



## So You Think You Can Dance, Sing, or Act?

Kim Hopkin '19  
(she/her/hers)  
Columns Editor

Hear ye, hear ye, one and all, the 110th Libel Show is holding auditions this week! We welcome all students interested in joining the oldest and, we think, funniest tradition at University of Virginia School of Law. The Libel Show is an annual tradition where students come together to lampoon student life, legal culture, and current events through a series of comedy skits and musical acts. The show is performed for three nights in Caplin Auditorium for the Law School students and faculty to enjoy. (Even the professors join the fun by performing a rebuttal during one of the shows.) As a 100-percent student-run show, we would love for YOU to come be part of the show.

This year, the show will run on March 22, 23, and 24, and EVERYONE is welcome to be a part of the show, regardless of level of talent, experience, or humor (READ: NO STAGE EXPERIENCE REQUIRED.) We are seeking interested and enthusiastic people for acting, singing, dancing, band, and back-stage assistance. We have roles for all levels of talent and time commitment. If you are worried about the amount of time you would spend on the show, let us know, and we will take your availability into consideration when casting. Remember, cast rehearsals are only thirty minutes per week leading up to the week before the show. During the rehearsal week, Law School students are free to complete homework and reading whenever they are not on stage performing.

Below are the details for each of the audition sessions. If you are interested in multiple ways to perform, you may try out for any or all of these:

### Acting and/or Singing

**Dates:** Wednesday, Jan. 31, 6-9p.m. and Thursday, Feb. 1, 6-9 p.m.

**Location:** WB 154

**Details:** Stop by the Libel table near WB 154 to try out! For acting, you can read from a past Libel Show scene—no preparation necessary! For singing, please prepare a thirty-second sample of any song. In total, the audition process lasts about five minutes.

**Questions:** Email libel-show110@gmail.com

### Dance

**Dates:** Thursday, Feb. 1, 3:30-5:30 p.m. and Friday, Feb. 2, 3:30-5:30 p.m.

**Location:** North Grounds Rec Center

**Details:** If you like to move it move it, then come audition to dance in the Libel Show! No

# Loving at Fifty



Dean Erwin Chemerinsky gives keynote address as Dean Goluboff looks on regally.  
Photo courtesy of *The Law Weekly*

Jenna Goldman '18  
(she/her/hers)  
Editor-in-Chief

In honor of the 50th Anniversary of *Loving v. Virginia*, the *Virginia Journal of Social Policy & the Law* convened the symposium “*Loving: Yesterday, Today and Tomorrow*” to celebrate the landmark decision that toppled anti-miscegenation laws in the United States and breathed new meaning into the Fourteenth Amendment.

The two-day series of speakers and panels began with an introduction from Dean Risa Goluboff followed by the keynote address by Dean Erwin Chemerinsky of Berkeley School of Law. Arguably the foremost expert on constitutional and civil rights law today, Dean Chemerinsky has authored ten books—two of which were released in 2017—and 200 law review articles.

“Though there is a long way to go; focusing on *Loving v. Virginia* gives us a glimpse of how much the world has changed.” Dean Chemerinsky cited a continuing study that asked individuals if they would oppose a family member marrying someone of a different race. Beginning in 1957, 80% of people said they would oppose, then in 1990 that number dropped to 63%. When the same question was posed in 2017, it fell to only 11% in opposition. This shows a remarkable shift in attitude, noted Chemerinsky, especially considering 40% of Americans would disapprove of a family member marrying someone

of a different political party.

*Loving* was the ideal vessel for illustrating the white supremacy behind anti-miscegenation laws and further elevating marriage to a fundamental right. “Not even a law professor on an exam could come up with a better name,” joked Dean Chemerinsky.

The couple’s apt surname stands in contrast to the heartbreaking facts of the case. When the police raided the Lovings’ home, the couple pointed to the marriage certificate they received in Washington, D.C. as they were arrested. Mr. Loving, a white man, walked out of jail the next morning while his wife, a black woman (though she stated to the police that she was of Native American descent) and pregnant with the couple’s first child, was left in custody for several more days. The Lovings would eventually plead guilty to the misdemeanor offense of violating Virginia’s 1924 Racial Integrity Act.

In terms of the case’s impact on constitutional law, *Loving* seemingly ended the “formal equality” approach of interpreting the Fourteenth Amendment. Virginia’s primary argument was that the law treated whites and blacks the same, and therefore, was allowed to stand. Remember, *Plessy v. Ferguson* was based on this view of “formal equality,” better known as “separate but equal.”

Chemerinsky noted that *Brown v. Board of Education* did not denounce the re-

liance on formal equality as a model; the decision was narrowly tailored to education, not on the inherent inequality of segregation.

*Loving* is crucial in a more subtle way: Virginia was eventually forced to defend the law on the grounds that tradition justifies the continuation of the discriminatory law. That argument did not go over well with the Warren Court.

“We should celebrate *Loving v. Virginia* as a triumph, but we should also regard it as a failure,” referring largely to the year it was decided.

