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SBA Women's Mental Health and Wellness Roundtable

Caitlin Flanagan '24
Staff Editor

On October 17, the Student Bar Association invited two members of the local Sexual Assault Resource Agency (SARA) to guide a conversation with law students about resources for victims of sexual violence and ways to shape a preventative culture which decreases risk factors for abuse. Carley Mack, the Director of SARA's prevention team, and Jacqueline Schell, an advocate on SARA's client services team, joined a group of law students who hoped to discuss their experiences in the Law School and to learn about SARA's work here in Charlottesville.

Mack began the discussion by describing the work that SARA does in town and in the surrounding counties. The organization's focus is on providing trauma-informed support services to survivors, as well as identifying creative ways to make communities safer and more empathetic. Practically, their advocates' broad range of work includes serving as a liaison between victims of sexual assault and their medical providers in local hospitals, collaborating with the University's Title IX office to ensure that students are aware of SARA's resources, and assisting survivors with a range of needs. SARA is able to offer survivors care from their own in-house therapy team, and also assists them with filling other critical needs, such as legal representation and safe housing. Mack shared that her favorite part of work is getting tuned into the great range of community resources which are available to provide holistic support to individuals who have survived sexual violence.

ROUNDTABLE page 6

Law School Panel Says Future Challenges to ICWA Likely

Andrew Allard '25
Executive Editor

Photo Credit: Andrew Allard '25

Last Wednesday, October 18, Child Advocacy Research and Education (CARE), in cooperation with the American Constitution Society at UVA and UVA's Native American Student Union, hosted a panel discussion of the recently decided Supreme Court case *Haaland v. Brackeen*,[1] in which the Court upheld the Indian Child Welfare Act (ICWA).

Some 486 tribal nations voiced their support for ICWA, and the decision was welcomed by Native organizations.[2] Said Seth Coven '25, President of CARE and organizer of the panel, "This is a really important topic that doesn't get the same coverage as some of the other cases that came out this past summer. . . . The decision was a surprise to some, but in the eyes of CARE and a lot of advocacy organizations, it was a win."

As the panelists explained, the *Brackeen* majority determined that ICWA was consistent with Congress's plenary power to regulate affairs with Indian tribes. The Court also rejected petitioners' argument that ICWA violates anti-commandeering principles, reasoning that Congress can dictate Indian adoption standards to the states under the Supremacy Clause.

But panelists expressed concern that ICWA may continue to be the target of legal challenges. "It's only the beginning," said Professor Andrew Block, who specializes in youth law. "Justice Kavanaugh, in a concurrence, leaves open the door to equal protection challenges, especially after the affirmative action decision."

To be sure, future challenges to ICWA may ultimately fail. Professor Holly Clement, a former attorney from the Department of the Interior's Indian Trust Litigation Office who recently joined the Law School as an adjunct professor, suggested that a 1974 case, *Morton v. Mancari*,[3] clearly weighs against finding that ICWA is racially discriminatory. "I do think you'll see an equal protection challenge, but I don't think it will be successful."

Brianna Baldwin, a medical student at UVA and the president of the Association of Native American Medical Students, likewise explained that, under current law, members of Indian tribes are not a racial or ethnic group, but citizens of sovereign nations. Baldwin noted that in the wake of *Students for Fair Admissions*,[4] the American Association of Medical Colleges opined that the decision would not impact consideration of an applicants' tribal membership because it is a political status, not a racial status.

Still, whether *Mancari* and other precedent can hinder future challenges to ICWA is unclear. Some justices have been willing to depart from the Court's precedent, as in *Students for Fair Admissions* itself. Indeed, Justice Kagan even acknowledged in a recent interview at Notre Dame Law School that "there have been ideological divides with one side overturning precedent" in recent cases.[5]

1 599 U.S. ___ (2023).

2 *Indian Child Welfare Act (ICWA) (Haaland v. Brackeen)*, Native American Rights Fund, https://narf.org/cases/brackeen-v-bernhardt (last visited Oct. 21, 2023).

3 417 U.S. 535 (1974).

4 *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 143 S. Ct. 2141, 216 L. Ed. 2d 857 (2023).

5 Josh Gerstein, *Kagan Hopes Supreme Court's Ideological Divide on Precedent Isn't Permanent*, Politico.

ICWA page 6

around north grounds

Thumbs up to the Virginia Film Festival. ANG fully intends to attend all five days of programming and wishes the gunners a fun week with their dusty books and outlines.

Thumbs down to Pumpkin Spice Lattes. If ANG wanted someone to gargle Yankee Candle and spit in ANG's mouth, ANG would ask for it. In fact, sometimes ANG does just that.

Thumbs sideways to Fauxfield. ANG hates grad students wearing pastels, sun hats, and sperry topsiders but loves puns about horse races.

Thumbs up to pumpkin carving. ANG finds much comfort in participating in this favorite childhood pastime, and it helps to know that ANG is not the only empty-headed thing in Charlottesville.

