



VIRGINIA LAW WEEKLY

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

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LSAC's Change to LSAT Speaks to a Larger Issue

Garrett Coleman '25
Managing Editor

On November 1, the Law School Admission Council (LSAC) announced that it would pull its free prep course offerings from Khan Academy and transition them over to the subscription-based LSAC LawHub.¹ This decision came after some broader restructuring of the legal gatekeeping test in October of this year, which saw the removal of the logic games section.² While many of us may want to put LSAC in the past as an uncomfortable hurdle, it is important to remember how pivotal their role is in shaping the legal field. Many of our future colleagues will be products of LSAC's restrictions, so I think its practices merit continued consideration. And as a group of people uniquely adept at the LSAT, its changes are at least somewhat interesting.

I am happy to criticize a standardized testing apparatus because I am one of the decreasing few who think they still have merit. Having students from a variety of undergraduate institutions sit for a single exam that requires no background knowledge is a good thing. It helps to separate those who have genuine legal potential from those who benefited from better academic opportunities—though, I admit, no test could do

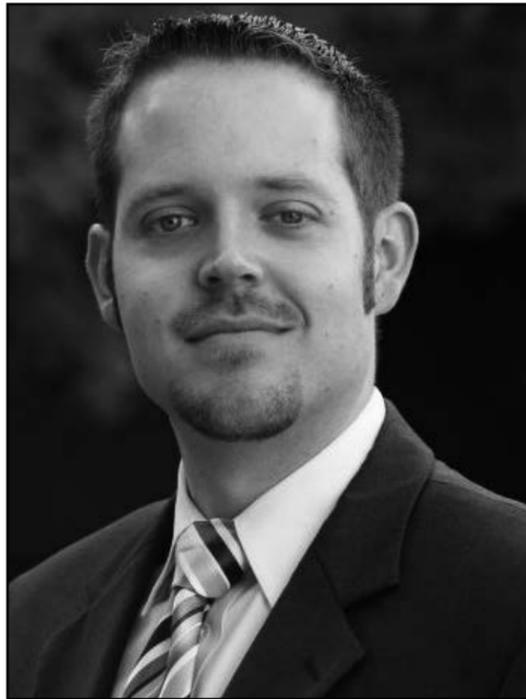
1 Annmarie Levins, *Khan Academy LSAT Test Prep Resources Coming to LSAC's LawHub by June 2024*, LSAC (Nov. 1, 2023) <https://www.lsac.org/blog/khan-academy-lsat-test-prep-resources-coming-lsacs-lawhub-june-2024>.

2 Karen Sloan, *Law School Admission Test to drop 'logic games' questions from exam*, Reuters (Oct. 18, 2023) <https://www.reuters.com/legal/legalindustry/law-school-admission-test-drop-logic-games-questions-exam-2023-10-18/>.

Winter (Pro Bono) Is Coming



Ashanti Jones '26
Staff Editor



Pictured: Kimberly Emery '91, Andrew Broaddus
Photo Credit: UVA Law

On Wednesday, November 1, 2023, the Pro Bono Program at the Law School held a session to educate students on winter break pro bono.

The session was hosted by Assistant Dean for Pro Bono and Public Interest Kimberly Emery '91 and Assistant Director of Public Service Andrew Broaddus. For any who were unable to attend or any who did attend but got distracted by thoughts of their impending major memo, the *Law Weekly* offers this article as a step-by-step guide to finding and securing a winter break pro bono project from our resident pro bono experts.

What should I look for in a project?

Emery opened the session acknowledging that students have a variety of reasons for pursuing winter break pro bono projects, and nailing down your specific reason is crucial when beginning your own search for a project. However, regardless of reason, all students should first determine when they are actually available during break.

If your driving motivation is getting your forty hours of pro bono to qualify for the Public Interest Law

Association's Public Service Summer grant or your fifty hours for the New York State Bar, Emery suggested students make sure their desired project qualifies as pro bono under that organization's specific definition.

For the PILA grant, any project on GoodWorks qualifies, and students finding their own projects should ensure the project is unpaid and serves "low-income or under-represented clients, legal services providers, nonprofit organizations, government agencies, or private law firms providing pro bono services."

Emery also stated that, while judicial internships are valuable (unpaid) learning opportunities, they do not qualify as pro bono work for the Pro Bono Program or the PILA grant. For the New York State Bar, students should email the New York State Pro Bono Bar Advisory Committee at probonorule@nycourts.gov with any questions.

Emery also noted that students can use winter break pro bono to establish a geographic tie, if planning to work in person, to a specific market for a summer or post-grad job or establish an interest in a specific practice area. However, this may not be possible for students try-

ing to target international markets or transactional work.

"There are a few markets that can be a little harder," Emery said. "Overseas projects can be a problem, unless you have personal contacts, or really know an NGO, or are working with a professor who has contacts."

How do I apply to winter break pro bono projects?