“I am very critical of the Supreme Court for waiting so long to decide that laws prohibiting interracial marriage were unconstitutional under the Fourteenth Amendment.” Laws that prohibit interracial marriage were common throughout the United States, not just in the South. Nearly every state had, at some point, the restriction on the books, however, the California Supreme Court overturned the anti-miscegenation law in that state in 1948. “What took the Supreme Court so long to follow in the footsteps of a state supreme court?”

The Supreme Court had the opportunity to overturn anti-miscegenation laws in 1955 with *Naim v. Naim*. The Supreme Court seemingly refused to hear the case because it was “too soon” after *Brown v. Board of Education*. Chemerinsky said the Supreme Court abdicated its

## around north grounds

 Thumbs down to no bus to Barrister’s. Thumbs up to ANG’s new career as an Uber driver. Even Cravath can’t match that sweet 679% surge.

 Thumbs up to Feb Club starting this week. ANG prepares more for this annual test of endurance than most (all) final exams—and ANG’s GPA proves it.

 Thumbs down to whoever keeps filling in the sudokus in the *Law Weekly* and putting it back on the stand. You may think you’re being green, but you’re actually just a jerk.

 Thumbs up to Libel Auditions this week. ANG is confident that ANG will finally be cast due to ANG’s investment in a lusty-gallant red woolen suit and complimentary ruff and rapier. ANG feels certain that a good Shakespearean sonnet recitation is just the tone the Libel Show is looking for.

 Thumbs up to the typo, (“State of the Union”) written on the State of the Union tickets. ANG has been trying to convince professors for years that typos in exams are okay. If Congress can get away with it, ANG should be able to, too!

 Thumbs up to the professor in Slaughter using an overhead. Yeah—an actual overhead! ANG hasn’t felt this sort of historical reverence for a professor since ANG found out Professor Bonnie was born in the 19th Century!

 Thumbs down to the weather recently. ANG refuses to go to school when the temperature is less than ANG’s age. Since ANG gave up math for life upon getting into law school, ANG can’t be sure of ANG’s actual age and is therefore just gonna stay in bed until further notice, just to be safe.

 Thumbs up to midway toast for 2Ls. Realize while it looks like you’ve aged five years, it’s only been a year and a half.

 Thumbs up to the universe casting Tom Hanks to play the late Mister Rogers of Mister Rogers’ Neighborhood. ANG needs as many supplementary father figures as ANG can get. Professor Abraham, any way you get involved in production? Maybe calmly explaining insurance between film segments?

## LOVING

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expected more from the Supreme Court in 1967," he said.

Famously, Richard Loving,

used the following day with a panel on "Loving's Meaning" moderated by UVa Law's Professor Danya Bowen Mat-

panded, "To fully understand what Justice Warren was doing with the anti-white supremacist language, you need to read *Loving* in direct connection to *Brown*. *Loving* is here to focus us on other areas outside of school."

She looked to the transcript of the oral arguments and discussed where Chief Justice Warren asked the lawyer for Virginia why the same sixteen states that have anti-miscegenation laws were the same sixteen states that had segregated schools. "You can see that Warren is

job at making connections between race and other arenas such as housing, poverty, and gender.

When asked about the importance of the unanimous decision, Professor Kennedy responded, "Unanimity is overplayed: the Court has given up too much in the pursuit of unanimity. There only needs to be five votes to write with the authority of 'The Court.'"

The next panel was moderated by Professor Deborah Hellman of UVa Law and joined by Professor Kim Forde-Mazrui of UVA



Photo courtesy of *The Law Weekly*

role; the Court should have decided the case because it was its duty to decide cases pursuant to the Constitution, not to pick and choose what to hear based on what is politically palatable.

Chemerinsky argued that taking another important civil rights case soon after *Brown* would have affirmed the decision's force that the Equal Protection clause was not about formal equality, but about anti-subordination. It took the Court thirteen years to state this specifically. "We should have

who did not attend the oral arguments before the Supreme Court told his lawyer to "tell the Court that I love my wife, and it's just not fair that I can't live with her in the State of Virginia."

After Dean Chemerinsky's address, "Loving" was screened on Main Grounds along with a panel discussion comprising Liza Ayers '19, Professor Sylvia Chong, Professor Susan Fraiman, and Professor Lisa Woolfork from the University of Virginia English Department.

The symposium contin-

ued with Professor Katherine Franke of Columbia Law School, Professor Randall L. Kennedy of Harvard Law School, and Robin A. Lenhardt of Fordham Law School. The panel discussed the nuanced history of the case, and built on Dean Chemerinsky's critique.

"This case was the first time the Supreme Court acknowledged that white supremacy played a role in the continuation of anti-miscegenation laws," noted Professor Franke.

