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A Message of Unity

Joint statement by the Virginia Law Democrats and the Virginia Law Republicans

After the events of August 11 and 12, leaders of both the Law Democrats and the Law Republicans were unsure about whether we could meaningfully add to the cadre of voices sharing their experiences on the horrors that shook our community. The labels “Democrat” and “Republican” were not the targets of those bearing torches, perpetuating violence, and carrying messages of hate and bigotry. We cannot, therefore, speak to what it must feel like to be threatened in the manner so many were on those awful days.

We can, however, speak to the shared pain the events of those days have caused our community. We can say with confidence that we all felt it then and we all feel it now. After discussions between leaders from both organizations, we decided to offer our community this: In a time of division and uncertainty, we want to offer an example of unity and direction, a statement of commonality connecting two sides that too often today seem diametrically opposed.

The following is therefore a statement made on behalf of both the Law Democrats and the Law Republicans, sharing our unified perspective on the events that occurred in Charlottesville on August 11 and 12 and our shared hope for one part of the path forward for our community.

First, we wish to state, unequivocally: We renounce neo-Nazis, white supremacists, and any other group who would seek to use violence, hatred, bigotry, or fear as a tool of suppression of the rights of any member of our community. Such groups have no place in our party membership nor, we believe, in our political discourse.

Second, we express our support for those who may feel ostracized or fearful as a result of the events of August 11 and 12 or any other expression of violence against them because of their identity or belief, including race, religion, nationality, gender, or creed. We stand with you today and always. We renew our commitment to your protection and full inclusion in our community.

Third, we make two requests: First, a request for democratic engagement. The second is a call for civility.

That so many felt comfortable publically advocating such a reprehensible message on August 11 and 12 undeniably shows how far our society still has to go to eliminate hate and injustice. Though our parties may sometimes disagree regarding policy on how to achieve that goal, we share beliefs that reveal our unity. We can all agree, for example, that the events of August 11 and 12 reveal the need for strong public leadership. Now, more than ever, our com-

Virginia Votes: An Election Preview



From left to right, gubernatorial candidates Lt. Governor Ralph Northam and Ed Gillespie
Photos courtesy of The Richmond Times Dispatch

Jansen VanderMeulen '19
(he/him/his)
Executive Editor

Diligent students of American politics will know that most American states hold statewide elections in even-numbered years to coincide with federal elections. There are five exceptions: Kentucky, Mississippi, and Louisiana, which hold statewide elections during the year prior to presidential elections; and New Jersey and Virginia, which elect their statewide officials in the year following the election of the president. These elections are often viewed, fairly or not, as signs of political things to come; the 2009 election of Republicans Chris Christie and Bob McDonnell as governors of, respectively, New Jersey and Virginia—held just a year after Barack Obama’s election as President—was widely interpreted as a harbinger of the 2010 Republican wave in Congress.

Virginia is unique among the fifty states in another way: It is the only state to forbid its governors from serving consecutive terms. As such, Governor Terry McAuliffe, a Democrat elected in 2013, is ineligible to seek re-election, and Virginia will have a new governor in January of 2018. Virginia Republicans nominated Ed Gillespie, a former chairman of the Republican National Committee under George W. Bush and unsuccessful nominee for the U.S. Senate in 2014. The Virginia Democratic Party nominated Lieutenant Governor Ralph Northam, a physician and former state senator. Northam defeated former Congressman Tom Perriello (D-Charlottesville) in a fiercely contested primary election that many in the nation-

al media portrayed as “a Hillary Clinton-Bernie Sanders redux,”¹ with Northam representing the more moderate Clinton wing.

Accompanied on election night only by a sleepy New Jersey gubernatorial election—Chris Christie’s lieutenant governor, Republican Kim Guadagno, is expected to lose handily to Democratic financier Phil Murphy in the shadow of Christie’s woe-filled approval ratings—Virginia’s election for governor has attracted an outsized spotlight of polling and commentary. Gillespie ran a surprisingly close race for Senate in 2014, nearly pulling off a massive upset to defeat popular Democratic Sen. Mark Warner even as Virginia continues to lean more Democratic.² Northam, meanwhile, cruised to victory in 2013, pummeling Republican minister E.W. Jackson 55–45 even as McAuliffe only narrowly defeated conservative Attorney General Ken Cuccinelli. Focus on the race grew with the competitive Northam-Periello primary, and expanded further when Gillespie had more difficulty than expected in defeating Prince William County Board of Supervisors Chair Corey Stewart in the Republican primary. Stewart, a native Minnesotan and staunch supporter of President Donald Trump, centered his campaign around “protect-

¹ <https://www.theatlantic.com/politics/archive/2017/06/virginia-primary-2017-governors-race-perriello-northam/530082/>

² <https://www.politico.com/story/2014/11/virginia-senate-ed-gillespie-mark-warner-112631>

ing Virginia’s heritage,”³ including its Confederate statues, and derisively labeled Gillespie “Establishment Ed.” On election night, Gillespie defeated Stewart by fewer than 5,000 votes out of more than 365,000 cast.

