

VIRGINIA LAW WEEKLY

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A Gripping Tale of Plagiarism

A Law Weekly Correspondent
Discovers Her Work Seemingly
Stolen by a Legal Pundit

Sarah-Jane Lorenzo '21
Staff Editor

Last April, a political pundit had a publicity firm publish his profile and a Q & A on a flashy promotional website. Yet the interview, meant to establish the pundit's expertise, was filled with words that weren't his own.

It took nearly nine months before I noticed that the pundit, a self-identified "influencer" and legal scholar, had plagiarized my work. His plagiarism wasn't slight—a full paragraph of an article I wrote for the nonprofit GreatSchools appeared verbatim as one of his answers to the Q & A. Since he wanted to use my words instead of his, maybe I should have been flattered. But I was not.

The man who used my words, Christopher Metzler, makes relatively frequent appearances on CNN, MSNBC, and Fox News. He has taught at Georgetown and Cornell. Although he is a self-proclaimed legal scholar with degrees from Oxford, Columbia, and the University of Aberdeen, he seems to hold little respect for copyright laws. His disregard, however, may be tactful: Would any news editor really want to pursue legal action for something so slight as a stolen paragraph? And, with so many materials on the internet, would anyone even notice his theft?

We have so little control over what we publish that when I noticed Metzler's plagiarism, I wasn't really surprised: I've seen my journalistic articles reprinted without permission in newsletters and online, and I once found a picture from my Facebook page published on the website of a literary magazine.

But this was different. The more I learned about Metzler, the more I became intrigued by the irony of his blatant disregard of ethics despite his legal background, and the apparent ease with which he plundered words. While I discovered his plagiarism by chance, a quick Google search revealed that I was not the only one whose words he used. In the same Q & A, two paragraphs of a separate response were taken verbatim from an article on Vox.

Metzler's career as a pundit compounds the benefit he can derive from taking others' work. Establishing expertise on as many topics as possible

LAW AT THE CUTTING EDGE



Panelists address the LIST Conference on Friday. Photo courtesy Grace Tang '21

Grace Tang '21
Staff Editor

Conor J. Hargen '20
Guest Contributor

Anyone on North Grounds last Friday would have seen a plethora of signs for the Digital Democracy Symposium. They also probably would've noticed traffic worse than normal. That's because Friday, January 25 was a busy day for the Law School, even by the standard of busy days for the Law School.

The Law Innovation Security and Technology organization (LIST) was at it again, hosting the Digital Democracy Symposium in coordination with the Center for Democracy & Technology, co-sponsored by the American Constitution Society for Law and Policy, the Black Law Students Association, the Center for National Security Law, the Federalist Society, the J.B. Moore Society for International Law, the Minority Rights Coalition, and, last but not least, the *Virginia Law Review*. The symposium consisted of four panels, an introduction by Dean Goluboff, and a keynote address by Yale Law Professor Jack Balkin. Yes, Friday, January 25 was a busy day indeed.

The goal of this massive undertaking was to examine how technology is threatening democratic institutions and how governments across the globe can respond. LIST Co-Founder and VLR Online Development Editor Chin-

mayi ("Chinny") Sharma ('19) wanted to demonstrate that "technology is not some niche subject matter for fringe academics but rather the connective tissue for all areas of the law." Panels comprising industry leaders tackled the biggest issues of the day, from trustbusting tech giants like Facebook and Amazon to examining the racial biases in cybersecurity.

Trustbusting in the Internet Age

After Dean Goluboff kicked off the day's events, Professor Thomas Nachbar moderated the first panel examining "Trustbusting in the Internet Age." The goal of the discussion was to analyze antitrust law in the digital age and whether government should do more to break up big tech companies' market power. With the success of private sector growth, functional overlaps now exist in services provided by FAANG companies. It has become impractical to place innovative technology into clear silos, making it more difficult to apply traditional antitrust regulations.

Merritt Baer, Principal Security Architect for Global Accounts at Amazon Web services; Bebette Boliek, Professor of Law at Pepperdine; Rafi Martina '10, Senior Policy Advisor to U.S. Senator Mark Warner (D-Va.); and Chris Riley, Director of Public Policy at Mozilla, engaged in a lively discussion addressing these issues. The panel highlighted gaps in

current antitrust laws such as lack of precedent, blurred lines for smaller instances of harm, and the need for antitrust to adapt to better technology ecosystems.

"I thought the Digital Democracy event was timely. 'Big Tech' controversies have been omnipresent in the news, and I was really glad that LIST put on an event with leading experts from the industry, government, and media to discuss these issues" said Arjun Ogale '21. "I particularly enjoyed the 'Trustbusting' segment, which focused on how the FTC and antitrust regulators could both level the playing field among competitors and protect consumers at the same time." Matthew Hoake '21 agreed. "My favorite panel discussion was 'Trustbusting in the Internet Age.' It was great to hear competing arguments for whether or not to use current antitrust authority from those who thought more regulations were appropriate."

Balkin Keynote

Vice Dean Leslie Kendrick '06 warmly introduced keynote speaker Jack Balkin, Knight Professor of Constitutional Law and the First Amendment at Yale Law School. Balkin is also the founder and director of Yale's Information Society Project, which studies law and new information technologies. "Balkin is an incredible scholar," said Dean Kendrick, "and he has writ-

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around north grounds



Thumbs down to ANG for failing ANG's new year's resolution to buy a second pair of pants. Sure's there's still a chance, but ANG knows ANG.



Thumbs up to the sun for emerging for an entire 1/2 of a day last week! ANG emerged for about equally as long for any classes.



