



A Farewell from the Editor-in-Chief

Jenna Goldman '18
Editor Emeritus

The *Law Weekly* has seen its share of ups and downs during the last several years. Alex Haden '17 made it the mission of his tenure as Editor-in-Chief to restore the *Law Weekly* to its former glory as the pulse of the Law School community and as the historical record for the school. Under his leadership, the *Law Weekly* won the ABA Student Newspaper of the year award. To say I had big shoes to fill was an understatement.

My goal for the year was to move from rebuilding the paper to taking it in a new direction. That new direction became clear on August 11 and 12, 2017.

The *Law Weekly* office houses paper copies of every issue we have published for the last seventy years. We see our archives as dozens of little time capsules; snapshots of UVa and international history gathered by generations of UVa Law students, from the introduction of new deans to the aftermath of 9/11. As a staff, we knew we had to cover the fatal protests in the most comprehensive way possible.

Our staff GroupMe was at a near constant buzz on those two days in mid-August. We had our first issue planned and ready, but none of the jokes about starting law school or ANG's drunken escapades felt right at all anymore. So we scrapped it and started over. Immediately we began interviewing students and faculty who were eyewitnesses to the protests for our reporting on the event itself. But more than to report, we wanted to provide a space for students to work through their emotions and sought reaction pieces from students of all years.

In my capacity as EIC, I began talking to student organization leaders at the Law School about how the *Law Weekly* could better reflect our community. As a result of those talks I kicked off the year with the "Spotlight Series," where affinity groups were given a space to educate the student body about issues that their communities are facing. These Spotlights became the core of our post-August 12 issues.

In another effort to make the *Law Weekly* more inclusive, I offered authors the opportunity to give their pronouns so when editorials are written, the feedback can be given appropriately. I received more feedback about this editorial decision than any other this year, mostly positive, some vehemently negative.

Because I never had the forum to explain the reasoning behind providing this option, I will explain it now.

First, the inclusion of gender

Perspectives: Barrister's in Review



From left to right, Madison McMurray '19, Trina Rizzo '19, Darcy Whalen '19, Kendall Burchard '19, and Hannah Blazek '19
Eric Hall / Virginia Law Weekly

1L of a Ball

Eleanor Schmalz '20
Executive Editor

Since August, upperclassmen have raved about the "law school prom" that is Barrister's Ball. As all 1Ls do, I got ready for the event with my section¹ and took all our nice group photos before the chaos of the event² began. Despite arriving fashionably late³, the dance floor was empty and the bar lines were short, leaving my friends and me with no other choice than to make fast use of our drinking tickets and take the spotlight in front of the bumping speakers. Time passed quickly as my group and I danced and talked with our fellow classmates, making it hard to believe when the clock struck 12:30 a.m. and it was time to leave. I wasn't sure what to expect coming into the night: whether my non-floor length dress would fit the occasion, if I should have awkwardly brought a date in the true spirit of "prom," or if the event would live up to the \$65 I had spent to get through the doors. But what I took from the night was this: the dress doesn't really matter (and whatever dress you wear will fit the bill for the night), law school prom doesn't require awkward dates if you have great friends⁴, and the event was a

1 S/O to Section Ayee

2 Read: unlimited alcohol at the open bar

3 9:32 p.m.

4 Again, S/O to Section A & my Abaybay ladies

steal at the price. This year's Barrister's Ball surpassed my expectations and has me counting down for February 2019.

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The Life of a 2L

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Development Editor

As an effeminate woman who enjoys getting glammed up for fancy events, I look forward to Barrister's Ball with glee each year. For me, Barrister's started at about 5:00 p.m. when I arrived at my friend's apartment to do hair, makeup, and dress adjustments before we hit up a pre-game.⁵ My 1L section has stayed relatively close into 2L year, so the pre-game included section-mates who were not going to the actual event later. Getting to see people that I can only catch up with briefly in the hallways quickly became my favorite part of the night.

Heading to the actual event brought up the only complaint I have about Barrister's: transportation. Uber and Lyft surge prices are not my favorite; however, as my rhinestoned four-inch heels will attest, I probably wouldn't have walked to a free bus anyway. Plus, buses come with their own issues which became fully apparent in the drive from the event to the after-party.

The event itself was ab-

5 Luckily, I have very patient friends who tolerate my ability to make getting ready for an event last hours.

solutely beautiful.⁶ I literally couldn't get inside the door before running into people who I wanted to spend all night talking to. The space was huge, and the music was great in my opinion. The whole event seemed to be over too quickly when my friends pointed out the time as we rushed to see Gunners 'N' Roses play at Rampage.⁷ The bus situation was interesting. Instead of just not letting any more people on the full bus, the drivers welcomed them on the bus pulled over a couple of feet later to kick them off. This was understandably frustrating for everyone involved.⁸

Gunners 'N' Roses was, as always, a fun time to sing and dance with friends. I definitely noticed that they branched out with new songs, and I really appreciated hearing "Body Like a Backroad". After another Uber home, I headed to an after-after-party which was the perfect chill way to relax after a fun evening with my friends.

In an effort to relive this glory next year, I'm officially asking Alison M. and Lauren S. to be my dates again for 3L Barrister's: you ladies rock.

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6 Michelle Chang, you are a Queen. A QUEEN.

7 Apparently, after my first sip of beer, I cannot for the life of me remember "Rapture" and call it "Rampage" instead. Feel free to use it in your personal life as well.

8 Re-read FN 2.

around north grounds



Pour one out for ANG's liver. ANG's physician has begged ANG to stop, but ANG will complete the Feb Club Ironman.



Thumbs up to the teenager who showed up late, forgot his jacket, and still won Olympic gold. ANG has been waiting for hard evidence that this approach is more than "lazy" and "not enough to pass LRW."



Thumbs down to journal tryouts. ANG hears you don't even HAVE to do a journal tryout if you edit for the *Law Weekly*. 5:00 p.m. on Mondays. #spreadtherumor



Thumbs sideways to Jennifer Aniston and Justin Theroux breaking up. While ANG is never happy about love ending, ANG will be using whether Jen and Brad get back together to determine whether ANG should text ANG's ex...



