



VIRGINIA LAW WEEKLY

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

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Hunter - Gatherers and the Nature of Property

Andrew Allard '25
Executive Editor

Christina Martin says that a Supreme Court opinion from last term shows that the justices are interpreting property rights through the lens of natural law. Martin suggested the court's opinion in *Tyler v. Hennepin County*¹ recognized a property interest so obvious that it could not be resisted. "It pretty much doesn't matter what history was, what state law is. The mind rebels at it. We all reject this."

Martin, a senior attorney at the Pacific Legal Foundation, recently made her debut oral argument before the Supreme Court, winning a unanimous opinion for the petitioner. Martin recapped the case and interpreted the court's opinion at an event hosted by the Federalist Society at UVA Law last Wednesday.

The facts of the case made for an unsurprising unanimous decision. Martin's client, Geraldine Tyler, is a 94-year-old condo-owner in Hennepin County, Minnesota. Ms. Tyler had accumulated \$15,000 in unpaid property taxes, and the County seized and sold Ms. Tyler's condo for \$40,000. But rather than returning the \$25,000 excess to Ms. Tyler, the County kept all of the proceeds for itself. This practice, which Martin and others have called "home equity theft," was decisively rebuked by the Court.

The question posed by the case is deceptively simple: Was the County's taking of the surplus \$25,000 unconstitutional? But underlying that question is a much more complex one: Where does property come from? Is it a bundle of rights protected by state law? Or does property have

¹ 598 U.S. 631, 143 S. Ct. 1369 (2023).

HalloQueen Highlights



around north grounds



Thumbs up to the law student incorporating the *Virginia Law Weekly* into their Halloween costume. ANG loves blatant pandering to the school newspaper.



Thumbs down to Christmas displays going up in stores before Halloween has even finished. ANG loves frivolous spending but maintains there's a proper time and place for everything.



Thumbs sideways to the CVS on Emmet. ANG has never had a normal experience there, not once, which is sometimes a good thing, and sometimes really, really not.



Thumbs up to the Egyptian Senate. ANG admires senators who unashamedly accept money from the Egyptian government on a regular basis.



Thumbs down to the end of Daylight Savings Time. ANG is certain that walking into class after dark is a violation of the prohibition against cruel and unusual punishment.



Thumbs sideways to Celestial Seasonings' Tea. ANG exclusively drinks the bitterest coffee, but ANG LOVES cults. Talk about a Hobson's choice



Thumbs up to the Arizona Diamondbacks. The Rangers, much like Dallas itself, are a confusingly bland and uninspired bunch. Plus, ANG likes snakes.



Thumbs down to cite-check passes appearing for sale in the PILA auctions. ANG believes this to be the modern equivalent of draft dodging by the rich during Vietnam.



Paw sideways to the full moon on Halloween. ANG turned into a werewolf and has no thumbs now. This sucks. Don't ask how ANG typed this.

Five Takeaways from 1L So Far

Brooke Boyer '26
Staff Editor



It's strange to think that just a little over two months ago, I had not even set foot inside a law school class, briefed a case, or heard of "outlining." Fast forward two months, however, I've read and briefed tons of cases, attended networking events, and started to contemplate summer internships. Final exams are quickly approaching, and the outlining process has begun. As we pass the mid-semester mark, I've had the time to reflect on some of the key things I have learned as a 1L here at UVA Law.

1. Law school is hard!

This one may seem a bit obvious, but law school is *hard*. I learned very quickly that I may have initially underestimated how challenging law school really is. On top of reading hundreds of cases and taking notes, we juggle our involvement in student organizations, the search for summer jobs, our social lives, and the tasks of everyday life. Sometimes twenty-four hours in

a day just doesn't seem like enough time to get everything done. Even though it can feel a bit overwhelming and difficult to keep up, the busy nature of 1L year has motivated me to develop a more consistent routine and find balance amid the chaos. Specifically, I've learned how important it is to prioritize taking time for myself, even if it's as simple as going to bed early or getting a matcha latte at Starbucks.

2. Cold calls aren't ***THAT*** scary

Long before even deciding that I wanted to go to law school, I distinctly remember watching the first episode of *How to Get Away with Murder* and feeling Wesley's fear as Professor Keating intimidatingly pressed him on the meaning of "mens rea." As Wesley desperately searched his criminal law casebook for the answer, Professor Keating chastised him for his lack of preparedness, and his peers laughed at him. That scene was what I envisioned law school to be like until I actually became a law student.

After being cold called

several times and seeing others get cold called, though, I learned that the televised portrayals of what law school is like are far from accurate. In reality, no one really cares if you bomb a cold call or volunteer the wrong answer in class. No one will laugh at you and the professor will probably just move on to the next student. Even though I have undeniably felt embarrassed in the moment after not giving the greatest answer on a cold call, I've learned that others will forget about the incident in minutes, and I eventually will as well.