Thumbs down to Fauxfield refusing to accept drink tickets halfway through. ANG is flabbergasted that Bilt would refuse to redeem tickets in violation of what is (likely) an implied contract.

Thumbs sideways to the class registration lottery system. ANG never gets the classes ANG wants, but ANG loves the unadulterated chaos that Jason Dugas '01 has wrought.

Thumbs up to Professor Mitchell, who can only be described as the Nicolas Cage of the Law School. ANG leaves it to you to decide whether he is *National Treasure* Cage or *Con Air* Cage.

Thumbs down to *The Burial*. This is what happens when writers go on strike: We get a lame movie about contract law. ANG loves how wrinkly and sad Tommy Lee Jones' face is, but that is about all that can be said in support of this movie.

Legal Research Gets Spooky

Ethan Brown '25
Features Editor

I learned two important things this week.

First, never trust Andrew Allard '25 to be your advocate at the *Virginia Law Weekly*'s Monday meeting; despite pleading that he bring up my unavailability to write an article for this week's issue during article assignments,[1] I now find myself typing furiously on my computer on a beautiful Saturday afternoon, relegated to committing what borders on journalistic malpractice by squeezing out an article as quickly as humanly possible.

Second, there's a *lot* of litigation surrounding the holiday that soon approaches us: Halloween.

To Andrew's credit, when he informed me that I was on deck to write an article this week,[2] he gave me a pretty bang-up story idea: to investigate Halloween through the only lens a law student knows how—haphazard searches on Westlaw. The idea came partially from Andrew's job as a Legal Writing Fellow for Professor Joe Fore, who introduced a new problem for this year's 1Ls concerning the legal standard for impersonation of a federal official.

Photo Credit: https://www.pinterest.com/pin/370139663120851417/

While I was dismayed to hear that Professor Fore had retired the awesome saga of Chris Hopper's *Hop Lobster* persona that dominated my 1L LRW experience, his new fact pattern made me think of a fascinating legal question. How, if at all, does October, and specifically Halloween—a holiday notorious for its elaborate costuming and deception—impact the ability to bring impersonation claims?

This seemed like a great question for about ten seconds. Until I did literally an *ounce* of research into it on Westlaw and realized that this idea, as hysterical as it sounds, has gone literally nowhere. Unsurprisingly. A quick query on Westlaw for "halloween" /p "false impersonation" yielded precisely zero results. But then my interest was piqued; what if I broadened the search to "halloween" /p "costume"? Then, my friends, things got good.

There are actually so many cases involving Halloween across so many legal fields. Torts, contracts, and criminal law predominate, but there's a little something for everyone, just like the Halloween trick-or-treat bags of our youth.[3]

As if everyone reading this article doesn't have enough legal research in their life, I'd like to share some of the "bests" of Halloween law with you all. (And by the "bests" of Halloween law, I definitely don't just mean some of the first several articles that come up on Westlaw.)

First, consider *Guyer v. School Board of Alachua County*.[4] In this thrilling Florida appellate case, a concerned parent sought a permanent injunction preventing the county's public schools from displaying imagery of witches, cauldrons, and brooms. Appellants argued that these depictions constituted an endorsement of the Wiccan religion, thus violating the Establishment Clause. The fun-loving Florida District Court of Appeals had none of it, holding that Halloween festivities "serve a secular purpose" that "enhance[] a sense of community" and "do not foster any excessive entanglement between government and religion."[5] So when you see spooky Halloween decorations around the Law School, thank the brilliant minds of the *Guyer* court and their like-minded jurists.

Second, consider a classic slip-and-fall accident exemplified by *Bellikka v. Green*.[6] While I'm not going to get into the granular details of this case, the basic premise is that the plaintiff fell into a large, partially concealed hole on the defendant's driveway as she trick-or-treated with her preschool-aged children. Tort law aside—1Ls, this is an excellent opportunity to brush up on your premises liability, take notes—reading this case activated my fight-or-flight response.

When I was a kid treat-or-treating in suburbia circa 2004, my neighborhood was particularly hilly; it took about ninety seconds to hike up to each house. One house was especially scary because the couple who lived there would purposefully turn off every light along their path and force you to walk up to the front door in total darkness. Some years, they'd dig little divots in the ground next to the path with the

1 You might ask why *I* wasn't there to plead my own case, but I had another meeting, and I really thought I could trust the man. Devastating.

2 Again, I cannot reiterate enough how writing a weekly article is *literally* my only responsibility for the *Law Weekly*—the hint's in the name—but I'm truly just so whiny.

3 Minus the disgusting thirty Tootsie Rolls that I somehow always managed to end up with, ugh.

4 634 So.2d 806 (Fla. Dist. Ct. App. 1994).

5 *Id.* at 808.

6 306 Or. 630, 762 P.2d 997 (1988).

