

VIRGINIA LAW WEEKLY

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Wednesday, 23 January 2019

The Newspaper of the University of Virginia School of Law Since 1948

Volume 71, Number 13

iTrek Trip Brings UVA Law Students to Israel

Lena Welch '20
New Media Editor

Over winter break, forty-four UVA Law students and one UVA Batten School of Policy student participated in the iTrek trip to Israel. The seven-and-a-half-day trip traversed the country, with the group traveling from Jerusalem to the Dead Sea, up to the Golan Heights and Syrian border, and concluding in Tel Aviv. The trip allowed the students to explore the interesting legal questions presented by a complicated place, but they also learned about its historical and religious roots and the vibrant cultures that exist today.

In addition to the tour educator who stayed with the group for the entire trip, the students heard from such speakers as a former President of the Israeli Supreme Court, a lawyer who focuses on bringing lawsuits on behalf of terror victims, a retired colonel and expert in geopolitics, and a former policy advisor to President Shimon Peres. Additionally, the group heard from a couple of journalists tasked with decoding the complexities of Israel.

The first full day in the country struck a serious tone as the group toured the Yad Vashem Holocaust Museum and the Old City of Jerusalem. For those who have been to a different Holocaust museum or even for those who have been to the Yad Vashem, it provided a powerful experience as it attempts to give each victim a memorial and a name. The Old City was another powerful experience as the students toured the Church of the Holy Sepulchre—the location of the burial of Jesus Christ and as such a holy place for Christians—and the Western Wall, the most religious site for the Jewish people.

“Having the first stops of the first full day of the trip be at Israel’s National Holocaust Memorial Museum and Jerusalem’s Old City provided historical context to the trip,” Julian Krititz ’20, one of the four student leaders, said. “It showed us the immediate necessity of the modern state, born out of the tragedy of the Holocaust, and the long-term Jewish connection to the country, born out of independent sovereignty of the ancient Jewish kingdoms.”

The following day, the student iTREK page 2

SCOTUS Clinic Wins Big



The UVA SCOTUS Clinic poses for a photo on the steps of the Supreme Court. Photo University of Virginia

Jansen VanderMeulen '19
Editor-in-Chief

Students in the UVA Law Supreme Court Clinic reacted with dignified delight earlier this month when the United States Supreme Court ruled for a petitioner represented by the clinic in *Culbertson v. Berryhill*, 586 U.S. ____ (2019) in a 9–0 opinion authored by Justice Clarence Thomas. Clinic Director Professor Dan Ortiz argued the case on behalf of petitioner Richard Allen Culbertson, an attorney who represented plaintiffs appealing denials of Social Security benefits, and the clinic students researched, drafted, and edited the briefs in addition to helping Professor Ortiz prepare for oral arguments.

Clinic student and Friend of the *Law Weekly* Lauren Schnepper '19 outlined the (admittedly rather dry) facts of the case for the paper. Culbertson appealed a client’s denial of Social Security benefits to both the district court and the Social Security Administration, eventually earning the client an award of \$35,211 in past-due benefits. Culbertson sought attorney’s fees under 42 U.S.C. §406(a) (aka Title II of the Social Security Act), which governs fees for representation in administrative proceedings, and §406(b), which applies to fees for representation in court. Section 406(b) caps attorney’s fees at no more than 25 percent of past-due benefits. The district court and United States Court of Appeals for the Eleventh Circuit held that §406(b)’s 25% cap limits the aggregate fees awarded for representation before both the court and the agency, while Cul-

bertson argued that §406(b)’s cap applied only to court representation.

The clinic—and Professor Ortiz at oral arguments—emphasized a textual argument. Section 406(b) is titled “Fees for representation before the court” and states, “Whenever a court renders a judgment favorable to a claimant under this subchapter who was represented before the court by an attorney, the court may determine and allow as part of its judgment a reasonable fee for *such representation*, not in excess of 25 percent of the total of the past-due benefits.” (Emphasis added.) The clinic argued that the crucial phrase was “such representation”—that is, that this portion of the statute referred only to representation “before the court,” and that its attorney’s fee cap did not apply to proceedings before an agency.

The Court agreed with the UVA Law Supreme Court Clinic unanimously, holding in an opinion by Justice Thomas that “the statute’s language is plain” (internal quotations omitted) and that “applying §406(b)’s 25 percent cap on court-stage fees to §406(a) agency-stage fees, or the aggregate of §§406(a) and (b) fees, would make little sense.” The Solicitor General’s office switched positions and supported reversal of the Eleventh Circuit, so the respondent was represented by *amicus curiae* Amy Weil, who argued reading the statute not to cap damages would result in attorneys’ suing their clients to recover attorney’s fees. Justice Sonia Sotomayor advanced that position

at oral arguments, but Professor Ortiz riposted that Congress had elsewhere in the statute provided for aggregate caps and that its failure to do so in this section should be read as intentional. He also noted that the vast majority of Social Security disability claimants are judgment-proof, so the Court shouldn’t worry about attorneys’ suing clients to get their fees. Clinic students were confident they had a “strong textual argument,” according to Schnepper, but others reportedly worried after oral argument that Justice Sotomayor would vote against their position. But their worry turned out to be in vain; Justice Sotomayor joined Justice Thomas’s opinion without comment.

The victory was a long time coming for the Supreme Court Clinic students, who began work on *Culbertson* on their first day of fall semester. Students spent the semester researching the facts, the legal issues, the circuit split (the Fourth and Fifth Circuits joined the Eleventh in holding that the cap applied to agency proceedings while the Sixth, Ninth, and Tenth agreed with the Court’s ultimate holding), and opposing arguments. Schnepper called the clinic “one of the most demanding things I have done in law school” but called winning at the Supreme Court “amazing.” Annie Chiang ’19 agreed, saying she was “really excited to see that the win was unanimous” and noting her personal excitement that Justice Thomas wrote the opinion given his textualist prowess. Professor

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around north grounds



Thumbs down to the continuing government shutdown. ANG thought we had agreed as a society that no one needed another “The Purge” movie.



Thumbs up to Libel Show auditions next week. ANG has already started practicing ANG’s Greek Tragedy material since it’s the most similar to the law school experience.