The resulting general election campaign has been sharp-elbowed and well funded. Virginians with television sets are by now well versed in each side’s attacks: Gillespie, says Northam, is a Trump-loving, neoconfederate apologist who would inflict a *Handmaiden’s Tale*-like future on Virginia’s women. Northam, according to Gillespie, is soft on MS-13—the notorious Central American gang—and out to erase Virginia’s glorious Confederate history. Northam raised more than \$7 million in September alone, while Gillespie pulled in nearly \$4.5 million in the same time period. Polling of the race is wildly divergent. A Hampton University poll from October 25 had Gillespie up eight points,⁴ while an October 30 poll from Quinnipiac University gave Northam a seventeen-point lead.⁵ The Real Clear

³ <http://www.npr.org/2017/06/13/532704812/trump-looms-over-both-democratic-and-gop-primaries-for-virginia-governor>

⁴ <http://wtkr.com/2017/10/25/hampton-university-poll-shows-gillespie-leading-by-8-points-in-virginia-a-race/>

⁵ <http://thehill.com/home-news/campaign/357824-poll-northam-leads-gillespie-by->

around north grounds

 ANG Alumni Spotlight. As part of ANG’s efforts to reconnect with alumni, ANG has decided to honor one alum, drawn at random. This year’s honoree is: Robert S. Mueller ’73! Congrats, Robbie. ANG isn’t sure what you’re up to these days, but ANG hopes it’s relaxing and fulfilling!

 Thumbs up to all the 1Ls who are still optimistic about the course selection process. ANG, however, asked for eight potential classes and was enrolled in a two-credit hour class that ANG never signed up for... #best-jason

 Thumbs down to all the Halloween costumes that didn’t make it through the weekend intact. ANG’s ripped costume was in the trash out of frustration by 9 pm. Then ANG was “kindly” asked to leave because being nude was “unacceptable” at Boylan.

 Thumbs down to the empty punishment for Yuli Guriel of the Astros. ANG hasn’t been so frustrated with “rules” since the three incomprehensible Con Law slideshows on “rational basis without teeth.”

 Thumbs up to the World Series. ANG is rooting for the Los Angeles Dodgers because of their ancestral connection to Brooklyn. ANG was once arrested for selling black-market fruit snacks on the Brooklyn-bound Q train, and found the jail staff to be pleasantly accommodating. Go Dodgers!

 Thumbs down to the \$149 ticket fined to a Canadian man for belting out 1990s dance hits in his car. ANG hopes this isn’t reflective of the post-Canadian-invasion society that Kordana has been warning us about.

 Thumbs up to the reliably-adorably Halloween Carni-Val in Spies Garden. ANG feels strongly that wandering toddlers dressed as animals are directly correlated to law school happiness. Also puppies. #lawschoolpuppy2017

 ANG’s thoughts go out to the family of Dean Dick Merrill, who passed away of Parkinson’s this week. Merrill served as Dean of the Law School from 1980-’88, and was a renowned expert on administrative law. ANG salutes Dean Merrill’s service to our school.

LAW WEEKLY FEATURE: SPOTLIGHT

The Law Weekly reached out to affinity group leaders to write for us in a feature we are calling "Spotlight." Our goal is to give leaders a regular platform to start conversations about issues they are facing, to reflect on the events of August 11th and 12th, and to educate the UVa Law community about their diverse experiences so that we can become better allies to our fellow classmates.

If you or your organization would like to be featured, please reach out to us at editor@lawweekly.org.

The term "women of color" is often defined in the negative to describe all women

Elyse Moy '18
(she/her/hers)
President of
Women of Color



who are not "white." But this definition, despite its seeming broadness, is inadequate. It does not capture those who are white-passing but do not identify as such. And trying to define this term in the positive raises even more challenges. In the discourse of race, gender, and ethnicity, "women of color" carries several different definitions. For some, only certain Asians are included in this umbrella category. Meanwhile, the U.S. Census Bureau considers "Hispanic" an ethnicity, not a race. In each of these cases, these distinctions are imposed upon individuals. They are based upon an outsider's perception of identity, ignoring the lived experiences of those who are so labeled. For those who do not fit within the white-black, male-female binaries, and for those whose identity is not readily apparent, such mislabeling can have detrimental effects on one's self-perception and on establishing truly intersectional solidarity.

Intersectionality is a similarly important concept that is hard to define. In short, intersectionality recognizes that people hold multiple identities. It recognizes that one cannot examine gender in a vacuum—one must also

address one aspect of identity, while overlooking the overlapping of identities. In doing so, we fail to properly address the reality of discrimination, which operates across gender, racial, and class lines, and with dispro-

sibility for education falls on the shoulders of Black and Brown America. It is time for allies—male, female, and gender nonbinary; white allies and allies of color—to step up in solidarity. Women of Color seeks to provide

of our identity does not mean that we share the same experiences, the same values, or the same goals. Intersectionality is one tool to highlight and celebrate the differences among us in a productive manner, and solidarity requires constant negotiation of these differences.

In these ways, the intersectionality of our organization is both our challenge and our strength. Again, it is difficult to define exactly what Women of Color is because of our diversity of identities and values. But it is also our strength because we represent a multitude of viewpoints and thus can highlight many different issues.

When Women of Color was revived two years ago by Dana Wallace, she was not sure if there would be enough interest in the organization to keep it going, but her hope for the organization was that it could be as vibrant and strong as it once was. She envisioned creating a supportive space in which women of color could express themselves. She sought to connect students to the resources they needed to do so. After Wallace graduated, we passed the helm to Jasmine Esmailbegui, and continued to work towards achieving



Photo courtesy of Women of Color

account for aspects such as race, ethnicity, sexual orientation, socio-economic status, and much more. It also draws attention to how detrimental monolithic perceptions of identity can be. Our laws and discourse often only

portionate force. This oversight allows systemic injustice and inequality to persist.