SPOOKY page 5

FedSoc Hosts Live Taping of *Advisory Opinions*

Nikolai Morse '24
Editor-in-Chief

On Wednesday, October 18, the Federalist Society at UVA Law hosted a live taping of *Advisory Opinions* ("AO"). As many of our readers are likely aware, Advisory Opinions is a semi-weekly legal podcast, which features "conversations about the law, culture, and why it matters." It is part of *The Dispatch*, an American conservative online magazine.

Advisory Opinions is hosted by Sarah Isgur of *The Dispatch* and David French of *The New York Times*. Isgur has an array of experiences, ranging from time at private firms such as Wiley Rein and Cooper & Kirk, to the Office of Legal Policy, to multiple political campaigns. French has written for *The Atlantic* and *National Review*, served as legal counsel to the American Center for Law and Liberty and the Alliance Defending Freedom, and was President of FIRE (Foundation for Individual Rights and Expression) before serving in the military. Regrettably, neither host attended this great institution for law school.[1]

Wednesday night's taping included roughly an hour of discussion by the hosts followed by twenty minutes of questions from members of the audience. The hosts covered a variety of topics, including the Fugees rapper Prakazrel Michel's ineffective assistance of counsel appeal, a study which found that female Supreme Court advocates are interrupted at a significantly greater rate than their male counterparts, Justice Amy Coney Barrett's remarks calling for a Supreme Court code of ethics, and whether the Fifth Circuit is destined to become the Ninth Circuit (known for its decisions regularly being granted cert by the Supreme Court, only to be struck down in epic fashion).

Following the standard greeting with which the Federalist Society opens its events,[2] Connor Fitzpatrick '25 introduced the hosts. The hosts then kicked the show off by noting how much happier and better looking their audience was than the typical law school. Considering that the hosts seemed to be staring directly at this reporter's freshly trimmed goatee, we can all agree they were right.

First, the hosts discussed the rapper "Pras" Michel's lawsuit[3] in which he was found guilty of acting as an unregistered foreign agent funneling dozens of millions of dollars to influence political campaigns and investigations in the United States.[4] While this case is interesting on the merits, Isgur and French focused on its intersection with artificial intelligence. Specifically, the hosts described claims raised by Michel that he suffered ineffective assistance of counsel ("IAC") because, among other things, his trial counsel had used artificial intelligence to draft the closing statement.[5]

While the AO hosts thought there might be a claim against the lawyers because they had a stake in the artificial intelligence company they contracted with, the hosts were sanguine about the prospects of the IAC claims. Isgur emphasized that "the *Strickland*[6] standard doesn't even come close to describing how hard it is for ineffective assistance of counsel claims to succeed. Falling asleep at the table didn't count. Failing to call witnesses didn't count."

Isgur and French also discussed the question, put forth by other legal commentators, that the Fifth Circuit might be the new Ninth Circuit.[7] The hosts disagreed with the hypothesis of Empirical SCOTUS, that because the Fifth Circuit is known for conservative jurisprudence, it is likely to be affirmed on most of the cases the Supreme Court had granted cert on. Pointing to cases like *NetChoice v. Paxton*[8] and *Community Financial Services Association v. CFPB*,[9] the AO hosts suggested that these cases were highly likely to be overturned.

The students in attendance seemed to have enjoyed themselves, and a number hung around after the taping to speak with the hosts. Casey Crowley '24 gushed, "My favorite part was Sarah's wit. Her jokes about UVA students being much better looking and

1 We understand that they attended a Boston-area commuter law school. We respect the hustle.

2 Straight from the source: "The Federalist Society for Law and Public Policy Studies is a group of conservatives and libertarians interested in the current state of the legal order. It is founded on the principles that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be." Heady stuff.

3 https://www.politico.com/news/2023/04/26/fugees-rapper-convicted-political-conspiracy-00094073.

4 We're open to bets on how many times the prosecutors sang "Ready or not, here I come, you can't hide" as they prepared for trial.

5 https://storage.courtlistener.com/recap/gov.uscourts.dcd.206880/gov.uscourts.dcd.206880.310.0.pdf.

6 *Strickland v. Washington*, 466 U.S. 668 (1984).

7 Noting the Ninth Circuit's tendency to be a glutton for punishment, during my 1L criminal law class Professor Jeffries memorably described them as acting "Like lemmings, off the cliff…repeatedly."

8 49 F.4th 439 (5th Cir. 2022) (cert granted).

9 51 F.4th 616 (5th Cir. 2022) (cert granted).

PODCAST page 6

Careers in Immigration Law

Ryan Moore '25
Law Weekly Historian

On Tuesday, October 17, the Immigration Law Society and International Refugee Assistance Program hosted an immigration law career panel. The panel featured speakers David Sobral of Montagut & Sobral, PC; Marissa Baer of the Legal Aid Justice Center (LAJC); and Hannah Flamm of the International Refugee Assistance Program. Like all good panels, lunch was provided at the beginning[1] of the event. What follows is a condensed and paraphrased summary of what was discussed.