Thumbs down to the lack of TSA officers at airports. ANG likes a packed audience for ANG’s traditional body-cavity search.



Thumbs up to ANG’s four-year-old nephew for telling everyone on family vacation that no one was allowed to drink “ANG’s special juice.” You have been written into ANG’s will for such zealous advocacy of ANG’s \$6 bottle of CabSav.



Thumbs down to the gunner in the Caplin reading room using double monitors on the first day back at school. ANG doesn’t even start reading the syllabus until Reading Period because, obviously, that’s what it’s for.



Thumbs up to the installation of the third coffee machine. ANG is so excited to use-- oh wait, it’s already broken.



Thumbs down to the guy who came to his first Income Tax class with four pages of notes. This guy understands being on a break less than Ross on *Friends*.



Thumbs up to the student who left Employee Benefits Law after only two minutes. ANG approves of the Netflix preview trailer approach to Add/Drop.



Thumbs down to the 1L who forwarded KDon’s email to ATL. ANG hears said 1L is in “Public Service.” Are we sure, though?



Thumbs up to the #10yearchallenge for showing ANG what 10 years of debilitating alcohol binging will do to the face.

iTREK

continued from page 1

dents traveled to Bethlehem, which is located in the West Bank. The group spent the morning learning about the

visited the Supreme Court and met with Justice Asher Grunis LLM '72. Justice Grunis provided an expert perspective into the legal system of Israel, including the interesting is-

people, a religious minority in Israel, Syria, and Lebanon. The group closed out its trip in Tel Aviv. After learning about the novel ways in which Nitsana Darshan-Leitner and

more. I know I, as a leader of the trip, left having more questions than answers." "I had heard great things about iTrek, so I had high expectations, and the trip was

'one' Israel doesn't exist," Cosi Piehler LLM '19 said. "I came there pretty uninformed and with a somewhat blurry image in mind. Throughout the trip, I realized that Israel cannot be described in one picture or image, but I got a new image that added to the puzzle every day. . . . And I think the other thing that was really striking to me was how much reality differs from what we see in the media and what international law for example dictates. People kind of create their own reality there, which you can only understand if you've been there."

In addition to the educational, religious, and historical elements of the trip, the iTrek included meals that highlighted the mixture of cultures in Israel. Indeed, the main social aspect of the trip surrounded the dining table, as participants connected with one another as well as the three Israeli law students who accompanied the UVA group.

"From a walking food tour in Tel Aviv, to an introspective processing session after visiting the Yad Vashem Holocaust Memorial, to visiting Banksy's Walled Off Hotel in Bethlehem in the West Bank, to driving ATVs through the mountains of the Golan Heights, iTrek did a great job at showing Israel's diversity, exploring the Arab-Palestinian-Israeli conflict, and building a personal connection to the country," Fredricks said.

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iTrek participants pose in front of an inspirational backdrop. Photo courtesy of Lena Welch '20

occupation with the help of a local Palestinian guide. The separation or security barrier, a refugee camp, and even a trip to the Banksy Museum at the Walled Off Hotel introduced them to different perspectives. The group then made its way up to Manger Square to the Church of the Nativity, the location where Jesus Christ is believed to have been born. The church represents another interesting illustration of compromise, as it features locations dedicated to the Greek Orthodox, Armenian Apostolic, and Roman Catholic churches.

On Sunday, the students

sues that face a nation without a written constitution, the function of the basic laws, and the limited standing requirements. The students also learned about the mechanics of the court system in Israel.

After a dip in the Dead Sea, the group toured Masada before traveling north to the Golan Heights. After a briefing of the geopolitical problems dominating the region by expert Miri Eisin, the students took an ATV tour by the Syrian border. The group visited Capernaum and the Sea of Galilee before eating at a Druze restaurant, where they learned about the Druze

Shurat HaDin fight on behalf of terror victims, the students traveled to the newly remodeled Peres Center for Peace and Innovation to learn about the late Israeli statesman as well as the impressive future that awaits the start-up nation.

"The goal of the trip, which we hope succeeded, was to show participants a holistic picture of the country," Kritz said. "We met with Palestinians and Israelis and traveled the entirety of the country. We hope that participants came away with an appreciation for the complexities of Israel and a desire to keep learning

even better than I thought it would be," Tyler Fredricks '19 said. "All of the leaders were incredibly knowledgeable about Israel and created an engaging, fun, and open environment where we could ask questions and learn more about the country."

Throughout the trip, the group engaged in processing sessions to discuss and think critically about the narratives they had been presented or the challenging topics they were forced to confront. But the students were left with questions about Israel.

"I think what really stuck with me from the trip was that

Breakfast in C'ville: Section A's Squad of Hungry 1Ls Reviews Post-Workout Pancake Palaces

Have you ever wanted to know exactly where to get your weekday breakfast after working out? Fortunately, the Section A Workout Squad is here

Sarah-Jane Lorenzo '21
Staff Editor



to help!

Cavalier Diner

Our Overall Rating: 9/10
Reasoning: Quality meals, good service, and good company. Enough said.

Tyler: If you're a fan of pancakes made from scratch, perfectly cooked bacon, and endless coffee refills, then Cavalier Diner is the place to go. This place never disappoints! All

Tyler D'Ambrose '21
Staff Editor



breakfast lovers need to try Cavalier Diner at least once while in Charlottesville. And if you happen to despise quality food and quality service, the door is right there *sternly points to door*.

Sarah-Jane: Two words: *crispy bacon!!* Reliably good bacon is so hard to find that it inspired our instant devotion to the Cavalier Diner. Everyone is friendly and the service is great. Add some eggs and amazing pancakes, and you're set!

Sam: While the Cavalier

Diner doesn't invite much attention, it's a surprisingly homey place to get a meal. The environment is relaxed, the staff are caring (they're like my mom away from home (love you mom)), and everything I've eaten there has been hot,

Sam Pickett '21
Staff Editor



delicious, and homemade. I even tried scrap-ple for the first time, and while my stomach hasn't been the same since, neither has my heart. And that's a trade I'm willing to make. Also, Sarah-Jane is correct: Their bacon is crispy and shows real dedication to customer service. It's everything I need from a breakfast place, and more.