Thumbs up to the emergence of spring. Stephen T. Parr has had a lot of fun with winter this year, but ANG is glad to see that he has been defeated at last, and that the daffodils have survived Parr's cruel frosts.



Thumbs sideways to Steven Glendon's departure. ANG has spent the entire school year calling for Goofy Glendon's ouster, but now that he's going, ANG has to admit ANG's a bit melancholy. ANG will miss Glendon's donut-bribes. President-elect Fuqua better have donuts.



Thumbs down to people who try to start drama at Barrister's Ball. ANG would normally suggest finding a hobby, but if you can't enjoy yourself when there's an open bar and a dance floor, then learning how to quilt probably won't help you either.



ANG is celebrating the new student organization: SLECP (Students for Less Eye Contact with Professors). One can join by signing the petition found in ANG's student mailbox. Prof. Harrison has offered to become a Faculty mentor.



Thumbs up to the curler on PEDs, really showed us the benefits of drugs with a 3rd place showing.

Snacks and Cite Checks: A Guide to Journals

There's a lot of misinformation around North Grounds about journals, their impor-

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tance, and the differences between them. With this article, I seek to clarify some of that. I won't say which journal is the best or the most prestigious (I'm plainly biased'). And I don't seek to answer every question for every person. I can only give you my suggestions for criteria that might matter to you speaking as someone who got on a journal, served on a managing board, and found a job at OGI.

Should I Join a Journal?

Too often 1Ls overlook the most basic question they should be asking: is it even worth it to join a secondary journal? The answer, I think, is usually yes but not for the reason you've often heard parroted. You should not join a journal if you're only doing it because you heard employers will "think you're weird" if you don't have one of our ten journals printed on your résumé. Of the dozens of law firms I interviewed with at OGI, only one associate ever asked about VLBR and only

1 I serve as the outgoing Editor-in-Chief of the *Virginia Law & Business Review*.

because he was an alumnus of the journal. By the time you interview next fall, you won't have a clue about how a journal is run. At best, you'll have done one cite check. Certain journals do offer 1L leadership positions, but even if you get one of those, your responsibilities usually won't kick in until *after* OGI. At OGI, if you find yourself discussing your 1L journal experience, something has probably gone terribly wrong in that interview. You should have something else on your résumé that is more interesting to talk about. So, if there's a student organization or a pro bono activity you find more interesting than working on a journal, that's a perfectly legitimate, non-weird reason to have no journal on your résumé.

Don't mistake me, journals are helpful for OGI. If there's an area of the law that is lacking on your résumé, journals serve as a strong signal of your interest in the topic. It shows that you're tapped in to business law, or tax law, or law and politics. This is especially true if you achieve a leadership position. You show employers that you're not just on a journal because "at Virginia, everyone's on a journal."

The real benefit of being on a journal comes from engaging with the process of legal scholarship. Legal scholarship is unique in that we let students—often with nearly zero experience in the

field—choose and edit the articles that define the cutting edge of an area of law. This bizarre arrangement is evidently built on a compact that entrusts law students with incredible power in exchange for our free *Blue-booking* services. This is great for us! We get to work with powerful thought-leaders at law schools across the nation, and put our names on a physical product that will (hopefully) be cited time and again. For anyone committed to studying the law, there are few more rewarding activities in law school.

Which Journal Should I Join?

The extent to which you will have the above experience will vary tremendously, however, depending on which journal you choose and what position you hold. The same position on different journals has vastly different opportunities to engage like this. If you want to understand how a journal works, interact with authors, and have a hand on the helm, you'll want to choose a journal that offers 1L leadership. Getting involved as a 1L is the best way to be on the senior managing board later. VLBR, for example, offers Articles Editor positions to certain 1Ls which puts them in a position of ownership over an entire article. Ask the managing board of the journals you're considering what roles they served in when they were 1Ls.

As an editor, your ability to shape and direct legal scholarship also depends on the strength of your journal. Choose a journal that is stable and respected. You can gauge how well-respected a journal is by inquiring about its peers and the credentials of the authors that typically publish in the journal. Stability comes from the journal's ability to attract top talent from the journal tryout year after year,² the journal's ability to maintain subscriptions and solicit articles, and—perhaps most important—its ability to publish on a regular, timely schedule. Be sure to ask about these features at your journal's office hours and open houses after the tryout. In particular, ask when the journal published last. This year, with impending audits and the administration limiting funding to journals, stability is more important than ever. Choose a journal that will be here next Fall *and* after you graduate.

Finally, it's worth asking about your expectations as an editorial board member on the journal. Cite checks are a super-massive time sink. Most journals will only tell you how many cite checks are required, but not how many footnotes *per cite check*. Having only two cite checks may sound easy until

2 VLBR received 127 applications last year, 33 more than the next most popular secondary journal.

you discover that each one is 60 footnotes. Will there be a note requirement? If so, can you submit a paper written for one of your classes? A good rule of thumb is that a larger journal requires less work from each individual editor. But that doesn't mean that there isn't responsibility available to those who want it. Though you can ascend to more impressive-sounding titles quickly on a small journal, larger journals allow more direct leadership early on. Because large journals have more people, leadership positions within in actually involve managing a group of people.

There are plenty of peripheral considerations that may influence your decision more personally. (E.g., does the journal still print? Will it have a symposium?) But the criteria I've named here should be central to your decision. Don't worry too much about which journals have the best food or the fanciest office. Those are irrelevant. Instead pay attention to features that will let you leave your mark on legal scholarship.

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Guest Opinion: Untangling the Immigration Debate

In the last month there has been a lot of talk about "comprehensive immigration

Max Wagner '19
Guest Columnist



reform" and the category of immigrants commonly called "DREAMers."

President Trump unveiled his immigration reform plan, which is extremely generous.¹ During the same timeframe, the Democrats have shut down the government demanding a "clean DACA Bill." Unless you study politics and are actively engaged in the discussion on a daily basis, a lot of these policy proposals, acronyms, and euphemisms can get confusing. It is my hope to be able to untangle some of this confusion. Because the length limitations inherent in a school newspaper, this will be the first part of what I hope to be a several-part series looking at this confusing issue. Part one will focus on three terms which have gained prominence recently, discussing their origins and how they are being used to obfuscate the issue. These words will be "undocumented immigrant," "DREAMer," and "chain(ed) migration."

