Virginia Law Weekly

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

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Public Interest Students' Funding Concerns

Ryan Moore '25
Historian

The University of Virginia School of Law is a prolific fundraiser. Our endowment sits at $831.4 million as of June 30, 2023.[1] On February 27, the Law School announced that it had reached its $400 million funding goal fifteen months ahead of schedule.[2] This represents "the third-largest total in the history of any law school."[3] Because this fundraising ultimately returns to benefit the student body, every law student is thankful to the 16,000 donors and alumni who made this possible.

But it sometimes seems that not all students are benefited equally. Throughout the last year, public interest students have expressed frustration and disappointment with a perceived lack of support by the Law School and administration. This lack of financial support is acutely felt by public interest students during their summers, where positions are often unpaid or paid significantly less than private firm summer associate positions. To learn more, I talked with several public interest students, including LPS co-president Delaney Tubbs '25, about public interest summer funding, communication with school administration, and what all of us can do to help.

On February 23, public interest students (and private firm students in solidarity) sent a letter

1 https://news.virginia.edu/content/uva-law-reaches-400m-campaign-goal-early.

2 *Id.*

3 *Id.*

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BLSA Brings Rappaport to Talk Entertainment Law, AI in Music

Pictured (left to right): Nia Saunders '25, Kim Rappaport, Kyle Trotman '26
Photo Credit: UVA Law

Ashanti Jones '26
Features Editor

Friday, March 1, the University of Virginia School of Law's Black Law Student Association (BLSA) hosted Kim Rappaport, Senior Vice President of Business and Legal Affairs for Columbia Records, for the latest installment of their Breaking Ground Speaker Series. Rappaport discussed the intricacies of entertainment law, her personal legal career path, and current issues in music law, such as the growth of artificial intelligence (AI). The event featured a moderated interview by Nia Saunders '25, BLSA Vice President, and Kyle Trotman '26, BLSA Interim Social Action Chair, followed by questions from the audience.

In addition to her current role at Columbia Records, Rappaport served as Senior Director of Business and Legal Affairs for Sony Music Entertainment and RCA Records and was recognized as a Billboard Women in Music Executive Honoree in 2023. Throughout her career as an entertainment lawyer, Rappaport has worked with notable artists such as Beyonce, Lil Nas X, and Adele.

Trotman began the interview by asking Rappaport about her unique path to practicing entertainment law. Rappaport started her professional career with a bachelor's in architecture from Cornell University, but soon after she pivoted and pursued a law degree at American University Washington College of Law, where she graduated magna cum laude.

"People take many journeys in education and then finally make a decision, so for me that journey started from an early age with art, design, and music," Rappaport said. "I sort of compromised with my parents, who were like 'you can't go to art school, you're not going to be able to support yourself.' They were right, I couldn't really support myself, so I went to law school."

Rappaport began her legal career as an associate in the Washington D.C. office of Arnold & Porter. Rappaport shared with the audience her experience as a BigLaw associate and how her work with Arnold & Porter gave her an unusual opportunity to break into entertainment law. "I worked my way into the IP litigation group, because at the time they had business with the RIAA, which is the lobbying organization for record labels," Rappaport said. "We represented all the labels on a big anti-piracy case…and I led the damages case, which wasn't the sexiest work, but I really got to interact with all the record labels."

One evening, Rappaport faced off with a team of eight or more lawyers alongside some of Sony's in-house lawyers on a matter pertaining to the case. Over the course of the night, Sony's in-house team departed, leaving just Rappaport and one other attorney, which eventually turned into just Rappaport. "[Arnold & Porter] left me alone for the weekend with the client, it's like 1 a.m., we're still on the phone with Winston & Strawn, and this senior Sony lawyer said 'I have to take a nap,'" Rappaport said.

Feeling a little outnumbered, Rappaport asked the senior lawyer if there were any other Sony lawyers they could phone for backup, to which the senior lawyer responded they had no junior associates in the department at that moment. Noticing a prime opportunity, Rappaport seized the moment and pitched herself on the spot. "I went back to the office I was borrowing, printed my resume, came back with an additional coffee and a bread product, and that's basically how I made the move," Rappaport said.

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around north grounds

TODAY! Check out the screening of the *Oleg Vidov Story*, a newly released documentary about a leading Russian actor who defected to the US in 1985. 4 to 6 p.m. in WB105.

Thumbs up to InDesign. The slightest alteration can throw off the entire *Law Weekly* newspaper. ANG thrives on that level of chaos.

Thumbs sideways to *Dune: Part 2*. ANG loved the cinematography, script, musical score, casting, and special effects, but there was not enough sandworm.

Thumbs down to Daylight Savings. ANG is a creature of the night and hates additional sunlight.

Thumbs up to Cillian Murphy winning the Oscar for Best Actor. He is the true Lisan al Gaib.

Thumbs sideways to the new cases of Alaskapox. ANG is excited about the possibility of once again attending Zoom Torts class at home in ANG's PJs. Or at least, ANG would be excited if ANG did not already live under the Copeley bleachers.

Thumbs down to photoshop. If Kate Middleton can't use it without getting cancelled, then how will ANG look skinny in ANG's Spring Break beach photos.