One way in which we hope to dismantle systemic injustice is through solidarity. Too often, the burdens of oppression and the respon-

one such platform for diverse students of UVa Law to come together and speak out against inequality; however, we should also recognize that solidarity does not necessarily ensure unanimity. Sharing one or even several aspects

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Opinion: A Return to Process in the AG's Office

It's Time for a "Virginia" ¹ Lawyer. As the past year has made all too clear, we live in a

Charlie Beller '18
(he/him/his)
Guest Columnist



divided political climate. UVa Law seems exceptional within the larger national, state, local, and University environments in its commitment to facilitating dialogue among varying viewpoints. Two instances last week offer great examples: the *Virginia Environmental Law Journal's* symposium on "progressive" federalism under the Trump administration and the Common Law Grounds event on democratic dialogue in a polarized media landscape. These events are just two examples of the rich discussion occurring at the law school that transcends and challenges political and ideological categories. In a very real sense, our community seems intent on engaging differing viewpoints and seeking "common ground."

As a 3L, this all seems normal at UVa Law. Yet when we look at the national, local, and even University communities, mutual respect and civility seem to disappear. What makes the law school community special? There are many things. But one that deserves appreciation is a respect for process that we learn

here at UVa Law. The term "thinking like a lawyer" gets thrown around without much specificity. Yet on some level, it conveys a special respect we

process and separation of powers. As with all campaign slogans, these principles are empty without reference to how these principles manifest themselves

Our own Professor Saikrishna Prakash has noted in recent scholarship that the duty to defend state laws raises myriad legal issues that are highly susceptible to political exploitation across the partisan divide.³ In short, there are many considerations, including state and federal constitutional obligations, a state officer must consider in evaluating his or her duty to defend a state law. Adams's position is that it is not a blind "duty to defend," but a commitment to defending validly enacted laws, with emphasis on state constitutional provisions.⁴ This stands in stark contrast to incumbent Mark Herring, who has declined to defend even laws he supported as a state legislator.

At the federal level, the Department of Justice has a longstanding practice of defending the constitutionality of duly enacted statutes if "reasonable arguments can be made in their defense."⁵ Importantly,

would never disrespect the will of Virginians by refusing to defend perfectly valid Virginia Constitutional amendments in court." John Adams for Attorney General, *Issues*, <http://www.johnadamsforva.com/issues> (last visited Oct. 30, 2017).

³ See Prakash, 50 *States*, 50 *Attorneys General*, and 50 *Approaches to the Duty to Defend* (with Devins), 124 *YALE L. J.* 2100 (2015).

⁴ *Supra*, n. 1.

⁵ See Letter from Eric H. Holder, Jr., Att'y Gen. of the United States, to John A. Boehner,

however, the "department in the past has declined to defend statutes despite the availability of professionally responsible arguments, in part because the Department does not consider every plausible argument to be a 'reasonable' one."⁶ Accepting former Attorney General Holder's permissive standard of reasonableness, Mark Herring has some explaining to do.

In 2006, Professor A.E. Herring supported Virginia's constitutional amendment defining marriage as the union of a man and woman. In 2014, he declined to defend the very same law he supported and voted for.⁷ Under the permissive standard outlined by Holder, either Herring's judgment as a Virginia state senator lacked any "reasonable" justification or Herring declined to defend Virginia law for political reasons.

Professor Howard has argued that Herring was within his constitutional authority to decline to defend a state law he perceived to violate the federal Constitution.⁸ But even if declining to defend a state constitutional amendment is within the discretion of the attorney

Speaker, U.S. House of Representatives (Feb. 23, 2011).

⁶ *Id.*

⁷ See *Bostic v. Rainey*, 970 F. Supp. 2d 456 (E.D. Va. 2014).

⁸ Bill Sizemore, *Author of Va. Constitution backs AG on Marriage*, *THE VIRGINIAN-PILOT* (Apr. 14, 2014).

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John Adams, Virginia Law '03, a candidate for Virginia Attorney General

learn as law students for the legal process as a mechanism for translating cultural norms and ideas into legal rules.

It should come as little surprise to students of this law school that alumnus John Adams's campaign for Attorney General of Virginia is defined by a commitment to legal pro-

cess and separation of powers. In policies and courses of action. The duty to defend the laws of the Commonwealth is one issue Adams has emphasized a commitment to legal process that would lead him to different results than incumbent Mark Herring.²

² "As your Attorney General, I

¹ UVa, of course. See *United States v. Virginia*, 518 U.S. 515, 584 n.4 (1996) (Scalia dissenting) ("there is only one University of Virginia.").

Young Children Terrorize North Grounds

Last Monday, on the eve of All Hallows Eve, miniature monsters and munchkin-

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Managing Editor



sized superheroes overtook Spies Garden at the annual Halloween Carnival. Profes-

sors, law students, and faculty brought their kids to school to sample the tricks and treats 1L sections had on offer. Groups of 1Ls offered all variety of sweet eats including frosted donuts dangled from strings, and spooky cupcakes handed out without fuss. For games, 1Ls delivered a wheel of fortune with prizes, witch's hat



Olivia, and her mother, Kate Duvall attempt to rehab the scary image of witches. Photo courtesy of Eric Hall

Charles Cain, a 1L, and his wife Anita brought their human child, Teddy, and their canine child, Chevy, both dressed as Paddington Bear.