3. You WILL start thinking like a lawyer—inside and (weirdly) outside of the classroom

When talking to those in the legal profession, I have been told time and time again that law school classes are meant to make students "think like lawyers." Little did I know that this new way of thinking would not only happen in class, but extend far outside of the classroom as well. I find myself unironically making law-related jokes while out at Bar Review, thinking bitterly

about the times I potentially could have sued, and hesitating to immediately click the box accepting the terms and conditions on a website. While the neurological side effects of law school are certainly strange, I take it as a good sign that I'm learning a lot and processing that information.

4. Having a solid support system makes all the difference

To reiterate the point stated in Takeaway #1, law school is **HARD**. As a result of these challenges, I've learned how important it is to maintain the important relationships in my life and have a solid support system of family, friends, and classmates to rely on. Whether its asking classmates in my section for help when I feel confused after a lecture (shout-out Section E), FaceTiming my parents to talk about completely non-law-related topics, or chatting with my roommate about our days, having people to count on and talk to when things get stressful has made navigating law school a lot less scary and lonely.

5. Law school is fun!

Even though law school is hard (see Takeaway #1), I've also learned that it's a lot of fun—especially at UVA. Although there is a lot of work to be done each week, it is an amazing opportunity to be surrounded by so many driven individuals, learn from exceptional professors each day, and be a part of student organizations I am passionate about. There are also so many fun events both on campus and around Charlottesville. Whether it's going to Carter Mountain for the Thursday Sunset Series, cheering for my sectionmates at softball games, hanging out in Spies between classes, or dressing up for Halloween, there is little time left over to be bored.



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PROPERTY

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an "irreducible core" which states are bound to respect? And as Justice Roberts asked at oral argument, "[I]f there is an irreducible core to the property, where does that come from?"

Recalling the oral argument, Martin explained: "Without saying it, I was essentially trying to say that it comes from natural law. The Declaration of Independence says that we all have certain *unalienable* rights, and this I believe is one of them . . . Property is something—it existed before government. Government exists in part to protect it."

As defined in *Black's Law Dictionary*, natural law is "a philosophical system of legal and moral principles purportedly deriving from a universalized conception of human nature or divine justice rather than from legislative or judicial action." As Martin notes, natural law had a significant influence on the American founding. And its history goes much further—to the roots of Western civilization.

But if the justices had anything to say about natural law, like Martin, they did not say so overtly. Nor did the justices opine on human



Pictured: Christina Martin arguing for Geraldine Tyler (William Hennessy)
Photo Credit: SCOTUSblog

nature. Instead, writing for the court, Chief Justice Roberts offered a more familiar answer: history and tradition. Relying on sources from the Magna Carta to 18th century state laws, the court found broad consensus that "government could not take more property than it was owed."²

The problem with a natural law gloss on the court's opinion does not stop at the text of the opinion itself. Anglo-American property law traditions, as it turns out, are not a universal aspect of human society. On the contrary, some hunter-gatherer societies think of property in a way that is entirely unfamiliar. And given that foraging is "the original condi-

² *Id.* at 641.

tion of humankind and 90 percent of human history,"³ it is arguably a much better reflection of human nature than modern American society.

Anthropologists have observed a custom of reciprocity in some hunter-gatherer societies called "demand sharing."⁴ One such anthropologist, James Suzman, lived with and studied the Ju/'hoansi people in Namibia for more than two

³ Richard B. Lee & Richard Daly, *The Cambridge Encyclopedia of Hunters and Gatherers* 3 (1999).

⁴ See e.g., Nicolas Peterson, *Demand Sharing: Reciprocity and the Pressure for Generosity Among Foragers*, 95 *Am. Anthropologist* 860 (1993).

decades.⁵ In an article for the anthropology magazine *Sapiens*, Suzman describes how foreign the practice seems to a Western observer. "Where we usually consider it rude for others to ask unashamedly for something that we own or to just expect to receive it, the Ju/'hoansi considered this normal. More so, as far as they were concerned, denying someone's request ran the risk of being sanctioned for selfishness."⁶

⁵ James Suzman—About, <https://www.fromthebush.com/about> (last visited Oct. 29, 2023).

⁶ James Suzman, *Why Envy Might Be Good for Us*, *Sapiens* (June 21, 2018), <https://www.sapiens.org/culture/hunter-gatherer-inequality-namibia/>.