Thumbs up to sunburn. ANG things that anyone who dares to venture somewhere exotic for Spring Break should pay the price of stinging, peeling skin.

Thumbs down to Virginia's ban on legacy admissions in public colleges. ANG was banking on ANG's nepobabies getting admitted to UVA and funding ANG's retirement with their nepo money.

Can AI Improve My Brief?

Noah Coco '26
Managing Editor

In the previous edition of the paper, I authored an article covering an event hosted at the Law School highlighting the impending impact of artificial intelligence (AI) technology on legal practice. In short, AI technologies are expected to increasingly perform legal tasks and displace the legal workforce. Attorneys who can most effectively deploy AI technologies will be best positioned to succeed in the transforming legal industry.

With that portent looming large, I wanted to experiment with some of the legal AI tools currently available. As a new entrant into the space, I was unfamiliar with the current landscape of legal AI tools, so I began with one that recently showed up in my email inbox: Westlaw's Quick Check.

Westlaw pitches Quick Check as "[c]utting-edge AI combined with Westlaw's editorial excellence [delivering] relevant authority traditional research might miss." As the description suggests, Quick Check is a document analysis tool powered by an AI model that, among other useful features, purports to analyze uploaded documents and suggest authorities that may be relevant to the legal issues identified in the document but that were not cited in it. The tool generates a report that lists relevant authorities organized by the headings from the original document, and it displays the outcome of the recommended cases along with excerpts of case text relevant to the legal issue analyzed.

I approached Quick Check with a simple challenge: can it improve my LRW brief? Or, can it improve a hypothetically bad version of my brief emblematic of disregarding two semesters' worth of LRW class sessions? Although I presume that at least one-third of the Law School has by now analyzed this same legal issue, I will give a brief crash course on the legal question analyzed. The case concerns whether digital sampling of sound recordings constitutes per se copyright infringement or whether a de minimis exception applies. The first main argument presented in the brief supports the rule that digital sampling constitutes per se copyright infringement. Assuming the court does not adopt this rule, however, the second main argument maintains that the particular instance of digital sampling in the case is not de minimis as a matter of law, first under a test called the fragmented literal similarity test, and second under a test called the observability test.

I first uploaded a moderately complete draft of my own LRW brief. Due to the gracious beneficence and tutelage of the Law School's own Professor Ruth Buck '85, I was very confident that nearly every authority relevant to my analysis was already accounted for. The results of the Quick Check report confirmed my suspicions.

As a preliminary matter, Quick Check correctly identified the headings labeling the two main arguments, as well as the three sub-arguments contained under both. However, as expected, the suggestions bore meager relevance to the precise legal issues analyzed in the brief. For example, although the recommended cases for the first sub-argument of the first main argument did all pertain to music and copyright infringement, they all dealt with different forms of infringement, none of which concerned digital sampling. I was nonetheless impressed that the top-recommended cases were all within the jurisdiction of the Second Circuit—four of the cases were tried in the Southern District of New York, and the fifth was argued at the Second Circuit itself. If not a coincidence,[1] then the AI model's ability to recognize the relevant jurisdiction from the brief is admittedly impressive.

Although the failure to identify additional relevant cases is excusable since it is likely that nearly all relevant cases have already been included in the brief, less excusable was the failure of Quick Check to recommend any relevant or useful secondary sources. Of the scant twelve recommendations across all the headings, two authorities—one, an alphabetically-listed table of case names from a treatise on copyright, the other, the digital sampling portion of *American Jurisprudence Proof of Facts*—comprised seven of the total, and they were not particularly helpful. This is a striking result since a basic targeted search in Westlaw's generic search bar yields hundreds of relevant law review articles and other authorities. It is surprising that not even the most cited law review articles on the topic were recommended.

Although the initial test of the "control" brief produced unsurprisingly mediocre results, I next challenged the Quick Check tool with an "experimental" brief where I removed key text and citations from the arguments. First, I completely removed the discussion of the statute from the Copyright Act of 1976 that is most relevant to the discussion of sound recording copyright infringement.[2] Second, I removed the discussion of one of the

1 I find it improbable that this was purely a coincidence since many music copyright cases naturally arise out of California in the Ninth Circuit.

2 For those of you in the know, 17 U.S.C. § 114.

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FUNDING

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about recent changes made to the structure of summer funding at the Law School to Dean Risa Goluboff, incoming Dean Leslie Kendrick, and the Law School Foundation.[4] Public interest students laid out a timeline that underscores a lack of communication and support from school administration.

On November 28, 2023, the school announced that they were increasing the Public Service Summer Grant (PSSG) funding for public interest students from $4,000 to $5,000 for 1Ls and $7,000 to $8,000 for 2Ls. While still significantly less than the tens of thousands of dollars students can make in summer associate positions, any increase in public interest funding is appreciated.

However, by early 2024, word spread that the School planned to remove alumni summer fellowship opportunities, which provided an additional source of funding for public interest students. The fellowship previously supported a significant number of public interest 2Ls, nearly 25% of whom received supplemental funding in amounts up to $10,000. Instead, public interest students can still apply for alumni fellowships and grants but will no longer receive additional funding beyond the base PSSG amounts.