Pictured: David Sobral
Photo Credit: Montagut & Sobral, PC

Pictured: Marissa Baer
Photo Credit: UVA Law

Pictured: Hannah Flamm
Photo Credit: IRAP

Why practice immigration law?

Baer works with H-2A farm workers for LAJC. During the farm season, she drives across Virginia to conduct "Know Your Rights" presentations for farm workers. She said it is important for H-2A immigration lawyers to build trust with the community to help workers overcome a fear of retaliation if they report labor violations. During the rest of the year, she works on large, impact litigation and class action projects for LAJC. She has also lobbied the Virginia General Assembly.

During her undergraduate years, Baer interned in a public defender's office. She was originally interested in the intersection of criminal law and immigration ("crimmigration"), but once in law school, she realized she did not enjoy criminal law. Instead, she focused on immigration and fell in love with it. Baer said she enjoys how immigration law changes all the time, especially between different presidential administrations. The constant change and the fact that immigration law is in a state of flux keeps practice interesting.

Sobral is a private practice attorney who works with clients to obtain visas and green cards. He actually focused on intellectual property law while in school and interned in the Washington Post's IP law office. Upon graduation, he began working in corporate law before transitioning to in-house work. He stuck with immigration law as he found it more rewarding. While at a firm, he worked on one asylum case and got his "first taste of what it means to change someone's life." He won the case, and his client was not deported.

Flamm began her career applying to every job she could find until she finally got an offer. She worked on non-detained, youth-focused removal defense for about two years. She previously worked for a boutique law firm in California that focused on Alien Tort Claims Act litigation. She has also worked on housing rights, tenant side.

What skills do you use on a daily basis?

Flamm says she experienced a high volume of practice during the Trump administration. So, being able to manage your own workflow and, in essence, be your own "assembly line" is paramount. Organization and preparation are key because immigration litigation is high stakes. She points out that your clients bear the brunt of all your shortcomings in addition to the injustice of the law. Your greatest obligation is to the client. Baer's favorite class was Spanish, and studying the language offered her the opportunity to travel to Spanish-speaking countries and become immersed in the culture and language. Sobral, initially an intellectual property lawyer, suggests taking immigration law classes and clinics to prepare. He promotes moot court practice to develop your oral advocacy skills. He notes that most representation in immigration courts is on-the-fly oral advocacy.

Q&A

The panel ended with several student questions. I found the discussion between Sobral and Baer on the advantages of practicing immigration law in private practice versus public interest most interesting. Baer pointed out the challenges in private practice of balancing billable hours and profitability with serving your clients. Building trust and a relationship with immigrant communities takes time, which can be looked down upon in high volume private practice. However,

IMMIGRATION page 5

1 Take notes, FedSoc.

Networking at the Annual Firm Mix & Mingle

Noah Coco '26
Staff Editor

On Tuesday, October 17, over 200 1Ls met at the Grove Ballroom at the Forum Hotel in their crisp professional attire to begin to ingratiate themselves with their potential firm suitors at the Office of Private Practice's (OPP) annual Firm Mix & Mingle. Nearly forty private firm employers attended, coming from markets as near as Washington, D.C. and Richmond, to the more distant New York, Boston, Dallas, and Atlanta. The firms were represented by approximately eighty practicing attorneys, nearly seventy of which were UVA Law alumni.

The Firm Mix & Mingle is billed as a relatively low-pressure environment to introduce 1Ls to professional legal networking and OPP matchmaking services. Through matching 1Ls to practice areas and markets of interest, these 1Ls were given the opportunity to hear directly from practicing attorneys with direct experience in their areas of interest.

Several weeks in advance of the event, 1Ls made OGI-style bids on the forty available tables of attorneys. To emphasize the main objective of the event, however, OPP did not publicize the firm names until after the assignments were made. Instead, 1Ls were presented with minimalist Hinge profiles of participating firms that listed only their respective markets and practice areas. Participating 1Ls attempted to match with the most promising prospects as they ranked all forty from high to low.

The matchmakers at OPP subsequently assigned 1Ls to four of their highest bids. The 1Ls were given an opportunity to speak directly with attorneys from their matched firms during four rotating twenty-minute sessions at the event. This was followed by an open period of thirty minutes, where the 1Ls were permitted to connect with the attorneys that they were not originally matched with.

The firms' brilliant plumage intended to woo potential matches was certainly on display throughout the night. Entrants to the Grove Ballroom were greeted with spreads of branded pens, highlighters, and water bottles sprawled across the sea of tables. But the 1Ls, armed with knowledge gathered from their research into their assigned attorneys' biographies, a list of questions suggested by OPP, and their knowledge of employee interactions also obtained through the counseling of OPP, were equally prepared to impress their potential employers.