Thumbs down to some 1Ls calling On-Grounds Interviews "OCI." Do you even go to UVA Law if you don't snobbily correct non-UVA law students and law firm partners every time they call our August interview process anything other than "OGI"?



Thumbs up to all the people who decided to drop a class and walked out part way through. ANG sees you, and ANG respects you.



Thumbs down to the Saints? Or the Patriots? ANG knows people have emotions about sports and wants them to feel supported. But if ANG's bookie asks, ANG is in Mexico.



Thumbs up to 1L firm receptions starting up this week. While ANG was barred from attending these events thanks to that incident in 2012, ANG is still unconvinced that "public decency" and "disorderly contact" are even real terms.



Thumbs down to reports that the government is at risk of shutting down again on February 15. ANG's also at risk of shutting down the day after Valentine's Day, but for some reason did not make the news.



Thumbs up to Singing, Acting, and Dancing auditions for The Libel Show this week. ANG is #SAD and ready to SHINE.



Thumbs sideways to Professor Doran for teaching ANG about retirement plans. ANG knows this may eventually be useful, but ANG is realizing ANG's normal method of fishing pennies off the sidewalk once a month won't keep a bleacher over ANG's head in ANG's old age.

TECH

continued from page 1

ten on a wide variety of issues.”

In his address, Balkin discussed the rise of social media and its effects on free speech, as well as new issues in the age of digital infrastructure. Balkin’s speech was both informative and relevant to what we as consumers see on our social media feeds every day. He stressed three key concepts, “freedom of speech is triangular, freedom of speech is not free, and social media rests on business models.”

In light of the challenges facing free speech on social media, and considering biases such as advertising and other monetary incentives, Balkin suggested using information fiduciaries to reduce conflicts of interest. Similar to using a fiduciary in a business to maintain good faith and trust, an information fiduciary could be used for social media.

“I thought Jack Balkin’s keynote provided some insightful thoughts on our world’s current concerns with cyberspace. Most importantly, I appreciated his analysis of how the current tech giants, Facebook and Google for example, sustain themselves and make profits through gaining a large share of the advertising market, which makes it harder for other forms of media to survive,” said Hoake.

Author Panel

Next up was a panel of au-

thors recently published in the *Virginia Law Review*. They discussed the potential for new technologies to effect existing government functions, from fake news to DUI smartphone apps. Jacob Ruby ’19 and Michael Weisbuch ’19 moderated.

Adam Gershowitz ’01, Associate Dean and Professor at William & Mary Law School, shared his research into technological changes in the criminal justice system. He examined everything from advancements in police investigation technologies to an iPhone app created by private DUI attorneys that helps users calculate their BAC and know what to say if they’re pulled over for driving drunk.

Sarah Haan, professor at Washington & Lee School of Law, discussed the impact that social media has on political awareness and its toxic effect on fact-based reasoning. Haan’s research also examined tech companies’ responses, including Facebook’s efforts to combat fake news after the 2016 presidential election. These topics are discussed at greater length in her forthcoming *Indiana Law Journal* article: “Post-Truth First Amendment.”

Katelyn Ringrose, a 3L at Notre Dame Law School, discussed her recent note in the *Virginia Law Review*. She examined the history of data gathering in law enforcement, from mugshots to DNA forensics, and shared

the alarming statistic that 50 percent of all Americans have their personal information stored in a law-enforcement database in some capacity. Ringrose also discussed modern controversies in police technologies such as the use of body-worn cameras by police officers and the murky regulations governing their use.

Jacob Rush ’20 addressed issues of election security from his VLR article. In his presentation, Rush called attention to the fact that election vulnerability is no new issue, and controversies surrounding the 2016 presidential election simply “jolted everyone from their slumber.” Rush further argued that the privatization of election systems presents fundamental risks to election credibility and safety, pointing out that allowing for-profit companies to handle government elections is “nonsense on stilts.”

Does Big Brother See Color

Jay Stanley of the ACLU moderated the third panel of the day, which addressed the potential for technology to reinforce prejudice. Brandi Collins, Senior Campaign Director at Color of Change; Natasha Duarte, Policy Analyst at the Center for Democracy and Technology; Margaret Hu, Associate Professor at Washington & Lee School of Law; Jeramie Scott of the Electronic Privacy Information Center; and Andrew Selbst, visiting fellow at Yale Law School, all

spoke on issues of race and technology.

“One of my main takeaways was technology’s impact on the scope of the issues we face today,” said Joy Wang ’21. “Rather than individual interactions that result from racial bias in profiling, algorithms are applying flawed profiling to almost anyone plugged into tech. Another important point from the panelists is that the notion of technology as an instrument of objectivity is in fact a myth. Codes are written by people, who will inevitably inject some of their own biases into the program.”

Information Industrial Complex

The last panel, titled “Information Industrial Complex,” discussed the need for government-private sector cooperation to solve national security problems, including problems created by the private sector. Ellen Nakashima, National Security Reporter for the *Washington Post*, moderated an engaging discussion between Cliff Chen, Assistant General Counsel at the CIA; Matt Olsen, Chief Trust and Security Officer at Uber; Peter Swire, Professor of Law and Ethics at Georgia Tech; and Ben Wittes, Editor-in-Chief of *Lawfare*, who skyped in on the big screen.

There was some lively banter between the panelists, who knew a great deal about the subject as many had worked on the public and private sides of this issue. As

private companies become increasingly global, retrieving data from other countries for national security purposes becomes more difficult, as does doing business in other countries where data-collection regulations are still unclear. Forcing private companies to cooperate in data sharing is still an open question as well, although all panelists agreed that “the relationship between the government and private sector is imperative.”