Despite what this practice might suggest, the Ju/'hoansi still recognize private ownership. But the rights of the owner are much more limited. "The net result of this was that, while private property was respected—after all, if there is no private property, how could you enjoy giving or receiving a gift?—material inequalities were quickly ironed out."⁷

Of course, one group's cultural practices cannot inform an entire theory of human nature, nor should it be the basis of American property law. The fact that hunter-gatherers' lifestyles are arguably more "natural" does not mean that every American must practice demand sharing. Rather, these radically different customs are a reminder that observations about human nature are just that—observations.

If there comes a day when we can discern universal behavior from those observations, perhaps we will have a basis for a natural law of property. But for now, human societies remain stubbornly diverse and unsusceptible to such broad generalizations.

⁷ *Id.*

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Statement from Virginia State Senator Deeds

Editor's Note: Thank you to Senator Deeds for contributing this article. The Senator's statement does not reflect the views of the Virginia Law Weekly or any of its editors. All members of the community are welcome to submit articles to the Law Weekly. People interested in having their articles considered for publication should email editor@lawweekly.org.

The Commonwealth is one of just a few states that has an election every year. The election on Tuesday, November 7, will decide control of the state legislature and determine whether Governor Glenn Youngkin will have the majorities he wants to enact the same regressive legislation we've seen rammed through in other states, like Florida.

Even though Youngkin narrowly won election in 2021 and won a GOP-majority in the state house, Democrats still retained a majority in the Virginia State Senate. The Virginia Senate Democratic Caucus has served as a brick wall against radical GOP legislative priorities. But, with the entire cham-

ber up for election this year in newly drawn districts, we have no guarantee of keeping that majority.

Everything we care about is on the line in this election—abortion access, gun violence prevention, LGBTQ+ rights, environmental protections, criminal justice reform, affordable housing, and more.

Republicans promise that they will pass an abortion ban. Youngkin has stated that he will sign into law any abortion ban that reaches his desk. He and the state GOP are running on a fifteen-week ban.

Republicans promise to crackdown on LGBTQ+ rights, including outing queer and trans youth to their parents and banning books showing loving, gay relationships. Virginia is supposed to be for lovers. I cannot believe that we still must fight in 2023 to say these simple truths: Love is love, and people are who they are.

Republicans intend to block marijuana legalization in the Commonwealth and other important criminal justice reforms passed under the previous Demo-

cratic administration. They want to roll back important regulatory changes that keep coal ash and hazardous chemicals out of our water supply.

They will stick their heads in the sand instead of confronting the urgent threat that is climate change. Youngkin has already pulled Virginia out of the Regional Greenhouse Gas Initiative, and he will do even more if empowered by a Republican legislature. And they'll continue to ignore the need for common sense gun violence prevention measures, including restricting weapons on college campuses, requiring safe storage of firearms, and banning assault weapons.

All the progress we've worked so hard to achieve could be gone in just one election cycle. And, if Democrats hold the Senate and retake the House of Delegates, we can send bills to the Governor's desk and force him to take a position. We can also get to work on enshrining abortion rights into the Constitution, repealing the same-sex marriage ban, and providing for the automatic restoration of voting rights

for felons.

We're in year four of Virginia's four-year election cycle. In the first three years the President, the Governor, or Congressional seats are at the top of the ticket and drive turnout. In this fourth year, the General Assembly races are at the top of the ticket. In a low turnout environment, every vote counts, and even races in safer districts could flip because voters don't come to the polls.

The recent headlines coming out of the Youngkin administration, where state officials have purged 3,400 lawful voters from the rolls, make one thing clear: Republicans only want *certain* people to vote this election. I urge you to make your voice heard no matter how much they might try to restrict it.

In 2021, just 27 percent of registered voters age eighteen to twenty-nine cast a ballot in the election, and, this year, that number could be even lower. With lower than 43 percent turnout expected in our area, a high youth vote could make all the difference. This is why it's critical that you exercise your right to vote and send

a message that Virginia rejects MAGA extremism this November 7.

Because of voting rights reforms passed by Virginia Democrats, Virginia has gone from one of the worst voting rights states in the country to one of the best. You can vote early in-person at the city or county registrar's office through Saturday, November 4. If you requested a mail ballot, you can drop it off at your election day voting precinct, the registrar's office, or put it in the mail by Election Day.

I hope UVA Law students who live in Charlottesville and Albemarle will cast their votes for our shared vision for our community. I hope you will vote for me and my fellow Democrats Katrina Callsen (54th District) and Amy Laufer (55th District), who are running to serve in the Virginia House of Delegates.

You can find out more about all of our incredible Democratic candidates—including UVA Law student Mike Pruitt, who is running for the Board of Supervisors in the Scottsville

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Law Weekly's Spring Course Suggestions

Ethan Brown '25
Features Editor



It's the loveliest time of year at UVA Law: course selection.