McDonald's

Our Overall Rating: 7/10
Reasoning: We don't want to be the dedicated fans of McD's we've become, but when you're a hungry, tired, and broke first-year law student, you take what you can get! And you know what? The coffee, hot-cakes, and ice cream sundaes are pretty darn good.

Sarah-Jane: I may eat here too often. About a month ago, during my seventh visit of the week, an employee mentioned that he was becoming concerned about my diet. That's when I knew I was adequately committed.

Tyler: McD's is what it is. Part of the charm of well-known fast food chains is that you know exactly what you're in for whenever you go. Could the food be a little better? Probably. But does McD's provide a decent, quick, and cheap breakfast whenever you need it? Absolutely. As an added bonus, if you go there often enough, the manager might start to recognize you and ask personal questions about your life choices.

Sam: I am actually the least qualified out of the three to answer this question, as I've only had the McDonald's breakfast twice and I don't even know their staff well enough to warrant inappropriately personal questions. That being said, their hash browns are perfection (crispy on the outside, soft on the inside (just like me)) and their Egg White McMuffin is great for when you've just worked out and aren't totally willing to throw it away on McDonald's.

Bodo's Bagels

Our Overall Rating: 8/10
Sarah-Jane: Bodo's is without a doubt the best destination for a morning run; there is simply no better place to pack in carbs complimented by a cup of coffee. We visit Bodo's on cardio days, which strategically allows us to eat even more delicious bagels once we arrive. It's always a good call.

Sam: Bodo's Bagels is al-

ready a household name at the Law School, so I'm not entirely sure how much new analysis I can add. But since we were assigned this topic (and because I feel significant pressure to write something to show my worth to this newspaper besides eating their pizza every Monday) I will say that thanks to Bodo's I have developed a somewhat strange addiction to everything bagels with strawberry cream cheese?? Is this what they meant when they said law school would change the way I think about the world?

Tyler: In the words of the Law School's Assistant to the Dean Tyler Ambrose "A bagel's a bagel's a bagel." I dissent. A perfectly toasted bagel with homemade eggs and crispy bacon is no mere bagel. Plus, the consistent '60s folk and rock music played there is an added bonus that sets Bodo's apart from your typical bagel joint.

IHO....B?

Our Overall Rating: 3/10
Reasoning: Sadly, since IHOP switched its "P" for a "B," our experience has just been B-ad. We know it's the *International House of Burgers*, and so on behalf of the United States we would like to formally apologize to the rest of the world for foisting this chain upon you.¹

1 Although we do not apologize for spreading Freedom. 'Murica.

Tyler: IHOP (IHOB²) should consider another name change to ISNUB because we were snubbed of quality service and timely coffee refills.³:(
Sarah-Jane: IHOPe they can return to their former glory, but my expectations are low.

Sam: OUR MEAL TOOK 2 HOURS AND OUR FOOD WAS NOT GOOD ENOUGH TO WARRANT THAT KIND OF PERFORMANCE TIME. WHEN WE GOT OUR COFFEE MUGS, THEY WERE ONLY HALF-FILLED. WHO DOES THAT? The International House of Bad-service, that's who. *SCREAMS WITH DISTRESS*

Free Breakfast at the Law School

Our Overall Rating: 10/10
Reasoning: *Res ipsa*. We love you, Dean Davies and Kate Duvall!!

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2 Google Docs thinks IHOB is a typo. Take that as you will.

3 My father always told me not to put all my eggs in one basket. But when your basket consists of a mediocre breakfast, it might be worth considering tossing another egg or two in the breakfast basket before claiming you are THE burger destination.

A 1L's Guide to the Second Semester

Welcome back everyone! After anywhere from four to six weeks sitting at home, stuffing your face with your mom's holiday cookies, dodging ques-

Taylor Elicegui '19
Features Editor



tions from relatives about your grades and love life (or lack thereof), or traipsing around some random part of the world for one to two credits or just for leisure, it's good to be back in Charlottesville.

1Ls, you're probably thrilled to be back, because everyone has been telling you that you already made it through the worst part! Law school is all fun and games from here on out! Well, I have some bad news for you. They're all lying to you. Your PAs, older friends, and professors have all been lying when they told you first semester is the worst. With that said, I've prepared a guide to second semester so you have a better idea of what to expect.

The First Few Weeks of School. This is the good part your PAs were probably talking about when they said second semester is better. For the first two to three weeks, all you have to do is read—and you finally know how to do that! Your readings won't take nearly as long as they used to, and you'll find yourself with some extra time on your hands. Take advantage of that extra time by hitting the gym to work on your New Year's Resolution, living it

up at Feb Club, or just enjoying being in your own apartment, where no one tells you to make your bed if you don't want to.

Feb Club. To spread some cheer in the bleak month of February, SBA and different organizations plan a party for every day in February. As a 1L, do not try and iron man Feb Club and make it to every party. I repeat, do not try and make it to every party. Leave that to the employed 3Ls, who don't have much better to do and can't be bothered to read anymore. Pick a few parties, get the section gang together to pregame, and head out to blow off some steam a few times.

Classes. Good news: You picked two of your classes this semester, so there's a good chance you're excited about them. Bad news: If you don't like them, you did this to yourself. You'll notice there are some different-looking people in those classes. Not necessarily weird per se, but definitely different. There's something a little off about them. Why do they play so much Tetris during class? Who knew anyone needed to do that much online shopping? Those, my friends, would be the 2Ls and 3Ls. You may also see some strange, never before seen humans, who appear to be more focused than the slacker upperclassmen. Those are people *not* from your section. Pick a seat and introduce yourself to the people around you. Best case scenario, you make some new friends while learning about something you're genuinely in-

terested in. Worst case scenario, at least you still have half of your classes with your section buddies.

Barrister's Ball. It's time to dust off your old prom gown (or tux) and say a little prayer you can still fit into it. If you took my advice and made a journey to the gym with your extra time, you should be in good shape (pun fully intended). Barrister's is a good opportunity to strut your stuff and remind your enemies just how fabulous you are. There's an open bar. Enough said.