The first term, "undocumented immigrant," is a term that has been contested for

1 This plan would provide a pathway to citizenship for 1.8 million DREAMers, and significant numbers of their parents.

at least a decade. This is the term put forward by the left for those in the country illegally. The real debate is whether the adjective that accompanies immigrant should be "illegal" or "undocumented." The difference here is not in meaning, but rather implication. The word "illegal" denotes that the person being described has, in some way, broken the law. In this context, the law or laws being broken are the United States federal immigration laws. While referring to "illegal immigrants" has the unfortunate effect of being sometimes being shortened to merely "illegals" (sometimes out of convenience, sometimes out of malice), it is the more accurate term. What is more, the purpose of this euphemistic change from "illegal" to "undocumented" is to make it seem more acceptable for the government to grant such immigrants legal status, regardless of the breaking of our nation's laws. The change to "undocumented" raises the question: why not just give them documents? In attempting to change the term, advocates are trying to blur the lines of the debate. For this series, the term I will be using is the more accurate, "illegal immigrant."

The next term is "DREAMer." This term comes from the anagram for the 2001 proposed legislation, the Development, Relief, and Education for Alien Minors Act. The term "DREAMer" refers to a specific subset

of illegal immigrants, those who arrived in the United States when they were children. Those eligible for relief under this act had to meet certain requirements, including age and clean criminal background checks. This bill never passed, and has been proposed in various forms for the last seventeen years or more. This group of illegal immigrants came to prominence with the signing of President Obama's executive order in 2012, "Deferred Action for Childhood Arrivals" or DACA, which is believed by some scholars to be unconstitutional. While the DREAMers are illegal immigrants, there has long been an understanding that there is a distinction between those who willfully violated the American immigration laws and those who were brought over as children. This is a distinction I agree with. DREAMers did not choose to come here, in most circumstances. They were brought here through little or no fault of their own, and it makes sense that a separate solution for them should be discussed.

It is important, when going through different policy proposals, to get an accurate idea of who this group includes. Hardliners on both sides exaggerate to make their point. The first thing to note is that a majority of the DREAMers were brought over as teenagers.² This is still a difficult

2 <https://www.washingtontimes.com/news/20a17/>

time to exercise autonomy in deciding where you live, but it is not the picture many on the far left try to paint—of infants being brought over before they can walk or talk. Here, they still lacked significant agency, but the claim that this is the only nation they have known is false. In order to find the best solution, we have to be honest about the experiences of members of this group.

The next point that should be discussed is the literacy and English fluency of the DREAMers. While there are DREAMers who succeed in the U.S., the fact is many of the DREAMers lack fluency in English. According to one study, as many as 24 percent of DREAMers are functionally illiterate, with 46 percent having only "basic" English skills.³ To compound this, according to the same source, only 49 percent of DREAMers have a high school diploma, despite a majority of them being adults.⁴ Finally, we hear a lot about the DREAMers in the military. This is true; there are some DREAMers in the military. The decision to serve a nation of which you are not a citizen and has made no promise of citizenship is incredibly commendable and patriotic. In fact,

3 *Id.*

4 *Id.*

Defense Secretary Jim Mattis has said he will personally defend all serving DACA recipients from deportation if no deal is reached⁵—an admirable statement defending admirable men and women who have chosen to serve. However, the number of DREAMers enlisted in the U.S. military is roughly 900. That is 0.13 percent. This is not to diminish the incredible sacrifice and service of those 900, who should have special consideration in these discussions, it is important to know this is a relatively small number of DREAMers. While there has to be some discussion about this particular group of illegal immigrants, it is important to define who they are so we can make correct decisions.

The final term I want to discuss is "chain(ed) migration." As you may notice, there are odd parentheses in this term. That is because we are currently in the middle of an attempted shift in the use of this term. Dating back decades,⁶ this term was used

5 Mattis' Statement: <https://www.politico.com/story/2018/02/08/jimmattis-military-dreamers-no-deportations-398991>.

6 As noted by Jonah Goldberg, this term has been used in scholarly papers going back to 1943 <https://www.usatoday.com/story/opinion/2018/01/31/chain-migration-racist-term-no-its-just-you-democrats-jonah-goldberg-column/107910001/>

Playing the Game: How to Master Firm Reception

Second semester 1L: Just when you thought you had a handle on law school—or at

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least a toehold—the mountain shifts, and you're back to scrambling against the rockslide. They warned you about cold calls and outlines, but most 1Ls feel ambushed by journal tryouts, firm receptions, and the summer job search. That's a lot on top of your classes. And getting gussied up to schmooze a tax partner from Whitebread & Smith LLP on a school night may reasonably bottom-out your to-do list. Don't let it. When firms come to town, they offer more than steak crostini and an open bar. In some cases, they offer jobs, and in all cases, they offer an opportunity to make connections, practice your "elevator pitch," and learn what the hell transactional law is. Think of firm receptions as a moot OGI. Use them to become fluent in the language of law firms, and to figure out which of your qualities law firms want most. This is how you get a job.

As a 1L, I went to as many receptions as I could. By OGI, I had refined my process for preparing for and attending them. I should emphasize that it was *my* process, bespoke for my neurotic, deeply awkward personality. Thus, some of my suggestions may not suit you,

but they got me a job in my target market. Without further throat-clearing, here they are:

Go to firm receptions.

....especially if you're targeting NY or D.C. because most of the attendees will be from those offices. There may be some folks whose grades are so stellar, their personalities so disarming that they need only smile and nod to get a callback. The rest of us need to be able to speak with enthusiasm about the stuff on our résumés. We need to articulate our reasons for coming to law school, the things we've found interesting about being here, and what kind of job we want. That takes practice. But where are you going to find law firm partners with nothing better to do but gab about their firms and listen to you jabber? Firm receptions, duh. This, in my opinion, is the primary benefit of going to them. True, sometimes people get callbacks from receptions. Many more will form good connections that they can lean on when they bid on interviews in the summer. But even if you leave a reception with neither, you'll at least have practiced talking to attorneys. That matters, I promise. As long as you're paying attention, you'll have learned which parts of your narrative work, and which parts leave them glassy-eyed. You'll know why Cleary is the "quirky" firm, and Covington partners brag about profits per partner (Hint: bring up "sil-

ing" and they'll love you for it).