Speaking events ended with closing remarks from Greg Nojeim ’85, Senior Counsel and Director at the Center for Democracy and Technology (CDT), with a reception to bring the busy day to an end.

Going Forward

When asked about the desired impact of Friday’s many events, LIST President Jeremy Gordon ’20 said: “The Law School has a critical role to play as a home of extraordinary legal expertise and intellectual firepower in addressing the challenges that emerging technology poses to democratic institutions. LIST is committed to continuing those conversations and supporting future leaders in this area of the law.”

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The Malicious Chinchilla; Or, How I Learned to Stop Worrying and Love Exotic Varmints

Part One of?

On a blustery Tuesday in March of 2014, I was return-

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Guest Contributor



ing to my undergraduate campus from a quick trip to Joe Canal’s Discount Liquor Outlet when I noticed a strip mall PetSmart on the side of the highway. I can’t explain with any certainty why I decided to investigate. My university had a rather strict policy on pets, meaning that the purchase of anything but a fish would lead to unnecessary “complications” in my living situation. Fish give me the willies, so getting a university-approved pet was off the table. I suppose, if anything, that I wanted to cheer myself up during the March doldrums by seeing some cute animals.

After a few minutes of aimless wandering, I found myself in the “Small Pets” section of the store. The stacks of gleaming plastic enclosures contained an array of critters, all of whom appeared to be in a state of severe existential malaise. I guess I would be too if I lived in a PetSmart in [state redacted]. I observed a pair of “Fancy Rats” that were engaged in some decidedly non-fancy activities, a guinea pig with a lazy



Brutus. Photo courtesy Will Palmer.

eye, and a hamster that looked like it hung out at truck stops to pick fights for fun. Above them was a seemingly empty enclosure, labeled “Chinchilla,” containing an opaque plastic hutch. I tapped on the wall in a halfhearted attempt to rouse any hidden residents. Yes, I

know you’re not supposed to do that. I apologize on my younger self’s behalf.

A furry, gray head, blunted, with long whiskers and perky ears, appeared in the hutch’s entrance—the first chinchilla I’d ever seen. Glimmering black eyes looked me up

and down searchingly. I felt a sudden chill in the air and shivered. The chinchilla seemed to make up its mind on something and, instead of retreating inside its lair, hopped to the side of the enclosure closest to me and pressed a paw against the plastic wall. In retrospect, this

was clearly a calculated ploy to tug at my heartstrings—but hey, it worked, and I’ve got to respect the hustle. At this point, a helpful PetSmart employee (who we’ll call Dennis), approached and inquired as to whether I was “interested in the chinchilla.” He (the rodent, not Dennis) continued to stare, evaluating me like a dad who’s *probably* going to be disappointed in your life choices.

I weighed the options presented by my spontaneous foray into the pet store. Should I follow the time-honored traditions and bylaws of the esteemed institution of higher learning that I attended, or allow myself to be swayed by the vaguely unnerving stare of an odd-looking but cute rodent I’d just been introduced to? The title probably spoiled that one for you.

The licensing fee was pretty cheap, considering that the paperwork I signed said “Critically Endangered Exotic” in large print (I skipped reading the rest of it, as one does). *Word*, I thought. *Critically Endangered? I can swing that.* After purchasing a cage, food, and the other necessities, I left the store a proud new pet owner. The only thing I knew about chinchillas was that I was apparently now in charge of the survival of the species. Either Dennis is quite the salesman or I’m easily manipulated by

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Tidying Up With Marie Kondo: The LW Review

At the risk of sparking controversy, I'm going to admit that I spent a decent chunk of my winter break watching Marie Kondo

Katharine Mann '19
Features Editor



organize other peoples' houses and then another chunk attempting to organizing my own. I only got as far as my bedroom, but it is satisfyingly tidy at the moment. I won't attempt to explain all the reasons Marie Kondo is controversial, though the vast majority of criticism that I've seen relates to her helping people part with books.

My initial reaction to her show was that I love her, and her enthusiasm for what she does, and the fact that she seems to cherish her clients and their spaces. I can only hope I'll feel as good about being a lawyer as she does about being a tidying expert. My other reaction was that the producers did an admirable job of selecting diverse clients and households. There were not many clients that I found actually likeable, though, and I began to wonder if vigorous eye-rolling counts as exercise. Marie loves them all, bless her, and she is the only reason I kept watching. She is soothing in both voice and manner, and her approach of nonjudgmental respect made me imagine that someday I, too, might like people.

A good chunk of each episode is related to reducing the amount of clothing the clients own, which is always more than they need. For the only per-

son reading who doesn't know already, a brief summary: You pile everything in one place, hold each piece, and decide if it sparks joy. If it does, you keep it, and if it doesn't, you thank it and give it away. But the really

after reveals, but my husband's and my drawers are now a thing of beauty. I have, on more than one occasion, just opened a random drawer to see the pretty array and felt a little better about my life. The topic of the

life. If everything else is chaos, making your space tidy makes you feel like you've got it together at least a little bit. It seems obvious writing it out, but in the moment, I was like *Oh my god that's me* and I've been a little



An exactly culled and precisely reorganized drawer full of inner joy (and neatly folded T-shirts.) Photo courtesy Netflix.

inspiring part for me is putting the clothes away again, because there's a special way to fold everything to 1) save space, 2) keep the item in good condition, and 3) be able to see each item without rifling through stacks. Laundry just happens to be my favorite chore, and folding is the best part, but even I was doing it wrong. I won't attempt to explain it here, but you can watch the first episode for a glimpse, or one of the many YouTube videos demonstrating her method.