Journal Tryouts. The worst weekend of 1L. Luckily, though, it's only a weekend. You have the choice of doing the weekend before Spring Break or the first weekend of Spring Break. There's pros and cons to each—that first weekend, you get it done sooner, there are more people around (which is less depressing, but also means more competition to find a good work space), some of your older friends may take pity on you and swing by with treats. The downside is, you'll probably have some reading to do for the week ahead and there's a whole week of school in front of you after you've turned into a journal tryout zombie. Weekend of Spring Break—obviously, you lose three days of break, which sucks. You also have to hear people talk about how terrible it was all week. But there's no reading to be done, less competition to get your favorite library seat, and plenty of time to de-stress while watching eighteen episodes of New

Girl after. Whatever you pick, make sure you have groceries and good snacks on hand, plan to order some type of delicious take-out, and have a killer playlist. Yes, it sucks, but it's only a weekend and we all make it through.

Extracurriculars. I have some more bad news for you. All those club meetings you go to? They may start...expecting things from you. And all those free lunches you go to, with Chick-Fil-A and interesting speakers? Well, the Chick-Fil-A doesn't drive itself and those speakers don't invite themselves, either. Club elections will be coming up, and the 2Ls who have been actually doing things are sick of it. They can't wait to hand the reins off to the next group of suckers—I mean, student leaders—so they can fill the board positions. In all seriousness, this is a great opportunity to get more involved, add some things to the resume, and plan the types of events you want to see.

Libel!!! This is the only part of the list that's entirely positive. Libel is the best. At the very least, make sure you come ready to laugh your a** off in March. We're law students—if we can't laugh about the reading we aren't doing, then we may have to actually be doing it?? Your peers will have put a ton of time and effort into the show, and I can guarantee it will be fantastic. Here's the other important thing: You want to make sure you audition and join the cast. Humor is required, but talent is op-

tional. Being in the show is a pretty minimal time commitment (each skit rehearses once a week) and a fantastic way to make some new friends outside of your usual crew. Libel also feeds you dinner the week of the show. So dust the cobwebs off the left side of your brain and make sure you come out for auditions.

Finals. The great news about spring finals is the weather is great. Charlottesville is beautiful in April and there's so many wonderful outdoor activities to do. The bad news about spring finals is you don't get to do any of that, because you'll be studying. And studying. And studying. Note that "studying" is a combination of "student" and "dying." Try and at least pick a library spot by the window. You can look out at the sunshine and birds while you attempt to figure out the Rule Against Perpetuities (don't worry, no one actually gets it). You now get to decide when you're taking half your finals, which gives you some more flexibility. Make a plan and stick to it. Upperclassmen, only two test windows will be blocked out for us this time! All the better to get those finals over with and get into summer mode. Or bar studying mode. Or work mode. Ugh.

There you have it, folks. The official guide to second semester. Yes, things will be busy. But we're all back together again and Feb Club is just around the corner!!

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A Totally Impartial Review of Hamilton on Broadway

The majority of my winter break was spent resting my beleaguered mind and body, battered by the 1L fall., in tran-

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Staff Editor



quility back in my hometown. "Take a break," Eliza Schuyler Hamilton commands. You got it. Then, with all but a week left before my return to Charlottesville, an almost unheard-of gift came before us: (relatively) cheap tickets to *Hamilton* on Broadway! Surely this fortuitous break was due to a combination of a post-holiday dip in tourism mixed with warnings of the kinds of weather conditions that would usually elicit an email from Dean Parr.

Now I must confess, going on trips in the godforsaken middle of winter is something my family holds near and dear to our hearts. Maybe geography is to blame, with our hometown in Central New York surrounded by nothing but tundra for — let's be honest — a good chunk of the year. Or maybe trips are just more memorable when they are tinged with a bit of climactic adversity. Whatever the reason may be, this ritual was once again resumed over winter break when my parents and I headed off on a short jaunt to New York City to see the smash Broadway hit, and admittedly a mini-obsession of mine, *Hamilton*.

From the beginning the weather was not on our side. Several inches of snow blanketed the back roads to I-81 as our Subaru battled the elements deftly. The snow was long gone by the time we arrived in Manhattan, only to be replaced with whipping winds and the type of cold air that stings the face and causes the eyes to water helplessly. Our arrival delayed by the weather, we only had time for dinner before the show. Creatures of habit as we are, we headed off to our go-to restaurant only to discover it existed no longer; signage gone, any evidence of an eatery erased. Maybe it's now Harry Potter-themed and you just have to run at the building really fast to gain entry? No matter, with no shortage of restaurants near Grand Central, we found substitute arrangements and did not have to rely on street meat to fill our bellies.

Once evening came, we trekked westward towards the bright lights of Time Square, bundled up as we braved the single digit wind chill. Eventually, we made it to Richard Rogers Theater — the room where it happens! Our seats may have been near the very back, but there honestly isn't a bad seat in the entirety of the theater. I took my seat and anxiously awaited the opening song. My towering five-and-a-half-foot frame was squeezed into the incredibly small seat (people really must have been

a lot smaller back in the day). A Playbill rested in one hand; in the other my beverage in an awesome Hamilton-themed plastic cup I am definitely using constantly and keeping forever. Showtime!

Unsurprisingly, the entire cast was extraordinarily talented and left me engrossed every second of the performance. If you're waiting for me to say something at least mildly critical of the performance, it won't happen. I won't deign to offer any criticism, and I chafe at the thought.

"Wait For It," the R&B-style track that chronicles the cautious and oft-overlooked Aaron Burr's internal struggle as he reckons with the brash golden boy Alexander Hamilton, has continued to be among my favorites and was brilliantly performed. Other standouts include "My Shot," "Satisfied," the Cabinet battles.

James Monroe Inglehart, perhaps best known as the Genie in the original Broadway production of *Aladdin* and who possesses an apropos name for the current production, stood out in his portrayal of Marquis de Lafayette and Thomas Jefferson. An often unheralded but ubiquitous group of performers is the ensemble, without whom the show would not seem quite so larger than life. Even the second time around, I am still in awe of the physical endurance of the performers, who remain in perpetual motion for nearly three hours

carrying out expertly choreographed routines. King James, as always, did not disappoint with a dash of comedic relief and absurdity. Last but not least, a shoutout to Thayne Jaspersen, who recently reprised his role as Samuel Seabury that he played when the show first began, which allows me to boast that I saw at least one member of the original cast.