Professor Lenhardt ex-



Photo courtesy of the *The Law Weekly*

attempting to make a connection to *Brown*, but the point was anemic." Professor Lenhardt urged courts and academics to learn from the decision and do a better

Law and Professors Melissa Murray and Angela Onwua-chi-Willig of Berkeley Law, focusing on "*Loving* as a

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## New Club on the Block: An Introduction to LIST

Autonomous vehicles facing moral dilemmas. Artificial intelligence demonstrating

Virginia Law, Innovation, Security and Technology

systematic biases. Physical attacks conducted through cyberspace. More than plot devices in a *Black Mirror*-esque show, these are among the challenges that sparked an idea between us, - Chinmayi ("Chinny") Sharma, '19, Philip Doerr, '20, and Irina Danescu, '20 - to create a nexus for students, professors, and employers interested in grappling with the legal issues presented by pivotal technologies. The result was LIST, or Law, Innovation, Security, and Technology, which launched in Fall 2017 and is kicking off events this week with the goal of providing law students the tools and opportunities to engage with the legal issues raised by new and existing technologies.

We came to law school with differing professional experiences and perspectives — which is appropriate given the range of issues included under the expansive "innovation, security, and technology" umbrella. As a former programmer, Chinny knew she wanted to pursue cybersecurity law, but found that while there was clear interest in the subject among students and faculty, there was no centralized means for these individuals to work together to organize events, facilitate contacts with relevant employers, or equip students with the technical acumen demanded by jobs in this area. Irina, having previously worked on military cybersecu-

rity and cyber operations at the RAND Corporation, found a robust national security infrastructure but a less clear roadmap for a student interested in its intersection with cyber and technology law. Finally, Phil,

cal innovation.

We found that we were not alone in seeing these gaps as opportunities for student initiative. Ashley Deeks, a professor of international and national security law and one of the group's

developing and employing these technologies increasingly need lawyers to analyze and advise on those issues."

Accordingly, LIST has two primary goals: (1) to educate students about both the legal

capitalizing on a rich network of faculty contacts and interested professionals from law firms, government agencies, and public service organizations to organize educational events; launching a Professional Development Program, which includes exclusive tech law research projects with premier organizations in the field and a mentorship program with partner law firms; and coordinating opportunities for students to learn about jobs available in tech and cyber law.

Professor Deeks recognizes that this space in the legal profession is constantly changing, and she agrees that "by working to establish connections with practitioners in the cyber and technology arena, LIST will help students be able to more concretely understand what a legal practice in this area looks like."

So far, LIST has sourced over ten unique research opportunities with organizations such as Future of Privacy Forum, Open The Government, Restore the Fourth, and Global Cyber Alliance. Several students have already been matched to projects and several more still have applications pending review. At the end of the semester, students who participate in the LIST Professional Development Program will have the opportunity to make a 5 minute presentation about their semester's work to a crowd of peers, professors, and professionals from the tech field. This panel will occur right before LIST's

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From Right to Left: Irina Danescu, Chinny Sharma, and Philip Doerr, the founders of Law, Innovation, Security and Technology

a former consultant who came to law school with a passion for entrepreneurship focused on emerging technologies, realized that while UVA's Darden School has a strong focus on tech entrepreneurs, the law school must also play a critical role in developing students' understanding of the nuanced legal issues implicated in technologi-

faculty advisors, says: "Lawyers are going to play an incredibly important role in navigating this new world in which technology—including cyber operations, artificial intelligence, and machine learning—will play a central role. The use of each of these technologies raises really difficult legal issues, and companies and governments de-

issues and underlying technologies that will impact their work, whether litigation or transactional, public or private; and (2) to help launch students into tech-related legal fields, including tech entrepreneurship, national security, data protection, and more. In order to achieve these goals, LIST is pursuing several parallel lines of effort:

# What's the First Rule of Feb Club? Talk About Feb Club

By this point in your law school career, no matter your year, you have probably accept-

Chrissy Oberg '18  
Guest Columnist



ed the age-inappropriate nature of your social life. But while your friends spend their time wasting away at expensive brunches in various cities around the

Beau Daen '18  
Guest Columnist



country, why not embrace your dwindling youth and join in some harmless fun the whole Law School can enjoy?

NGSL historian Charles T. Baker, after exhaustive research, has found that Feb Club dates back at least to the mid-80s when one enterprising alum (now a partner) hosted a black tie New Year's Eve knock off on "Feb Club Eve." "It's a tradition as old as time, and the highlight of my year," says Charles Baker, who is most excited about this year's "Tide Pods & Cheese" event.

In all seriousness, Feb Club is something wholly unique to UVA Law<sup>1</sup> and the general collegiality

we enjoy here. It gives 1Ls the opportunity to get out of the rut of cycling between Ivy, Pav, and the Biltmore and to meet 2Ls and 3Ls in a low-stress, unstructured environment. Who knows what kind of good advice you might get in a dirty basement from some 3L in a toga who is clerking on the Fourth Circuit?<sup>2</sup> Moreover, Feb Club allows the numerous affinity groups and social clubs at the school to host parties where each and every student is invited, giving everyone the opportunity to socialize outside of their usual circle.

We are happy to have posted the Feb Club Calendar in this issue and you will be able to find more details about each party on Facebook. We encourage all students and professors to attend as many parties as possible, make new friends, come to theme parties you don't quite understand (again Tide Pods & Cheese<sup>3</sup>), and remember that exams are more than two months away.

Your Feb Club Cruise Directors,  
Chrissy Oberg & Beau Daen  
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rco5hc@virginia.edu  
bad9bw@virginia.edu

Eds.]