There are two ways to apply to winter break pro bono projects: through GoodWorks or by reaching out to the organizations directly via email.

Emery recommended students only apply to three projects total. If applying through GoodWorks, Emery suggested students use the sample interest statement available on their website when crafting their own interest statement.

If applying via email, Emery stated students can use their sample email available on their website as a guide or simply copy and paste their sample email and fill in their specific information.

Additionally, Emery recommended students look to the organization's staff di-

around north grounds



Thumbs up to having the day off on Election Day. ANG appreciates the midweek break and the chance to exercise the right to vote multiple times.



Thumbs down to the member of VLR who thought it was appropriate PILA-dance-floor conversation to ask VJIL leadership to ensure their members use a separate door to enter the shared office. VLR has always been and will always be a figment of ANG's tortured imagination. Just like the other voices in ANG's head, VLR will be ignored, and ANG will walk where ANG wants.



Thumbs sideways to Delta-9. ANG doesn't quite understand why a strain of marijuana that is illegal in several European countries is the only type that is legally sold in Virginia, but appreciates the opportunity to see the world in a really, really different way.



Thumbs up to 1Ls who still don't know the names of any law firms. Stay in that blissful darkness as long as you can.



Thumbs down to the temperature control at the Forum Hotel. ANG expects any Darden venue to be full of hot air... but not that much.



Thumbs sideways to daylight savings time. ANG is a creature of darkness but ANG wants to be the only source of Law School misery.



Thumbs up to the rumored and well-deserved silencing of the Bar Czars. At last, ANG returns to ANG's righteous role as the only cringey, occasionally funny, rarely read Gossip Girl proxy at the Law School.



Thumbs down to the MPRE. ANG hated flying out of state to take a pointless test in a Pearson testing center at 8:00am. Also, thumbs down to the PR professor who didn't cancel class on

The Unique Joy of Weekend Dim Sum

Andrew Allard '26
Executive Editor



The weekend brunch is a staple of young adult life. So broad is its appeal that even busy law students have been known to partake. And with good reason—what other meal offers such a wide variety of sweet, savory, and boozy options? Best of all, brunch's late afternoon availability allows diners—encourages them, even—to laze away their Sunday mornings. But in this writer's view, another weekend culinary outing is unjustly overlooked: dim sum.

Dim sum and brunch have little in common besides their loose time frames. At dim sum, tea takes the place of booze, the meal is predominantly savory (though sweet options are available), and the overall mood is hurried as compared to the sauntering pace of brunch. But even dedicated brunchers should have dim sum at least once during their short time on this earth. Trust me—you won't be missing your mimosa when you're sinking



Pictured (left to right): **Char siu bao** (叉烧包), a dim sum classic: Sweet barbecue pork wrapped in a fluffy wheat bun. **Shrimp cheung fun** (腸粉), a personal favorite: Shrimp in rice noodle rolls, doused in a sweet and salty sauce. **Har gow** (蝦餃), one of many dumplings served at dim sum: Filled with shrimp and have a thin, but pleasantly chewy skin. **Roast duck** (烤鴨): Not the famous Peking duck, but its lesser known (no less delicious) Cantonese cousin. Salty, fatty, heavenly.

Photo and Caption Credit: Shen Zhu and Andrew Allard '25

your teeth into a crispy roast duck.

Sadly, Charlottesville is sorely lacking in dim sum.¹ But this did not stop me, and it certainly should not stop you. The nearest dim sum restaurant² is Full Kee, an hour's drive away in Richmond. But I suggest you make the trek up to North

1 To any enterprising Charlottesville restaurateurs, you can expect my business every weekend if you fix this problem.

2 That is, the nearest one that I am aware of. Reader, if you know of a closer dim sum restaurant, I implore you to email me about it.

Virginia for the full experience at Hong Kong Pearl. I realize that I'm suggesting a two-hour drive for food, which takes us squarely out of "lazy Sunday morning" territory. Trust me. I have my reasons.

1. I know my audience.

I am writing for UVA Law students, who together account for 63% of all annual utterances of the phrase "I'm going up to DC this weekend." So I know you have the time for a DC trip. In fact, you were probably already planning one. Stop in Falls Church for dim sum on the way.

2. You cannot fully experience dim sum without The Carts™.

A meal is more than just the food. It is an experience. And this is especially true of dim sum. Don't be fooled—a restaurant can serve siu mai³ and lo mai gai⁴ fit for a king, but it is not a true dim

3 燒賣, a steamed pork and shrimp dumpling and a favorite of many dim sum goers.

4 糯米雞, a delicious medley of sticky rice, chicken, sausage, mushrooms, and other goodies. Lo mai gai is served hiding in a lotus leaf, like a gift waiting to be unwrapped. This makes it easy to miss for first timers. You should avoid this mistake at all costs.

sum restaurant without the swarm of carts.