One of the best things about live theater is that even someone such as myself, who unashamedly knows every word to every song and has already seen the show once in Chicago, is how each performance of a show done by different cast members can remain both true to the show's original spirit while still allowing for variation and change. Seeing the show live for a second time, I notice slight variations that make the renditions unique and each one phenomenal in their own right.

After spending some time the next day traversing Manhattan, we headed back Upstate with our mission in NYC complete. Seeing the show twice still was not enough, and immediately after leaving we began to scheme for a third trip to the theater to see *Hamilton* once again. No, I will never be satisfied.

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CLINIC

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Ortiz lauded the clinic students for authoring all but the final redrafting of briefs and mootings him before oral arguments. "The fear of their embarrassing me, an easy prospect, really forced me to up my game. That's always healthy."

Participants in *Culbertson* lavished praise on the clinic for giving them the chance to participate in such a high endeavor. Chiang called the clinic "a very substantive opportunity for me to learn from really smart and talented people at the law school" and credited Professor Ortiz with helping the students understand "how to best communicate legal ideas—something applicable to this coming semester in the clinic and beyond." Schnepfer attended the oral argument in the case and, being able to anticipate the Justices' questions and even having answers to a few, had "one of [her] cooler law school experiences."

Other cases remain for the Supreme Court Clinic: On January 11, the Court granted certiorari in *Quarles v. United States*, an Armed Career Criminal Act (ACCA) case in which the clinic represents petitioner Jamar Alonzo Quarles. But for now, clinic students are doing something classically, authentically law school-ish: reveling in the glory of a unanimous opinion on a highly technical issue. Hats off from the *Law Weekly* to the UVA Law SCOTUS Clinic.

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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 four associate justices and one Chief Justice. Opinions shall be released periodically and only in the official court reporter: the Virginia Law Weekly. Please email a brief summary of any and all conflicts to jmv5af@virginia.edu.

Peer Advisors v. United States
923 U.Va. 710 (2019)

SCHMALZL, J., delivered the opinion of the unanimous Court.

Justice SCHMALZL, for the Court.

The Court of Petty Appeals begins this sitting with a most intriguing complaint. The 2Ls and 3Ls who are most selfless (or maybe foolish?) among us have signed up to be peer advisors, sacrificing their time and newfound freedom from 1L stresses in order to guide the helpless and needy that is every 1L student. However, even the most patient and kind of them have had enough. This group files their complaint against the United States Government, arguing that defendant is infringing on their right to liberty, protected by the 14th Amendment, by shutting down for the longest period ever in the nation’s history. The shutdown has left the vast majority of 1Ls waiting to hear back about their applications to work for the government, heightening the normal 1L stress to almost unbearable levels—and leaving the PAs to pick up the pieces. The PAs argue the government has breached a contract to “run the damn country” and, because of this violation, should be subject to strict liability. Peer advisors seek punitive damages and an injunction ordering the government to “stop being children who cry and scream when they don’t get what they want” and re-open in order to hire the stressed-out 1Ls. This Court finds for the Peer Advisors in ordering the government to re-open but declines to impose punitive damages given all the government employees waiting to be paid.

I. FACTS

After a long semester of peer advisor meetings, small-section events, and panicked texts asking what exactly a tort is, members of the peer advisor group were excited to finally start see-

ing their mentees nail down jobs and realize that they do, in fact, go to a top law school from which employers are eager to hire them. Sadly, this picture was very different from reality. Numerous stories fill the

plaintiffs’ brief about 1Ls calling them in tears because they cannot find work with the federal government, but one stands out as most exemplary of the issue at hand. One plaintiff, PA Sarah Smith, was in the middle of her well-deserved and much-needed Netflix binge over break when her phone buzzed. And buzzed. And buzzed.

Sarah looked down to see her 1L’s name popping up again and again—One message; two messages; three messages; four. The messages read as follows: “Hi, Sarah! Hope you’re having a great break. I’m reaching out because I’m kinda freaking out about this whole job search thing. I’ve been applying exclusively to federal government jobs in D.C. and haven’t heard back from anyone. Do I need to start applying elsewhere despite having my heart set on solely government work? If the government can’t keep functioning under stress, how can I be expected to get through the spring semester? Was coming to law school a terrible mistake? I really need to talk through all of this with someone, are you too

busy for a phone call?” Sarah, feeling deeply for her 1L, slowly and painfully shut her laptop screen in order to talk through the 1L’s concerns. As they chatted, she could only think about how much less stressed her

kiddos would be if they could actually move forward with the job-search process, uninhibited by the government shutdown keeping them from obtaining jobs that most 1Ls pursue every year. After half a dozen phone calls spent talking the 1Ls out of dropping out of law school to pursue a career as a Starbucks’ barista, Sarah banded together with her fellow advisors to file this complaint.

II. DISCUSSION

In defense of their actions, the U.S. government first claims the shutdown is “inevitable” and “we don’t know how to stop it.” In response, plaintiffs have submitted a video of 1Ls around the Law School halls, with sad music playing in the background, displaying clear evidence of their dismay. The video, so grotesque that some members of this Court couldn’t even bear to watch it with both eyes open, makes us wonder—is this really “the best course of action” by the government? Has anyone thought about all the aspiring 1Ls across the country, begging to work for

free this summer and near death at the thought of having to go somewhere besides D.C. and pay less than \$1,500 a month on rent? Despite the fact that law students across the country naturally walk with their noses a


In addition to the above defense, the government maintains that this is a non-justiciable political question and, as such, this Court does not have the power to rule over it. To this the Court refers the government to its ever-favorite Petty Rule of Civil Procedure 1: We do what we want. Therefore, we clearly establish that no one, not even the U.S. government, is out of this court’s jurisdiction. Sry not sry.