Each fall, about eight weeks from finals, we get to forget about the classes we're *actually* enrolled in and instead focus our energies on deciding what classes will consume our lives in the spring. I always find this to be welcome news, because searching for and adding classes to my LCS list feels productive but requires no brainpower, unlike the thirty-five page paper I'm procrastinating.

But despite being very excited by many of the classes that our faculty are offering next semester, I have a few suggestions for classes I'd like to see added to the Course List, too. I've already done Dean Dugas '01 and faculty members the courtesy of writing the course descriptions, so really, I see no excuse for these not being promptly added to my LCS log.

Uncivil Procedure

You've taken 1L Civil Procedure, but now, learn how to navigate the federal

court system like a complete and utter jerk. Welcome to *Uncivil Procedure*. In this three-credit class, you'll learn how to get under the skin of opposing counsel by everything from cleverly skirting around their discovery requests to the point of infuriation, to belittling them based on the law school they went to. Enrollment is limited to the most annoying gunners from your 1L section. If none come to mind, then surprise! You're *that* gunner. *Uncivil Procedure* has automatically been added to your schedule accordingly.

Vampire Law (SC)

Inspired by the hit TV show *What We Do In The Shadows*, a mockumentary profiling the lives of three vampires in suburban Staten Island, this one-credit short course delves into the intricacies of vampire law. Topics include: jurisdictional authority of the Vampiric Council; legal and ethical considerations regarding the slaughter of innocents for their blood; intestate succession of the undead; and tort reform to provide a cause of action for dignitary

torts involving a familiar's request to be "turned" by a vampire other than his master.¹

The class runs during the coldest week of January from Monday, January 22 to Saturday, January 27,² from the stroke of midnight until the first sign of dawn. Professor's identity unknown.³

Law and Attachment Styles Colloquium⁴

A lot of law students are in therapy. Who knew that putting a bunch of insecure, competitive, Type-A people who've based their entire worth on external validation for two decades might cause some heartache. But don't

¹ Fans of the show who actually understand these references should listen to my boyfriend's *WWDITS* show rewatch podcast, *Brain Scrambles*, available on Spotify. I promised him a promo.

² Vampire Law does not meet on Sundays, because duh.

³ Because vampires are not a protected class under Title VII, they may not be protected from employment discrimination on the basis of their vampirism.

⁴ Not endorsed by CAPS.

worry; your maladaptive ways of coping with trauma and stress fit in neatly with the practice of law, which sustains itself on the constant neurosis of its practitioners!

In this four-credit class that gets curved to a B at the end of the semester—no floating curve for this bad boy!—students with Anxious, Avoidant, and Disorganized attachment styles will learn how being a lawyer will embolden their most toxic traits.

For example, anxious students will be able to engage in simulations where their strong fear of authority-figure abandonment causes them to overcommit to projects in their first six months of Big Law.

Avoidant students will get a glimpse at how they'll shut out loved ones—and fall into a chasm of loneliness—as they navigate representing their first criminal defendant in court.

Academic Credit for Journals

LOL, what an unbelievable thought, even to this satire writer.

Constitutional Law XXX

We've all taken (or will soon take) Constitutional Law, and many UVA Law students have also taken a second sequence of the course aptly entitled "Constitutional Law II." Those classes have historically tackled important topics like religious liberty, freedom of speech and the press, and poverty. But now try Constitutional Law XXX: Obscenity (which imports the Law School's jovial Roman numeral tradition for these courses as a clever nod to its content.) Imagine how sick this one's going to look on your transcript.

Passive-Aggressive Litigation Clinic

This yearlong clinic offers students a masterclass in passive-aggressive lawyering. Participants will learn how to apply their legal research, writing, and oral advocacy skills to future situations in their career where open negativity is discouraged, such as in the workplace or the courtroom. Students can expect to learn

COURSES page 5

LAW WEEKLY FEATURE: Court of Petty Appeals

The Court of Petty Appeals is the highest appellate jurisdiction court at UVA Law. The Court has the power to review any and all decisions, conflicts, and disputes that arise involving, either directly, indirectly, or tangentially, the Law School or its students. The Court comprises eight associate justices and one Chief Justice. Opinions shall be released periodically and only in the official court reporter: the Virginia Law Weekly.

Please email a brief summary of any and all conflicts to editor@lawweekly.org

Two of the Final Three 1L Assassins (the Girlies)

v.

Justice Eternal, Court of Assassins, League of Shadows, Ra's Al Ghul, Assassin 3
76 U.Va 8 (2023)

DEMITRY, J., delivers the opinion of the court. SANDU, J. concurs in the judgment.