The show has been criticized for having weak before-and-

show came up the other night at the poker table; it was controversial even there, where the average for the six of us on the tidiness scale was about a three. One friend's (perfectly valid) criticism is that some people just want to be messy—spending time fretting over organization takes away from actual life activities that are way more enriching. Marie would agree, I think, because she only helps people who *want* to be tidier. Another friend made the point that the attraction is about controlling some aspect of your

concerned about myself ever since.

One of the themes of the show is that the process of culling and tidying makes families bond. It's not as simple as giving up things; rather you have to discuss and decide which things have priority. The sentimental items are often the triggers for these kinds of discussions. I have not ventured this far in the process, because it would mean going through the photos, letters, and other various accumulations of my parents, who are deceased, and I am not ready for that yet. Just

as an example, my stepfather passed away last May, and he bequeathed me his Oxford English Dictionary—the unabridged, twenty-volume, two-hundred-pound, arguably obsolete version. I would say it “brings comfort” rather than “sparks joy,” but at any rate, I can't let it go. I am therefore likely to put off the sentimental items part of the process until at least after graduation, if not until after the bar exam.

But I will say that my family has bonded—or at least been mildly changed—by Marie's show. I put an episode on the other day and my son sat down next to me and watched the whole thing, completely unbidden by me. Later that same day, he got frustrated with a project and yelled, “I'm just going to go clean my room,” and then proceeded to huff off and do just that. My husband and I don't get to see a lot of each other, but he came home from work the other night after I'd tidied all the clothes except his t-shirt drawer. We each had a bourbon while he decided if each shirt sparked joy, and then I folded them and put them away. Maybe not your idea of romance, but it was a joyful moment. I freely admit that my goal is to get a little control over my chaotic life, and maybe it's just a diversionary tactic to empty out all the drawers and cabinets in the kitchen and decide what sparks joy when I should be reading for Bankruptcy. But the little benefits I've seen are worth continuing the process.

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TV Guide: Just Watch *Riverdale*

This article was originally going to thoughtfully recommend to you a well-balanced diet of television shows you hadn't the time to find for

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Format Editor



yourself. I was going to spare you future indecision paralysis with some fun lesser-known comedies (*Alpha House*, *People of Earth*, *Borderline*), shows featuring badass women (*The Bletchley Circle*, *Call the Midwife*, *Insecure*), which Netflix stand-up comedy collections to watch (all of *The Stand-Ups*, but especially Aparna Nancherla; see me after), and shows about how an Australian flapper (*Miss Fisher*) and Mr. Weasley but a priest now (*Father Brown*) are coping with the alarming murder rates in their communities. But then it came to my attention that not nearly enough of you are watching the CW show *Riverdale*. Let me tell you—with mild spoilers—why you must.

Reason #1: FP Jones

You know what really shakes up a semester to an invigorating start? A good identity crisis. You know what will get you there? The absurd attractiveness of Billy from the movie *Scream* just trying to be a good parent while co-running a gang with his son, played by Cole Sprouse from *The Suite Life of Zack & Cody* (a documentary on the perils

of homeschooling millennials in the age of Airbnb).

Actor Skeet Ulrich's character, Forsythe Pendleton Jones II (“FP” for short), has the name of an eighteenth century watch heir and the leather jacket of a motorcycle

morals universe in which this show operates. Shout out to the time he worked as an old-fashioned busboy at Pop's Chock'Lit Shoppe (which is the local Riverdale diner, as it turns out, and not the gift shop of an off-brand Cracker

to Attend High School,” with father Forsythe Pendleton II, son Jughead, and daughter Jellybean. But also featured on *Riverdale* are such gems as Sweet Pea, Papa Poutine (who has a son named “Small Fry”), Fangs (not a dog), Hot

that are unrelated to law and politics, and BOY can *Riverdale* fill this void in your life. Need something to chat about between government shutdowns and professor jokes about social media? Pick any decision the character Archie has ever made on this show and start there! No season on *Riverdale* would be complete without a series of awful judgment calls by this guy. My theory is that he might make better decisions if he hadn't spent his entire life in a town lying to him about his natural hair color. If Archie's one man angst show isn't for you, don't worry! CW's hottest show has everything: An heiress to a maple syrup dynasty who shoots arrows for no reason, a cheerleading squad that never cheers but sometimes inexplicably sings, an underground non-alcoholic speakeasy run by a seventeen-year-old, and a parent-run brothel so haphazardly thrown in among the other insane things happening in this town that you will regularly forget about it.

Reason #4: Dungeons and Dragons!

Season Three of this emotional rollercoaster sees the introduction of “Griffins and Gargoyles,” a re-imagining of the game Dungeons and Dragons steeped in murders, a drug-dealing conspiracy, and a *Breakfast Club*-flavored flashback episode. Little more can be said on



The malt-shop love triangle is still there but this *Riverdale* aims at more than just Archie on TV. Photo courtesy the CW.

Barrel).

Reason #2: The names

Riverdale is meant to be a mashup of classic characters from the Archie Comics. As a direct result, the names on this show are ridiculous. The entire Jones family leads the pack in this category of “Unfortunate Names with Which

Dog (is a dog), and Tall Boy (not a beer). Nothing elevates a CW drama to an artform quite like the line “It's the Ghoulies, Jughead! Those bastards have Hot Dog!”