The Court finds in favor of the Peer Advisors, and hereby orders that the United States government re-open, like, yesterday, and immediately begin hiring UVA Law 1Ls so all their mentors can get back to being slacker upperclassmen. It is implied in the UVA Law culture that 2Ls and 3Ls are not obligated to do much work beyond scrambling during reading period to understand *something* about Federal Courts or Administrative Law, and the government is preventing the upperclassmen to act in accordance with this clearly established norm. And, while this Court is sympathetic to the Peer Advisors’ desire for punitive monetary damages (*see* the fact that tuition prices are \$60k+ a year), this Court is tired of having to stay overnight in airports because security personnel are taking their vacation while waiting to get paid post-government shutdown and, therefore, wants these and other government employees to be paid ASAP. Additionally, even this Court fears what the U.S. government will do if it owes another dollar in debt, and so we will deny the request for monetary sanctions.

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Faculty Quotes

M. Doran: “[REDACTED]”	in the US, each one a potential lawsuit.”
R. Verkerke: “Have you seen the sheep down the hall? There are some really good sheep down the hall! ...Actually, they’re a little scary.”	L. Kendrick: “What’s really at issue is who bears the cost of the mouse muffin.”
M. Gilbert: I can tell who is a 2L and a 3L: you’re looking for lines! There’s no line. There’s a big highlighter that’s faded on the margins.	D. Brown: “Vin Diesel cannot use deadly force against Michael Cera.”
A. Johnson: “There are over 500,000 frozen pre-embryos	M. Collins: “It’s an issue of the 5 senses. Don’t ask me to name them.”
	<i>Heard a good faculty quote? Email editor@lawweekly.org</i>



J. VanderMeulen

Virginia Law Weekly

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Published weekly on Wednesday except during holiday and examination periods and serving the Law School community at the University of Virginia, the *Virginia Law Weekly* (ISSN 0042-661X) is not an official publication of the University and does not necessarily express the views of the University. Any article appearing herein may be reproduced provided that credit is given to both the *Virginia Law Weekly* and the author of the article. Advanced written permission of the *Virginia Law Weekly* is also required for reproduction of any cartoon or illustration.

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Opinion: Law School Should Take Off Martin Luther King, Jr. Day

On Monday, most of the United States observed Martin Luther King Jr. Day
Ben Lucy '20
Staff Editor



(“MLK Day”), a federal holiday that commemorates the birth and life of the civil rights leader of the same name. Public schools, post offices, and even the New York Stock Exchange were closed in observance of the holiday. Our Law School was not. To my knowledge, our Law School is alone in refusing to honor MLK Day.¹ I conducted an informal poll of friends who attend other

1 The Law School does not observe several federal holidays, including Veterans Day, Labor Day, and President’s Day. I take it to be painfully obvious how absolutely vacuous that statement is as a justification for failing to observe this one. I have written here about MLK Day because it occurred this week and because I believe the Law School’s failure to observe it is uniquely harmful. But I also believe the Law School harms its stakeholders and its brand by failing to observe Labor Day and Veterans Day. I do not care about President’s Day but would welcome another long weekend if consistency is an important goal of the Law School’s academic calendar.

law schools, from Harvard to UNLV to Georgetown to Alabama. None of them had class on Monday. Moreover, each of them was bewildered when I told them UVA didn’t observe the holiday, and some of them didn’t even believe me. I love this Law School. I am so fortunate to have had the opportunity to study here, and I especially appreciate the rich tradition of civil rights scholarship and advocacy the Law School has produced. In particular, I find our dean to be an inspiring person. Dean Goluboff’s scholarship and teaching have had an enormously positive impact on civil rights in the academy and the world at large. In an interview, she once said, “We need to...train our students not to be passive recipients of information but to empower them so that they understand the role they play in the legal system and the legal process. . . This is a law school that cares about our students, our faculty, our staff as whole people.”² I want her to be right. But this is a place with deep scars. Nearby on Main Grounds, undergraduate tour guides wrestle with the legacy of slavery and face

2 Meet Dean Risa Goluboff, <https://www.youtube.com/watch?v=DLDYQzNi2aw>.

difficult questions about the persistent lack of diversity at the University. The Law School faces its own diversity problems. With a student body that is significantly less diverse than the general population, the Law School struggles to be a welcoming environment for minority students. It is not unusual for me to take a class where I have zero, one or two classmates who are persons of color. Five of the ten students whose biographies are listed on the Law School’s diversity webpage are not even current students. Frankly, I cannot imagine the resilience it takes for those students to look around them and see so many people who look like me and so few people who don’t. I cannot understand how anyone who works here could fail to imagine how those students must have felt sitting in class on Monday. Law school administrators face many difficult decisions. Whether to observe a federal holiday is not one of them. If an administration cancels classes for a holiday, it signals that the benefits of observing the holiday exceed its costs and necessarily makes a value statement. And if it does not cancel classes for a holiday, that administration sends a clear message that observ-

MLK page 6

Letter to the Editor

Letters of interest to the Law School community may be sent to editor@lawweekly.org. Letters may be published at the discretion of the Editorial Board and are subject to editing for grammar, style, and clarity, but not content or viewpoint. The Law Weekly does not necessarily endorse the content or viewpoint of any letter herein published.

Rep. Steve King Should Resign or Be Expelled For His Disgraceful Comments

Recently, Representative Steve King, nine-term Congressman from Iowa, asked why the terms “white nationalism” and “white supremacy” were offensive. These beliefs and those who espouse them are utterly abhorrent. This is not the first time King has received criticism for his words and actions. Just before the 2018 election, King sparked controversy when he retweeted a self-proclaimed “Nazi sympathizer.” He attempted to walk back these comments, but he lost significant support from the Republican Party and the voters in his district. In most of his previous elections, King held 60% of the vote; in 2018, King won with 50.3%. For their parts, both the leadership and the rank-and-file of the Republican Party have turned against King and condemned his comments. Leaders within the party have taken quick and decisive action against King. House Minority Leader Kevin McCarthy stripped King of his committee assignments, Iowa Republicans have organized a PAC to

challenge King, and conservative thought-leaders are urging their followers to donate their time and money to King’s opponent. King has also been denounced and his comments have been officially condemned by every Republican in the House. The House of Representatives voted to rebuke King’s comments by a vote of 424–1. The only vote against was a Democrat Congressman who wanted stronger language. Removing King’s committee assignments, using the Party machinery to organize against King in his upcoming primary, and formally rebuking King is a good start, but it does not go far enough. Representative Steve King should be expelled from the House of Representatives. Article I §5 of the Constitution gives each chamber the power to set its own rules and proceedings to punish their own members, up to expulsion from the chamber with a two-thirds vote. Given the near universal nature of the rebuke, and the egregious nature of the comments, this threshold should not be hard to meet.