For many first-timers in the firm networking process, the experience did, in fact, feel like a round of speed dating. "The attorneys didn't know anything about us, and often we didn't know much about the firm," said Rose Blackwell '26, "it was a good introduction to how firms explain and show their differences and was a nice way to start thinking about which firms I like or don't like." For Blackwell, the event was useful for scoping out the "general vibes" of potential firm matches in her targeted Washington, D.C. market. Although initially a little nervous about managing the perceived "complexities of networking," she walked away from the event with two great contacts from firms that she met with and additional information from one of the firms about another practice group that she intends to follow-up with.

A fellow 1L, Ryan Keane '26, attended the Firm Mix & Mingle prepared to explore his private firm employment options for the coming summers and post-graduation. "I got to talk to a good number of people and feel like I learned a lot," reflected Keane after the event, "it was also a really low stakes environment, so it was a nice way to warm up to the firm process." For Keane, many positive interactions emerged from the event, and he came away from it with the perception that "[the firms] really want to talk to us [1Ls], which makes the conversations go a lot easier." He has become reassured in his ability to be more comfortable in firm networking settings going forward.

Some 1Ls, however, were not taken in by the prospect of private firm romance and decided to refrain from Tuesday's affair. Confident in her non-private firm career path, Kate Harter '26 used Tuesday evening as an opportunity for a "post-contracts afternoon nap," followed by some readings in preparation of freeing up her Thursday night for the much less corporate romance of *The Golden Bachelor*. Harter is planning on becoming a JAG Officer upon graduation and intends on serving in that role or transitioning to government service for the remainder of her legal romantic life—or rather, career. Although she did consider attending the Firm Mix & Mingle "for a brief moment" to get some networking practice, she was ultimately dissuaded after witnessing the intense efforts of her section-mates in preparing for the event.

For those 1Ls who did not participate in the initial courtship practices of the Firm Mix & Mingle, but who still have a desire for private firm matchmaking, more opportunities will become available through the OPP. In particular, such students should remain on the lookout for the City Days series hosted by OPP in the Spring, which will provide similar opportunities to meet with potential firm employers.

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LAW WEEKLY FEATURE: Court of Petty Appeals

The Court of Petty Appeals is the highest appellate jurisdiction court at UVA Law. The Court has the power to review any and all decisions, conflicts, and disputes that arise involving, either directly, indirectly, or tangentially, the Law School or its students. The Court comprises 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

Section J Peer Advisor
v.
The Honorable Stephen Foss
76 U.Va 7 (2023)

Foss, J., delivers the opinion of the court. Coco, J. and Coleman, J. concur in the judgment. Sandu, J. and Allard, J. dissent.

Foss, J., delivers the opinion of the court.

Every year,[1] one brave *Law Weekly* writer ranks the 1L softball team names and subsequently receives massive backlash from the 1L community. Still, he or she persists. Like Bob Woodward, Ida B. Wells, Walter Cronkite, and Ronald Burgundy, journalists such as Respondent are the backbone of our society. Journalistic integrity is dying, and Petitioner would have this Court deal it a dying blow. We refuse to do so. This Court rules in favor of the omnipotent Respondent, Mr. Foss.[2]

The facts of this case are fairly straightforward and plenty petty. On September 27, 2023, the *Virginia Law Weekly* published an article in which Respondent, Stephen Foss '25, ranked the 1L section softball team names. Respondent ranked the names according to various arbitrary criteria, but mostly based on what he called "vibes." Within these satirical rankings, Section J's softball team name—"J'Accuse"—was ranked "somewhere in the middle."

On October 1, 2023, Section J's softball team (J'Accuse) won the prestigious and all important 1L softball tournament.[3] Following J'Accuse's victory, a Section J peer advisor petitioned this Court for a review of the softball team name rankings in light of the team's recent success on the softball diamond. Petitioner claims that respondent was:

> " . . . Insufficient in his analysis since he [Foss] did not factor in the fact that the team name serves slay on the jersey, (it's a legal reference in FRENCH—what other team has done that??) [T]he team works extremely hard to support each other on the field and encourages each other to learn and try new things, and the fact that Section J always has fun on the field, no matter the opponent."

First, Petitioner has no standing. Petitioner is a peer advisor, not a member of the J'Accuse softball team, or even a 1L for that matter. Therefore, the Petitioner has suffered no injury and has no standing. Although this Court appreciates pettiness in all its forms, quasi-helicopter-parenting of this sort will be dismissed swiftly and absolutely. This case could be dismissed on the issue of standing alone, but because it's dumber than rocks and contains a plethora of other issues, I will address some of those issues below.

Petitioner's complaint is included in its entirety above. As well-educated *Law Weekly* readers will see, even if all of Petitioner's claims are taken at face value, they are still insufficient to establish a cause of action. Petitioner's argument can be characterized as follows: "Section J won the softball tournament, therefore, Section J should get a better placement in the softball team name rankings." The two things are completely unrelated. How hard a team works, and how much a team "encourages each other to try and learn new things," has absolutely nothing to do with how good (or bad) their softball team name is. J'Accuse was a middling team name before the tournament, and is still the same middling name afterwards.