2 True story.

3 Sorry, John Hale.

Date	Day	Theme	Location
2/1	Thursday	Gods and Goddesses LAMBDA presents: Taste the Rainbow	306 Alderman 1916 Thomson
2/2	Friday	Bananas in Pajamas	203 Robertson Ave
2/3	Saturday	The Big Game	Boylan Heights 2434 Arlington Boulevard, D2
2/4	Sunday	JJ Watts & Yoga Squats	308 Alderman
2/5	Monday	Fed Soc Presents: Winter Olympics	KUMA, BACK ROOM
2/6	Tuesday	The Kuma Challenge	2014 Minor
2/7	Wednesday	My Super Sweet 16	1916 Thomson
2/8	Thursday	Dad Klub	Rapture
2/9	Friday	Das Klub	1607 Cabell
2/10	Saturday	Day Klub	1916 Thomson
2/11	Sunday	Eastern Bloc Party	123 Burnet Street
2/12	Monday	Laissez les Bons Temps Rouler	King Family
2/13	Tuesday	Crosé Kickoff	The Pavilion 135
2/14	Wednesday	Beyoncé: Single Ladies	219 Harvest
2/15	Thursday	Come as You Aren't	Boar's Head
2/16	Friday	Barrister's Ball	103 Ivy Drive, Apt. 7
2/17	Saturday	Walk of Shame	101 Cresap
2/18	Sunday	All the President's (Wo)Men	123 Ivy Drive, Apt. 6
2/19	Monday	BLSA presents: Superheroes	2014 Minor
2/20	Tuesday	Cappy Hour with Marc Capuano	1916 Thomson
2/21	Wednesday	Turtle Neck Cocktail	306 Alderman
2/22	Thursday	Libel Presents: Studio 54 ft. Gunners n' Roses	The Corner
2/23	Friday	Bar Golf	The Biltmore
2/24	Saturday	Stay Hot Sunday (Winter Luau)	1452 Rutledge Ave
2/25	Sunday	90's Grunge	Coupe's
2/26	Monday	A Perfect Union	Pavilion 354
2/27	Tuesday	Cat Wednesday	The Biltmore
2/28	Wednesday	Tide Pods & Cheese	
3/1	Thursday		

Feb Club schedule  
Photo courtesy of Feb Club

## HOT BENCH



Carly Crist '19

**1. Have you ever had a nickname? What?**

Carl, or Cist. Apparently not as cool to use all 5 letters of my name.

**2. What is your favorite word?**

Dotard. Look it up.

**3. Where did you grow up?**

The heartland, Iowa (75% vowels, 100% awesome). Des Moines specifically, one of the best cities for young professionals, check it out.

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

Any meal in Israel, but especially the ones with unlimited wine.

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

Work Bitch, Britney Spears. Best motivational song ever made, and she is my spirit

animal.

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

To be able to eat and drink whatever I want and never gain any weight. There are only so many Cookout and Taco Bell runs a normal person can make...

**7. What's something you wish you'd known about law school before coming to UVA?**

That I would need all my old costumes and fun clothes for themed parties I had in college. A heads-up about Feb Club would have been helpful.

**8. What did you have for breakfast this morning?**

Does coffee count?

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

Somewhere where it's not too hot or too cold, all you need is a light jacket!

**10. What's the best (or worst!) PG-rated pick-up line you've ever heard?**

You know what would make the iPhone better? My number in it.

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

My dog at home, Snickers. Even though she is now my dad's shadow, nothing will beat finding out I could finally get a dog for my 15th birthday.

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

Least gunnery.

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

Do the winning lottery numbers count? That public service salary is unfortunately part of my future.

**14. What's the longest you've gone without sleep and why?**

72 hours my freshman year of college when I was working every weekend. I do not recommend getting anywhere close to that, those hallucinations will getcha.

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

Going on hikes and to wineries. But really the wineries...trying to go to all of the ones on the Monticello wine trial before graduation. With 20 down I'm at a good spot!

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

Gryffinwhores—shout-out to my HP trivia team

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

You are not allowed to say any variation of "what's up" to someone in passing. Everyone knows you don't actually want them to stop and tell you what is up with them.

## LIST

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inaugural networking event, during which it will be inviting attorneys from tech companies, tech-related practices at firms, tech-focused nonprofits, and tech-involved government offices. Following the event,



law, innovation,  
security & technology  
university of virginia school of law

LIST members will be invited to small dinners with these professionals, divided up by subject matter area (AI, autonomous vehicles, drones, etc.).

The spring semester also promises to be an exciting first semester, with LIST hosting several speakers and events, including:

Chuck Rosenberg, the former acting administrator of the Drug Enforcement Administration, on January 31

Ari Schwartz, the former senior director for cybersecurity on the United States National Security Council Staff at the White House, on February 2

A panel at the Shaping Justice Conference regarding "Artificial Intelligence, Big Data, and the Future of Criminal Jus-

tice," also on February 2  
Craig Silliman, Verizon's general counsel, for a discussion of Net Neutrality on February 6

Tim Tobin of Hogan Lovells and Colin Tooze of Uber for a discussion of the legal implications surrounding the rise of autonomous vehicles on

March 21

A Capture the Flag event, a tech- and policy-focused cybersecurity simulation, with UVA's undergraduate Computer Network Security group

LIST also has several events in the planning stages, including the large April networking event and student research presentation panel.