Max Wagner '19
Law Republicans
mjw5pt@virginia.edu

Tryouts Announced for Libel 111

Kimberly Hopkin '19
John Dao '19
Nicole Llinares '19
(Libel “Troika”)

Did you make a New Year’s resolution to make more friends? Do you miss the sound of laughter and general happiness? Did you get grades back and decide you suddenly don’t like law school? Then auditioning for the 111th Libel Show is for YOU! Rewind in case you’ve spent your law school career in a library: The annual Libel Show is a tradition that harkens back to the days when fraternity hazing was welcomed. In fact, the Libel Show is actually the oldest non-continuous UVA Law tradition!¹ More importantly, it’s a fun way to meet people and get a free t-shirt.² Also, you can participate in such a variety of ways. Some people act in skits; others sing or dance in the songs. We also have a full band for every performance. We even have some people participate in ALL THE WAYS—they get gold stickers. Being a cast member in the show isn’t actually a large commitment. After being cast, each skit only rehearses

1 Yes, we did check this fact against a list of the eldest tenured professors.

2 Free t-shirt subject to availability. Free beer guaranteed, however.

for half an hour each week until “Tech Week,” which is the week the show goes up and consists of running through the entire show for light and music cues. Although each cast member is required to be present for the entire performance, they are only required to actively participate during their actual scene. Outside of those scenes, cast members will often study backstage or head further down the hall to socialize. “Shut up, and tell me how to audition!” you say? All auditions are held the week of January 28. Here’s a simple breakdown of all the available audition times: **Acting:** Show up any time within the following windows and read a short skit! Can be accomplished the same time as the singing audition. Tuesday, January 29 through Thursday, January 31, from 6:00 p.m. to 9:00 p.m. in WB154 **Singing:** Show up any time within the following windows and sing a short acapella piece or rap material! Can be accomplished the same time as the acting audition. Tuesday, January 29 through Thursday, January 31, from 6:00 p.m. to 9:00 p.m. in WB154 **Dance:** Show up for one of the following audition work-LIBEL page 6

HOT BENCH



Tyler D’Ambrose ‘21

We have it on good authority that you were once considering getting a pug, why?
Funny you should ask, I was once moments away from purchasing one, but then I heard its deep, unsettling breath.

If you could own any bird in the world, what would it be?
A parrot. Wait, twenty parrots. All placed by my front door to greet visitors with a rendition of “Crazy Train.”

Do you really think we should eat mor chik’n? Why?
Yes, society is weak. Protein makes us strong.

Do you think Cold-play is emo?
No, but everything after 2000 is complete trash.

Who would win in a fight: a medieval knight or a samurai?

The samurai because they are well-trained warriors who fight for their honor.

How is Section A(B) doing?
On top of the world as usual. We are currently in the process of seeking tax-exempt status and creating our own Holy Book.

What is your opinion on the government shutdown?
I’m going to borrow one from my Dad’s playbook and say that I love both sides just the same.

Are you self-sufficient?
Nope, sorry.

Who is the coolest person you ever met?
Dean Faulk by a mile. The man has swagger.

Would you rather fight ten Dean Goluboff-sized wombats or one wombat-sized Dean Goluboff?
I’ll take my chances with the wombats; Dean Goluboff is an absolute force.

Do you sing in the shower?
Every time. I listen to Rage Against the Machine to get pumped up for my day. I sing along to the Frozen soundtrack when I know I’m going on a date later that night.

What is the best meal you ever had?

Jeff Ruby’s steak in Cincinnati. Although, FedSoc Chick-Fil-A is a close second.

What is your opinion on this season of the Bachelor?
Colton is not ready for love. But neither is Ari.

What is your opinion on pickup lines?
A fool-proof method to winning over any girl’s heart.

What is your favorite word?
Valor. Because when I hear it, I think of majestic eagles.

What are two truths and a lie about you (and what’s the lie)?
I’ve never been to Europe; I was hunted by coyotes in a forest; and my last name means “pleasant smell.” The last one is a lie. It has no cool hidden meaning that I’m aware of.

Coke or Pepsi?
Coke all the way. Coke is good for every occasion. It’s a great mixer, has a refreshing taste, and makes me happy. Pepsi is good if there’s no Coke and I haven’t had water in two days.

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LIBEL

continued from page 5

shops to learn a short dance routine!

Friday, February 1, from 3:30 p.m. to 5:30 pm or Saturday, February 2, from 10:37 a.m. to 12:37 p.m.³ (North Grounds Rec Center Multipurpose Room 1)

Band: Bring your musical instrument to audition during the following windows!

Tuesday, January 30, and Wednesday, January 31, from 6:00 p.m. to 9:00 p.m. in WB152

Email libelshow111@gmail.com with any questions!

Testimonials about how the Libel Show has changed some people's lives:

"I used to have only two good friends at the Law School, but after Libel I now have three!" – Nicole Llinares

"Some of my students are such little shits; it feels so good to see their lives being lampooned in skits." – anonymous UVA Law Professor

"I used to be the most popular kid in my class, but now I'm the most popular student in the whole school" – John Dao