Professors and faculty were eager to get in on the fun. Kate Duvall, appeared escorted by Batman (son Charlie) and a mysterious cat-like witch (daughter Olivia). And Professor George Geis was stalked into the courtyard by terrifying T-Rex. With the latest Halloween Carnival, UVa Law continued a time-honored tradition of gathering law school families for some fall-time fun.

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Cdr. Emma Ospina trains with a donut in anticipation of a zero-gravity environment. Photo courtesy of Eric Hall

ring-toss, and—our personal favorite—Section C's professional mummy wrapping services.

The Community Fellows group brought a basin of apples for bobbing where sisters Kyoko and Ryoko (pictured) could be found sparring with a pair of Honeycrisps that refused to be bit. Their mother, Shoko Terasaka, is an LLM candidate from Japan. Nearby, LLM-candidate Maria Londono's daughter Commander Emma Ospina (pictured; dressed in a NASA flight suit) took chunks out of a suspended frosted donut.



Ryoko Terasaka gets some assistance with her apple bob as her sister, Unicorn Kyoko looks on. Photo courtesy of Eric Hall

HOT BENCH



Phoebe Willis '18
(she/her/hers)

1. Have you ever had a nickname?

What? Pheeb (even my parents call me that)

2. What is your favorite word?

Why

3. Where did you grow up?

Fredericksburg, Va.

4. What's the best meal you've ever had?

Any Black Tap Milkshake (I have a huge sweet tooth and love to eat dessert as a meal).

5. If you could meet one celebrity, who would it be and why?

Angie Mar—my fiancée is a huge foodie and we go to the Beatrice Inn for her birthday every year. I would want to meet Angie to ask her if she would give me cooking lessons.

6. If you owned a sports team, what/who would be the mascot?

The Notorious RBGs because Ruth Bader Ginsburg is indestructible.

7. If you had to pick one song to play non-stop in the background of your life, what would it be?

A mash-up of "Thunder" by Imagine Dragons and "Rise Up" by Andra Day.

8. If you were a superhero, what would your superpower be?

Flying. I hate driving and sitting in traffic (I'm often in a rush). It would be really cool to just zip around.

9. What's something you wish you'd known about law school before coming to UVa?

Don't buy any highlighters or water bottles—there are so many free ones here!

10. What did you have for breakfast this morning?

Eggs, bacon, and a biscuit because my fiancée cooked. I only see her on the weekends, so during the week I typically eat a banana.

11. What's your most interesting two-truths-and-a-lie? (And what's the lie?)

I once fractured my left foot in eleven places

I accepted a job as an investment banker at Goldman Sachs (lie, I turned it down)

I've gotten five stitches on my face without anesthesia

12. If you could live anywhere, where would it be?

Hawaii

13. What's the best gift you've ever received?

A pogo stick when I was ten, I bounced around on that thing for hours. I had some crazy record of over 1,000 bounces in a row without falling off.

14. If the Law School had yearbook awards, what would you want to win?

Most likely not to be a lawyer in ten years.

15. If you could know one thing about your future, what would it be?

Will I ever get a Sleep Number mattress?

16. Backstreet Boys or *NSYNC?

I was more into strong female vocalists during the 90s—Britney, Missy Elliot, TLC, Christina, P!nk

19. What's your favorite thing to do in Charlottesville?

Charlottesville Farmers' Market on a Saturday morning.

20. If you could make one law that everyone had to follow, what would it be?

For every complaint, a person also has to propose at least one solution.

STATEMENT

continued from page 1

munity—in Charlottesville and across the country—is in need of leaders who will actively and unequivocally seek to expel forces of evil and injustice. To get leaders like that into power, no matter which party label they bear, we have to *vote*. We have to participate in state, local and national governance. We have to read the news—beyond just our friends' Facebook statuses—and we have to actively seek out perspectives that challenge our existing beliefs. Whichever side we support, we must tenaciously engage in the peaceful exercise of democracy. It is the most powerful rebuke we can give to those who would seek to undermine it.

Further, when we exercise our right to participate in a thriving democracy, whether it be through voting, campaigning, issue advocacy, or simply discussions of the day's issues, we request that our community join us in attempting to do so with civility. Civility means respect and tolerance for those different from ourselves. Civility means judging a person based on their humanity and character, not for whether they lean right or left. Civility means doing the hard work of putting ourselves in our neighbor's shoes, to learn from them, and to see the world in a way we might not have considered only a moment before. Choosing civility is not an easy task, particularly when wounds are deep and the stakes are high, but it is absolutely essential to preserving the core of democracy, where humility and tolerance serve to keep the forces of

demagoguery and hate at bay.

In six days, Charlottesville will enter its first test of democracy since the events of August 11 and 12. That is, in six days, it is election day in Virginia. If you don't know who is on the ballot, we ask that you learn (ask any of us, we'd be glad to chat with you). If you weren't planning to vote, we hope that you will change your mind. If you are planning to vote—or canvass or poll-watch or phone bank or debate or whatever—we ask that you aspire to do so with civility. Before you vote, we ask that you take the time to get to know the nuances of the civic forum, to understand the perspectives of all its members, and to ask the tough questions.