The official change to alumni summer funding was not announced until February 5, 2024, after many students had already made summer plans and committed to work in high cost of living cities where vulnerable populations are in need of support. While alumni fellowships are not guaranteed, public interest students have a higher chance of receiving additional school funding than funding from large, national public interest support organizations. To me and many public interest students, the changes to alumni funding feel like a loss of resources for public interest students.

Much like Justice Stephen Breyer, when I am forced to make a hard decision, I often resort to a balancing test.[5] On the one hand, we have the costs to the University of additional funding. On the other, the quality of life of public interest students. Inadequate summer funding affects public interest students during the school year as they must make their budgets stretch to cover their summer jobs. The cost to the university for increasing summer grants is essentially negligible. Only thirty-one out of 315 students in the Class of 2025 did not partake in OGI last summer. For the Class of 2024, only thirty out of 300 received a PSSG. There may very well be financial constraints that make additional levels of support unfeasible, but given the imbalance between the needs of public interest students and the costs to the University, we are all owed an explanation.

What can we do?

One of the many features I like about UVA Law is that private firm students step up to support our public interest colleagues. Whether it is the annual PILA auction, which raises thousands of dollars in supplemental summer funding, or just buying your public interest friends a drink at Bar Review, everyone recognizes the necessary work public interest students do. I am heartened that many students going to private firms this summer signed the open letter in support of our public interest colleagues.

I also believe that SBA has a responsibility to explicitly platform the needs and concerns of public interest students. SBA has the ear of school administration in a way that other student organizations do not, including weekly meetings with school officials. I was surprised that after the letter issued by public interest students, SBA had not reached out to offer support. Shortly after this article goes to press, public interest student representatives plan to meet with school administration to discuss their concerns. It would be great if SBA leadership could throw their weight behind this effort.

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4 All numbers in this article regarding public interest student funding are sourced from this letter.

5 This is about the only thing we have in common.

RAPPAPORT

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"He asked me 'you want to do this?' and I said 'yea, I'd actually love to.'"

Rappaport clarified her role as an in-house entertainment attorney does not involve talent scouting, it is purely on the side of talent acquisition, which she believes is probably for the best because sometimes she has discounted artists that have turned out to be a huge success for the label.

"They didn't hire me for my creative judgment, and a lot of the times I'm wrong," Rappaport said. "I was working on Little Nas X, and when we first found the early version of 'Old Town Road' and my CEO was dm'ing him, I thought it sounded like a nursery rhyme. Shame on me, Little Nas X has surpassed Elvis and the Beatles, he's a delight and he's a creative marketing genius."

Saunders shifted the conversation by asking Rappaport about the effects of AI on the music industry and how entertainment lawyers are accommodating or challenging these effects. "AI, at least for Sony, is probably one of the biggest topics," Rappaport said. "All the mu-

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Sir, This is a Courtroom

Andrew Allard '25
Editor-in-Chief

On the Monday before spring break, the Supreme Court (known to some as the "nine greatest experts on the Internet") held oral arguments in the *NetChoice Cases*.[1] The cases involve two laws passed by Florida and Texas that aim to restrict social media platforms' content moderation practices.

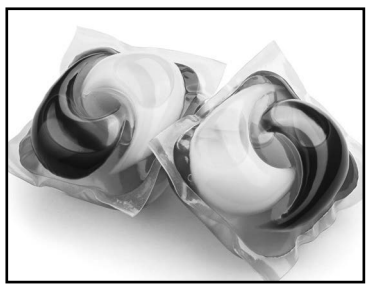
While some observers have speculated that the cases could generate a watershed moment in First Amendment law and internet freedom, the oral arguments held in late February seem to have abated those concerns for now. It appeared likely that the Justices would take a narrower path and avoid defining the precise contours of social media platforms' editorial rights at this stage.

But for what the arguments lacked in legal drama, they made up for in silliness and ineptitudes resulting from the Justices' and the advocates' … less-than-complete understanding of internet culture. So, in celebration of our (hopefully) retained internet freedom, without further ado: the top moments from the *NetChoice Cases*.

1. "They [social media platforms] can discriminate against particular groups that they don't like, whether it's a group that encourages kids to take the Tide Pod contest or something else."

This first banger comes from none other than the Chief Justice himself, John Roberts. During the first argument, Justice Barrett and counsel for NetChoice, Paul Clement, both mentioned the Tide Pod challenge. So naturally, Justice Roberts, mustering as much "how do you do, fellow kids?" energy as his sixty-nine-year-old[2] self could, decided to join the fun. I'm not sure what the Tide Pod "contest" is, but I know that Justice Roberts is winning it.

2. "You know, the expression like, you know, sir, this is a Wendy's."



Pictured: Ancient artifacts from the Tide Pod contest
Photo Credit: Harvard Health

Aaron Nielson's awkward use of this phrase revealed a slightly better command of Internet culture than that of the Chief Justice, but that's not saying much. Nielson, counsel for Texas in *Paxton*, said this seemingly in an effort to rebut the argument that social media platforms have editorial rights and assert that they are instead more like telephone companies. Yeah, I don't get it either. But then, hey, does anyone think the Justices even know what this phrase means when used correctly? Well, maybe Justice Kagan does.