Bring backup but don't travel as a pack.

If you can help it, go with a friend or a group. This does a few things. One, it keeps you honest. Like a gym buddy, you're more likely to suit up and go if you have someone else counting on you. Second, going with people you know feels a lot less awkward. If there's a lull in the conversation, it's easy to bring up a common activity or interest and get people talking ("John and I are both going to be in the Libel show next month! Did you ever perform in Libel?") Rolling in with a squad will also boost your self-confidence and put you at ease, but be careful not to cling to them too much. Covering ground at a reception requires flexibility. Often, that means gracefully exiting a conversation once you've made a lasting impression. Orchestrating a smooth departure is necessarily harder if you're trying to extract two or three people from the conversation circle. Traveling as a pack also makes it hard to squeeze in next to that need-to-meet partner and easy to get lost in a string of introductions. Instead, try the tag team method. If you're eager to peace out of a conversation, and you see bae near you, pull her into the circle, introduce her, talk her up a bit, and use that as an opportunity to withdraw. Finally, carpooling and sharing Ubers makes going

downtown three times a week a lot more feasible.

Don't be afraid to eat.

Few topics get people talking like food does. That's especially true for lawyers with their firm's credit cards. How lucky, then, that you can always count on a sampling of Charlottesville's finest at these events. Don't be fooled. The food is there less for your nourishment than to feed conversation. ("Have you *tried* the sushi? It's delightful." "Oh you if you like sushi you *have* to try my favorite sushi joint in D.C.") So, eat in moderation. The same goes for alcohol. One glass of beer or wine might lead you smoothly into a conversation about Charlottesville's excellent breweries and wineries, but any more than that will sail your résumé smoothly to the trash. Dean Donovan recommends one fewer drink than it would take for you to start "feeling" it. Eating and drinking at the same time? Not recommended. You should keep your right hand free and dry at all times to introduce yourself. You can't do that with a beer in one hand and a plate of crispy shrimp in the other.

Do your research.

Shockingly, many people go to firm receptions knowing next to nothing about the firm. Don't be so foolish. At the very least read the firm's pages in Chambers (that free book that career services gives out). Just that will set you apart, but

if you want to go a step further, read about the firm on its website. That will tell you how the firm views itself, and give you a peak at the firm's culture which you can then ask more about in person ("I read that your firm really values collegiality, how does the firm promote that culture?"). Partners and associates will appreciate that you've looked into their firm, and that you're not asking clichéd 1L questions (e.g., "So, what's your firm's culture like?"). If you have time, look up the attorneys in attendance either on their firm's website or on LinkedIn. That way you can identify the attorneys you need to meet, and bank some good questions about their backgrounds. It's not creepy. If the firm sent a list of people they're sending, the attorneys will be expecting you to know who they are.

Don't be boring, but don't be a dick.

When asked, "Where are you from?," aspire to more than one word with your answer. It doesn't matter how obscure, boring, or podunk your home town. Have something to say about it. This goes for more than home towns. Frequently, during firm receptions, you will be expected to pitch yourself. You might see the spotlight coming, or it may land on you without warning. I've been to receptions where the partner asked everyone in the circle to share his or her

RECEPTIONS page 5

Finding Your Voice: A Sitdown with Judge Newsom

Last Thursday, Judge Kevin Newsom, a 2017 appointee to the United States Court of

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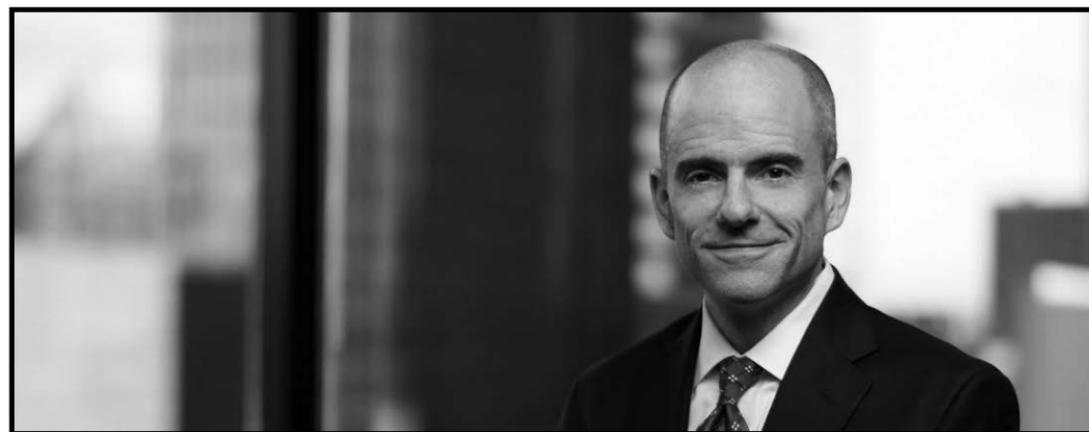
Appeals for the Eleventh Circuit, joined UVa Law students in Caplin Pavilion to discuss aspects of his judicial philosophy and the steps he has taken on his career path.

Facilitated by UVa Law's Professor Leslie Kendrick, the discussion began with a question about Judge Newsom's childhood and what it was like to grow up in Birmingham, Alabama, the same city where he now sits on the bench. Speaking with an admirable candor, Judge Newsom admitted that his childhood contained many notable challenges, including the fact that both of his parents struggled with alcoholism during his youth. Additionally, his younger sister, who sadly passed away several years ago, suffered from severe mental and physical disabilities. In spite of these early obstacles, Judge Newsom characterized them as having a "unique influence" on his upbringing. He also lauded his childhood best friend's father for serving as a positive role model during that time.