The events of August 11 and 12 were disgusting. They represent the darkest corners of our community and we must all do our part to ensure that they, or anything like them, never happen again. But the events of August 11 and 12 cannot, by any means, *define* our community. Rather, days like November 7, when we come together to engage as a community in the lofty tradition of collective self-governance, are what define us—and what will continue to define us, should we continue to rise to the challenges this process necessarily entails. We believe in our members and we believe in our community, we are ready to get to work defining both as a peaceful, civil, and thriving democratic community where the rights of all are respected.

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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 is comprised of 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 jmg3db@virginia.edu.

In accordance with this Court's decision in *Anonymous (Whiny) 3L v. Court of Petty Appeals and Justices Thereof, in their Official Capacity, but Especially Chief Justice Goldman and Justice VanderMeulen, 18 U.Va 642 (2017)*, the Court orders reproduction of its opinion in *Coleman v. HungryMan, 14 U.Va 114 (2016)* as part of its "Best of the Court of Petty Appeals" series. The Court trusts the law school community will find this opinion relevant and timely.

Coleman v. HungryMan
14 U.Va 114

GOLDMAN, J., presents the opinion of the Court and is joined by WALLACE, ANGELOTTI, and PICKUS, JJ.

This appeal presents a question of common decency; how much food is appropriate to take at Law School events when there is clearly not enough for everyone in attendance? After considering the arguments of both parties, the esteemed Court created a reasonably hungry person scrutiny, with the standard of review "Don't be a Jerk." As always, the Court reviews the case *de novo* and, based on careful consideration of the facts, we reverse.

The facts in this case are as follows: petitioner was looking forward to "Sticks" at the latest **Law and Prison Project** event, and arrived five minutes before the event started after Professor Duffy letting people out late from Admin. (We refer Professor Duffy to our prior decisions decrying this activity, but here the point is moot). Due to the popularity of the event, by the time the petitioner made it to the front of the line, to her horror, there were no vegetarian kabobs and she was begrudgingly left to eat only rice. Respondent, a student who also attended the event, ended up taking more than what petitioner calls "his fair share" of Sticks. Respondent replies that petitioner assumed the risk by not arriving to an event with Sticks more than five minutes before the start.

Trial Judge Ranzini found in favor of the respondent. Drawing from his own experience, he stands firmly in the "You snooze, you lose" camp. We believe this rule is too hard and fast and fails to accommodate externalities such as professor tangents, bottlenecks in the halls, or general stampedes. "Move out of my way, that last chicken biscuit is mine!" Kaplan Bar Prep v. Hall 4 U.Va. 36 (2015).

Though this Court acknowledges that a lower court may find contribu-

tor negligence on Petitioner's part (we don't really care about damages), the underlying issue this Court will decide is more pressing; it is one of courtesy, of survival really, in the perils and the hunt for free lunch at the Law School.

order. Make like a reasonably prudent person and stop by Student Affairs for some Chex Mix if you're still hungry. We hereby adopt the rule "Don't be a jerk" when it applies to free food at events. The Court remands to find equitable damages for Ms. Coleman and reminds UVa law students that sometimes it is appropriate to abandon their collegiality when fellow students act against the common interest. This Court is not going to encourage vigilantism during events serving Sticks, but we do not discourage it. The dissent will have us judge based on archaic overgeneralizations about the amount of food needed by size. We do not know what kind of day the petitioner has had, we don't know whether she had breakfast that morning, and we are not in the business of determining how much hummus is appropriate to satisfy Ms. Coleman.

ANGELOTTI, J., concurring

I join fully with the majority. I just wanted to say that sometimes even small people are hungry and if we don't get enough food we get hangry. (hangry: adj., angry because you're hungry). See Black's Law Dictionary. But I don't like Sticks much so idk.

HADEN, C.J., concurring just a little but dissenting a lot.

While I applaud the majority for its Disney-esque "happily-ever-after" conclusion, I find my-

self unable to join the decision due to its many conflicts with our jurisprudence. Therefore, I content myself to respectfully dissent.

-J. Goldman

without supplemental guidance for what constitutes jerkiness. I concur with the remand for damages. However, I would also want to make more clear that contributory negligence is a bar for recovery under the tort of negligence. We have long held that contributory negligence is one of the few things that we have adopted from the state of Virginia. Cf. other Virginia policies that we have refused to adopt: bans on interracial marriage, the concept of coverture, etc. If petitioner can prove, however, that her lateness was due to the illegal (administrative?) action of Professor Duffy, then she shall not be contributorily negligent. However, I dissent also because I believe that the standard of "don't be a jerk" is inappropriately applied to the facts of this case. To me, equalizing food for everyone is not fundamentally fair if people of different sizes have different appetites to satisfy. I am intrigued by the amicus brief filed by FedSoc, who claimed that "vegetarianism is a choice," citing their own administrative adjudication of *Fed Soc v. Vegetarian*. While I am not convinced by that fact specifically, I am convinced that equal distribution of food is not a fair division. Plus, sometimes I need more than one Stick. It's called Sticks, for goodness' sake. I assume that other similarly sized people may feel a hunger for more food than those like the petite petitioner. I applaud our most junior Justice for completing her first case (yay Jenna), but I find its conclusion and reasoning to be an unwelcome departure from what I feel is well-settled precedent. The opinion is well-written, humorous, but ultimately incorrect; therefore, I must dissent.

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"Drawing from his own experience, [Trial Judge Ranzini] stands firmly in the "You snooze you lose" camp. We believe this rule is too hard and fast and fails to accommodate externalities such as professor tangents, bottlenecks in the halls, or general stampedes."