I applaud J'Accuse for winning the 1L softball tournament, but their victory is unrelated to the team name rankings. If Section J decided to change their name, that may be reason to reconsider the rankings (and if my aunt had wheels, maybe she'd be a bike). This case is not ripe for adjudication.

Though not implicated in this case, this Court questions the truthfulness of the facts alleged by the petitioner. Petitioner alleges that J'Accuse "works extremely hard to support each other on the field." However, there is evidence that J'Accuse only let nine people (out of 30+ section mates) hit during the championship and only lets those who show up to practice to play in games. Perhaps the Petitioner meant that J'Accuse supports each other on the field, but that support is limited to the section mates that can hit dingers.

> *"Perhaps the Petitioner meant that J'Accuse supports each other, but that support is limited to the section mates that can hit dingers."*

To be clear, kudos to J'Accuse for winning by any means necessary. This Court in no way means to shame J'Accuse for stacking their lineup—do whatever it takes to win. You're champions. History remembers those with t-shirts, not those who get along with their future colleagues. However, petitioner (a non-Section J member) watched J'Accuse exclude 20+ section mates and then try to characterize the team as if they are the poster-child for teamwork, sunshine, and rainbows. That is laughable, and this Court would laugh if it was not already choking on irony.

If petty appeals ceased then so would this Court and what a dark day that would be. In dismissing Petitioner's prayers for relief, this Court in no way means to discourage further petty litigation. Instead, let this decision be a guide to future petty parties. 1) Standing is required, and therefore, Petitioner must have suffered an injury for which the Respondent was responsible. 2) The prayer for relief, the conduct, and the circum-

COPA page 5

1 Just the last two years, actually.

2 Me.

3 Let it be emphasized that Section J class of 2026 did not bring this complaint, nor any complaint. This claim is brought by one of their peer advisors. Section J took care of business on the diamond and nothing else. Any ricochet shots inflicted on Section J are not intended, though, perhaps they are inevitable.

Faculty Quotes

J. Duffy: "Professors, much like God, work in mysterious ways."

F. Fabbrini: "What better place to be than in class on a Friday morning?"

T. Nachbar: "Nobody wants to just reach down and grab a handful of raw meat."

F. Schauer: "Hula hoops, I gather, are making somewhat of a comeback."

B. Sachs: "Oh money. We like money. Money is how you buy things."

C. Nicoletti: "Remember how pesky the Constitution was to Lincoln?"

J. Johnston: "Baby, if it's your money, it's worth being weird!"

C. Nicoletti: "Plagiarism! Okay, great!"

J. Jeffries: "You see, anti-comandeering is important to Justice Thomas and people who make bar review lectures."

F. Fabbrini: "I prepared this very sexy PowerPoint, so I'm getting excited at this point."

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

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COPA

continued from page 4

stances bringing about the litigation must all be causally relevant to one another. Performance on the softball field has no impact on a team name's merit.

This Court rules in favor of the charitable respondent, Mr. Foss.[4]

Coleman, J., concurring in the judgment.

I don't have a problem with a post hoc adjustment to the name rankings. But I would let this paper be run by 1Ls before I afford that privilege to Section J. You played nine people in the tournament. Your softball team is as devoid of collegiality as the Columbia or U. Chicago law schools. For that reason alone, I concur in the judgment.

Coco, J., concurring in the judgment.

While I concur in the judgment of the majority, I cannot accept the analysis employed to reach its conclusion. Any analytical framework that relegates Section C to "Dead Last" in any ranking certainly has its deficiencies. It is nonetheless the case, however, that the application of any other reasonable methodology by this Court will affirm Section J's mediocrity in the 1L softball name rankings.

Where the Petitioner's claim indisputably falls short is its clear failure to satisfy the vibes standard of due process.[5] This Court has articulated a three-factor vibes test when evaluating any request for reconsideration of a published listicle. A party must establish: 1) a clear and definite breach of vibes through the conduct of the *Virginia Law Weekly*; 2) a positive vibe check as assessed by a reasonably prudent person; and 3) a compelling public interest in remedying the alleged vibefeasance.[6]

The vibes demonstrated by the honorable Justice Foss were unimpeachable and thus, not subject to re-evaluation.

When considering the second factor, the majority has already alluded to the fact that Section J's conduct on the field is not exemplary of vibes that warrant a reconsideration of the 1L team name rankings. Moreover, evidence has been adduced that following Section J's championship win, its members felt compelled to interrupt Professor Thomas Frampton's Criminal Law class to announce their victory to the public at-large. This Court does not welcome such grandstanding and its attendant breach of the vibes check. As such, a reasonably prudent person could not conclude that Section J would pass any such vibes check.