3. "I've been fortunate or unfortunate to have been here for most of the development of the Internet."

In fairness, Justice Thomas didn't really get anything wrong here. Thomas took his seat on the Court in 1991, and Section 230—which to some extent "created" the modern Internet—was passed five years later. Despite this experience, Thomas seems to be the least online member of the Supreme Court. My guess is he feels more unfortunate than fortunate to have been along for this ride.

4. "Twitter users one day woke up and found themselves to be X users and the content rules had changed and their feeds changed, and all of a sudden they were getting a different online newspaper, so to speak, in a metaphorical sense every morning, and a lot of Twitter users thought that was great, and a lot of Twitter users thought that was horrible . . . ."

Do I even have to tell you that this was Justice Kagan? Legend. If this example seems *awfully* specific, that might be because of Kagan's (in)famous anonymous Twitter account.[3] One can only guess if Justice Kagan is in the camp of users who thought the Elon Musk/X makeover was "great" or "horrible." Hm…

5. Honorable mention: "I want to have a Catholic website. I can keep off somebody who's a notorious Protestant."

Honestly, this one from Paul Clement has nothing to do with Internet cultural knowledge or a lack thereof. But the phrase "notorious Protestant" made me laugh, so I felt the need to include it.

Someday, we, too, will awkwardly try to talk about new things we don't fully understand. And the very successful among us will perhaps even get to do so in the esteemed halls of the Supreme Court. But for now, I'll continue to point and laugh at those who are older and no longer in the loop.

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1 *NetChoice v. Paxton* and *Moody v. NetChoice*.

2 Nice.

3 Debra C. Weiss, *Kagan acknowledges incognito Twitter use; Ginsburg sees obstacles for women*, ABA Journal (Feb. 3, 2020).

VJIL Art Theft Symposium: Perspectives on Visiting the Louvre Over Spring Break

Nikolai Morse '24
Editor-in-Chief
Emeritus

On February 27, the *Virginia Journal of International Law* (VJIL) hosted its 73rd annual symposium, entitled Art Theft, Artifact Repatriation & Restitution Efforts: Challenges and Progress. For this reporter, the event provided an interesting backdrop to a visit to the Louvre while in Paris for spring break.

The symposium focused on efforts to repatriate art that had been removed from its country of origin, most commonly during wartime or colonial occupation. For the most part, the focus of discussions was on the interactions of the legal system and various governments in assisting or hindering repatriation efforts.

The event began with welcome remarks from Mishan Khara '24, the outgoing Editor-in-Chief of VJIL, and Julia Jean "JJ" Citron '24, the Symposium Director and outgoing Research and Projects Editor of VJIL. The first panel, "Modern Litigation Approaches to Restitution Claims," consisted of Jake Archer, Special Agent at the Federal Bureau of Investigation; L. Eden Burgess, B.A. '96, Of Counsel at Schindler Cohen & Hochman LLP; Professor William L. Charron '98, Partner at Pryor Cashman LLP; and Jonathan C. Hamilton '98, Partner at White & Case LLP.

The panelists described the legal framework underlying efforts to repatriate art as a meshing of property and contract law, overlaid by an intermingling of state and federal law. The litigators discussed recent cases they had worked on and the litigation strategies they had pursued. Of particular interest was the comparison between civil and criminal routes to repatriate stolen art. One panelist noted that much of the civil dispute will center on the choice of law, and whether the law of the current locus of the art should govern or the law of the land of origin.

Next, Amelia K. Brankov, the founder of Brankov PLLC, gave the keynote address. In her address, Ms. Brankov described various current trends in art law more generally, and how repatriation efforts were affected. She also described some of the factors that have complicated matters, including artificial intelligence and other evolving technology. She also described the ways in which copyrighted intellectual property intersects with art law, and how this is driving the development of American law in the area.

The final panel of speakers addressed the topic "Institutional and Individual Approaches to Transitional Justice, Memory, and Repatriation." The panel included Professor Deborah A. DeMott, Duke University School of Law; Ndubuisi C. Ezeluomba, Curator of African Art, Virginia Museum of Fine Arts; Ashley D. Fry, Indigenous Affairs Officer, Bureau of Educational and Cultural Affairs, U.S. Department of State; and Lorie J. Nierenberg, Senior Counsel, U.S. Department of State Office of the Legal Adviser. The panelists described the relationships between museums, the public, and countries of origin. Speaking on the importance of repatriation efforts, the panelists described it as a story of culture and returning historic art in relation to communities that exist today. The panelists from the State Department described various initiatives and educational programs.

When asked how VJIL chose this year's symposium topic, Citron pointed to the number of repatriation claims and, perhaps more notable, the significant number of museums that returned such art in 2023. Contrasting this year's topic to that of prior years, Citron said she was motivated by the personal feelings that art invokes, and her hope that it made the operation of international law more tangible for attendees. "By bringing in art, which is a deeply personal and emotional topic, I thought that it would hit closer to home because art is a part of us and our cultures' stories and storytelling."