Judge Newsom went on to describe his education and the events that inspired his interest in the law. He attended Samford University for college, though he stated that it wasn't until he took an American Constitutional History class during his

junior year that he fell in love with the subject matter. Shortly after taking that course, Judge Newsom happened to tune into a late-night television program discussing the Incorporation Doctrine. It was then that he re-

alized pursuing a career in the law was what he truly wanted to do. After completing his degree at Samford, and graduating *summa cum laude*, Judge Newsom went on to Harvard Law School where he served as an articles editor for the Harvard Law Review and graduated *magna cum laude*. Judge Newsom said he loved his time as a law student and particularly enjoyed taking classes taught by Professor Richard Fallon. Professor Fallon, he said, had a gift for making difficult concepts clear, even in notoriously difficult courses such as Federal Courts.



Judge Keven Newsome. Photo courtesy of Alabama Today.

Following his graduation from Harvard Law, Judge Newsom clerked for Judge Diarmuid F. O'Scannlain of the United States Court of Appeals for the Ninth Circuit and Justice David H. Souter of the Supreme Court

firsthand experience in watching how law "gets done." Moreover, Judge Newsom stated that clerking for two judges with notably different personalities and ideologies influenced the way he runs his chambers now. Specifically, he indicated that he views clerking as an experience that should be mutually beneficial for judges and clerks and said that he hopes to make things fun and enjoyable for the individuals who work for him. Judge Newsom also gave a special shout-out to Libby Stropko, a current 2L who will clerk for him in 2019 after her graduation. Following the event, Stropko said, "I couldn't be more excited to have the opportunity to clerk for Judge Newsom. He is a brilliant jurist and writer, as well as a thoughtful mentor. I hope to learn a lot from him."

Judge Newsom's writing was also a focal point of the discussion and it is easy to see why: he is a four-time recipient of the National Association of Attorneys General "Best Brief Award," which is given for ex-

ceptional briefing in the U.S. Supreme Court. Judge Newsom said that as an attorney, and especially as a judge, it is important to constantly try to improve your legal writing. He adheres to the belief that, so long as your writing falls within the accepted bounds of grammar and takes account of the context and audience, attorneys should strive to "write the way [they] talk." He noted that past generations of judges tended to be very formal but personally thinks that a writer's goal should be to keep people reading and interested in the topic. As evidence that he practices what he preaches, Judge Newsom remarked that his first opinion opened with the sentence, "This is a tax case. Fear not, keep reading."

Finally, throughout the discussion, Judge Newsom offered several lighthearted pieces of sound advice that seemed to resonate with the students in attendance. One comment he made was that, "So long as you're 'smart enough,' which everyone in this room clearly is, all that matters is how much you really care." Judge Newsom's emphasis on the importance of personal effort is something that he admitted is particularly crucial to him when he hires new clerks. When asked to elaborate on this, Judge Newsom said that while having smart clerks is a factor in his hiring decisions, it is equally essential that they are team players who bring a positive energy to his chambers. Judge Newsom also said that although it is a good idea to have a general plan for one's future, he encouraged students to take advantage of unexpected opportunities and to "leave [themselves] open to dumb luck." He suggested that following that last piece of advice allowed him to have a fulfilling career. He began at Covington & Burling LLP in Washington, D.C., before he went on to serve as the Solicitor General of Alabama, and then head the appellate practice group at Bradley Arant Boult Cummings LLP in Birmingham. After hearing Judge Newsom speak, it is clear that it will be interesting to watch him continue to grow into his new role on the Eleventh Circuit.

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States, 2017 WL 4229063 (11th Cir. Sept. 25, 2017)

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 jmv5af@virginia.edu.

Instagrammer
v.
Insta-scammer
70 U.Va. 413 (2018)

JUSTICE ZABLOCKI delivered the opinion of the Court, joined by CHIEF JUSTICE VANDERMEULEN, JUSTICE MALKOWSKI, and JUSTICE RANZINI. JUSTICE SHMAZZLE filed an opinion concurring in part and concurring in the judgment.

Zablocki, J., for the Court.

This case was brought by a law student (which gives rise to this Court's petty jurisdiction), who shall be known by the pseudonym Instagrammer ("Grammer"), against another student of the Law School, Instascammer ("Scammer"), who might as well be known as such not only here but in everyday life. Grammer alleges breach of contract and intentional infliction of emotional distress. Specifically, over dinner immediately prior to the commencement of spring semester classes, Scammer proposed to Grammer a "like-for-like" arrangement in connection with Instagram. As may be inferred from the descriptive term "like-for-like," this contract set forth exchange of like goods and/or services, namely, likes on Instagram.¹ In consideration of Grammer liking a post of Scammer's, or vice versa, the original poster was to like a post of the original, ah, liker. Despite Grammer immediately accepting Scammer's offer and enthusiastically liking all posts of Scammer made subsequent to this agreement, including, without limitation, of sunrises that occurred at the unimpressively late hour of 8:30 a.m., Scammer has failed to reciprocate.

To be sure, the underlying contract is of a highly dubious

1 Like, seriously. Like what were they even teaching us in middle school with, like, telling us not to say "like" all the time? But at the same time, do you think the multiplicitous meanings of "like" are, like, problematic/duplicious?

nature of a sort that this Court has discouraged in the past ("Blessed be the humble . . . and cursed be the affirmation-seeking law student, for thou shalt not rise above the curve." *In re Bluebook: The Law Students' Bible*. 1 U.Va. 12 (753 B.C.)). On its face, the exchange of services contemplated by Scammer's proposed contract is valid, and in fact bears admirable resem-

rule that a valid contract existed and was breached upon Scammer's failure to like Grammer's Instaposts in a timely manner. The Parol Evidence Rule cannot here be held applicable, as Instagram likes are not among those ancient categories exempted from oral contract.

Second, IIED. Scammer cannot deny that he does not understand the affirmation de-

Scammer is not liable for IIED. We further suggest that Grammer should get over himself and maybe just go post some unflattering photos of Scammer on, idk, Instagram.