At Hong Kong Pearl, shortly after you have been seated, waiters pushing carts full of food will ambush your table at breakneck speed. Armed with a variety of tasty dishes, the waiters will call out their menu offerings to your table. The enthusiasm with which waiters peddle their dishes is a unique and delightful element of any good dim sum restaurant.

But it is also perilous. Even an experienced dim sum goer can let their appetite get the best of them,

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PILA Auction Items for Fall 2024

Ethan Brown '25
Features Editor



Last weekend, many UVA Law students attended the annual PILA Ball, put on by our wonderful public interest organization here on North Grounds. I did not attend this year—which is somewhat ironic given that I ended up being the only person writing about it—but I had a fantastic time going last November. I actually wound up winning *two* auctions, one from the Libel Show and one from none other than Professor Joe Fore's Punctuated Law Designs.¹

Was it worth the more than \$200 I ultimately ended up spending? Well, that's debatable. After all, all I got from the Libel Show was a name shout out in a skit.² And I lost half of Professor Fore's basket during Thanksgiving break,

1 Dropping the link to his merch because low key, it's really cute. <https://punctuated-law.myshopify.com/>.

2 Honestly, the thrill of hearing "Ethan Brown!!!" shouted loudly in an auditorium was less exciting than I anticipated.

when I left its cutesy monogrammed Constitution water bottle on a park bench. (Hilariously, a kind soul of a law student—Michael Pruitt '24—found it and returned it to me, but guess what I did three days after that? Lose it again). Regardless, my PILA Ball memories have lasted forever, even if that poor water bottle didn't in my clutches.

Still, as the diligent *Law Weekly* reader has learned, I am at my happiest when I can prattle off suggestions for how to improve things that I have no knowledge of. To that end, here are some ideas for things at the Law School (and around Charlottesville!) that I'd love to see auctioned off at my 3L PILA Ball next November. Come to think of it, next year's event will probably happen the weekend before the presidential election. So, yikes. We're going to need some fun stuff to distract ourselves.

A Gunner Pit Lamp That Works

Blah blah blah, I know. "It's toxic to work in the Gunner Pit." But sometimes I like to pretend I'm a fancy

boy, and the Pit is quite conducive to that, with its cozy wood paneling and congressional records that no one (except for the sycophantic 2Ls on VLR) have touched since 2004.

My love for the Gunner Pit is why I'd pay an exorbitant amount of money to *actually have a frigging lamp that works* there. Some are too bright. Some are too dim. Some just straight up don't have knobs. Seeing me at 8 a.m. in the morning trying to find the best one is like the world's saddest rendition of Goldilocks trying the different bowls of porridge. So PILA, make this sad boy's life a little better, and put a functional lamp on the auction list next year. I promise to bid.

Individually Controlled Shades for the Gunner Pit

See above, but the opposite problem: sometimes there is also too much light in the Gunner Pit. This, too, is deeply distressing. (And clearly, I am spending too much time in there). At around 11 a.m. or noon each sunny day, the light streams in with an intensi-

ty that makes me fear God. (Photographic evidence is attached). So, I propose the Law School contribute a set of shades for the Gunner Pit skylight, which one lucky winner will have sole proprietary rights over. This is an awesome burden to carry, but I trust my classmates to use their newfound power responsibly, and hopefully make it so that I never have to look like a ninety-year-old vampire in the library again.



Pictured: Ethan Brown '25 in his absolute glory in the Pit sun
Photo Credit: Molly Gibson '25

Fifteen Minutes of Access to the Law School Foundation on the Top Floor of the Law School

In my headcanon, the Law School Foundation is a sort of Atlantis—a forbidden, unfamiliar world just out of grasp. What goes on up there? Surely nothing too exciting. But until proven otherwise, it feels like a shadowy underworld, and it is one I have an irrational desire to investigate. This is probably something that most law students wouldn't pay more than ten dollars for. But I'd probably cough up at least twenty.

A Bodo's "Jump the Line" Pass

This one I'd really mess up my financial future for. Every Sunday I make my pilgrimage to the Emmet Street Bodo's. Also every Sunday I stand in line for fifteen minutes cursing myself for my decision to wait in the cold, in my ugly little Hoka slides, for my silly little bagel. I dream of a DisneyWorld-style pass where I could skip merrily to the front of the

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From UVA Law Student to Beloved Nintendo Character: The Story of John Kirby, Jr.

Ryan Moore '25
Law Weekly Historian



As the *Law Weekly's* self-appointed historian, I often wander the halls of the Law School. This week I found myself standing before the wall of William Minor Lile Moot Court Competition winners. The names of prior winners are etched into plaques affixed to the wall for all eternity. The most notable name by far is the late Edward "Ted" Kennedy '59, the eight-term Democratic senator from Massachusetts and one-time primary challenger to President Jimmy Carter. Ted Kennedy was a notoriously bad law student, maintaining a C average. But, relying on that old Kennedy oratory charm, he pulled through and won the 1959 Lile Moot Court Competition.