If you would like to get involved with LIST, please feel free to reach out to any of us—we Chinny, Phil, or Irina—with any questions, and we hope to see you at one (or all!) of our upcoming events this year!

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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 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 [jmg3db@virginia.edu](mailto: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 *UVa Law v. UVa Undergraduates, 917 U.Va 322 (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.

*UVa Law v. UVa Undergraduates*  
The Court of Petty Appeals  
917 U.Va 322  
29 January 2018  
Original Version: Spring 2016

HADEN, C.J. This case is on appeal from the lower court of Main Grounds. There, Judge Teresa Sullivan (hereinafter "T-Sully") dismissed the plaintiffs' suit for failure to state a claim upon which relief can be granted. The plaintiffs, here appellants, timely appealed. For the reasons that follow, we will reverse the clearly erroneous decision of T-Sully and remand this case back to her court for proceedings consistent with this opinion.

Plaintiffs here are a group of concerned members of the noble University of Virginia School of Law. Plaintiffs are concerned with a series of encroachments by members of the undergraduate population. The most egregious of these encroachments are the subject of this suit. What follows is a summary of these alleged encroachments.

First, plaintiffs argue that defendants have been using the Library at the Law School during law school exams instead of whatever library undergrads are supposed to use. Plaintiffs point out the clear signs in the library, indicating that the library is only to be used by law students. Plaintiffs also provide

photographic evidence of a gaggle of undergrad girls laughing loudly in MyLab while enjoying the free coffee. Indeed, numerous reports of "those f\*cking undergrads mak[ing] so much g\*ddamn noise" have been documented in plaintiffs' brief.

Next, plaintiffs argue that the defendants have been making the Chipotle line really really long. Plaintiffs concede that the line is normally fairly long. However, expert opinion<sup>1</sup> shows that the lines are beyond the normally long lines at Chipotle. Plaintiffs point to large groups

on" at North Grounds rather than in their own gyms on Main Grounds. North Grounds regular Professor Daniel Ortiz has submitted an affidavit saying, "Seriously, it's crowded with teenagers in there. It's more like Spring Break at Cancún than a graduate student gymnasium."

Plaintiffs' final contention is that undergrads in general have been clogging the streets of the city, both as drivers and as pedestrians, slowing the general movement of people in Charlottesville. Plaintiffs point to six different crosswalks on Emmet

in large numbers tend to flood buildings and generally forget their manners when they are out on the town. 890 U.Va 432 (2015). Therefore, we shall examine plaintiffs' claims in a broad and gracious light, resolving all ambiguities in their favor.

For this court to grant equitable relief, the plaintiffs must set out a clear claim for such relief on the basis of an encroachment by the defendants as a class. Defendants must then present evidence against such a claim, or an affirmative defense

Defendants have no right to be there, taking up table space and drinking coffee from MyLab. Both signs and common sense dictate that defendants should not be in that space for any reason. Therefore, as a matter of law, any undergraduate in the Law Library is encroaching on the space. No affirmative defenses are available to the defendants on this claim.

Plaintiffs' second contention is a more difficult claim to prove. We note that a free economic market suggests that anyone may be a patron of any restaurant, regardless of age or college enrollment status. However, the evidence here is overwhelming that the defendants have been really slowing down the Chipotle line. Chipotle expert Dana Wallace '16 notes that, "These children—and that's what they are, children—are far exceeding the allowable bounds of Chipotle. We have progressed from patronage to an overwhelming culinary assault on a beloved North Grounds establishment." Defendants suggest that Chipotle is so delicious that they are unable to stay away. While we agree with this line of reasoning, we have here an impasse; the balancing of interests between the two groups is nearly equal. As stated above, we shall resolve this ambiguity against the defendants, and enter injunctive relief on plaintiffs' second claim.

The plaintiffs' third claim should also prevail. There are three different large gyms at the University of Virginia. Two of the three gyms are on Main Grounds, the domain of the

*"Both signs and common sense dictate that defendants should not be in [the Law Library] for any reason. Therefore, as a matter of law, any undergraduate in the Law Library is encroaching on the space. No affirmative defenses are available to the defendants on this claim."*

-C.J. Haden

of undergrads clogging the lines by talking too much, and also ordering for their friends, further increasing the delay. Chipotle store co-owner and UVa professor Deborah Hellman said, "This is some next level encroachment fo' sho."

The plaintiffs also contend that undergrads have been using the North Grounds Gym. They point to several photographs of students in UVa fraternity and sorority shirts, and other students in Vineyard Vines shirts "gettin' their gym

<sup>1</sup> Including personal corroboration by the Chief Justice of this Court

Street in a quarter-mile block. UVa Dean Paul Mahoney has noted that "those little sh\*ts will just jump right out in front of you. I almost hit two on my way to work this morning." Plaintiffs also allege that undergrads don't drive well; their driving prowess has been described as a horrifying mix of demon-speeding in a 25 zone and crawling below 10 mph on the highway.