Reason #3: General intrigue

It's important to have topics of conversation on hand

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.

Class of 2021 v. Davies
918 U.Va. 34 (2019)

VANDERMEULEN, C. J., delivered the opinion of the Court, in which SCHMALZL and JANI JJ., joined. JANI, J., filed a concurring opinion. HOPKIN, J., filed an opinion concurring in the judgment, in which MAKOWSKI, J., joined.

Chief Justice VANDERMEULEN delivered the opinion of the Court.

“Cookies and coffee are the birthright of every student of the law.” This maxim, as old as the petty common law itself, is alternatively attributed to Lord Blackstone, Chief Justice Haden, and Lisa. Whatever its origin, it is the north star of this Court’s cookie-and-coffee jurisprudence, which must today examine whether the end of the free WB coffee constitutes a deprivation of the 1Ls’ right to due process.

I

Members of the UVA Law Class of 2021 brought this case as a class action. In their complaint before the Court of Petty Claims, plaintiffs alleged the facts as follows: Beginning in August of 2018, the Law School administration (represented in this suit by Dean Sarah Davies) began setting out coffee “of notable quality” alongside real half-and-half and warm cookies on Friday around 11:30 a.m. This program of coffee and cookies was especially for the 1Ls, who—in a sign of their codling—all apparently ended class by 11:30 a.m. on Fridays, but was also enjoyed by a phalanx of greedy upperclassmen unfortunate enough to have classes on Fridays. Now, the class claims, the deal has apparently been altered. Instead of cookies with hot coffee and

real, creamy half-and-half,² plaintiffs are left with . . . just delicious warm cookies, left to scavenge for coffee elsewhere in the Law School.

jurisprudence can be traced back to the famed case of *Class of 1896 v. Rotunda Fire*, 96 U.Va. 219 (1895). There, in denying plaintiffs’ claim for

journals for being totally useless (*Pittman v. The Whole Journal Concept, Really*, 916 U.Va. 879), or against GNR for not playing “Mr. Brightside”

claim for deprivation of due process. They have not suffered the sort of “irreparable loss” this Court requires to earn damages or an injunction against the administration. We concede that the coffee and real, honest-to-God, no-imitation, pure half-and-half³ were delicious. We even admit to waiting outside Professor Kordana’s room clamoring for the coffee and cookies’ arrival and complaining loudly when they were late, oh yes. And we do not renounce Blackstone’s/Chief Justice Haden’s/Lisa’s famous maxim. Coffee—albeit of far inferior quality and accompanied by woefully inadequate “cream”—may be found throughout the Law School.

But we invoke the Doctrine of Crotchetyness in denying plaintiffs’ claim. *See, e.g., Abraham v. Kordana*, 711 U.Va. 307 (1997) (“No, Kevin, that is where I sit.”). We members of the Classes of 2019 and 2020 had none of this no-class-past-11:30-on-Fridays business, much less cookies and coffee. These pampered punks can suffer through less-than-satisfactory library coffee and the horror of powdered cream like the rest of us. It builds character, like the look of disappointment in Professor Ferzan’s eyes during a cold call, or the realization that, actually, no one found your “comment” in class insightful.

If Dean Davies decides to bring back the coffee, we will, as always, salute her benevolent judgment. But we will not order it. The lower court’s order granting defendant’s mo-

3 *Id.*

“Some sort of perfunctory, sham hearing would be necessary to deprive students of their rights.”
—C.J. VanderMeulen

Plaintiffs allege that the Law School administration’s decision to remove the coffee from the cookies and coffee extravaganza without a hearing violates their right to due process under the Fifth and Fourteenth Amendments to the Constitution. They seek a return of the coffee and damages for last week’s shock. Presiding at the Court of Petty Claims, Judge Ferzan ruled in favor of Dean Davies’s motion to dismiss, declaring that good coffee and real, honest half-and-half, “while sublime” was not “something to which plaintiffs are entitled.” She added—tangentially but characteristically—that students should “really consider reading the cases more closely” and “stop listening to Doran about how to pronounce ‘brooch.’” Plaintiffs filed a timely appeal.

II

A

This Court’s due process

2 *Id.*

damages against the “diabolical inferno” that “consumed the UVA Rotunda and several students’ limbs in the process of rescuing the bust of John B. Minor” in October of that year, the Court held that students’ due process has been violated only when they have suffered an “irreparable loss.” *Id.* at 217. *See also Goluboff v. Thieves*, 778 U.Va. 439 (2015) (denying Dean’s claim against “vagabonds” who stole the RFK bust because “we’re pretty sure if we ask, the Kennedy people will send us another.”).

The theme of our jurisprudence has been optimistic, declaring reparable the loss of, among other things: the Clark Hall murals; a student’s GPA; dignity at 3 at Three; three-day weekends; the sense of boundless optimism that precedes 1L year; and the sushi from ScoCo. Last year alone, we held that there could be no due process claim against the administration for the uncere- monious destruction of the ash trees on the lawn (*Huse v. Michael*, 914 U.Va. 223), against

once (*Grill v. Chandler*, 916 U.Va. 910).

Theoretically, if an “irreparable loss” ever did occur, some sort of perfunctory, sham hearing would be necessary to deprive students of their rights. *See Goldberg v. Kelly*, 397 U.S. 254 (1970); *SBA v. Davies*, 755 U.Va. 111 (2016) (“Okay, now that we’ve had a hearing, you still can’t have the keg back.”). But ruling as we do, we needn’t reach that question today.