The weight of the first two factors, alone, is sufficient to demonstrate that Section J does not satisfy the vibes standard of due process, and no consideration of the public interest is necessary. Nonetheless, I think it appropriate to note that Section J's aforementioned conduct fails this third factor as well. A law degree is worth only as much as the vibes that it connotes, and approval of Section J's questionable vibes would tarnish the value of this venerable asset.

For all of these reasons, Section J's request for re-evaluation of their softball team name ranking must unequivocally be rejected.

Sandu, J., joined by Allard, J., dissenting.

Frankly, we have no idea what softball has to do with French literature. Nevertheless, speaking for the French majors on this Court, we cannot find against the petitioner. It is a core part of our very identity, along with talking about that time we studied abroad, to insert our knowledge of French in every possible situation. Our linguistic laurels ought to be rewarded, not condemned. In the words of Émile Zola, we say that "*la vérité et la justice sont souveraines, car elles seules assurent la grandeur des nations*."[7]

More fundamentally, however, this case does not fall within the premise that "1Ls always lose," as petitioner is not, in fact, a 1L. Even if the true petitioners are 1Ls, given that the suit is brought on their behalf, the facts of this case fall under the exception that "1Ls may win if it is funnier." And what could be funnier than finding in favor of 1Ls against a justice on this very Court?

For these reasons, we respectfully dissent.

4 Still me.

5 Holmes, *Vibes and the Common Law*.

6 *2L v. COVID Protocols*, 74 U.Va 16 (2022).

7 Émile Zola, *La Verité en Marche*.

SPOOKY

continued from page 2

goal of tripping you up. I'm not saying I almost peed myself one year in my Mario costume, but I'm not *not* saying that. All this to say to the plaintiff in *Bellikka*: I really feel you, dude.

The treasures—or horrors?—continue. There are cases involving people using Halloween trick-or-treat messages to induce fraudulent signatures;[7] litigation over whether certain criminal defendants were above or below the acceptable age of trick or treat;[8] and so on. If you have a few minutes to spare while you're dressing up for HalloQueen this Friday,[9] go ahead and treat yourself to the splendors of spooky-themed legal research. You (probably) won't be disappointed.

7 *Fox v. "John Doe"*, 12 Misc. 3d 1168(A), 820 N.Y.S.2d 842 (N.Y. Sup. Ct. 2006).

8 *State v. Watson*, 144 Mont. 576, 398 P.2d 949 (1965).

9 Be there or be square!

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HOT BENCH

Maggie Walker '26

Interviewed by Ashanti Jones '26

Hi, Maggie! 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?

I am from Cincinnati, Ohio. Before this, I was a student at Miami University. I studied political science and strategic communications.

Before coming to law school, during undergrad, I was a volunteer at the SPCA Cincinnati. There, I walked dogs and was a member of the behavioral team, where I worked with dogs with behavioral issues such as anxiety.

I also fostered dogs during COVID-19 lockdown. Through fostering, I adopted a dog from a South Korean dog meat farm. The Humane Society International closed down a farm and rescued nearly 200 dogs.

One of those dogs was my dog, Wheatley. He was sent to the SPCA Cincinnati along with roughly twenty other dogs from the farm closure.

Animal care to law school isn't the most obvious of transitions—what inspired you to go this route?

That is very true. Law has always been my final goal. Animal care is just something I am very passionate about.

The two fields are not too related, but I find enjoyment out of both in different ways. Currently, I have a side gig dog walking for Charlottesville locals. It's a fun de-stress activity, and I get to spend some time with cute dogs!

Do you plan to incorporate animal care into your legal career?

Unfortunately, my future legal career will probably not involve animals, but I will continue to foster and volunteer as much as I can.

What are your current legal career aspirations?

While I have not put too much thought into specifics, at the moment I am just trying to get through the first semester, but I would like to do litigation, preferably in the California market.

I am not too sure of what type of litigation—I am open to exploring and seeing what fits me.

Lighting round!

What is your favorite non-domesticated animal?

I am a big fan of otters.

What Halloween costume are you most excited to see this year?

I am excited to see roller skating Barbie; I'm hoping people actually commit with roller skates.

What is your second least favorite candy?

Smarties. They taste like chalk.

Will you be playing ~winter holiday themed~ music on November 1st?

I will try to resist, but it will inevitably happen.

ROUNDTABLE

continued from page 1

Given our context here in the Law School, several questions arose regarding the relationship between SARA and the University's Title IX office. SARA has a relationship with the UVA Title IX coordinator, Molly Zlock, but emphasized that the scope of SARA's work with the University is, for the most part, survivor-led. For example, if a student has been a victim of sexual violence and would like an anonymous report to be filed on their behalf, SARA can file that report and subsequently coordinate with the student.

The group discussed the importance of truly confidential resources to a victim of sexual violence. It is essential for many survivors to identify a point of contact who is sensitive to the trauma of sexual violence, well-informed regarding the various plans of action that a victim can take, and who will not break the conversation's confidentiality, regardless of the gravity of what has occurred. SARA's representatives discussed the difference between a confidential resource and a mandatory reporter, and recommended that any law student who wants to have a conversation without reporting repercussions get in contact with their advocates.