"I wasn't a part of Libel last year, and I really regret it." – Darden Student who doesn't even go here

libelshow111@gmail.com

3 We're like totally whimsical like that.


MLK

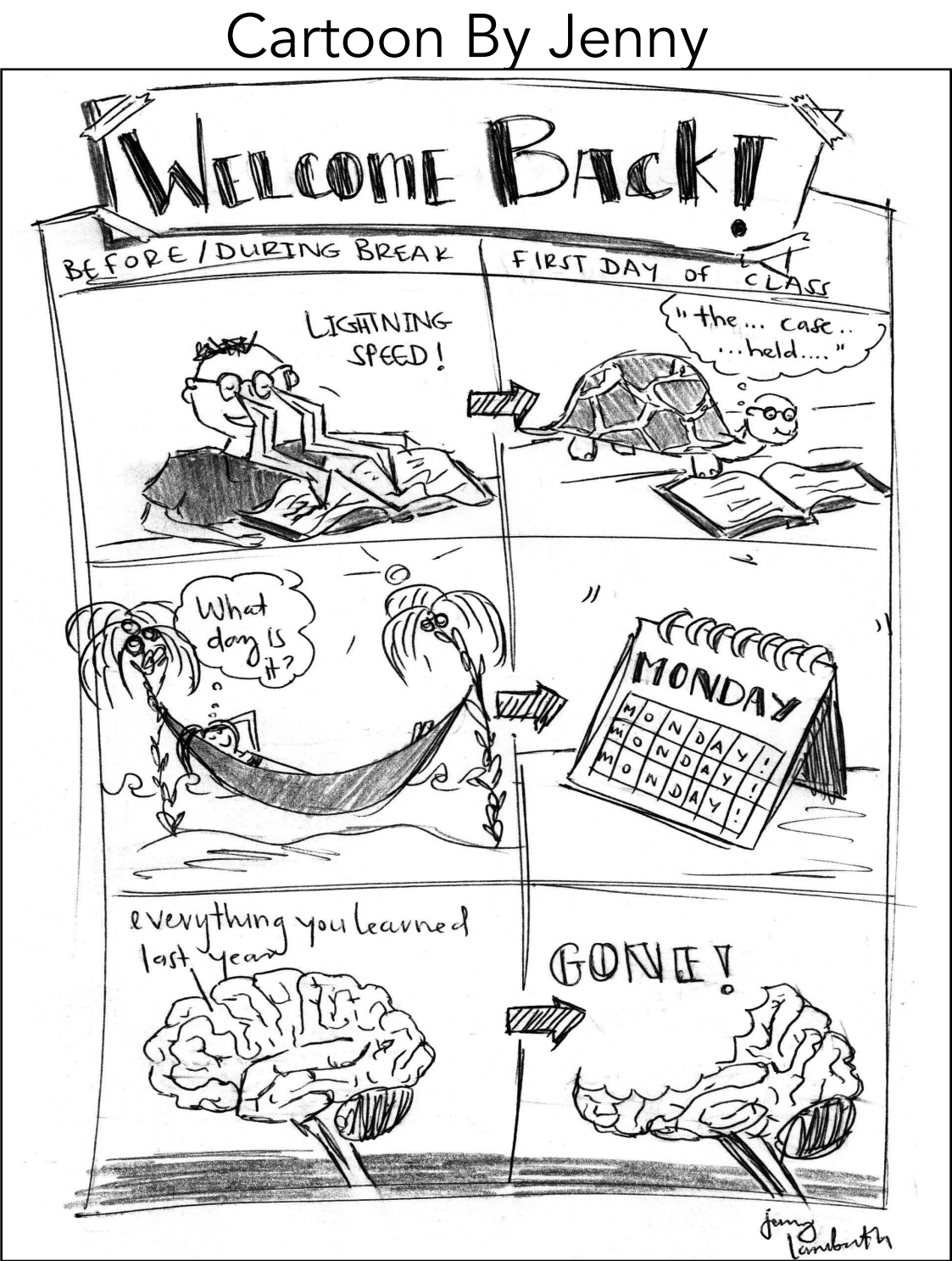
continued from page 5

ing the holiday is less important than maintaining regular operations. That necessarily is a value statement, too.

I believe both of Dean Goluboff's statements. This is a law school that cares about its stakeholders as whole people. And I hope that we as a student body can send our own message to help the administration understand the harm that is done by not celebrating MLK Day. If I'm right, things will change. And I believe the Law School *does* teach us not to be passive recipients of legal knowledge. If I'm right, this student body will not sit passively and endure the symbolic insult of ignoring MLK Day for another year.

bml4xd@virginia.edu





THE DOCKET

TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY – January 23				
12:00 – 13:00	Dept. of Medicine Pres: Extraordinary Stories of Ordinary Life ft. Joe Richman	Pinn Hall Conf. Ctr.	Free	----
18:00 – 19:30	Artist Talk: Textile Artist Lily Hope	A-School, Campbell Hall	Free	----
19:30	Panic! At the Disco	JPJ	\$\$\$ for attendees, hour-long traffic jam for non-attendees	Not officially...
THURSDAY – January 24				
09:00 – 14:00	UVA Ctr. For Politics: American Democracy Conference ft. Karl Rove	Alumni Hall	Free w/ pre-reg	Lunch provided
FRIDAY – January 25				
08:30 – 19:30	Digital Democracy Symposium ft. Jack M. Balkin	Caplin Pavilion	Free w/ pre-registration	Lunch / dinner
12:30 – 13:45	CAPS Pres: Growth Mindset & Mindfulness ft. Dr. Kate Gibson	Darden CR 140	Free	----
18:30 – 20:00	Voices for Change: Mixing Hip-hop & Environmental Justice	Jefferson Sch. Af.-Am. Heritage Ctr. 2F	Free w/ pre-reg	"Plant-based" dinner
SATURDAY – January 26				
14:00 – 15:00	Pompeii Archive: Special Tour of William Wylie Photo Collection	Fralin Museum / Bayly Bldg.	Free	----
SUNDAY – January 27				
15:30 – 17:00	UVA Chamber Music Pres: Bassoonist Elizabeth Roberts	Old Cabell Hall	Free w/ pre-reg, \$5 at door	----
MONDAY – January 28				
11:30 – 13:00	FedSoc: "Reforming The Machinery of Criminal Justice" ft. Judge Stephanos Bibas	Caplin Pavilion	Free	That fried chicken restaurant with the cows
11:30 – 12:30	MLK Day Batten Hour: Racial Equality at UVA	Garrett Hall	Free	Lunch provided
16:00	Add/Drop Ends	Multi	Inevitable	My tears are my bread day and night while they say unto me, Where now is thy God?
TUESDAY – January 29				
18:00 – 19:30	Panel: Rediscovery of James Monroe's Highland	A-School, Campbell Hall	Free	----
WEDNESDAY – January 30				
12:00 – 13:00	Dept. of Medicine Pres: Women Changed by Cancer	Pinn Hall Conf. Ctr.	Free	----

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