During my visit to Paris over spring break, as I toured art museums, I thought about the symposium. The complexity of repatriating art involves, as panelists mentioned, the intersection of various legal doctrines and local, national, and international law. Yet more than the legal complexities of repatriation, my mind was drawn to the emotional and historical connection that Citron pointed out.

For instance, my favorite part of my visit to the Louvre was its collection of antiques. The Louvre is home to a prodigious collection of artifacts and artwork from the ancient Persian and Egyptian empires. To see the stories the artwork told, and to imagine them being crafted by human hands thousands of years ago, was awe-inspiring. And if I'm being honest, I was truly glad they were there for people to see.

At a more fundamental level, there seem to be many questions that demonstrate the tension inherent in repatriation efforts. Is art for the individual or the public? Should art that is displayed from other nations (even those that no longer exist) contain a disclaimer to this effect? Isn't this what many

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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

Consumers Resolutely Opposed to the NaCl Heap (CRONCH)
v.
Conagra Brands
76 U.Va 17 (2024)

ALLARD, C.J. delivers the opinion of the court.

Allard, C.J., delivering the opinion of the court.

This case comes before us on appeal from the District Court of Petty Complaints. Petitioner, Consumers Resolutely Opposed to the NaCl Heap (CRONCH), is a group of students interested in "preserving the high quality of Student Affairs snacks that the founders intended." CRONCH brought this suit after "an unfortunate snack experience" involving Respondent's sunflower seeds. Respondent, Conagra Brands, sells various packaged foodstuffs, including the product at issue in this case, DAVID Sunflower Seeds. Petitioner alleged in their complaint that the amount of salt in a snack bag of DAVID seeds is "excessive" and "unreasonable as a matter of law." Conagra moved to dismiss the suit for failure to state a petty claim. The District Court granted Conagra's motion, reasoning that while students have a right to a good meal, those rights do not extend to snacks like the ones at issue in this case. This appeal followed. We granted cert to determine whether Students' alimentary rights extend to snacks from the Student Affairs Office. Because the District Court failed to appropriately weigh this Court's precedent protecting student's right to eat for free, we reverse.

Background

DAVID Sunflower Seeds is a well-known sunflower seed snack product, made available in several flavors, including jalapeño, buffalo, and sour cream & onion. At issue in this case is the original salted and roasted variety. These snacks are marketed and distributed widely across various retail outlets and in the Student Affairs Office.

Members of CRONCH, all students at the Law School, allege that they grabbed a bag of DAVID Sunflowers Seeds in the early months of 2024. These students, initially unfamiliar with the brand, reported examining it thinking, "Oh, seeds? Birds eat those. They must be healthy." Upon tasting them, the CRONCH students realized their mistake. They noted an exceptionally high salt content, prompting disgust and concern. Not wanting to consume enough salt to kill a horse, some students threw the snack away, feeling shame for wasting valuable SA Snacks. Others, feeling compelled to finish the bag, suffered severe dehydration from doing so.

The record reveals that a forty-six-gram "snack size" bag of original flavor DAVID Sunflowers Seeds—the kind available in Student Affairs—contains 1,960 milligrams of salt, equivalent to 85 percent of the recommended daily value of salt and comprising more than 4 percent of the snack by weight. The CRONCH students complain that no reasonable person would willingly consume this amount of salt in one sitting and that Conagra should thus be required to put a warning label on the packaging indicating that the snack is "inedibly salty." Conagra responds by citing product reviews purporting to show that many consumers enjoy the high salinity of their products. Resp't's Br. 12 ("The level of saltiness is right where it needs to be."). The Court, its Justices having sampled the product, agree wholeheartedly with CRONCH. But we must nonetheless consider Conagra's legal obligations under these saline circumstances.

I.

Jurisdiction is proper in this case. Conagra has deliberately availed itself of the Law School's market by entering its products into the stream of snackage. And the CRONCH students' complaint—in essence, that some of the free snacks the Law School provides them are too salty—is undoubtedly petty. We may thus proceed to the legal sufficiency of CRONCH's complaint.

> *"The study of law is hungry work, and law students' rights to quality food must be vigorously protected.*

II.

This Court has a sacred duty to "defend the right of citizens of UVA Law to a decent meal." *UVA Law v. Barracks Road Chipotle*, 74 U.Va. 9 (2021). In upholding that duty, this Court has repeatedly held that students' alimentary rights may be asserted against parties providing or consuming food at the Law School. *See Hungry People v. Law School Student Orgs*, 75 U.Va. 12 (2022) (enjoining all student organizations from preventing students from eating free lunch until after events); *Students v. Empty Food Table*, 75 U.Va. 10 (2022) (enjoining 1Ls from taking food from events hosted by organizations of which they are not members); *1Ls v. 2Ls and 3Ls*, 75 U.Va. 6 (2022) (enjoining 1Ls from consuming more than a third of the free food at Law School events).

CRONCH argues that these cases establish students' rights to quality snacks from any source that willingly offers up food. CRONCH also makes compelling policy arguments. Noting that grocery prices are at record highs, they ask the Court to protect students' wallets and stomachs.