But this is not an article about Ted Kennedy; much ink has been spilled on him and his family, the only political royalty this country has ever known. This article is about the 1966 Lile Moot Court winner whose name



Pictured: John Kirby's Moot Court Plaque
Photo Credit: Ryan Moore '25

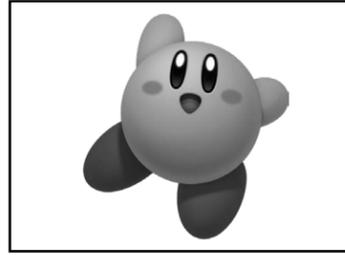
and plaque sit directly below Kennedy's: John J. Kirby, Jr '66. Only a few law students know that John Kirby is known inside Nintendo as their "savior" after defending the company in 1983. Even fewer know that John Kirby is the namesake of the Nintendo video game character "Kirby."

In 1983, Nintendo was an upstart video game company trying to break into the American market. Originally founded in 1889 as, of all things, a playing card company, Nintendo entered the video game arcade market in the late 1970s. Nintendo struggled to gain a foothold in the United States until their 1981 arcade game *Donkey Kong*. In *Donkey Kong*, you play as "Jumpman," tasked with rescuing "Pauline" from the evil "Donkey

Kong" who kidnapped her. The player engages in a series of platform jumping puzzles as they climb up a series of ladders. *Donkey Kong* was so popular with the arcade gaming public that, in less than a year, Nintendo sold 60,000 *Donkey Kong* arcade machines and earned \$180 million in the United States alone.¹

Astute readers might notice that "Donkey Kong" sounds a little too much like "King Kong." Universal Studios, which had released a 1976 remake of the movie *King Kong*, thought Nintendo's giant ape resembled their own giant ape enough to warrant suit. Universal

¹ Steven L. Kent, *The Ultimate History of Video Games: The Story Behind the Craze that Touched our Lives and Changed the World* (2002).



Pictured: Nintendo's Kirby
Photo Credit: Nintendo

Studios sued Nintendo for trademark infringement, alleging that "Donkey Kong" was an unlicensed version of the ape from *King Kong*.²

This is where 1966 UVA Law grad and Moot Court co-champion John Kirby comes in. Nintendo hired John Kirby, then a partner with Mudge Rose Guthrie Alexander & Ferdon, to represent them. During Kirby's research, he discovered that Universal Studios had previously represented in court that the story and character of "King Kong" were in the public domain. In 1975, Universal Studios sued the studio behind the original *King Kong* film. Universal

² *Universal City Studios, Inc. v. Nintendo Co., Ltd.*, 578 F. Supp. 911 (S.D.N.Y. 1983), *aff'd*, 746 F.2d 112 (2d Cir. 1984).

Studios successfully argued that because the character and story of "King Kong" were in the public domain, they should be allowed to remake the movie without paying royalties. Kirby also identified key differences between "Donkey Kong" and "King Kong."

After a seven-day trial, Kirby's arguments ultimately prevailed. District Court Judge Robert W. Sweet held that, while "this is a dispute over two gorillas,"³ both apes were sufficiently distinguishable. "King Kong [is] a ferocious gorilla in quest of a beautiful woman." Meanwhile, "Donkey Kong is comical and entertaining . . . farcical, childlike and nonsexual."⁴ Those are not the words I would use to describe Donkey Kong, but then again I do not hold life tenure on the federal bench. Yet.

Nintendo was allowed to continue using the name "Donkey Kong." Nintendo

³ *Id.* at 913.

⁴ *Id.* at 928.

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Office of Financial Aid, Education, and Planning Leads Budgeting Workshop

Brent Rice '25
Staff Editor



On Halloween day, the Office of Financial Aid, Education, and Planning put on a workshop entitled "Budgeting for Life." I, alongside a group of my classmates, filtered into WB 128 partly to get my spending situation in order, partly due to the promise of sweet treats included in the email about the event, and mainly for the reason that I could not think of anything scarier than coming to terms with the reality of my finances.

The session did not disappoint as Jennifer Hulvey, Senior Advisor to the Office, donned a witch costume (complete with a black hat) and cast a spell on the room with stories of financial mastery.

First, Look Back

Instead of seeing the future, a look into Hulvey's crystal ball would likely reveal a trip into the past. Hulvey shared, "every decision you make [about money] today is impacted by the nuclear family with which you grew up."

She encouraged the room to think about whether their

memories about money growing up were good, bad, or something they didn't have to think about at all, before sharing a few personal stories that have come to shape her relationship with money today.

Her relationship, like the relationship of others who have come from relatively modest means, is centered around a discipline, guilt when spending, and a scarcity mentality that impacts all of her financial decision-making.