We now turn to a discussion of these contentions, noting of course that there is a strong legal presumption of distaste towards undergraduates. Our holding in *UVa Undergraduates v. Common Decency* indicates that undergraduates

against the claim. Failure to do so shall result in requested equitable relief for the plaintiffs. Our review of the case is *de novo*, because we are badasses.

Plaintiffs' first contention clearly establishes an encroachment on the UVa Law Library.

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### Faculty Quotes

**R. Hynes:** "Don't worry, I won't keep you guys over today. I'll wait until Feb Club is in full swing to do that."

**M. Robinson:** "Most of you probably qualify as nerds."

**J. Harrison:** "I remember when everything was harvest gold and the walls were avocado, and I remember thinking, 'Dear God, when will the 70s end, and when will I get better hair?'"

**J. Setear:** [explaining the jurisdiction of the Albemarle, Charlottesville and UVa Police] "So if you are underage drinking, there are three distinct police forces who will do absolutely nothing."

**P. Mahoney:** "You'd write them a strongly worded letter telling them to go jump in a lake"

Heard a good professor quote?  
Email [editor@lawweekly.org](mailto:editor@lawweekly.org)!



## Virginia Law Weekly

### COLOPHON

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# A Father-Daughter Dance: Choreography by Strunk, White, Pesci, and Holmes

Having taken a couple more years off after college than the average law student, I have

Molly McDonald '18  
(she/her/hers)  
Guest Columnist

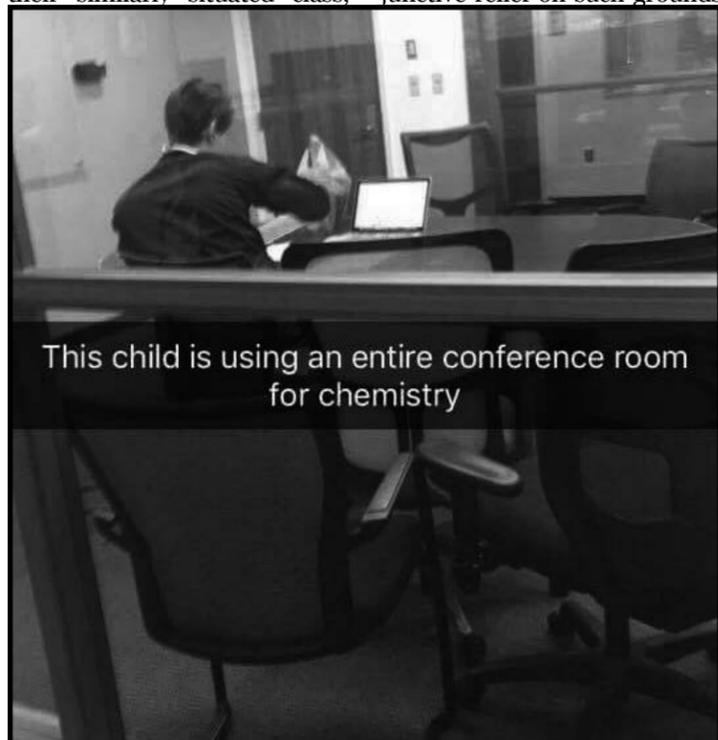


noticed things that set me apart from most classmates. A birthdate in the 1980s comes to mind. One of my professors was the same year in school as my sister, and my boyfriend. But another aspect of being (slightly) old for my class is that I started law school, in 2016, just as my dad announced his impending retirement after more than thirty-seven years at the law firm. Poetic, right?

Then came winter break of 2L, also known as the longest uninterrupted stretch I've spent at my parents' house since 2010. The retirement announcement had come and gone, and the actual transition was upon us. Dad spent the week after Christmas cleaning out his office while Mom pressed him on where he was going to put all of the stuff once it got to the house. I spent the week watching *Game of Thrones*, talking to Mom for hours at the kitchen island, occasionally socializing, and devising ways to make it seem like I was producing fewer recyclables than I actually was. My laundry consisted primarily of socks and items with elastic waistbands.

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undergraduate population. The third, North Grounds, is on "home turf" to plaintiffs and their similarly situated class,



This child is using an entire conference room for chemistry

Photo courtesy of UVa Law Humane Society for Stray Undergrads

the Darden students. This gym was created and renovated with these graduate students in mind. The plaintiffs and similarly situated graduate students should not have to suffer a lack of treadmill machines and a crowded weight area because of the influx of defendants. Defendants here have no affirmative defense. There are two other gyms that they may take advantage of; they need not prey upon the graduate space when they have been given spaces of their

But I knew I would be gearing up for school again soon, and I wondered what retirement would look like when I left. Over coffee one morning, Dad asked me if—in my antitrust class that had ended two weeks earlier—we had talked about "two-sided platforms" in defining a market to analyze potential competitive effects. He had an article on a pending Supreme Court case due

*"One slide featured The Princess Bride, because Dad is the ever-optimistic writer who thinks that English is, as Wesley was, only mostly dead."*

at the end of January, and I realized that his key fob might have been deactivated, but his pen wasn't down. After all, he wrote frequently while working, turning out articles ranging from the origin of the antitrust exemption for baseball (called "Stealing Holmes"), to a more recent essay on the prolific misuse of the word "literally."