Monetary damages being difficult to assess and a hindrance to this Court's creativity, equitable damages instead shall be awarded. Scammer shall "regram" each and every one of

Shmazzle, J., concurring in part and concurring in the judgment.

As the majority has rightly decided, a valid oral contract was made on the ominous eve of spring semester classes. In an attempt to expand upon the reasoning given by the majority, I want to emphasize that, while Grammer's decision to contract with Scammer is questionable at best, the court is not in a position to judge the quality of contracts that come before it. Scammer fails to provide any valid defense to the lack of likes on Grammer's posts, leaving the court with no choice but to make up arbitrary means of making things right for the injured party. And, despite the quality of the contract, the court cannot deny the parties "exactly what they bargained for."⁵ Sorry, Scammer, no one "likes" breachers who prey on the insecurities of their fellow classmates to improve their own social media presence. Accordingly, I concur with the decision reached by the majority. I would assign much greater damages. In my opinion, Scammer should be forced to endure something so terrible that he repents completely of his awfulness. I would order Scammer to complete both weekends of journal tryouts, with no access to Instagram during that time. It is only fair that, having abused the sacred rules of the 'gram, he should, in turn, be deprived of its satisfaction.

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"Despite its intentionally caddish nature, this conduct was neither extreme nor outrageous; Grammer should have expected that all the superficiality . . . of social media would extend to any contract the subject of which is mutually affirming likes.

-J. Zablocki

blance to Hammurabi's Code ("an eye for an eye"). In light of the terminology used to describe the good/service exchanged, this Court must at the very least acknowledge the ambiguity of the word "like" that results from our modern context. In answer to the question posed by this Court in Footnote 1 of the preceding paragraph,² yes, this dual meaning is problematic. However, through examination of the circumstances under which the contract arose, and in particular light of the parties' evident obsession with social media to the exclusion of all else, we accept that Grammer's proffered interpretation aptly describes the exchange contemplated by both parties. Both parties being competent, intending to create a legal obligation, and having reached an understanding, we

2 Footnotes: so important. SO INTERESTING. Case in point.

livered by each and every Insta-like—the warming feeling that goes straight to the poster's peer-approval-craving heart; to wit, the emotional impact of a single like.³ As such, depriving Grammer of even a single like clearly would cause him severe emotional distress. However, despite its intentionally caddish nature, this conduct was neither extreme nor outrageous: Grammer should have expected that all the superficiality and meaningless interaction of social media would extend to any contract the subject of which is mutually affirming likes. Therefore, this Court holds that

3 I mean, he can, but given that Instascammer is a millennial and suffers/inflicts suffering in all ways one might imagine that to entail, such a statement would cause this Court to question B's character even aside from the allegations made in the Complaint.

Grammer's Insta-posts, regardless of content. While Grammer may choose to maintain the general character of the existing Instagram account which Grammer curates, Grammer is under no obligation to do so. Should Grammer feel compelled to make his fugly pet rock the star of his Instagram account, this Court wishes Scammer the best of luck in maintaining any social capital.⁴

4 Not really, we actually laugh in his face. Obvi.

5 Rip Verkerke, *Killer Hypo*, Fall 2K17

Faculty Quotes

G. Cooper: "There's an Apple store right by where I live in Sydney, and every time there's a new iPhone 29b or whatever, I have to watch these sycophants line up for their new bit of tech. It's kind of like Scientology"

G. Setear: "Look up the age of the people who play teenagers in Glee - IT'S FRIGHTENING... FRIGHTENING!"

J. Mahoney: "Don't do your readings on a full stomach."

A. Coughlin: "I think it's still legal to smoke cigarettes in your car. I haven't done that in a while. Ooh let's go do it!"

J. Harrison: "One must peer deep in the heart of Ted Turner to answer that question, and I don't think I want to."

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



J. VanderMeulen

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RECEPTIONS

continued from page 3

journey to law school, and others where a partner singled me out for a “mock” interview. Saying, “I’m from Kansas, and this is the best law school I could get into” will earn you nothing but a courtesy chuckle. Take the time to work out an elevator pitch. Write it out and practice it with Career Services if you have to. Once you’ve memorized the highlights, you can adapt it to virtually any situation. When the spotlight catches you, you’ll be ready to perform. But being interesting does not mean everyone else must be uninteresting. Don’t hog the attention. When your classmates are waiting to talk to an associate, don’t take the conversation where no one can follow. If you’ve been talking for more than a minute, hook in one of your classmates. They will appreciate it, and the attorneys will take notice.

Go on time.

Here’s a secret: attorneys are just as awkward at firm receptions as we are. Many of the ones that get sent to receptions are only a few years older than us and they’re no better at making small talk. Going right when the reception starts makes it a little easier on everyone. If you’re one of the first 1Ls to arrive, you get your pick of the attorneys while they’re fresh and eager to meet you. You don’t have to worry about sliding into a conversation circle or shout-

ing to be heard. You can even ask the recruiters to introduce you to people. You also have the benefit of talking to many attorneys at once. The typical pattern at these events is that individual attorneys spread out across the venue and each receive a cluster of 1Ls. If you show up early, the pattern is reversed. You get to hold court with a cluster of attorneys.

Follow through.

For better or worse, attorneys will remember you if you had a conversation with them. Though they may not remember your name, they’ll certainly remember what you talked about and whether they liked you. If you feel like you had a good conversation with a few attorneys, get your name in their inboxes. This requires you to remember their name (or get a business card), and email them the next day at the latest. It doesn’t have to be flashy or poetic. Your email should merely remind them of your conversation and thank them for taking the time to talk with you. Career Services can help you with the exact wording. If you do it right, you can email that person during the summer when you’re putting together your bid list, and they’ll be reminded of the pleasant conversation you once provided. This can translate into a good word with the hiring partner, or, in some cases, an early screener interview.

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BARRISTER’S

continued from page 1

One Last Barrister’s

Jenna Goldman '18
Editor Emeritus

The gilded ballroom of Boar’s Head Inn was a far cry from the damp Barrister’s of old. The only thing that was flooded this year was Instagram, with nostalgic posts by 3Ls lamenting their last Barrister’s Ball.