In response, Conagra distinguishes this Court's alimentary rights cases on the ground that they involved meals, not snacks. Conagra concedes that students have a right to a decent meal but argues that extending that right to encompass snacks would open the floodgates to a slew of food and drink-related litigation. Conagra suggests in its brief that students might sue the City of Charlottesville for its water quality since city water is distributed to the students

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Faculty Quotes

M. Versteeg: "Feminists love to liberate women."

J. Fore: "I hate to tell you this...no one is going to be excited to read your legal writing."

J. Harrison: "The good news about the Deepwater Horizon spill is that many people made partner from it."

N. Cahn: "There are no wrong answers in this class... there are answers we can *discuss*."

M. Versteeg: "Religious groups are very well organized to protect religious freedom, and they actually litigate...a lot...I was going to say the hell out of it."

J. Mahoney: "You can make sympathetic noises."

R. Bayefsky: "The gorilla died...so that sort of solved that problem."

J. Harrison: "They look to the Common Law. Where else are they going to look? To the French Civil Code? God forbid."

A.Woolhandler: "Smuckers? That's good peanut butter!"

J. Harrison: "As West Virginia goes, so goes New Jersey."

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

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COPA

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via the Law School's water fountains. Or worse yet, disgruntled editors might sue the *Law Weekly* for the quality of food provided at its meetings.[1]

Conagra's concerns are mostly misplaced. The study of law is hungry work, and law students' rights to quality food must be vigorously protected. Even if our holding today may encourage opportunistic litigation by gourmands, courts can adequately dispose of meritless food claims by applying the Stomach Formula. If the burden of improving the quality of food is less than the probability of students' being dissatisfied times the extent of students' hanger, then the failure to make such an improvement likely constitutes an actionable diminution of students' alimentary rights.

Applying this formula to the instant case, we find that CRONCH has stated a sufficient claim for denial of food rights. The students ask for a mere warning label indicating the honestly ridiculously high salt content of DAVID sunflower seeds. The burden on Conagra to apply such a label is minimal. Admittedly, the extent of students' hanger in cases involving snacks is diminished. Disappointment with the quality of a snack is unlike cases where there is a delay or outright denial of a meal, which has the potential to upend a student's entire day. But here, the probability of dissatisfaction saves CRONCH's claim. Mineral-craving ibexes notwithstanding, there can be no doubt that few would willingly reach for Conagra's seeds knowing they have been imbued with the flavor of the Dead Sea. For these reasons, we conclude that the District Court prematurely dismissed CRONCH's claim. CRONCH is entitled to have their stomachs full and their claim heard in full. The District Court's order dismissing the case is thus *reversed*.

1 Conagra's second example is puzzling, since the Domino's pizza provided to *Law Weekly* editors has never before been complained of.

Savings and Investing Strategies

Brent Rice '25
Staff Editor

Continuing our series offering readers financial advice from the *Law Weekly* writer with crippling credit card debt, I decided to head over to the Financial Aid Office's "Real World Finances" series for the "Saving and Investing Strategies" workshop on February 27. While the series is targeted towards graduating 3Ls who will soon have an actual income, there was a healthy amount of 2L students presumably hoping to learn some quick strategies to preserve their 3LOL bar spending money.

The session was led by UVA Law Professor Paul Mahoney, who previously served as Dean of the Law School and is credited with skillfully leading the school through the 2008 financial crisis. If you are reading this article in lieu of reading for class and only have a few short minutes to spare, one of the most important takeaways of Professor Mahoney's session was to remember the power of compounding.

At its core, compounding is the idea that interest can build on top of interest, which can work either for or against you. For example, most of the end value of a person's retirement accounts is attributable to money invested in the account between the ages of 25-34. For this reason, you can make compounding work for you by saving for retirement early and often. Another way to make compounding work for you is to only borrow assets that will appreciate in value, for example a house or your law school education.

Compounding works against you when you borrow money to buy assets that depreciate in value quickly—such as a new car. Or, even more so, when you do not pay your credit card bill in full each month, as interest accumulates on top of interest, which can exponentially increase the amount you owe.

The session next turned to a discussion of the relationship between risk and return, where risk can be estimated by the extent to which the return on an asset varies from one period to the next. The longer your investment time horizon, the more risk you can take in pursuit of higher long-term returns. Also, it is important to know that diversification within an asset class, if done well, can reduce risk without reducing return.

Professor Mahoney then covered different types of financial professionals we can turn to for help:

"Full-Service" Brokers:

These investment professionals are paid on a commission basis and often sell "proprietary" products on which the broker earns additional fees. Because they are not fiduciaries, they are not required to avoid all conflicts of interest when helping you invest. Hence, the broker's incentive is to sell you investments on which they earn the highest compensation, which can eat substantially into your returns. That said, if you don't trade often, a broker can be an inexpensive source of advice.

Registered Investment Advisors:

This type of financial professional usually charges a fee based on the amount of assets under management (e.g., 1.25 percent per year). As fiduciaries, they are required by law to serve your interests and either avoid or disclose all conflicting interests. So, the incentives and

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HOT BENCH

Monica Sandu '24
Interviewed by Mark Graff '26

Why did you come to UVA Law and what are your plans post-grad?