B

In light of this consistent jurisprudence, we have little difficulty in holding that plaintiffs have failed to make out a

Faculty Quotes

J. Setear: “The point is... [under breath]... what is the point?”

S. Prakash: “I respect you looking down at your notes and pretending you can’t hear me.”

J. H. Verkerke: “Litigation is literally like burning money... so enjoy it.”

G. Rutherglen: “You’ll learn. You have to be utterly impassive in this class, or else you’ll be called on.”

F. Schauer: “We’re talking toasters here. Yes, your toaster might break, but you can afford


the loss.”

A. Vollmer: “You read it silently; I’ll read it out loud with my voice of wonder.”

L. Kendrick: “Gather round, Grandma Leslie’s going to tell a story.”

G. Geis: “If you see Smitty’s Used Cheesesteaks and McDonald’s, at least you know you’re getting a cardboard burger at McDonald’s!”

Heard a good professor quote? Email editor@law-weekly.org!



J. VanderMeulen

Virginia Law Weekly

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tion to dismiss is affirmed.

It is so ordered.
Justice JANI, concurring.

I join my learned colleague’s opinion in full, writing separately only to note that I, a Darden student, never benefited from the WB cookies and coffee. At Darden, we mostly do mature Darden things that don’t involve silly non-Darden things like cookies, which are the realm of the K-JD youths who inhabit this law school, not Darden. At Darden, we study serious Darden concepts and learn how to be disrupters and influencers; no one at Darden would think of complaining about something as silly as losing access to coffee, of which we have plenty at Darden. Besides, the Darden coffee is much more mature and worldly than the Law School coffee, which is delivered by people who don’t even have MBAs. Darden.

Justice HOPKIN, concurring in the judgment.

I write separately from Chief Justice VANDERMEULEN’s judgment not because of the excellent legal analysis. Instead, I wanted to spend 250 words on one specific message: Screw the ungrateful little shits. The complaint is about no longer receiving as high quality of goods as they received last semester. Regardless of any legal doctrine (see Petty Rule of Civil Procedure 1: “We do what we want.”), I am using my personal grievance about the situ-

ation as a dispositive reason to write separately.

You see, dear reader, Professor Schragger would re-schedule his Urban Law class (consisting mostly of 3Ls) on Fridays whenever he wanted to “be a media darling.” Half-way through this ordeal, there would always be a cacophony of activity right outside the door. We later learned that this noise was the 1Ls gathering for their free coffee and desserts at the end of their week. *That’s right—their week ended before noon on Fridays without exception.* If this doesn’t enrage you, then you must be a 1L.

If there’s one thing I’ve learned from growing up under the Boomer Generation, it’s that things should only get worse for younger generations. Furthermore, the blame for this, much like the housing crisis and the existence of avocado toast, should be placed firmly on that younger generation. 1Ls shouldn’t be benefiting from a better schedule. Moreover, they shouldn’t be rewarded with a gourmet meal for enduring such an easier Friday schedule.

This Court has no idea whether rainbow sprinkle cookies are being served to this class because the Court wouldn’t be caught dead in the Law School on a Friday, but the rage from sitting in Professor Bonnie’s Crim Law class at 5:15 p.m. on a Friday has not lessened over time.

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Between Tectonic Plates: Snorkeling the Silfra Fissure

My hands were numb and shaking as I descended

Grace Tang ’21
Staff Editor



into the freezing waters of the Silfra fissure in my dry suit and gear. It was unclear whether the shak- ing was due to excitement, dread, or the sheer cold, as my foggy brain was still reel- ing from only three hours of sleep after arriving in Reyk- javik that morning.

Going on a trip to Iceland in the middle of January seemed like a great plan dur- ing August when I was book- ing plane tickets in the midst of sunshine and great weath- er. Now, as I descended into the crystal-clear waters of mid-winter in Iceland, I wasn’t so sure. When I lifted my head above the water, all I could see were snow-cov- ered tundra and cliffs on ei- ther side, with impressively sized icicles dangling off the edges.

Astoundingly, the cold, gray landscape above the water was transformed into a dazzling, colorful new world as soon as my head de- scended beneath the surface. The waters in Silfra are like- ly the purest on earth. They originate from local glaciers which are filtered through porous rock, and clean enough to drink while snor-

keling. The colorless waters also greatly improved vis- ibility and it was possible to see almost 100 feet beneath me as I swam.

Though no wildlife in- habits the Silfra fissure, the snorkel was not boring by any means. The geology of the craggy bare-rock walls, bright green algae, and vi- brant blues and greens of the water are beautiful and awe-inspiring. Some por- tions of the fissure are nar- row and shallow while other areas widened and deepened unexpectedly hundreds of feet below. The trip ended when we veered left and the waters opened up into a blue sandy lagoon. I couldn’t stop looking around in wonder at everything as I floated by, fascinated by the incred- ible scenery. It was a very different experience from a normal snorkel, without the typical tropical fish and sea life. Rather, the beauty of the land itself was the main at- traction. Because the heavy dry-suits were cumbersome and the water was so cold, the 300 foot swim was much more tiring than I had antici- pated. Thirty minutes later, I was quite happy to be sip- ping hot chocolate on a tour bus.

Located on the famous golden circle route at Thingvellir National Park, I highly recommend the Sil- fra snorkel any able-bodied

swimmer. The Silfra fissure is located between the North American and Eurasian tec- tonic plates and is deemed a UNESCO world heritage site. The glacial water is the clearest in the world, and at its narrowest portion, it is possible to almost touch the two continental plates on either side. The tour is available year-round; how- ever, there is one catch for this extraordinary opportu- nity. Whether you go on the tour in the high of summer or mid-winter like me, the temperature of the water remains steady at approxi- mately 30 degrees Fahren- heit as the waters originate from a glacier. Despite the cold, snorkeling in Iceland is definitely an adventure one should experience at least once in their life.