After three years of attending the event, and waiting in lines at the bar to break even with the drinking ticket price, it finally occurred to me to get to Barrister’s at 9:30 p.m., when the event actually started. The food was still fresh and I got three drinks before the lines became amorphous and unruly—that’s what I call fashionably on time.

Speaking of fashion, if 2012 was the year of Red,⁹ so was 2018. One can often anticipate the year’s popular choice by searching through RentTheRunway.com a few days before the ball to see which dresses are out of stock. The 1Ls chose darker, mid-length dresses, thinking Barrister’s was PILA round two.¹⁰ The 2Ls opted for fuller ball gowns, learning from their

9 Taylor Swift, Red, on Red (Big Machine 2012).

10 PILA: A less formal, even sloppier event than Barrister’s.

mistakes¹¹ of 1L year. Not to be outdone, the 3Ls went bold for their final dance, hence the emphasis on red and glitter. Even men partook in the color trend.¹²

At about 11:50 p.m. I ventured to say that the event went off without a hitch.¹³ However, 11:50 p.m. was also about the time I set out looking for a bus to Rapture along with roughly half of those in attendance. There was no bus provided from the law school to Boar’s Head, so I’d be damned if I did not get on a bus at some point during the

11 Being out-glammed by the upperclass women.

12 Were those red, plaid slacks a fashion statement or pajama pants? @Beau Daeu

13 Many might disagree, citing the massive lines at each of the seven bars. To them I say, “you snooze, you lose.”

night.¹⁴

Finally, at about 12:30 a.m., a bus arrived, and I rushed to pile on. In my desperation to GET. ON. A. BUS. I completely missed the announcement that this bus would only be going to the law school. I was sorry to miss Gunners ‘N’ Roses, but I’m sure I will see them in a few weeks when the weather improves and the Bilt patio becomes somewhat tolerable again.

Overall, Barrister’s 2018 was leaps and bounds better than the two previous in the quality of food, venue, and DJ music selection. Despite the great bus caper, I had a wonderful time and will miss this event and my law school classmates next year!

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14 \$65—I repeat—\$65.



Deposed Virginia Law Weekly despot Jenna Goldman '18 and her boyfriend Matt Eric Hall / Virginia Law Weekly

HOT BENCH



Jenny Lamberth '19

1. What are you most excited for during your second summer in NYC?

Everything!! Especially the stench of trash on the streets and thousand-degree subway. JK. I really am excited to be in a big city, try new restaurants, go to some museums/shows and just explore.

2. Where did you grow up?

Alexander City, AL. Very small, southern town—population: 14,000. I lived on Lake Martin, and my sister and I would go water skiing at 5:00 a.m. before going to school.

3. What’s the best meal you’ve ever had?

[Ed. Note: Jenny Lamberth eats pure sunshine making her the most pleasant person on Earth.]

4. What’s your favorite hobby to avoid the stress of law school?

ART. Anyone who follows

@art.by.jen knows that I paint and draw all of the time—even with the craziness of law school. I honestly have painted my entire life. Creativity keeps me sane, happy, and energized.

5. Where is your favorite place to vacation?

Anywhere with sunshine and water. The Caribbean, South of France, 30A in Florida, Charleston.

6. What’s something you wish you’d known about law school before coming to UVa Law?

Nothing—Ignorance is bliss. I would have been too scared to come to law school if I understood what was really going on.

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

I played the tuba in the middle school band. I asked for (and got) a pet gecko for Christmas when I was a kid and had no idea that lizards eat LIVE crickets. I have slept through a fire alarm twice.

Embarrassingly, they are all true. No lies. The live crickets really freaked me out.

8. What’s your least favorite sound?

People smacking gum or chomping on chips. Drives me crazy. Oh, and alarm clocks.

9. What’s the best gift you’ve ever received?

TRAVEL. My family and I take a trip over Christmas almost every year instead of doing presents.

10. Backstreet Boys or *NSYNC?

Justin Timberlake!! JT all day.

11. What is the best concert you have ever been to?

GNR!!!! But also RHCP, Alabama Shakes, Xavier Rudd, John Butler Trio, JJ Grey, & MoFro.

12. What’s your favorite thing to do in Charlottesville?

Climbing at Rocky Top, Farmer’s Market, hiking in the fall, drinks at Alley Light.

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

Class outside when it’s sunny.

14. What’s your spirit animal?

Golden Retriever puppy.

15. What’s your favorite food?

SALSA. I eat so much salsa. And seafood—I love fish, lobster, oysters, and sushi.

16. If you won the lottery, what would you do with it?

I’d buy a sailboat and try to complete a circumnavigation.

17. What are the 7 wonders of the law school?

Mandy’s secret to being happy all the time, undergrads in the library, Tom Watson’s hair, the fact that law students still don’t know how to count to seven.

Human Rights in Action: A Trip to Troubled Myanmar

On the neatly gridded streets of downtown Yangon stands an abandoned Itali-

Bonnie Cantwell '19
Guest Columnist



anate building. It is turquoise in color, but a careful eye will notice a pop of verdant green. That green, on further inspection, is a tree. The building’s foundation is surprisingly stable, despite the misplaced garden and weather-worn exterior. This building, with its bright coloring and steadfast foundation, attests both to the harshness of the twentieth century in Myanmar and the opportunities for growth in the twenty-first.

In the last century, Myanmar experienced British colonial rule, independence, occupation by Japanese forces during World War II, and the formation of a military government. Now, in the twenty-first century, the country is ruled by coinciding civil and military governments. The establishment of a legitimate civil government is no easy task. It requires the confidence of the citizenry, from both ethnic majorities and minorities. This confidence rests on the guarantee of essential liber-

ties, which in turn requires the institutional capacity to safeguard individual rights. At each turn, there is an opportunity for reflection and dialogue.

The students of the UVA Law Human Rights Study Project are learning from this ongoing process. We have each selected a discrete research topic, ranging from social entrepreneurship in Yangon to freedom of speech, land use, the peace process, and rule of law. During winter break 2018, we commenced field research to develop our academic pursuits in the context of Burmese culture. This semester, we will continue the project by preparing research papers on our respective topics. We now apply our academic tools, but our stay in Myanmar allowed us to appreciate the tangibility of our topics.

