

VIRGINIA LAW WEEKLY

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Panel Looks Ahead to Next Supreme Court Term

Sarah-Jane Lorenzo '21
Staff Reporter

Members of the Law School faculty unpacked the Supreme Court's most recent takes on privacy, free exercise of religion, and election law at this year's Supreme Court roundup. Noting the court's state of change in the wake of Justice Anthony Kennedy's retirement, professors reflected on his legacy and reviewed the possible impacts of a more conservative nominee.

Professor Anne Coughlin began the panel by addressing the privacy implications of two key cases: *Carpenter v. United States*, which involved cell phone privacy, and *Collins v. Virginia*, a property rights case with roots in Albemarle County. Crediting Justice Antonin Scalia with setting precedence for both, Coughlin noted that while *Carpenter* was a very high-tech case involving cell-site records, *Collins* was quite the opposite; police simply walked up a man's driveway to inspect a motorcycle.

Coughlin first reviewed *Carpenter*, a case where cell-site information linked the defendant to a string of armed robberies. Cell phone companies keep records for business uses, but those records can also be used to reconstruct a defendant's movement over a period of time. On review, the Supreme Court held that the government could not legally access such data without a warrant.

Noting that while precedent provides no expectation of privacy in public, Coughlin said the court found in *Carpenter* that technology has changed; cell phones can now serve the same function as ankle monitors. Through cell-site records, police can track not only current information, but can also review five years of past location data. Coughlin remarked that the court has seemed to treat cell phone cases differently from other privacy cases, and reasoned that *Carpenter's* implications may have felt personal to many of the justices on the court.

The *Collins* case arose from a high-speed chase near Charlottesville; the defendant evaded police on a stolen motorcycle, and police later observed what they suspected was that motorcycle on his residence. To confirm, they walked up his driveway and lifted a tarp covering the vehicle. Coughlin noted that to search a house, police needs a warrant, but to search an automobile, police need probable cause. In

Clinic Students Argue Before Fourth Circuit



Clinic participants Sarah Crandall '19, Amanda Lineberry '19, Kendall Burchard '19, and Elizabeth "Lizard" Joynes '19 on the steps of the Federal Courthouse in Richmond. Photo courtesy Amanda Lineberry / Instagram.

Taylor Elicequi '19
Features Editor

On Tuesday, September 25, 2018, four members of the Appellate Litigation Clinic—Amanda Lineberry '19, Kendall Burchard '19, Sarah Crandall '19, and Lizard Joynes '19—argued two cases before the U.S. Court of Appeals for the Fourth Circuit. They traveled to Richmond, where the Fourth Circuit heard several cases. I spoke with all four and learned a lot about their experience.

Lineberry and Burchard argued *Mangum v. Hallembaek*, on behalf of Mr. Mangum. Burchard explained, "*Mangum v. Hallembaek*, is a habeas-turned-administrative-law case. Mangum was sentenced first by a federal judge in North Carolina and then by a state judge in Oklahoma. The state sentencing judge directed that his federal and state sentences run concurrently. However, after he served his state sentence, the Federal Bureau of Prisons (BOP) refused to honor the directive and told him his sentences were to run consecutively. Mangum filed a *nunc pro tunc* request to have the time served in the state prison count toward his federal sentence, and it was denied. Mangum sued, and the Appellate Clinic represented him before the Fourth Circuit in 2016. Mangum won, and his case was remanded to the district court. The district court directed the Bureau of Prisons to reconsider his *nunc pro tunc* request. The BOP did so, and again denied his request. Our case begins with

that denial. Mangum filed a motion to compel compliance with the Fourth Circuit's opinion in the first iteration of this case. The district court denied Mangum's motion to compel, and instead found 'the BOP . . . evaluated all of the relevant factors under [the statute] in a manner that is consistent with the Fourth Circuit's opinion.' [We disputed] that, and [contested] the adequacy of the BOP's review."


Lineberry did the initial argument and Burchard tackled the rebuttal. Lineberry said, "I was given a substantial amount of uninterrupted time at the beginning of my argument, but otherwise had a very hot bench! In particular, Judge Harris drilled down on one piece of the case. It was the toughest part of the argument, but it also made me feel respected. I felt that she wasn't trying to trip me up or make me feel nervous. Instead, she was trusting me to help her work through the stickiest parts of our case. That was a gift." Burchard had a pretty hot bench as well, with the judges keeping her for an extra four minutes or so with their questions.


Crandall and Joynes argued *Battle v. Ledford*, on behalf of Mr. Ledford. According to Crandall, "We argued that the district court erred in dismissing our client's Section 1983 claim as barred by the statute of limitations, because the court failed to consider two of our client's valid reasons for tolling the statute of limitations while he exhausted his administrative remedies."

Joynes added, "Our issues on appeal were whether the statute of limitations was tolled either statutorily or equitably such that his complaint would have been timely." Crandall started with a cold bench (no questions from the judges), which she described as "more nerve-racking" because she "couldn't tell what the judges thought of [her] argument at first." Joynes had a hot bench—she got through her 'road map' without interruption, but Judges Motz and Duncan didn't spare another moment of the next ten minutes after that point."