Faculty Quotes

F. Schauer: "Those of you silly enough to think you can make an outline for this class—or sillier still, a flow-chart—are doomed to fail."

J. G. Hylton: "Well, if any of you are free during the second week of February, I encourage you to attend the International Cartel Workshop in Paris."

D. Laycock: "Why are evangelicals so desperate they're willing to vote for President Grab-'em-by-the-Pussy?"

J. Mahoney: "I view training schools for dogs as more of obedience training for owners than dogs"

D. Brown: "The main point is [fades into a whisper as students look at each other frantically.]"

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



Virginia Law Weekly
COLOPHON

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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.

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OPINION

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general under the Virginia Constitution, Holder's description of standard executive practice (at least at the federal level) highlights that Herring should have considered whether he could make a "reasonable" argument in defense of the law. Herring might have had a profound personal change of opinion, but his executive decision to nullify a Virginia law he presumably thought lawful and correct, at the least "reasonable" (one only hopes) when he voted for it, reflects a disregard for his duty to serve as Virginia's lawyer.

All persons in private and public life, including the attorney general, should reconsider personal positions following reflection and dialogue with differing views. Indeed, strong executive leadership often requires reevaluating prior beliefs in light of additional information or further study. But a radical shift in personal opinion should be accompanied by a level of intellectual and political humility—especially for public officials whose decisions have the potential to affirm or undermine the rule of law. If Herring thought he was fulfilling his public duty by voting in support of the Virginia marriage amendment, it strains credulity to believe that he could marshal no reasonable arguments to defend the law he supported as a legislator.

Should we worry about process if ultimate outcomes align with our sense of justice? Yes. Particularly in a divided po-

litical environment and in a politically "purple" state like Virginia, respecting process is essential to the stability and legitimacy of changes in the law. In periods of political uncertainty, a commitment to process also provides security against the risk that legislative victories will be nullified by the executive whim of future administrations. As many progressives have come to appreciate, executive power is a double-edged sword. For those intent on changing the law, respect for legal process and the separation of powers are principles that provide stability to legal and social progress.

You might disagree with Adams on the substance of certain issues, but his campaign message is an important reminder that legal process matters to good government, now more than ever. For many, outcomes are all that matter. In our heated political environment, elevating results over process might seem like the only way to ensure that we achieve our perceived sense of justice. But if we "think like lawyers," we recognize the separate and unique value of the law making at the legislative, executive, and judicial stage. As Lawhoos, we've learned to respect the process of debating, legislating, litigating, and adjudicating the law. If you want a "Virginia" lawyer for the Commonwealth, consider fellow Hoo John Adams next Tuesday.

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SPOTLIGHT

continued from page 2

that goal. Today, Women of Color is composed of approximately 100 women and men of various backgrounds and races.

As a relatively new organization, Women of Color has focused on growth, visibility, and accessibility. Women of Color tries to plan and get involved in as many events and projects as possible, so that people know a supportive community exists at the Law School and that there is an outlet where people can highlight issues important to them. Women of Color has worked to promote the equality of all women by highlighting the unique struggles faced by women of color. To do so, we have hosted guest speakers who discussed how our criminal justice system and public health systems disproportionately underserve women of color. We hosted law firms and public interest lawyers who could speak to the specific experiences women of color face in the workplace; and we hosted several social events for our members to meet each other and other affinity groups. For example, after 9/11, Women of Color held a discussion series that sought to educate the public about Muslim communities and dispel harmful misunderstandings. And just last year, we hosted a panel that examined the struggles women of color faced in prison and reentry.

Our Constitution holds

that the purpose of Women of Color is:

[t]o provide support to the diverse population of women at the law school; to promote the welfare of its members through educational, professional, cultural, and social programs; and to provide a forum for the discussion of issues affecting women of color in the law school and the University community as a whole.

As evidenced by this broad language, Women of Color aims to be an inclusive organization. Regardless of your true pronoun or gender identity, we encourage all those who support the goals and values of Women of Color to join. I am hesitant to further define "Women of Color" and thus unilaterally impose an identity upon our organization. Instead, recognizing that identity is an intensely personal inquiry, I hope to empower students to reclaim it for themselves. I reiterate that Women of Color exists primarily to unite and to serve the students at UVA Law. We hope to amplify the voices of our members and to provide a community through which students can express themselves. And we hope to provide a space through which students questioning their identities and their role in activism can explore how they can better serve their communities. As the students and society changes, so too I hope Women of Color will evolve to address their needs.

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SBA Endorses Open Letter to Student Records Office

Last Tuesday, October 24th, the Student Bar Association voted unanimously

Eric Hall
(he/him/his)'18
Managing Editor



to endorse an open letter to Dean Dugas and the Student Records Office. The letter, printed in its entirety below, strikes a cooperative tone in asking the SRO to make changes that would make class registration easier and more organized. Although the suggestions are modest, many of the letter's signers expressed general frustration with the SRO, and are hopeful that it will open the door to more accommodating academic and class registration policies.

The letter's primary sponsor, 3L Pheobe Willis, has offered the letter in her mailbox for students to sign until Thursday evening. So far 170 students, and the SBA have endorsed it. The letter reads as follows:

ech8vm@virginia.edu

Dear Student Records Office,

In the spirit of cooperation, and with sincere acknowledgement of the hard work and effort of the UVA Law Student Records Of-

ficer (SRO), we write with the goal of collaborating on the ideas below designed to improve the course registration process. This letter is the result of a productive conversation among a group of 3Ls re-lecting on shared experiences with the current course registration process. We have gathered signatures from a broad and diverse group of students to show support, not only for these ideas, but also for the hope that the SRO's proven commitment to UVA Law students will encourage its support for and the implementation of these ideas.