Well, I grew up in Virginia—in fact, I'm from Blacksburg, the home of Virginia Tech! I did my undergrad at William & Mary, where I was a double major in International Relations and French. My sophomore year, I took a class on international law, which presented some fascinating questions: What is law? How do laws shape our philosophy of the world? I wanted to explore those questions and to make a positive difference in people's lives through what I had learned. My older sister went to UVA for undergrad, so I'd visited Main Grounds with her a few times, and she always spoke very highly of Charlottesville and of the UVA community. As I looked more into it, I found that UVA Law was exactly where I wanted to be.

After graduation (and the Bar!), I'm going to be working at a plaintiff's class action litigation firm in Prairie Village, Kansas near Kansas City! I had a wonderful 2L summer there, and I'm excited to be going back!

Any favorite memories from law school/ what will you miss the most when graduating?

I'll definitely miss my 1L section–shoutout to Section A! Some of my favorite memories are all the fun get-togethers we've had over the years. We had an end-of-year's "Oscars" after the first year, where I won the award for Best Fun Facts! I now keep the mini-Oscar trophy on my desk next to my pencil holder. I'll also miss the fun and fascinating classes I have taken; some personal favorites were Roman Law and Hallmarks of Distinguished Advocacy. Most of all, I'll miss seeing all of my friends in person every day.

What would you consider your *Law Weekly* legacy?

You mean besides introducing the *Law Weekly* staff to my impeccable taste in music at every meeting? Well, the job of the Production Editor (besides controlling the Spotify) is to put the paper together. From a strictly technical sense, I could say my legacy is my eye for kerning.

In a more personal sense, I consider my legacy to be those times that people enjoyed my work, when it made their day a little brighter or taught them something new. My fall semester of 1L, I drew a cartoon of a cow in a suit holding a gavel in its mouth, with the caption "Moooooooot Court." I remember seeing someone in ScoCo reading the paper, pointing it out to their friend, and having a laugh. That's something that's really stayed with me.

Any advice for future production editors?

Proficiency with InDesign will come with time and practice. Images should fully fill the columns and align with the top of the text; otherwise, text-wrapping is a nightmare. Beware: InDesign has no spell check. Use your powers of Spotify wisely.

What did you do for spring break?

I spent the week up in Northern Virginia with my family! While there, we went to a special exhibit called "The Future of Orchids: Conservation and Collaboration" at the Smithsonian American Art Museum in Washington, D.C. Overall, it's been a fun, relaxing time with loved ones.

Lightning round: Most recent Netflix (or other) binge?

This isn't quite "binging," but I'm into a podcast called *Terrible Lizards*. It's all about dinosaurs and covers everything from deep dives on individual species to dinosaur behavior and insight into the field of paleontology. It's great to listen to on long drives.

Favorite pizza place?

The *Law Weekly* office on Monday afternoons.

Music while studying or silence? If music, what songs?

Typically, I prefer to work in silence or to pure instrumentals. My go-to study music for a while was Vivaldi's 'The Four Seasons." I'm also a fan of waltzes and of John Powell's score from *How to Train Your Dragon*. I've recently been listening to playlists of fantasy/adventure Medieval-esque music.

Lastly, is there anything about you that UVA Law students don't already know that you wish to share?

I took mechanical drafting for two years when I was in high school, where I learned to create technical drawings of machine parts and tools both by hand and using computer software. I took the official exam and got my mechanical drafter's certification when I was a junior, though it's expired now.

It's not a universe away from what I do now with the *Law Weekly*, though prior to becoming production editor, the last time I had used InDesign was as a high school freshman. I guess you can say . . . graphic design is my passion.

WESTLAW

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few cases in the Southern District of New York (and the Second Circuit broadly) where the de minimis exception had been applied to a case of digital sampling of s sound recording copyright.[3] Third, I omitted one of two Second Circuit cases applying the fragmented literal similarity test.[4] Finally, I omitted three cases where the fragmented literal similarity test had been applied to digital samples of sound recordings.[5] Maybe I was a little heavy-handed on the omissions, but I wanted to see how much Quick Check could help me if I had been completely unconscious in every LRW class of the year.

After uploading the lackluster brief, I first observed that recommendations of relevant statutory provisions were not actually a feature offered by Quick Check. Pity. Quick Check did, however, provide a backdoor of sorts, since the recommendations for the first sub-argument of the first main argument recommended the same relevant case twice, each time highlighting text that cited the missing statutory provisions. Perhaps if I had not read the cases carefully enough the first time, these results could have provided a second chance. The results did actually impress me for another reason. Again assuming no coincidence, Quick Check properly recommended the case that was most beneficial to my side of the argument, rather than the competing case for the opposing side that unflinchingly eviscerated the statutory argument put forward in the first.

The recommendations fared marginally better in identifying the omitted cases. Only one of the omitted cases was identified among any of the top five recommended cases displayed on the main page of the report.[6] However, three more of the omitted cases were recommended when I clicked on the links to "See additional cases" appended to the main report.[7] Although the cases were not recommended under the same headings as those from which they were originally included, it is difficult to find fault in that lack of precision in what is otherwise a nuanced legal issue. More upsetting were the recommendation of dozens of irrelevant cases and the failure of Quick Check to recommend the final omitted case, which actually applied the fragmented literal similarity test to six different digital samples.[8] Moreover, it should be unsurprising that Quick Check again failed to recommend any appreciably beneficial secondary sources.

