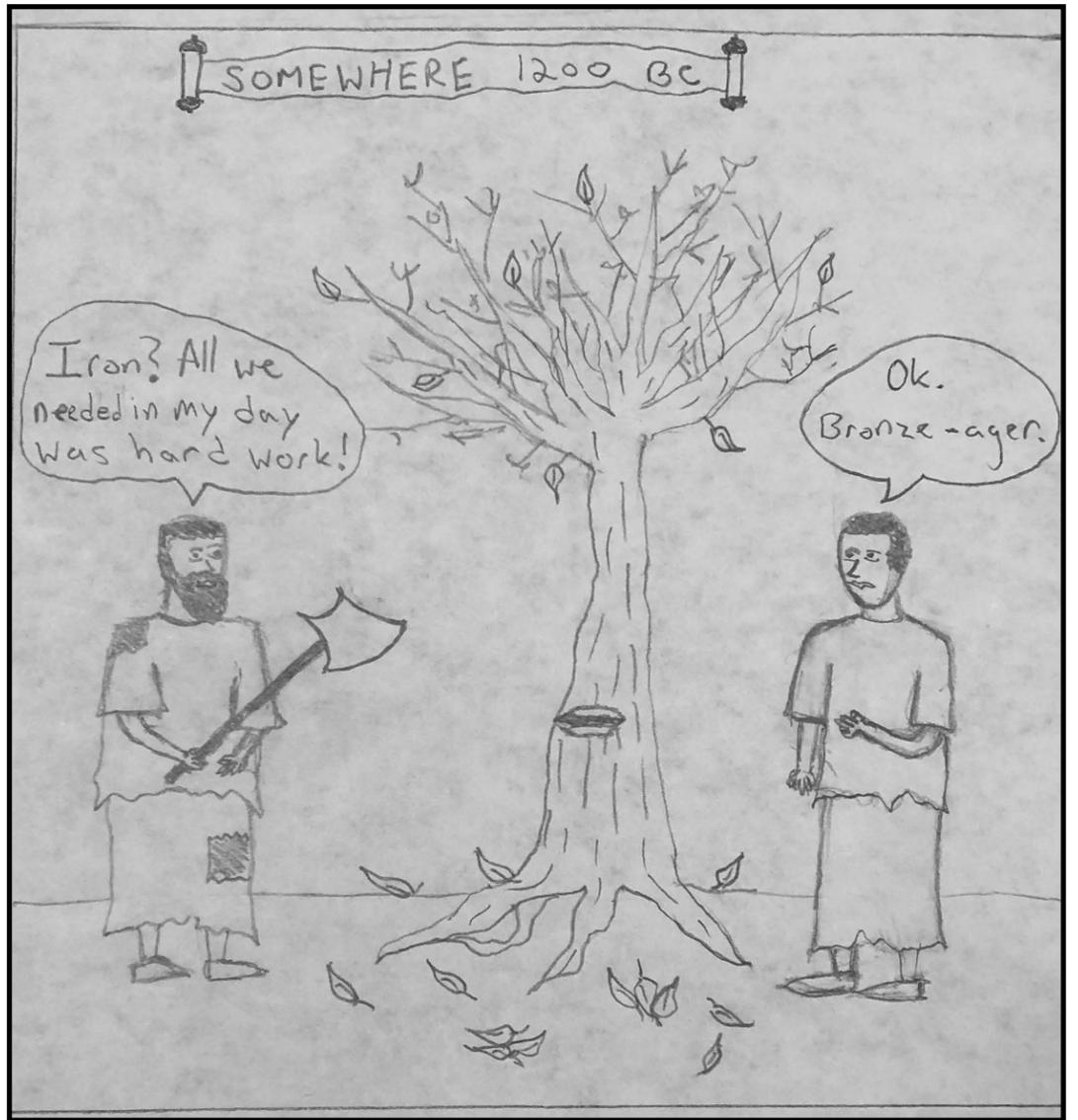
A Poem About Memos

'Twas the night before memo
and all through Withers-Brown,
All the 1Ls were scurrying,
each wearing a frown;
Case printouts were scattered
'cross library spots,
In hopes the papers them-
selves would connect all the
dots.
The 1Ls did type, fast and fu-
riously,
Not into Word—but their sec-
tion GroupMe.
“This memo, my dudes!”
“This memo! 'Tis hell!”
The messages flew 'til they
heard midnight's bell.
The staff came 'round to give
them the boot,
And the 1Ls crawled to the
hall, none appearing too cute.

“Look how many!” one asked.
“Pages, you mean?”
“No,” he said, “Look how
many likes on my meme!”
So the hours ticked by and the
poor 1Ls struggled,
With social life and academ-
ics precariously juggled,
When the sun came up, they
had a memo completed,
They'd won over the task, tho'
they all looked defeated.
Fourteen pages—no more!
That's just what's required!
Crest that page break! Sub-
mit to Canvas! 'Fore time has
expired!
The 1Ls were left, at the end
of our tale,
Saying “Thanks for the LOLs,
and thank God it's pass-fail!”

mwb4pk@virginia.edu

Cartoon By Raphael



Do you have a tradition for the holidays? If so, write in to the Law Weekly by Sunday, November 17 at 5 P.M. at editor@lawweekly.org, and the Law Weekly will feature it in the next edition!

TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY – November 13				
8:45 – 15:00	VELJ Symposium: The Green New Deal: Examining Climate Change in the Business Context	Purcell	Free	Provided
13:00 – 14:00	Intro to Employer Interactions	WB 152	Free	---
18:00 – 20:00	“The Man Who Shot Liberty Valance” Film Screening and Discussion	WB 152	Free	Dinner Provided
THURSDAY – November 14				
11:30 – 12:45	The Backlog of Untested Rape Kits	Purcell	Free	Provided
12:00 – 13:30	Hueston Hennigan Lunch Panel	WB 101	Free	Provided
13:00 – 14:00	Responses to ICE Enforcement in Virginia	WB 103	Free	Provided
FRIDAY – November 15				
12:00 – 13:30	VLW Lunch and Conversation with Sidley Austin	Purcell	Free	Provided
19:00 – 22:00	Ariana Grande	John Paul Jones Arena	Starts at \$77	---
20:00 – 22:00	She Kills Monsters	Ruth Caplin Theatre	Free for students (Much more affordable than Ariana)	---
SATURDAY – November 16				
12:00	Men's Basketball: Virginia vs. Columbia	John Paul Jones Arena	Free for students to watch a battle of two T-14s	---
17:00	Women's Basketball: Virginia v. Kentucky	John Paul Jones Arena	Free w/ student ID	---
SUNDAY – November 17				
15:30 – 17:00	Charlottesville Symphony: Romantic Titans	MLK Jr. PAC	Students can reserve 1 free ticket, otherwise \$10-\$45	---
MONDAY – November 18				
11:00 – 12:30	Coffee Networking Reception	Caplin Pavilion	RSVP requested	---
17:00 – 19:00	UVA Law Winter Diversity Reception	Caplin Pavilion	Free	Provided
TUESDAY – November 19				
10:00 – 13:30	Democracy Initiative's CLEAR Inaugural Launch	Miller Center	Registration required	---
17:00 – 19:00	Film Screening and Panel Discussion: “The Report”	Caplin Pavilion	Free	---

THE DOCKET

SUDOKU

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

Solution

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