Dad's victory lap year, or whatever "of counsel" means, ended along with 2017. In 2017, he traveled to offices in various parts of the country giving legal writing presentations to associates in his firm's other

own, much closer to their residences. Injunctive relief shall be granted on this claim.

Finally, we turn to the plaintiffs' fourth contention. While we agree with the spirit of the claim, we are unable to grant injunctive relief on such grounds

offices. Several of the slides he used were just written versions of things he attempted to teach me and my sister while we were still in car seats (e.g., the difference between envy and jealousy). One slide featured *The Princess Bride*, because Dad is the ever-optimistic writer who thinks that English is, as Wesley was, only mostly dead. The prominence of grammar and *My Cousin Vinny* as topics

of conversation in our family cannot be overstated. I like to think that the family banter is borne of a love of language first and foremost, which translates to law. Mom isn't as tickled by grammar as we are, but she is a lawyer (UVa Law Class of 1980, and long retired herself), while my sister isn't a lawyer but is tickled by grammar; it evens out. The fact that we all love to laugh is just a gloss—a thick one.

Near the end of winter break, I sat in a minimally comfortable chair to Dad's left in a French restaurant outside D.C. as we toasted his retirement. He re-

court's decision on the plaintiffs' first three claims, and affirm the lower court's dismissal of the fourth claim but grant leave for the plaintiffs to amend that claim.

It is so ordered.

ANGELOTTI, J., concurring in part and dissenting in part.

The well written majority opinion is clear and correct in its statement of the complaint and facts, as well as its standard of review and presumption against the undergraduates. Further, I concur in the reversal of dismissal of the first three of the plaintiffs' complaints. I write separately because I would also reverse the dismissal of the fourth claim.

There are things in life that are so inherently irritating that it is difficult to imagine attempting to pin that irritation down to specific words. *See, e.g.*, pickles, democracy, and Con Law. I fear that this exact problem is what plagues the fourth contention of the plaintiffs, and since I am able to understand their general complaint, I would reverse the dismissal of this claim.

It would be relatively easy to enjoin the defendants from being annoying or obnoxious; we would rely on our enforcement officials to exercise sound judgment in preventing undergraduate behavior. I worry about the suffering that the plaintiffs will continue to suffer generally at the hands of this increasingly brazen population. While I hope that the plaintiffs will be able to amend their complaint to be sufficiently specific to satisfy the majority's standards, I am content to dissent on this matter.

counted how, at the "goodbye" lunch the firm had put on the week prior, a colleague shared a story about him in trial (if it was elementary school for me, my guess for location would be Madison, Wisc.). Apparently there were multiple ways to argue that a certain statement was admissible evidence by stretching one of the traditional rules, but Dad said to the judge something along

the lines of, "Yes, Your Honor, but I've always wanted to get something in under the residual exception to the [hearsay] rule, and this just seems like the perfect opportunity." He was talking about FRE 803(24), now FRE 807, and he did it. In 2010, Dad won an appeal in the Second Circuit, but still insisted on filing a "Motion to Correct the Opinion." In millennial speak: I didn't even know that was a thing. But he did it, because he thought it would help prevent Supreme Court review, and it was granted. It is safe to say that being a lawyer was fun for him, most

## LIBEL continued from page 1

special preparation. Please arrive ready to move. The audition process takes all of one session, so expect to stay the full two hours of one of the sessions.

**Questions:** Email Alana Harris (ah7db@virginia.edu)

### Band

**Dates:** Wednesday, Jan. 31, 6-9 p.m. and Thursday, Feb., 1,

of the time.

I am very close with my family, and I may be extra sensitive to their pains—both physical and professional. When we were little, my sister got hurt at an amusement park and needed stitches; I remember my poor mom telling me, as I was bawling face-down in a chair, that she couldn't console me because she had to console my sister. When I was six or seven I got in a car accident with my mom and sister over the winter holidays. An old lady ran a stop sign, I hit my head, and I was generally shaken up. When school started again, I told my teacher (exasperated, probably through tears) the accident was the *exact* same day that "Dad lost the jury in his case." Perhaps my emotional readings for physical pain and legal losses were uncomfortably close. More than twenty years later, I just know I was lucky to have parents who cared about their jobs, even if I didn't have a clue what the fuss was about with antitrust and baseball.

I learned something pretty cool from my parents' (most recently my dad's) legal careers. I learned what it looks like not only to be a good lawyer, but also to do something fulfilling while writing, winning, losing, teaching, and laughing. If there were ever a baton I did not want to drop...

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mem4nf@virginia.edu

welcoming and flexible: If there are any special instrument accommodations necessary, please reach out to Ben Lucy to discuss.

**Questions:** Email Ben Lucy (bml4xd@virginia.edu)

Want to be a part of the show but are not interested in or thrilled to appear on stage? Email us at [libelshow110@gmail.com](mailto:libelshow110@gmail.com) to let us know, and you can join the run crew to help with production backstage.



Photo courtesy of the 110th Libel Show

6-9 p.m.