In conclusion, Quick Check will likely not meaningfully improve either a relatively good or relatively bad LRW brief (yet). The main problem I had is that the top recommendations were generally not relevant and missed the main legal issue. When Quick Check did identify relevant cases missing from the brief, they were not matched to the appropriate argument headings. Also, by the time I found the cases, it felt no more efficient than working through search results rendered from a targeted search in the generic search bar. Nonetheless, some of the characteristics of the results did impress me, and the tool should not be entirely discounted. The results of this dubiously rigorous study should also be taken with a grain of salt because they seem incongruous with the general narrative surrounding generative AI, particularly models used for legal research.[9] I would highly recommend testing the tool out for yourself. Perhaps you will have more success than I had, but at the very least you will be preparing yourself to adopt the technologies that will likely shape your legal career.

3 Again, for those that care, *TufAmerica, Inc. v. WB Music Corp.*, 67 F.Supp.3d 590, 591-98 (S.D.N.Y. 2014).

4 Same disclaimer, *Ringgold v. Black* Ent. *Television, Inc.*, 126 F.3d 70, 75 (2d Cir. 1997).

5 For the last time, *TufAmerica, Inc. v. Diamond*, 968 F. Supp. 2d 588, 603 (S.D.N.Y. 2013); *New Old Music Group, Inc. v. Gottwald*, 122 F.Supp.3d 78, 97 (S.D.N.Y. 2015); *Williams v. Broadus*, No. 99 CIV. 10957 MBM, 2001 WL 984714, at *4 (S.D.N.Y. Aug. 27, 2001).

6 *TufAmerica, Inc. v. WB Music Corp.*

7 R*inggold v. Black Ent. Television, Inc.*; *New Old Music Group, Inc. v. Gottwald*; *Williams v. Broadus*.

8 *TufAmerica, Inc. v. Diamond.*

9 For a more redeeming experience with legal AI tools, check out Westlaw's other AI model, Ask Practical Law AI. In hindsight that may have been a more successful article.

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THEFT

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descriptions in museums already do? And can any explanation sufficiently pay respect to a land or people whose artifacts and history were forcibly seized or destroyed? And how should we weigh the increased visibility of an artifact in a world-famous museum, compared with the national pride in having art returned to its birthplace?

The answers to these questions will likely continue to shape the development of both art law and the ways in which art owners, art lovers, and countries interact with historic and popular art. For now, they are worth considering while we enjoy art and connect ourselves to those from places and times far from our own.

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RAPPAPORT

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sic companies fear it's going to cannibalize the industry like digital anti-piracy did."

Rappaport explained the best way to combat the negative effects of AI, as of now, is to contract around it as best as they can, but mainly by restricting an artist's ability to grant rights to their music to AI. "The whole point of a recording agreement and the crux of our company is getting these exclusive rights," Rappaport said. "We don't want another company to basically flip it on us and do any re-records. Like with Taylor Swift, you see the problem of the re-record…people are rushing to buy the re-record instead of the original, which is the same fear with AI, so we've been working in AI-specific language into our contracts . . . because we don't want to be caught behind on technology."

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legal duty are well-aligned with your own financial interests. That said, you can pay a lot for this advice if you have a lot of assets under management, and this payment has a compound effect, which works against you in the long run.

Do It Yourself:

While recognizing that many of us came to law school to avoid math and complicated numbers, Professor Mahoney finally shared an investment strategy where *you* become the financial professional. This strategy is the lowest cost to you and puts you in control of your investments. But the disadvantage to this strategy is also that you are in control of your investments, and you may act irrationally or emotionally in a way that reduces your long-term return. For those interested in a little bit of DIY, the session concluded with a short discussion of the differences between mutual funds and ETFs.

A mutual fund is an investment vehicle that sells shares to investors and uses those proceeds to buy portfolios of securities. When evaluating mutual funds, it is important to look at the "Expense Ratio" as many similar funds charge very different expense ratios and, in addition, competition has led some companies to offer a small number of index funds with an expense ratio of zero. One advantage of mutual funds is you can buy it and forget it, but there are some negative tax consequences to mutual fund ownership as they are pass-through entities for tax purposes.

ETFs are a more recent product offering. ETFs hold a portfolio like a mutual fund, but trade on a stock exchange as if they are an individual stock. For this reason, they offer instant liquidity but must be bought/sold through a broker, rather than through the fund itself. Expense ratios for ETFs may be lower than for mutual funds because there are less administrative costs, and ETFs may be slightly more tax-efficient than mutual funds since you only pay taxes when you sell. That said, like other products traded on a market, you need to carefully evaluate the bid-ask spread and choose ETFs with lower spreads among similar funds. In addition, most ETFs don't offer automatic reinvestment of your earnings so it takes more effort in order to get a compounding effect that works in your favor.

All in all, the session was very informative and I, for one, look forward to putting this newfound knowledge to use. That is, if and when I have any money to invest.

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