The roundtable discussed prevention, as Mack and Schell asked the students about the Law School's culture surrounding sexual violence and its impacts. The group noted that the Law School's orientation, particularly as compared to other academic institutions, surprisingly does not include an in-person conversation or training regarding sexual assault prevention. Participants in the conversation proposed ways to change the culture surrounding sexual violence at the Law School, including ideas as simple as posting a flyer regarding resources like SARA in the restrooms and at events promoted within the Law School that involve heavy drinking, such as Barrister's Ball or Bar Review.

Mack provided an example in the form of a poster which SARA has been using in trainings to change the culture around sexual violence in the restaurant industry. The poster describes ways to practice bystander awareness, in the form of "three D's": direct, delegate, or distract. Mack provided examples of preventing sexual violence which would fall under each of these categories, to include directly telling someone to stop their threatening behavior, asking someone who is a good friend of an involved party to break up an escalating situation, or distracting someone who seems to be crossing another person's personal boundaries by telling them that they dropped their wallet near the bar.

SARA's representatives and the members of the Law School community discussed potential push-back to increasing awareness of sexual violence, and agreed regarding the importance of continuing these important discussions in our community.

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ICWA

continued from page 1

For Native tribes, the stakes of legal challenges to ICWA are high. "Native communities experience higher rates of suicide compared to all other racial and ethnic groups in the U.S.," Baldwin explained. "Connecting to community, to one's own language, to one's culture, to one's background, can be a predictive health factor for Native youth." Baldwin noted that the American Academy of Pediatrics and the American Medical Association filed an amicus brief in *Brackeen* emphasizing the importance of ICWA for the welfare of Native children.

Professor Naomi Cahn, an expert in family law, suggested that while ICWA is not perfect, it has had a positive impact on Native youth. "In Utah in 1976, an Indian child was 1,500 times more likely to be in foster care than a white child. Today—not great, but four times more likely."

Indeed, such disparities are precisely what motivated ICWA's enactment in the first place. As Professor Clement explained, ICWA grew out of the relationship between federal, tribal, and state governments. Under the Constitution, federally recognized Indian tribes are independent, sovereign nations, with exclusive power to manage their internal affairs. "The policy of keeping Indians free of state interference is deeply rooted in our history." Despite that clear separation, Clement explained, "there's always been a huge conflict with the states wanting to take on jurisdiction and trying to interfere."

In writing the statute, Congress noted that "there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children," and that "an alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children."

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PODCAST

continued from page 2

charming than Yale or Harvard students were my favorite."

Describing the decision to invite *Advisory Opinions* to the Law School, President of FedSoc at UVA Law, Aquila Maliyekkal '24 stated, "David and Sarah are very thoughtful (and entertaining) interlocutors, and we knew that students that attended would both have a lot of fun and find it very informative. A big part of our mission is exposing grounds to smart, thoughtful conservatives, and we think that's exactly what the event accomplished!"

Wednesday night's taping was posted on Thursday, October 19, and can be found on Spotify, Apple Podcasts, and anywhere else you listen to podcasts.[10]

10 Bonus points for those who listen until the very end, when you can hear a weirdly-timed chuckle, courtesy of yours truly.

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IMMIGRATION

continued from page 3

Baer misses the opportunity to do direct client services. Non-profit immigration law organizations typically do not do a lot of individual client representation and focus more on impact litigation. Sobral practices immigration law in a small firm, which is common, as most immigration attorneys are solo or small firm practitioners. Like Baer, he stressed the value of direct client services.

Final thoughts

The presenters left the audience with some additional takeaways. Most importantly, the American Immigration Lawyers Association is hosting a conference at George Washington University Law School on November 10, 2023. Registration is done through their website,[2] costs $20 for students, and ends October 27, 2023. Second, for those podcast addicts among us, Flamm recommended the *Immigration Review* podcast. It has a significant audience, including members of the Board of Immigration Appeals (BIA). Finally, a helpful resource for writing immigration law briefs is the Index of Unpublished BIA Decisions.[3] Bookmark this link for future review.

I became interested in immigration law after my internship with the Fairfax County, Virginia Public Defender's Office last summer. Criminal law and immigration law intersect when individuals without legal immigration status face criminal charges that can jeopardize their ability to remain. In short, certain "crimes of moral turpitude" can render an alien deportable, and public defenders must keep that in mind when they negotiate plea deals with prosecutors. This semester, I am taking Immigration Law and Policy with Professor Amanda Frost, my 1L CivPro professor. I highly recommend her class for those interested in careers in immigration law. Professor Frost will also teach a class on "crimmigration" in Spring 2024 that I plan to take as well.

2 www.aila.org.

3 www.irac.net.

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