**Location:** WB 152

**Details:** Calling all musicians! If you can play an instrument, you should try out for the Libel Show band! The band audition room will have a guitar provided. Band tryouts will be

The Libel Show gives all students the ability to contribute to an ongoing UVa Law School tradition. Don't leave Law School with any regrets: COME AUDITION this week!

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knh3zd@virginia.edu

LOVING

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means of social and legal transformation.”

Professor Murray’s remarks reminded attendees that “legalization does not mean complete acceptance nor the de-regulation by the state.” *Loving* is not a magic bullet, there is always more work to be done and rights are always subject to erosion if we do not diligently pro-

tect them.

Professor Onwuachi-Willig discussed that erosion of the Equal Protection Intent Analysis outlined in *Loving*. In 1976’s *Washington v. Davis*, the Court upheld a test (called Test 21) administered by the D.C. police department. The Court decided that proof of discriminatory intent was not needed to prevail on their Equal Protection and that the invidious quality of a law must be traced to a racially discrimi-

natory purpose.

Professor Onwuachi-Willig presented the comically difficult and irrelevant questions from Test 21, including a question about the “history of the date fruit.” The 80% white department policed a city with a 70% black populace, yet the test did not rise to the bar of “discriminatory intent.”

Professor Forde-Mazuri discussed the crux of one of his latest papers, “Should *Obergefell* have been more like *Loving* and less like *Brown*?” There was no blame in the judgment in *Brown* (just as there was no blame placed on homophobia in *Obergefell*), whereas in *Loving*, blame was placed squarely on states for propagating the white supremacist

view of “preserving the white race.”

The symposium ended with a panel on “Loving’s Promise for LGBTQ Communities,” moderated by Professor Micah Schwartzman of UVA Law. *Loving* was cited in the *Obergefell v. Hodges* decision that ended restrictions on same-sex marriage in the United States. Professor Hol-

ning S. Lau of UNC School of Law, Professor Dough Nejaim of Yale Law School, and Professor Catherine Smith of University of Denver Sturm College of Law explored the various ways the logic in the *Loving* decision could be applied to contemporary cases, especially in the forthcoming case *Masterpiece Cakeshop*.

*the Law* Alli Herzog ‘18 said the idea of the symposium was the brainchild of Professor Onwuachi-Willig and Professor Kerry Abrams of UVA Law. The journal enthusiastically sponsored the event and will publish several short pieces by professors about *Loving* in their spring issue.

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Mondays at 5:00 pm in SL279

Cartoon By Ali



THE DOCKET

TIME	EVENT	LOCATION	COST	FOOD?
<b>WEDNESDAY – January 31, 2018</b>				
12:00 PM	VJIL Lunch Series: Professor Ashley Deeks	Purcell	Free	Yes
12:00 PM	U.S. Navy JAG Brown Bag Q&A	SL 131	Free	Due to government cuts, no, but you are encouraged to bring your own lunch
12:00 PM	Biotech: Genetic Advances and Implications	WB 101	Free	Yes
5:30 PM	Midway Toast for the Class of 2019	Caplin Pavilion	Free	Considering the expected effort level next year, we’re more like two-thirds of the way there. Light hors d’oeuvres and beverages will be served.
<b>THURSDAY – February 1, 2018</b>				
11:30 AM	Student Scholarly Lunch: Corporate Disestablishment	WB 129	Free	Yes
1:00 PM	Virginia Law Review Online Symposium: Summer in Charlottesville: The Constitution, Violence in the Public Square and Confederate Monuments	Purcell	Free	Yes.
5:00 PM	SBA Thursday Social	Spies Garden	Free	Yes
<b>FRIDAY – February 2, 2018</b>				
12:00 PM	Law, Innovation, Security and Technology: A Discussion on Cybersecurity Policy with Ari Schwartz	Purcell	Free	Not sure, but as a new organization, they probably should.
1:00 PM – 9:00 PM	Shaping Justice in an Age of Uncertainty	Various locations (Check schedule)	Free	Not sure
<b>SATURDAY – February 3, 2018</b>				
1:00 PM – 9:00 PM	Shaping Justice in an Age of Uncertainty	Various locations (Check schedule)	Free	Not sure
<b>SUNDAY – February 4, 2018</b>				
All Day		Various locations	Free to \$10	
<b>MONDAY – February 5, 2018</b>				
11:30 AM	From “He Said, She Said” to “Me, Too”: Successes and Shortcomings in the Law of Sexual Harassment	Purcell	Free	Reception following the ceremony
4:00 PM	Commemorating Gregory H. Swanson and the Integration of UVA	Caplin Pavilion	Free	Yes, dinner will be served
<b>TUESDAY – February 6, 2018</b>				
10:00 AM	The State of Community Policing and the Future of Police Reform	Caplin Pavilion	Free	Not sure
12:00 PM	Renting in New York	WB 154	Free	Not sure
1:00 PM	Diversity in the Legal Profession	Purcell	Free	Yes
1:00 PM	Net Neutrality and Being General Counsel in a Fortune 50 Company	WB 102	Free	Yes

SUDOKU

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Solution

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