Then, Start Where You Are

As the presentation shifted more into the mechanics of budgeting, Hulvey emphasized that she understands how hard it can be to get going while stressing that budgeting, in order to be successful, needs to become a habit. If you are not sure where to start, she suggested you begin by simply tracking what you spend with a goal of understanding "what it costs to be you."

While there are numerous apps and tools out there to accomplish this task, Hulvey seemed particularly fond of a website/app called "You Need a Budget," which offers a free year of service

to students and comes with a suite of reporting and analytical tools.

The Four Rules of Budgeting

The conversation next turned to the magic formula for financial success—Hulvey's four rules of budgeting.

Rule 1: Give Every Dollar a Job.

This stands for the proposition that a budget should begin by taking a look at your income and spending/saving plan such that when you subtract the latter from the former, you are left with zero dollars remaining.

For those who are not yet sure about what their income will be, Hulvey recommended visiting www.paycheckcity.com, where you can put in your projected salary and have it adjusted for federal, state, and local taxes.

Rule 2: Embrace your True Expenses.

The goal behind this rule is to keep your budget level and avoid any large spikes in spending by accounting for everything in advance. This may involve saving



Pictured: Jennifer Hulvey in costume
Photo Credit: Brent Rice '25

each month for large holiday spending at the end of the year, adjusting for expected end-of-year tax expenses, and planning for annual vehicle maintenance.

Rule 3: Roll with the Punches.

Recognizing that a budget is a tool to help you, Hulvey encouraged attendees to move spending allocations around in their budget when needed (either voluntarily due to desired purchases or involuntarily due to unexpected expenses) to make their budget fit their changing needs.

Rule 4: Age your Money.

This maxim stands for the idea that you should live on your last month's income, rather than paycheck-to-paycheck, to avoid risk during unexpected turmoil.

Final Tips

The afternoon's conversation also included a discussion of working with your life partner to understand both of your goals and make a plan that everyone can live with, a recommendation to get receipts for all purchases so that multiple items bought at one store can be properly allocated to their appropriate spending category, and to automate any payments and expenses that you can to take advantage of interest rate discounts and save time.

It's no TRICK; if you've found this article beneficial, my last piece of advice to you would be to stop ghosting your financial responsibilities and TREAT yourself to an appointment with the office to get more individualized assistance today.

wrf4bh@virginia.edu

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

Students of UVA Law v. God
76 U.Va 9 (2023)

FLANAGAN, J., delivers the opinion of the court. ALLEN, J. concurs.

I. Background

In a massive class action suit, the not-even-barred-students of UVA Law have decided they are, somehow, well-equipped to hold God Almighty¹ to account. The group asks for damages to the tune of \$5 billion, due to damages and emotional injury arising from the recent rapid fluctuations in the weather. They also request injunctive relief, in the form of more consistent, and preferably temperate, weather.

The spookiest part of this October in Charlottesville may have been the climate. Over the course of a single day, the temperature would range from 40 to 80 degrees Fahrenheit. Students found themselves sweating while pumpkin picking one day, and nursing numbing fingers on their trek to find a parking spot the next. Dressing appropriately has

1 While this Court will use He/Him pronouns to describe the God Almighty, following the choice made by His pro bono counsel, the Federalist Society, we acknowledge the controversy surrounding the gender identification of the Almighty Creator and take notice of the (scarcely relevant but absolutely splendidly done) amicus brief filed by Ms. Grande.

become practically impossible.²

Compensatory damages were calculated by estimating the cost of providing each law student a lightweight but effective Canada Goose coat, private car services to-and-from the Law School, Kroger, and Bar Review, tinted moisturizer with SPF in it, and weekly spray tans, because they still haven't been able to put their shorts in storage.

dents blame for this inconvenience? They point their fingers at the Creator, citing Psalm 148:8, Psalm 42:7, and Job 37:13 as clear evidence that He has explicitly claimed responsibility for the weather. God does not deny His ability to use storms as an instrument of righteous wrath when appropriate (and we agree with Him that it surely has, indeed, been appropriate here in the Law School). Rather,

"While UVA Law School is surely no Heaven, we hesitate to declare it the only godless place on Earth."

Damages for emotional distress arise from far-ranging, and well-briefed, responses: Students have alleged fear that the planet will be uninhabitable for their children, concern for the fiscal wellbeing of the gas and oil companies for which they plan to work once climate change is taken more seriously, embarrassment from walking the hallways of WB carrying a parka on a day that ended up being 80 degrees, boredom from the constant small talk about the day's weather, and distress from being forced to continue to see their classmates who choose to wear sandals to school's toes late into October.

And who do the Stu-

2 However, dressing appropriately is not necessarily a new issue in this jurisdiction, regardless of the weather.

He argues that the Students are unreasonably rigid and should learn to "live a little." This Court, you may be shocked to hear, is going to just go ahead and side with God.