If you would like to learn more about Myanmar (Burma), explore these books and film:

- Finding George Orwell in Burma*, Emma Larkin
- The River of Lost Footsteps: A Personal History of Burma*, Thant Myint-U
- The Lady* (2011)

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EIC FAREWELL
continued from page 1

pronouns is a choice. We do not force authors to include them against their will; we merely extend to them the opportunity to include them—an opportunity a majority of our authors take enthusiastically.

Second, I feel that the paper should reflect the changing environment of the school. I look at old editions frequently and am aghast by announcements about “wives of law students” clubs, and the lack of women and people of color in the pictures and on the newspaper staff. But I am heartened to see how rapidly the *Law Weekly* has changed to reflect the increasingly diverse student bodies of recent years. The option to include one’s pronouns is a small step in the direction of increased inclusion that I believe the Law School is moving towards.

Third, though I am a cis-gender woman with a culturally feminine first name, I have received countless emails and letters to “Mr. Editor-in-Chief.” To be clear, the addition of pronouns was not meant to benefit me, but I have found that the addition of pronouns to articles I authored and to my email signature have reduced these awkward blunders.

Fourth, I have heard one phrase countless times: “But *The New York Times* doesn’t include pronouns of authors!” I am flattered that the *Law Weekly* is compared so often to such a prestigious publication. I hate to break it to you,

loyal readers, that we are not *The New York Times*. The *Law Weekly* is meant to be a keeper of history, a place of discussion, common community, and humor. We make mistakes but we try to respond and do our best for the UVa Law community. The inclusion of pronouns is a small showing of solidarity with our transgender and gender-queer colleagues in a community newspaper.

Being Editor-in-Chief of the *Law Weekly* was the highlight of my law school career, and I want to thank all the student guest columnists, the faculty who advised us, and to the incredible team of staff writers and editors who dedicated countless hours to supporting¹ the paper. Thank you especially to SBA President Steven Glendon, who allowed us to poke fun at him mercilessly (despite being fantastic at his job), and to my Executive Editor, Jansen VanderMeulen, who went above and beyond in his role and will do great things as Editor-in-Chief.

Finally, thank you to all of our readers. I am so grateful for the opportunity to be a small part of your law school experience. The past three years have been pure fun and I hope it showed.

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¹ Covering events, writing reviews, soliciting student and professor articles, planning professor interviews, workshoping jokes, and ruling on novel issues that come before the Court of Petty Appeals.

IMMIGRATION
continued from page 2

to describe the immigration situation we have now, where once immigrants are issued a green card, they can apply to bring members of their family over. This is a descriptive term. As one person is approved and arrived in the United States, successive applications create a “chain” of their family members who may immigrate to the country as well. Unfortunately, the Democrats have begun to say the term is racist. This began with Senator Dick Durbin, who claimed it reminds African-Americans of the chains slaves wore when they were brought from Africa to the

United States.⁷ This is an absurd argument given that chain migration has no relation to slavery or physical chains at all, nor is the term in anyway racially motivated. We are currently in the middle of an attempted shift from “chain migration” to “chained migration.” This shift is an attempt to further call back to the slave trade and paint the term as one of racial animus. This is an insidious attempt to try and reframe the debate from terms that have been used for decades to terms friendlier to the policy proposals of the left. As discussed before, this term in no way references race or ethnicity in any way. It is a descriptive term that has been used

for over seventy years. As we move forward through this series, there are three points to remember: (1) The attempted change from “illegal immigrant” to “undocumented immigrant” is subtle and designed to favor a solution before the discussion occurs; (2) DREAMers are a special subgroup of illegal immigrants who are not entirely what the left is portraying them to be; and (3) the term “chain migration” is not a racist term, no matter how much Democrats want it to be, nor is it the insidious “chained migration.” It is merely a description of how the immigration provision works.

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⁷ *Id.*

Cartoon By Carly



THE DOCKET

TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY – February 21, 2018				
11:30 AM	If/When/How Movie and Feminist Legal Forum Movie Night	WB 278	Free	Yes.
5:15-7:15	Boston Day at UVa	WB 278	Free	Clam chowder and violence.
6:00 PM	Go, Dog. Go!	Paramount Theater	\$10-\$42	No.
THURSDAY – February 22, 2018				
11:30 AM	When Suing the Government Isn't the Answer	WB 101	Free	Mr. Bojangles
4:00 PM	Book Panel on Professor Brandon Garrett's "End of Its Rope"	Caplin Pavilion	Free	Reception to follow after event
FRIDAY – February 23, 2018				
8:00 PM	Improv Comedy Night	The Bridge Progressive Arts Initiative	Free	Improv so fresh and organic that it grows in front of your eyes.
SATURDAY – February 24, 2018				
9:00 AM – 1:00 PM	Winter Farmer's Market	IX Art Park	Free	Available for purchase
7:30 PM	South Pacific Presented by Charlottesville High School	MLK Jr. Performing Arts Center	\$5-10	BYOB
9:00 PM	The Big Lebowski	Paramount Theater	\$7	No.
SUNDAY – February 25, 2018				
2:00 PM	Young Frankenstein	St. Anne's Belfield School	\$10	Libel take notes.
MONDAY – February 26, 2018				
1:00 PM	CARE Guest Speaker Lunch: David Sciarra	WB 127	Free	Sticks
TUESDAY – February 27, 2018				
1:00 PM	Women at the Top: Commonalities Among Successful Women Lawyers	Purcell	Free	Yes, lunch will be provided
Wednesday – February 28, 2018				
11:30 AM	Judge Amul Thapar on Judicial Virtue	Purcell	Free	Yes
12:00 PM	VJIL Lunch Talk: Professor Verdier	WB 126	Free	Yes
12:30 PM	Starting a Law Firm Round Table	WB 121	Free	Yes
6:00 PM	Free Knit Night	Gordonsville Library	Free	No.

SUDOKU

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Solution

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8	9	4	1	3	5	2	6	7
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