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HOT BENCH



Chinmayi “Chinny” Sharma ’19

Good morning, Chin- ny! Welcome to the Hot Bench, where we’re hap- py to interview students at the time best for them, even if it’s 9:30 a.m. on a Sunday! Let’s get started.

Chinny, I hear that you wake up really early in the morning. How early is early?

Probably about five in the morning. I am a disgust- ing morning person. But on weekends, I sleep until a lofty six or seven. I would like to definitely throw W. Campbell Haynes ’19 under the bus, because he wakes up just as early if not earlier. Just gonna use the microphone while I have it.

Okay, but when do you go to sleep?

Sleep’s not a thing I’m good at, but I’m getting better at it. This semester I’m definitely trying to hit some grandma bedtimes, like around 10 p.m.

“Trying” as in “not suc- ceeding”?

Not so much, but trying. Now that the Digital Democ- racy Symposium is over, I’m definitely going to try out this whole 3LOL thing.

So what’s the first thing you do at that god-awful time, five in the morning?

Take out my dog who I’m fostering. You know, it’s great to go home and have a bud who’s so excited to see you. But it’s a lot; single parenting is really hard.

Why did you decide to come to law school?

I used to be the founder of a tech start-up. I came to law school because, while I was really interested in coding, the question I was most inter- ested in was whether we ought to be building the things we were building. At that point, I had gotten in to UVA and had been deferring. Eventu- ally, Cordell was like, “Hey, are you going to come?” and I finally said yea, I think I have a reason to go to law school.

How long were you in tech?

I started off as a consul- tant on the analytics team at Deloitte and they were chill, but they didn’t teach me ev- erything I wanted to know. I taught myself how to code, and at some point a friend and I broke off and started our own start-up, focusing on collecting data in low latency and low connectivity envi- ronments. The start-up went well, but there was a point

when my bank account hit thirty-eight cents and I ate a lot of ramen.

At what point during the start-up were you consid- ering law school?

About eight or nine months in, I started to realize that I wasn’t going to be taken se- riously without better cards in my hand. I don’t think it was justified, at all, but when you’re a woman in tech, es- pecially an English major, people just assume you’re punching above your weight class and that you’re probably on the sales team, and not an actual coder.

Where did you grow up?

New York; I never say West- chester because nobody likes Westchester.

Why?

It’s a pretty homogenous community.

What’s one thing you hope to accomplish here at law school?

Have LIST maintain its cur- rent momentum and have the club gain enough prominence that the school hires more tech-focused professors, or our current professors teach more classes about technol- ogy law.

Chinny points at my morn- ing bagel; is that hummus on a bagel?

Yes.

That’s freaking amazing. Hummus is like one of those things like carrots; there’s no HOT BENCH page 6

RIVERDALE

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the subject without spoiling things, but rest assured that despite the fact that “G&G” plays a central role in the plot of the third season of *River- dale*, it somehow competes for intrigue with an under- ground prison fight club, *Silence of the Lambs*-style maximum-security cell visits, and the parenting stylings of Shelly from *Twin Peaks* (who still has great eyebrows but is now deeply invested in a farm cult).

In conclusion, I know bet- ter than to suggest that you watch *Derry Girls* (a hilarious show about teens growing up in 1990s northern Ireland), or *Would I Lie to You* (a Brit- ish panel show during which a rando just stands onstage while contestants argue about who they are), *Party Down* (a severely underrated, star- studded comedy from 2009), or *Hello, My Twenties* (a Ko- rean soap opera with some of the wildest subplots ever imagined). I’ve heard your complaints of how you’re “in law school” and “don’t have ten hours in a row right now,” and have tailor-made this viewing recommendation just for you: just watch *Riverdale*. It may not be the show any- one needs, but boy on some level is it the show we deserve. Stay tuned for this week, with guest star Kelly Ripa.

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CHINCHILLA

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adorable critters with haunting gazes. In my defense, I thought getting a chinchilla would be kind of funny. “Kind of funny” sometimes outweighs time- honored school traditions, es- pecially when those traditions implicitly prohibit exotic-animal-based hijinks.

Upon returning to campus, I set up the cage under my bed and opened the carrier to re- lease my new sidekick into his Batcave. A gray blur sped into the cage, coming to a stop next to the bowl of food I’d left out. He sniffed at it, then picked up a kibble in his paw and took a dainty bite. His nose wrinkled and he dropped the kibble like it had personally insulted sev- eral generations of his ances- tors. My ward then hopped on top of his bowl and, while making full eye contact with me, took a prolific dump on his food. I addressed him: “So it’s going to be like that, huh?” He said nothing. “Fine,” I respond- ed, “be that way.” He glared back from the darkness, clearly plotting something.

The next day, I returned from class to find that he had crafted a miniature ballista out of balsa wood, rubber bands, and toothpicks. Later that af- ternoon, while I was getting measurements taken for my new glass eye, I decided on a name for him that has proven to be an apt moniker in the years since: Brutus.

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PLAGIARISM

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can only help him, and using the words of others makes that

inspire an interview invitation, could actually be the work of someone else.