Demitry, J. delivering the opinion of the court.

I. Factual Background

We hear this case on appeal after the bloody events of October 23, 2023, in the final round of 1L Assassins. At issue are the results of Assassins (which have still not been made clear to this Court). Plaintiff-appellants ("the Girlies") appeal the decision of summary judgment for defendant, wherein defendant was declared the 1L victor¹ of Assassins '23 ("Assassin 3"). Plaintiff-appellants contend on appeal that the Court's declaration of victory for the defendant was based on insufficient evidence. Furthermore, plaintiff-appellants also object to the failure of the defendants to release relevant video evidence of the final moments of Assassins '23, which

¹ I actually have no real idea who won, technically. Did I stab Sami at the same time a sock was thrown at my face with such zeal that I finally have a valid reason to treat myself to Botox/reparative plastic surgery? Or did he get me first? All I did was email Justice Eternal that I was probably dead, but that it was chaos. War is hell.

would have been properly requested by plaintiffs during the process of discovery had the plaintiff(s) not been Just a Girl.² Appellants now ask us to vacate judgment for defendants and remand for further proceedings, including sufficient discovery of any and all electronic recordings and videotapes taken by friends of Assassin 3, as the defendants surely possess evidence of what

Assassins denied plaintiff's motion and granted defendant's motion for summary judgment, declaring them the 1L winner. We believe that the Court of Assassins erred in so quickly granting summary judgment to defendant, and we therefore vacate this decision.

Appellants contend in their appeal that the video evidence, currently in possession of defendants, is

barrage of said socks. If this were true, this would necessarily disqualify Assassin 3 from winning at Assassins, as his alleged assault on Mr. Ross predated his merciless sock execution of Plaintiff's left eye.

The court's decision to grant summary judgment for defendant was made before any discovery could be conducted by either parties. We therefore vacate the de-

Court of Petty Appeals rejects the sweeping language of "Gunner-esque disputes" and wishes to remind the Justice Eternal that Petty Disputes hold prima facie precedence over Gunner-esque disputes, as to be Gunner-esque is to be petty by definition.³

Some might argue that this Court's findings are necessarily tainted by the fact that this Esteemed Member of the Court is also one of the alleged "losers" of assassins and should subsequently recuse myself herself from the proceedings. The Court does not find that argument salient, because the Court said so.⁴

III. Analysis

The Court feels the need to recognize the underlying public policy concerns of this case in answer-

³ Basically the "all tequilas are mezcal, but not all mezcals are tequila" rule.

⁴ Plus, I'm writing this when I truly should be working on my major memo draft, and instead I'm balls deep in reviewing my civ pro notes because I'm an idiot, so who's the real loser, huh!? Me, still.

COPA page 5

"Basically the 'all tequilas are mezcal, but not all mezcals are tequila' rule."

transpired that fateful afternoon. Appellants argue that the video footage is discoverable and relevant to the case before us.

Immediately following the events from which this suit arose (known colloquially as "the 1L final showdown"), defendants moved for summary judgment, asking the Court of Assassins to declare defendant the winner of 1L Assassins. Plaintiffs in their response to defendant's motion argued that no reasonable jury could find in favor of defendants, given that no discovery had yet been permitted and there was therefore no evidence upon which this case could be decided. Plaintiffs simultaneously moved to compel discovery of the video footage of the contested events. The Court of

² Evidenced by the fact that I am literally just a girl.

relevant and discoverable. In their appeal, Appellants contend the following:

"This video footage will show that a) Defendant Assassin 3 struck innocent bystander Thomas Ross, with a balled up sock that was intended for his true target(s), and b) one of the Plaintiffs stabbed Assassin 3 with a spoon at the precise moment that he fuckin [sic] YEETED a GIANT BALLED UP PAIR OF SOCKS AT HER LEFT EYEBALL AT POINT BLANK RANGE AS HARD AS HE COULD. YES, IN THE FACE."

Appellants have included signed witness affidavits in their appeal, including one by Ashanti Jones '26, stating that she clearly saw the Defendant strike Mr. Ross '26 with the socks as he tried to body-block his colleague from the furious

decision of the Court of Assassins and remand for further proceedings consistent with this opinion.

II. Issues Presented

In the opening documents sent to the Virginia Law student body, the Justice Eternal noted that: "Gunner-esque disputes may result in both parties being 'killed.'" However, as all parties involved in Assassins have been killed (to some extent), the Court does not find that this rule applies. Furthermore, the

Faculty Quotes

F. Schauer: "The burden of proof, much like a number of diseases, is something you want the other guy to have."

J. Johnston: "You guys look down. Rejuvenate!"
flourishes hand

J. Duffy: "You have the right to bring your own counsel: BYOC. Not BYOB, though you could do that too. That's 'bring your own beer' for those of you who did not go to college."