We thank you in advance for your consideration of our suggestions and welcome your feedback. You can count on us to follow-up on these ideas and work towards their implementation.

We ask that course registration be left open over one weekend in the summer in addition to a few days during the week. Many students work during the week and do not feel comfortable conducting, or are unable to conduct, personal business on work computers.

We ask that 3L class sign-up not be scheduled over fall break. This is a time when many 3L students travel to see family and it seems counterintuitive to make students sign up for classes when they are supposed to

be on a break. The tentative academic calendar on the law school website has the 2018 fall break dates as October 8-10th and we ask that 3L registration not take place on these dates.

We ask that the SRO send out calendar invites to students for registration deadlines that students can accept and place on their personal calendars. This would alleviate the influx of emails the SRO receives from students trying to find the dates, serve as a built-in reminder for students and make this information easier for all to access. Currently, Darden utilizes such a process, which provides a helpful roadmap to implementing a calendar invite-based system.

The UVA Law Students below have thoughtfully considered the suggestions above and sign their name in full support of each idea's implementation.

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THE LAW SCHOOL FOUNDATION, created in 1952 as a trust by Law School alumni and now a nonprofit corporation, receives, administers, and manages private gifts from graduates and friends. The school's current strength and national standing can be attributed directly to private resources.

THE LAW SCHOOL'S ALUMNI ASSOCIATION was organized in 1921 to advance the cause of legal education, promote the interests of the Law School, and encourage professional associations and fellowship among its graduates.

What keeps alumni coming back?

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and many great friends
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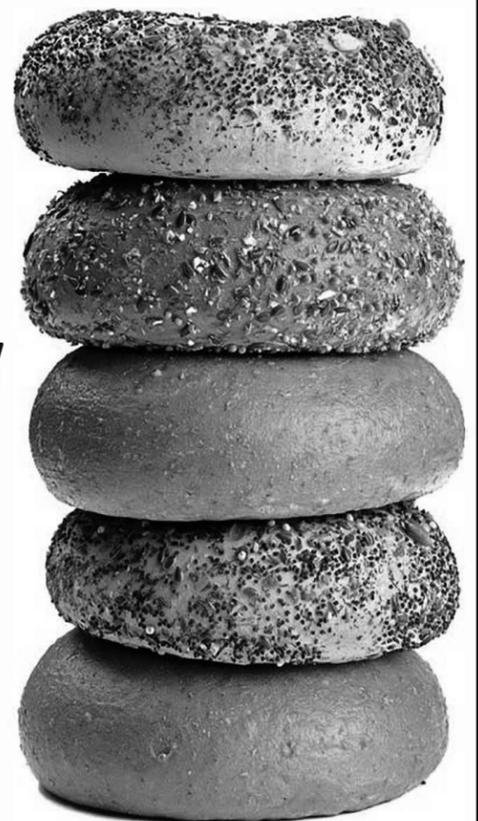
**COME CONNECT
WITH THE UVA LAW
ALUMNI COUNCIL**

Friday, November 3
8:30-9:30 a.m.

Karsh Student
Services Center

coffee, conversation & bagels

Please RSVP to alumnierevents@law.virginia.edu



ELECTION

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Politics average has Northam leading by 3.3 percent.⁶ History says Northam is favored: In nine of its last ten gubernatorial elections, Virginia has elected the candidate of the party out of the White House. The one exception? McAuliffe's narrow 2013 victory, which was seen as a symptom of Virginia's continued drift to the Democratic column. Once reliably Republican—the commonwealth voted Republican in every presidential election between 1964 and 2008—Virginia has moved leftward with the explosive growth of the affluent Northern Virginia suburbs, voting twice for Barack Obama and most recently for Hillary Clinton in 2016. With conflicting polling and mudslinging on both sides, Northam's advantage with polling and cash-on-hand make him the smart bet. But wise Law School community members will remember the unreliable polls of 2016 and proceed with caution in making predictions.

Alongside the gubernatorial election, Virginians will cast ballots for lieutenant governor and attorney general. In the lieutenant governor race, ex-federal prosecutor and Venable attorney Justin Fairfax (D) faces off against attorney and state Sen. Jill Vogel (R). Fairfax would be Virginia's first black statewide official since Democratic Gov.

17-in-virginia-gov-race

⁶ https://www.realclearpolitics.com/epolls/2017/governor/va/virginia_governor_gillespie_vs_northam-6197.html

Doug Wilder left office in 1994. but is favored over Adams going bent over his "political" refusal



Virginia Governor Terry McAuliffe Photo courtesy of CNN

While Northam has advocated for the removal of Confederate statutes in the wake of the August 11 and 12 Charlottesville rallies, Fairfax has trod more carefully, calling for the issue to be handled locally. Vogel has tried to toe a difficult line between old and new Virginia: Her campaign has reached out to socially liberal Northern Virginians by handing out rainbow stickers at LGBT parades, but she was known in the legislature as a sponsor of Virginia's transvaginal ultrasound bill. While less prominent than the gubernatorial race, the lieutenant governor's race is also expected to be close.