II. Jurisdiction

We find that the lower court appropriately dismissed God's argument that He is properly understood as a foreign defendant and is outside the reach of our jurisdiction. Regardless of His permanent residence in the Heavens, our jurisdiction extends over foreign defendants where the effects of extraterritorial behavior harm citizens within the U.S.³

3 See also 1Ls v. God, 73 U.Va. 16 (2021) (holding that 1Ls may sue God for an injunction but still must always lose).

The Court is also compelled by Appellees' briefing regarding God's own stated omnipresence. Students cite Jeremiah 23:23-24, where God has said, "Am I only a God nearby, and not a god far away? Who can hide in secret places so that I cannot see them? Do not I fill heaven and earth?" While UVA Law School is surely no Heaven, we hesitate to declare it the only godless place on Earth.

times the national median, yet complain about a lack of sufficient free food"; "rend their garments in despair each finals season, despite having had nearly three months with nothing to do but read their silly little books"; "bemoan hangovers each Saturday morning that are the obvious outgrowth of having consumed nothing the day prior but five vodka sodas and half a Roots bowl"; "cry over cite checks after they cried for weeks about the mere idea of not getting on Law Review," and, perhaps most atrociously, "complain about the quality of the free Nobu they received for lunch as summer associates."

God goes further, to highlight the manifold gifts that this season's weather has bestowed upon the students. His arguments fall in three main buckets: (1) it is rare that you can frolic in the fall leaves without feeling chilly; (2) many law students prefer to wear summer-y or winter-y clothes, and extending this weird liminal phase appeases both parties; and (3) extending the summer a bit makes everyone act, to use His words, "a little bit more

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III. Analysis

The substantive question in this case is one of whether some unreliable temperatures are a real, cognizable injury.

God's most compelling theory is that the "overly sensitive and, frankly, dramatic" Students of the Law School will "look for any opportunity to complain." He has presented a compelling list of what seem to be, perhaps, outsized reactions: the Law Students "anticipate salaries more than four

Faculty Quotes

J. Jeffries: "Let's do drugs again."

B. Sachs: "FYI, you are screwed. Shall we go back in?"

C. Nicoletti: "I may have cut some people off. Well, it wasn't me – it was the relentlessness of time."

J. Duffy: "I don't know where I studied it. Maybe I didn't study it at all."

B. Sachs: "Are you aware one of your team members has a pumpkin on his head?"

C. Nicoletti: "This is exciting. I feel like there are no buoys in the US Constitution."

J. Duffy: "We call things 'briefs' that are often 50, 60, 70 pages long, depending on the case, so we don't have really good senses of concise statements."

B. Sachs: "So what I heard was: blah, blah, blah, we support the patriarchy."

J. Mahoney: "God forbid that in New York City, the legislature may dare to regulate – brace yourselves – the maximum hours that a junior associate may work."

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

Counsel's Counsel

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Virginia Law Weekly

COLOPHON

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COPA

continued from page 4 frisky and fun.” He presents photo evidence of Students dressed in cute sundresses and polo shirts, posing in front of matching autumnal leaves with captions like “fall-ing for Charlottesville all over again” and “I can’t be-leaf Law School could be so fun!” Indeed, He argues, the more appropriate Plaintiffs might be the professors of the Law School, who must have noticed that hot weather and cold calls don’t mix well.

For these reasons, the Court finds the students’ argument implausible, and encourages them to give thanks in all circumstances. We find for God, thank Him for His well-pleaded brief, and request that He make His face shine on this Court and be gracious to us.

Allen, J., concurring.

I join the opinion of my learned colleague in full. I write only to address, and dismiss, another challenge advanced to the jurisdiction of this Court. Appellant asserts that, as the ultimate judge of all creation,⁴ He

⁴ See, e.g., James 4:12.

cannot in turn be subject to the judgment of a lesser court such as this tribunal. On His view, those seeking recourse, such as Appellee, must address their prayer for relief to Him rather than the legal system. Putting aside the novelty of Appellant’s theory and its implications on both our body of precedent and the legitimacy of the courts as a whole, the argument is unavailing because Appellant has failed to consider a force even more powerful than religion—the common law.

Nemo iudex in causa sua,⁵ the prescription that “no man shall be a judge in his own cause,”⁶ is a bedrock principle of our legal order. To allow a party to defeat a claim against them by invocation of their position as judge flies in the face of all precedent and logic underlying our constitutional system, and accordingly must be rejected.

⁵ Presented in Latin for convenience of the Appellant.

⁶ *Arnett v. Kennedy*, 416 U.S. 134, 197 (1974) (quoting *Bonham’s Case* 8 Co. 114a, 118a, 77 Eng.Rep. 646, 652 (1610)).

The jurisdiction of this Court extends to *all* petty disputes, and challenges to its competency require an extraordinary showing. Many parties before us believe themselves to be gods (generally gunners or 1Ls)—the fact that the Appellant is God in no way allows Him to escape the reach of this Court’s authority.