J. Jeffries: "West Virginia said you have to close all these nursing homes because they have people who are...old! Who knew?"

M. Schwartzmann: "This is a pretty nifty argument. It's offensive, but pretty nifty."

E. Yale: "It's like crack: You just have to keep doing it."

B. Sachs: "It's the blind leading the blind, I guess. Good luck on the MPRE!"

B. Sachs: "I don't know what 'purple dinosaur Satan' means, but I'm sure it has meaning."


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

C. Nicoletti: "It's actually quite difficult to prove that women are disloyal."

Counsel's Counsel

The world's preeminent advice column for law students.





Virginia Law Weekly

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

COPA

continued from page 4 ing the issue presented as well as the need to contend with the facts of law. It is true that one of the Girlies, Caroline Stice '26, had a *fractured neck* and was in a *literal neck brace* at the time of her assassination.⁵ Does the spirit of collegiality have a place in a game like Assassins?⁶ Should we be throwing socks at such velocity at individuals with broken necks? Should there be an increase in legislation surrounding the firing of socks in such high numbers, such as restrictions on what basically constitute sock bump stocks? Should I not be alluding to the very real issue of gun control in America in my stupid treatise on assassins? Maybe. I don't know. I'm tired. This is not rhetoric. Someone edit me.

The Court urges caution, however, on finding for a different victor in Assassins. Even if examination of evidence in a new

⁵ See Exhibit 1, condition of Plaintiff.

⁶ See Exhibit 2, correspondence between Marissa Varnado and Plaintiff Nicky Demitry about Plaintiff Caroline Stice.

trial yields a new result, the Court notes that both Plaintiffs have failed to state an ultimate claim upon which relief can be granted, nor do they seem particularly invested in doing so in the future. The winner of the 1L Assassins' game must go on to do battle against the 2Ls and 3Ls, and the Court urges the Plaintiffs to consider who best would represent their class in an Assassins' Battle Royale showdown—is it the person who brought, like, 20 pairs of socks to school with them to throw at two girlies as they were bottle-necked in their Crim class, with no escape, one of whom had a broken neck? Or, do we want to throw our allegiance behind the other two of the final three—one of whom has the aforementioned fractured neck, and the other of whom is writing to complain about the results of Assassins, hopefully embodying Big Karen Energy, and who also became Very Anxious⁷ upon learning she was in the final three of assassins and took that fact as tacit proof that now everyone knows she's violently antisocial.

⁷ See Exhibit 3, correspondence indicating Plaintiff's maladjusted childhood anxiety dreams.

III. Conclusion

The Court vacates the default judgment of the lower court and remands for further proceedings. The Court also respectfully requests that Justice Eternal officially declare a winner, and that said winner be Sami, so the 1Ls do actually have a chance at winning something, instead of losing, the way 1Ls always do. *See Liberals Who Are Bad At Using Canva v. The Federalist Society at UVA Law* 76 U.Va 4 (2023) (citing *2Ls v. 1Ls*, 74 U.Va 2 (2021) (Tonseth, C.J., dissenting) (“[T]he implication that 1Ls always lose continues to be the bedrock of this esteemed Court.”)). So ordered.

Sandu, J., concurring in the judgment.

I do not know what business the Court of Petty Appeals has in hearing cases from the Court of Assassins, as parties have failed to first exhaust available remedies through the Assassins court system, including the Court of Assassins Appeals. This jurisdictional issue goes to the fundamental nature of our Court and cannot be waived by the parties. It would be an unconstitutional infringement upon the

authority of a parallel court system to permit this suit to continue. Nevertheless, ignoring jurisdictional concerns in order to ensure that 1Ls lose, and even bringing suit about a game that only 1Ls care about in the first place are such petty actions that I cannot help but view that in this scenario, the Court's jurisdiction is proper, if only on an *ad hoc* basis.

We must find for movants consistent with Federal Rule of Civil Procedure 56(a), which states in part that: “The court shall grant summary judgment if the movant shows that there is *no genuine dispute* as to any *material fact* and the movant is entitled to judgment as a matter of law.” (emphasis added). Because this is a situation in which there is a genuine dispute as to material fact, summary judgment was improper.

Therefore, while this Court should never have heard the case in the first place, the resulting outcome is proper based on the facts of the case.

Counsel's Counsel

Counsel's Counsel is the world's preeminent advice column for law students. Written by recent UVA Law graduate, Jane Doe, J.D.

Dear Jane: I am a 1L seeking advice on the month of November. As I write this letter, it is nearly Halloween, the spookiest time of the year. And I am sufficiently spooked (but mostly naïve).