Of course, Metzler is far from

weak. While we don't condone plagiarism when it is discovered, our readiness to forgive past plagiarists indicates that

What I wrote:

The latest trends in school violence prevention

Both Cornell and Englander recommend that schools and communities pursue programs focused on students' mental wellness. Innovative approaches across the country include Virginia's threat assessment program, which was mandated statewide in 2013 to proactively resolve student threats before violent acts occur. Threat assessment programs aim to keep schools safe while addressing underlying issues and helping troubled students. In Utah, a state-wide crisis tipline that's accessible through an app provides students access to crisis counselors and a confidential means of reporting bullying, violence, and threats. Across the country, educational experts are encouraging schools to teach social and emotional skills and provide access to in-school counseling and support.

What he "said:"

What do you believe is the best solution for the gun violence situation in America?

Dr.Metzler: Innovative approaches across the country include Virginia's threat assessment program, which was mandated statewide in 2013 to proactively resolve student threats before violent acts occur. Threat assessment programs aim to keep schools safe while addressing underlying issues and helping troubled students. In Utah, a state-wide crisis tip line that's accessible through an app provides students access to crisis counselors and a confidential means of reporting bullying, violence, and threats. Across the country, educational experts are encouraging schools to teach social and emotional skills and provide access to in-school counseling and support.

a much easier process. For example, an interview screener for a TV talk show, aware that Metzler has been interviewed in the past, may search to see if Metzler has a background in the topic of the hour. Words that screener might find in Metzler's name, and which may

the only one who has used words of others for his own gain. The enduring prevalence of plagiarism—from alleged theft by T.S. Elliot to more recent acts by Joe Biden and Melania Trump—indicates that perhaps the disincentives for this brand of stealing are far too

plagiarism doesn't really bother us, even though it should. Those who take the work of others for personal gain are often permitted to keep on climbing toward success.

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HOT BENCH

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such thing as too much of a good thing.

I think you can definitely have too many carrots.

No! I can eat an entire bag of baby carrots...is that weird?

No, that's not too weird.

Yea, so half the bag I'll eat with hummus and then the other half I'll eat with peanut butter.

Were your parents set on your becoming a doctor?

Set, more like hanging their every hope and dream on it. Lawyers rank far below doctors in my parents' eyes, but they eventually came around!

What is your favorite place in Charlottesville?

Ridge Road, it's right off of Garth and it's a four-mile dirt road that I run regularly. It's all horse farms and big estates. The second-tier goal of my running is to come across a kindly old man who will adopt me and leave me his horse farm. It's farfetched but it could happen.

Deepest, darkest fear?

Having net negative impact on the people I care the most about around me.

Pet-peeve?

When somebody, over email, gets the Mr. or Mrs.

wrong. We live in the Internet Age, look it up! (Also, when people try to talk to me when I have my headphones on. I've deployed the universal signal of leave me alone, people!)

What's a movie that left an impression on you? My Cousin Vinny.

Favorite word? Serendipity.

Favorite food? Peanut Butter.

I'm scared to ask, but what else do you eat with peanut butter?

What don't I eat with peanut butter? It's a versatile food that can be eaten with everything. Well, maybe not capsicum or potatoes—that would be weird. But I haven't tried it yet, so maybe it wouldn't be weird.

If you could tell yourself something on the first day of law school that you know now, what would it be?

You should have listened to the best advice you ever got, which was from George Carot-enuto, who said, "Just say no to everything." I think as law students there are a lot of things we think we should do, and we end up being too busy to do the things we really want to.

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SUDOKU

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Solution

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THE DOCKET

TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY – January 30				
08:30	Haynes & Boone Breakfast Presentation	WB 101	Free	Better be Bodo's!
12:00 – 13:00	Gibson Dunn: "Cutting Edge Pro Bono Litigation"	Purcell	RSVP LMcSwain@gibsondunn.com	Lunch served
13:00 – 14:00	Common Law Grounds: Shutting Down	Caplin	Free	Lunch provided
THURSDAY – January 31				
09:00 – 17:00	SBA Blood Drive	Purcell	Free	Choice of grape or apple juice, cookie
14:00	2L Judicial Clerkships Update	SL 262	Free	----
16:00	The Hard Work of Social Justice: A Conversation with the Women of August 11-12	Caplin Pavilion	Free	Food provided
FRIDAY – February 1				
08:30 – 15:20	A View From the Boardroom: Directors in an Age of Activism ft. vice-Chancellor J. Travis Laster	Caplin Pavilion	Free	Breakfast / lunch provided
12:00	Reflections on the Development of Sexual Harassment Law ft. Judge Pamela Reeves	Purcell	Free	Lunch
SATURDAY – February 2				
10:30 – 12:00	Legal Observer Training	Purcell	RSVP Ctrl. VA. NLG	Lunch
12:30 – 13:45	Meditation & Brain Systems ft. Dr. Kate Gibson	Darden CR 140	Free	----
SUNDAY – February 3				
19:00 – 20:00	UVA Drama: "The Elephant in the Room"	Helms Theater	Free	----
MONDAY – February 4				
11:00 – 14:00	Barrister's Ball Tickets on Sale	Table 3	Varies	----
12:00 – 13:00	Externships Information Session	WB 105	RSVP cderrick@law.virginia.edu	With RSVP
17:00	How Has the Government Shutdown Affected Food Safety?	WB 102	RSVP FLAVA	"At own risk"
TUESDAY – February 5				
12:00 – 13:00	Cooper & Cooper Residential Brkrs. Pres: "Renting in New York"	WB 154	Free	Food provided
WEDNESDAY – February 6				
17:00 – 18:30	Barry Bergdoll: Immovable Paradoxes: The Power of Architecture in the Art Gallery	A-School, Campbell Hall	Free	----