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LSAC

continued from page 1 this in full. But that goal is undermined when LSAC is allowed to raise profitable barriers throughout the application process. The LSAT itself costs \$222. If you want to apply to law schools with your score, that will be an additional \$200. But if you want to actually apply to a particular school—as opposed to having some CAS report floating in the ether?—that will be another \$45 per school, not including the specific application fee. And I have a hard time believing that they are pricing at cost, given that their 2021 net assets totaled \$270 million.³ Even with all this cash, there have been widespread reports of terrible remote LSAT experiences after LSAC went from ProctorU to Prometric.⁴

During undergrad, when

³ <https://projects.propublica.org/nonprofits/organizations/132998164>.

⁴ Doug Lederman, *Problems With Law School Test Frustrate Thousands*, Inside Higher Ed (Aug. 14, 2023) <https://www.insidehighered.com/news/admissions/graduate/2023/08/14/proctoring-issues-affect-thousands-taking-lsat>.

helping other pre-law students with their LSAT preparation, I always loved how simple the ideal prep plan was. In my experience, Khan Academy paired with Mike Kim’s *The LSAT Trainer* was an effective combination for many students. The videos covered every basic problem type and were free, with some accompanying practice tests.

LSAC would respond to my criticisms by touting their fee waiver structure, in which independent students earning below 300% of the federal poverty level can receive these services for free, including the LawHub subscription. For that, I commend them. But the fee waiver system still leaves out plenty of people who earn slightly more but are still wary about spending hundreds of dollars for the subscription and accompanying prep courses.

Those of you who know me are aware that I am not a “vive la révolution” type. LSAC’s officials are entitled to fair compensation because they do provide a unique product that undergoes extensive testing. And I believe that such a product is quite helpful to law schools

LSAC page 6

HOT BENCH



Jackson Khandelwal '26
Interviewed by Nicky Demitry '26

Hi, Jackson! Thanks for joining me for this week’s Hot Bench. To get started, where are you from, where did you go for undergrad, and what were you up to before coming to law school?

Hey Nicky. I’m from Columbus, Ohio, and I went to Ohio State University. I graduated last year, but before I came to school here, I was spending my time in and out of the Amazon Rainforest.

Ok yes, I remember this! It was actually the first thing I think I learned about you when I met you in the Community Fellows program. It’s a very unique experience, so how did you end up there?

The first time I got to go to the Amazon, I got invited to go along with my friend’s family as part of an ecotourism trip, and it was there that I made friends with some members of a Sapara community who invited me back the next year to stay with them over the summer. And after that I just kept going back.

That’s very cool. What made you want to keep going back?

I fell in love with the way of life and the knowledge the community had about us as humans but also the natural world around us. I was inspired by their struggle to protect their territory and preserve their culture, and I wanted to keep go-

ing back to understand more and to keep spending time with the people who had become my really close friends.

Honestly, I could just spend this whole interview geeking about the rainforest and asking more questions about everything, but I’m going to resist the urge and limit myself. Do you think that you’ll end up in a field of law based on your time in the Amazon? Ecuador, I think, right?

Yeah, I really hope so. I would love to work with Native and Indigenous communities who are fighting for their collective rights and protecting their territories and the biodiversity within them. So I’m really interested in working at the intersection of human rights and environmental law.

That’s very cool. I know we’re both trying to finish this major memo so I’ll move on to the lightning

round so we can both get back to our suffering.

Sounds good!

What would you be doing right now if you hadn’t come to law school?

I’d probably be living in the jungle with my friends.

Honestly valid. What brought you to UVA?

I love the mountains and I thought UVA looked like it built a really nice environment to go to school in.

Favorite song right now?

I’ve been listening to the song “Masters of War” by Bob Dylan lately, but I also love a song called “Lejos de la Ciudad” by Muerdo.

A song called “Masters of War” seems apropos for this time in the semester. Last

Q! If you’re having a very bad day, what’s the comfort food move?

I would go for a Thai curry dish called *khao soi*.

Omg khao soi rocks, you gotta try the one at Monsoon Siam if you haven’t already.

Yesss that’s like the only one I can find in Charlottesville. It’s actually pretty good.

Thai Cuisine & Noodle House also usually has it, and it’s my fave Thai place in town, just sayin’. But anyway BACK TO THE MEMO I GO.

PRO BONO

continued from page 1

rectory and email their materials to the organization's volunteer coordinator, internship coordinator, pro bono director, or something along those lines.

If you are unable to locate a staff member with one of those titles, Emery recommended students email materials to a staff attorney or the general organization email instead. If you have not heard from the organization, Emery suggested reaching out to her or Broaddus for help, or simply calling the organization directly.

Finally, Emery urged students to utilize the Pro Bono Program staff while applying to projects, because they may be able to connect students personally to staff in the organization's office. "We have lists of public service alumni, so if you're just gung-ho about X organization, and you're going to apply, shoot me an email," Emery said. "We are here as a resource; we don't want you to feel like you've been thrown out to the wolves."