First, I have been hearing buzz about the PILA Auction. What even is that? Should I be going? Should someone in my position be allowing themselves to have any joy whatsoever? Will I find it at the PILA Auction? Please advise.

Second, and I hate to be the 1L who asks about outlining, but outlining. Should I be doing it now? How much should I be doing it? Should I be doing it with a group of friends? Should I be doing it in view of everybody else in my class so they know I'm working harder than they are? Why do some of my classmates insist on making a performance out

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HOT BENCH



Kevin Kissinger '26

Interviewed by Noah Coco '26

We'll start with where are you from, what were you doing before coming to Charlottesville, all of the typical stuff?

I am from Spokane, Washington, and I lived in Washington all my life. Coming to Charlottesville is the first time I've ever been east of the Mississippi River for more than a few days. I went to Washington State for undergrad and studied political science and French, and before law school I worked as a court clerk at a trial court in Spokane. I handled evidence and worked directly with a judge. It was interesting to get a look at what they did in chambers and to see how the court worked.

It seems like half of the UVA Law class plans on clerking after graduation, but you already got a

chance to do some of that work. Can you tell me a little more about that experience?

The work I did was a little different from a clerkship you'd get after law school. My main job was handling evidence at trials. I was responsible for physically handling anything from drugs, money, pictures, and weapons during trials and bringing them to the jury any time the attorneys requested it.

Can you tell me about the wildest evidence story you have?

It is generally a little spooky to handle weapons that were used to commit crimes, but the craziest thing that I handled was actually a vehicle. We obviously could not bring it inside the courtroom, but I stayed with it outside the courtroom and made sure it was prepared for the jury to view. What was crazy is that it was left in the exact same condition as three years earlier to the point where it still had uniquely preserved McDonalds food inside. It was pretty weird seeing a three-year old McChicken Sandwich with a bite taken out.

So when is the last time you've had McDonald's?

I don't think I've had McDonald's since!

Let's move on to your time here at UVA. What is your favorite case that you've studied?

There was one Contracts case about a dance studio where the studio kept encouraging an old woman to buy

dance lessons and promising she would become a great dancer. The judge seemed to have a fun time writing the opinion. This may just be my high school English literary analysis coming out, but I love how the judge seemed to use language to make it feel like you were dancing through the literary form of the opinion.

I think that one was just a note case in our class. Anyway, you seem to have a lot of legal experience already. Has that informed your decision to come to law school?

Absolutely, my goal coming to UVA is to clerk after graduation. I first got experience working in the student judicial body in undergrad, and this paired with my experience as a court clerk after undergrad has made me realize that I want to eventually become a judge. I love writing, researching, and analyzing complex issues, and it seems like a fun job where I can use the skills that I love to use so much.

Interesting, so you want to become a judge. Do you feel like you make good decisions?

I tend to overthink things. If there are two equally good or bad options it may take me a while to come to a final decision. Although, as a disclaimer, I have never been arrested, and I've never been in legal trouble, so I think I tend to make good decisions.

If you were not in law school, what would you be

doing?

My fantasy job would be a professional musician. I played clarinet and saxophone through college. I have not played a lot recently, but music is still an outlet that I use to express myself in a way that I enjoy doing. I would love to make music professionally for movies or for video games to bring people together for an otherworldly experience.

Okay, now it's time for our lightning round! Favorite juice?

Apple.

And yet there is a strawberry smoothie sitting on the table between us?

Yeah, I am a big fruit guy.

Fair enough. Favorite dessert?

For a Halloween theme, I will go with candy corn. Coach Mike Leach once had a rant about candy corn, and I was very offended by it. He stepped over the line with that one.

I think we've all been disappointed once or twice by a Mike Leach rant, but candy corn? Really?

I didn't want to say apple pie because I did just say I like apple juice, but that is probably actually my favorite dessert.

Favorite living centenarian?

Sister Jean from Loyola Chicago. I hope to be as dedicated to something like college basketball at 104!

Okay, that's a very wholesome answer, maybe not quite what I was expecting. What about your

favorite Cabinet-level executive branch position?

Secretary of Transportation. I think there is a lot of opportunity to improve the public transportation system.

Another very good answer, but not the direction I thought you would go. How about this, what famous historical figure does your grandfather remind you of?

Are you talking about Henry Kissinger? I shouldn't be surprised.

Yes! I'm sorry. But... are you?

I will give you the response I always give when people ask me that: “No, thank goodness.” Besides, both of my grandfathers were much cooler than Henry was. Sorry, I realize I may have just disappointed half of your readership with that answer.

You may have disappointed half of our readership, but you probably relieved the other half. Let's finish this up with: If you could live in one movie universe, what would it be?