Finally, Virginians will select an attorney general. Incumbent Democrat Mark Herring is seeking re-election, challenged by a Republican with a famous name: Richmond attorney John Adams. Herring won Virginia's narrowest race in 2013, defeating fellow state Sen. Mark Obenshain (R) by just over 800 votes,

into Tuesday's election. Adams, a McGuireWoods attorney and former clerk to Justice Clarence Thomas, criticized the incum-

to defend the commonwealth's constitutional amendment that limited marriage to one man and one woman prior to the *Oberge-*

fell decision.⁷ Herring defended his tenure, noting his work to eradicate human trafficking.⁸

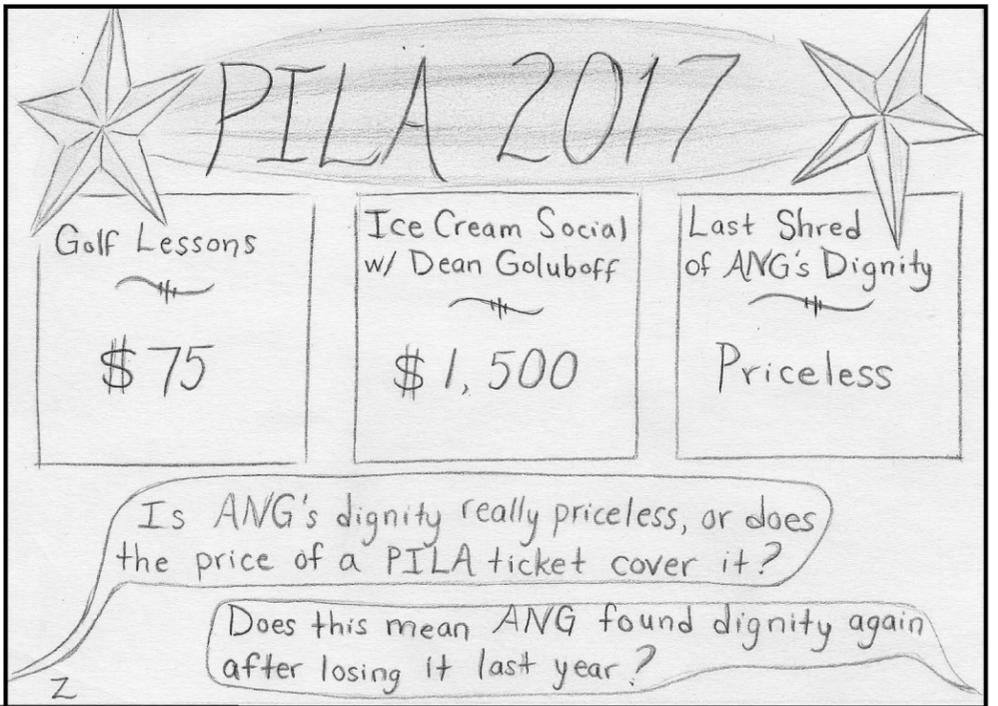
Virginia's elections will be held Tuesday, November 7. For those anxious to know what 2018 holds in the Age of Trump, Tuesday's elections could be a good indicator of what is to come.

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⁷ <http://freebeacon.com/issues/gop-opponent-says-gun-control-money-proof-mark-herring-political-animal/>

⁸ https://www.washingtonpost.com/local/virginia-politics/virginia-attorney-general-candidates-release-dueling-ads/2017/10/04/5ef2f186-a917-11e7-850e-2bdd1236be5d_story.html?utm_term=.480521cdb24d

Cartoon By Ali



THE DOCKET

TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY – November 1, 2017				
11:45 AM	Fighting Voter Suppression	WB 104	Free	Yes
1:00 PM	Human Rights Study Project Panel on Myanmar: The Role of Sanctions	Purcell	Free	Yes
1:00 PM	Starting a Law Firm	WB 102	Free	No
1:30 PM	Alternative Spring Break Information	WB 126	Free	No
6:00 PM	Forward Together: Strengthening the UVA Community	UVa Alumni Hall, Ballroom	Free	No
6:00 PM	Alt-J	Sprint Pavilion	\$46	No
THURSDAY – November 2, 2017				
11:30 AM	Arbiters of Truth: Corporate Speech Regulation in the Tech Age	WB 126	Free	No
FRIDAY – November 3, 2017				
All Day	TEDx Charlottesville	Paramount Theater	\$88	No
8:30 AM	Coffee and Conversation with the Law School Foundation	Karsh Student Services	Free	UVa Law has a half-billion dollar endowment, so bagels and coffee.
11:30 AM	J.B. Moore's Federal Bar Association Career Panel	WB 101	Free	Yes
12:30 PM	Meeting Emerging Challenges in National Security Policy	WB 126	Free	Yes
6:00 PM	Bon Iver	Sprint Pavilion	\$46	No, they don't have a song about husky love
SATURDAY – November 4, 2017				
9:00 PM	PILA Auction	Omni Hotel, Jefferson Ballroom	\$35	Yes, but unnecessary event, see endowment above
SUNDAY – November 5, 2017				
10:00 AM	Post-PILA Hangover/ Apology Breakfast	Anand Jani's House	Free	Everyone invited, definitely real
MONDAY – November 6, 2017				
1:00 PM	Careers in Health Law Panel	Purcell	Free	Not sure
TUESDAY – November 7, 2017				
12:00 PM	Student Legal Forum: Ambassador Robert Pearson '68	Purcell	Free	Not sure

SUDOKU

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Solution

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