When should I start applying to winter break pro bono projects?

As of November 1, some winter break pro bono projects are available on GoodWorks with more to come throughout the month. Emery stated most will remain open until the first week or so of December, so there is no rush in applying.

For those applying via email to organizations not listed on GoodWorks, Emery stated that now is a good time for students to start sending their interest emails. Additionally, while there is no exact deadline to submitting interest emails, Emery shared that it is ideal to send them before finals season starts to ensure a timely response from your targeted organizations.

"We do not recommend waiting until after exams," Emery said. "You've now moved into the holiday season, and a lot of offices are going to be operating with a skeleton crew or are closed entirely."

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LSAC

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who want to develop the best lawyers possible. But those good results are predicated on wide availability of opportunity. If large swaths of the population are functionally excluded from adequate preparation, then it is not really a test for merit. Further, law schools and lawyers should not allow LSAC to abuse their position and extract money from aspiring law students. This is because LSAC does not actually provide a valuable good in and of itself. It is a service to help us choose the next generation, and its opportunities should be spread as widely as possible.

The larger issue that underlies this entire concern, though, is that we have a profession built around credentialism when it is not necessary. Your LSAT determines what schools you can get into. Then, even if you want to work in mergers and acquisitions, your Torts grade will factor into what firms will hire you. And when you are actually practicing, the luster of your resume will affect how clients see you. This is true even though some have said that a "generally intelligent high-school student [could] pass

the bar with a few months of preparation."⁵ Lawyers as influential as Supreme Court Justice Robert Jackson did not even attend college before practicing law.

I doubt many people here will appreciate this perspective, since we have largely won the credentialism game. By virtue of having UVA School of Law on our resumes, we send hundreds to the lucrative Big Law firms. But if credentialism abates, there may be a future in which law students don't have to enter heavy debt to pass a test that many others could prepare for.

⁵ George Leef, *Some Very Contrarian Thoughts on the LSAT*, National Review (Oct. 12, 2022) <https://www.nationalreview.com/corner/some-very-contrarian-thoughts-on-the-lsat-and-law-school/>.

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DIM SUM

continued from page 2

seizing on too many dishes too quickly. And for the first timer, the shouted laundry list of menu items can be intimidating.

Worry not. The fear is by design. Imagine if eating on a rollercoaster were possible, or for that matter enjoyable—a place where dining meets thrill-seeking in an awesome culinary experience. That is dim sum.

3. The food speaks for itself.

Dim sum plates are small to medium sized, making them ideal for sharing. The plethora of dishes include steamed vegetables, soy-soaked rice noodles, fried shellfish of all kinds, and dumplings galore. The list goes on. Bring a few friends and you can try a bit of everything.

Be sure to make it before 3 p.m. when the carts are still in service, keeping in mind that there is usually a line on weekends. If you make the trip, send me an email. I'd love to hear about it. Or better yet, bring me with you.

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PILA

continued from page 2

line with a simple wave, and would probably surrender my life savings for it.

Poker Night with Lisa Napier from Student Affairs

The professors are cool and all, but I'm sorry, this is Lisa's world, and we're all living in it. PILA could fund 1Ls at a big law rate if this one went on sale next year.

Hilariously, I have made it through 800 words by essentially complaining about how bad the lighting in the gunner pit is. And if that isn't lawyerly loquaciousness at its finest, I don't know what is. Happy PILA season!



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KIRBY

continued from page 3

used the success of *Donkey Kong* to market their new home video gaming console, the Nintendo Entertainment System (NES). To ensure the successful launch of their new system, Nintendo re-branded *Donkey Kong's* Jumpman character as "Mario" and gave him his own video game franchise, *Super Mario Bros*. The rest, as they say, is history.

To thank John Kirby, Nintendo named the video game character "Kirby" after him. The character Kirby is, to quote my wife, an "elastic pink puff ball that can transform into anything it inhales." Kirby was also the first character I played as in *Super Smash Bros*. on the

Nintendo 64. Nintendo also gifted John Kirby a twenty-seven-foot sailboat aptly named "Donkey Kong," and granted him the exclusive right to use the name "Donkey Kong" for all sailboats in perpetuity. In 1992, Kirby was gifted an advance copy of *Kirby's Dream Land*, one of my favorite childhood Game Boy games.

Kirby died on October 2, 2019, at age seventy-nine from cancer. But his memory lives on in the UVA Law community through a name on a plaque on the second floor of Slaughter Hall. And, of course, through the cute, loveable, little pink character that shares his name.

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Pictured: John Kirby Jr. (left, Donkey Kong shirt), sailing on the "Donkey Kong" with his father, John Kirby Sr. (center).

Photo Credit: Family Photo, <https://www.washingtonpost.com/video-games/2019/11/20/nintendo-kirby/>

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