I am a hardcore Harry Potter fan and would die happy if that world was real. I would also love to live in a universe equivalent to National Treasure. My family grew up around history, and going on an adventure to discover history lost to time would be incredible.

COUNSEL

continued from page 5 of how hard they work and a competition out of who is the most stressed? Please advise.

Finally, if I stay in Charlottesville for Thanksgiving instead of going home, will my family still love me? By car, I live about eight hours from Charlottesville. Considering we do not get the whole week of Thanksgiving off, I'm thinking I might hunker down in Pav and be productive. Is that a bad idea? Am I a bad person for choosing exam prep over my loved ones? Will they understand? Will I be removed from the will? Please advise. - Treading Water.

P.S. Do I need to be applying to jobs for next summer yet? Is "Splitsgiving" a real thing? Is my significant other going to break up with me because I'm prioritizing Torts over them?

Treading Water: First things first, please take a deep breath. Only a frantic, Type-A 1L is capable of the barrage of questions you've just thrown at me. Luckily for you, I have all of the answers to get you through the next month in one piece.

You should absolutely go

to the PILA Auction. The live auction is a great way to show off how rich you are to your section mates. Nothing screams "my dad is a big law partner in New York" like bidding over \$500 on a basketball game against Professors Schwartzman and Schragger. The silent auction is also a fun study break. This year, it is being held at the new Forum Hotel, so you can easily leave early and go to the library to grind for a few more hours in cocktail attire. Here's the bottom line—having a reputation of hating public interest law this early in the year isn't a great look.

If you are worried about outlining, you're in luck! Student Affairs is hosting the first Torte Club this week. Grab a pastry and listen to your very distinguished Civil Procedure professor and two 3Ls on VLR talk about their methods for studying for finals. You'll hear from said professor that all you need to do is carefully read each case four times before the exam, and then you too can clerk for Justice Thomas. The VLR 3Ls will probably tell you to drop out now if you haven't started outlining yet.

The only place you should be outlining is in

the Gunner Pit. If you aren't perceived as a gunner, you won't be successful in law school. Being a 1L isn't really about working hard; it's about complaining about how much work you have. Forming a study group with a few friends from your section is a great idea. Everyone will really appreciate it when your study group discusses supplemental jurisdiction aloud on the second floor of the library instead of reserving a study room.

It sounds like you should skip Thanksgiving this year. Trust me, your family will be giving thanks that they don't have to deal with your miserable, frantic energy for five days. Plus, your parents, siblings, grandparents, aunts, uncles, and cousins will all forgive you for skipping Thanksgiving a few years from now when you get them tickets to hear your first oral argument at the Supreme Court. If you aren't making your famous pumpkin pie this year, it's possible you'll be removed from the will. It doesn't matter though—you'll be rolling in extra cash from your clerkship bonus.

You're naïve, but you've caught on that the start of finals season is the spookiest time of year at UVA Law.

"Splitsgiving" is absolutely real. You will get a job eventually, it just might not be at the DOJ. You've got this! - Jane Doe, J.D.

For a serious response to your serious inquiries, please access the anonymous submission form using the QR code on page 4.

COURSES

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how to best use curt turns of phrase in emails to junior associates, how to communicate intense disdain through non-verbal cues, and how to convey a sense of unbridled disgust with those around you in just a few words.

After the first semester, students will be assigned to clients in need of passive-aggressive lawyering in the Charlottesville area. For example, some students can expect to help locals with drafting text messages to their far flung children, guilt-tripping them over not coming home for the upcoming Thanksgiving holiday. Others may be assigned to the local office of the DMV, assisting those who need cutting yet subtle insults to direct towards the innocent people working there.

tqy7zz@virginia.edu

SENATOR

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District, and Allison Spillman, who is in a tight race against Meg Bryce, Antonin Scalia's daughter—by going to the Charlottesville Dems' and Albemarle Dems' websites.

We can't go backwards this November 7. Vote for a cleaner Virginia, a freer Virginia, a loving and tolerant Virginia. Vote for a Virginia that supports reproductive healthcare. Vote for respecting democracy and protecting our civic institutions. Whatever your reason, cast that ballot and make your voice heard.

1 <https://cvilledeems.org/upcoming-elections/2023-11-7-general-election/>.

2 <https://albemarledeems.org/our-candidates/>.



North Grounds Terrorized by Adorable Youths



Ignacio Moreno LLM '24, along with his wife Javiera and son Cristobal, enjoy the fair.



Professor Fore takes his kids trick or treating, gravving some candy for himself along the way.



Professors Cope and Versteeg, and their children.



Section G, featuring Law Weekly Editor Nicky D. '26.

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