Both teams invested a lot of time and effort in preparing. Joynes explained, "We read the record and all of the briefs and then Professor Braga instructed us to read all of the cases cited in the briefs—that was quite a task. From that point though, we crafted our initial arguments and began mooted. The advice and time given to us by our clinic colleagues, professors, friends, and family was invaluable. We ran our arguments many times over the weeks leading up to our argument, and each time, someone helping us gave us a new perspective on our issues and how to convey our positions. Professors Braga, Mitchell, and Spencer each mooted us, and their input was immeasurably helpful." After finishing reading the record and cases, Crandall "focused on addressing the concerns raised by opposing counsel and finding a simple way to explain


around north grounds


 Congratulations to 3Ls Kendall Burchard, Amanda Lineberry, Sarah Crandall, and Lizard Joynes on their Fourth Circuit arguments last week. Way to make us proud!

 Thumbs down to Elon Musk. As Professor Cohen so eloquently stated in PR, "10b-5 . . . 10b-5 . . . something something . . . 10b-5." Can ANG get credit for Securities Regulation now?


 Thumbs up to the new automatic "Beauty filter" on the iPhone XS. ANG is tired of having to go through all the trouble of opening Snapchat just to look like a strong 4.5/10.

 Thumbs down to the "timely warnings" alerts about crimes that never happened. "Timely warning": the WB snakes have taken Arthur hostage. "Timely warning": there will be a dog show in Spies Garden this afternoon. "Timely warning": ANG will absolutely show up to 8 a.m. class tomorrow.

 Thumbs sideways to the woman who beat a man with a pigeon in a fanny pack in Northern Virginia this week. ANG was glad to hear said pigeon was unharmed. That said, bird degree misdemeanors are very serious.

 Thumbs up to ACS for forfeiting 10 minutes before game time for one of the only four co-rec games that actually got to be played this week. ANG is proud of the group's dedication to destroying what little softball season there has been this fall and sending the NGSL bros home early. More beer for ANG!

 Thumbs up to Frances Fuqua's promotion to Assistant Dean for Academic Services and Registrar. ANG didn't realize the SBA President career track was so accelerated these days.

 Thumbs down to the hysterical 1Ls at the coffee machines comparing their outline subheadings. Law School regulations clearly state that Outline Hysterics are banned till after PILA.

CLINIC

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the rather complex statutory framework relevant to my argument. Lizard and I mooted our argument with Professors Braga, Mitchell, and Spencer, as well as with our classmates, to make sure we were ready for hot or cold benches. That was certainly the most helpful part of my preparation—running through various permutations of the argument to make sure I was comfortable with whatever the judges threw at us.” Similarly, Burchard and Lineberry mooted “almost every day from the beginning of the year.” Burchard elaborated, “I read, and reread, and reread again, the record, and talked about the case and our litigation strategy as much as possible.” Linreberry remarked “The most helpful parts of my preparation were (1) having a ton of friends moot us (you know who you are—THANK YOU!), and (2) having the most poetic and noble land mermaid, Kendall Burchard, talk me through my nerves and the toughest questions for our case.”

The real thing is both similar to and different from Moot Court. “Arguing on behalf of a real client certainly raised the stakes for me, and I felt that the judges really cared about reaching the right outcome, which is not usually the case with moot court arguments. It was also odd not needing to stop on a dime when my time ran out! But overall, the experience of working my way through my argument and

fitting it around the judges’ concerns carried over from my moot court experiences,” Crandall stated. According to Burchard, “The biggest difference is the record. At the moot court level, you’re confined to about 4 pages of facts. In this case, our record extended close to 300 pages. It made things feel that much more real and consequential. Mr. Mangum’s certificates from classes he’s taken in prison were included, and it removed the distance between us. This wasn’t just a matter of law, this was about a man’s life.”

For students contemplating prepping for their own arguments, Burchard, Lineberry, Crandall, and Joynes had some good advice. Burchard said, “Speak your argument aloud as much as possible. Anticipate questions, and prepare for them. Give your argument in front of a mirror, and look yourself in the eye while speaking—if you can convince yourself, you can convince anyone of your position. Remember that you are there to be helpful to the court, and that immediately relieves the pressure.” Lineberry added, “Approach oral argument as a conversation, not an argument. In other words, do your best to be (and sound) helpful to the judges hearing your case. This means you should know your record and cases inside and out, identify the toughest questions in your case, come up with the best possible answers to those questions, and be ready to give those answers in way that

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SCOTUS ROUNDUP

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Collins, the court determined that entry onto the defendant’s curtilage trumped their search of his vehicle, and police will need a warrant in similar situations.

Professor Daniel Ortiz followed Coughlin with remarks on election law through review of *Gill v. Whitford*, a partisan gerrymandering case, and *Husted v. A. Philip Randolph Institute*, which involved Ohio’s efforts to purge its voting rolls. Ortiz noted that, under pressure of the upcoming census and its redistricting mandates, the Court’s unanimous decision to sidestep key issues raised in *Whitford* and remand the case on standing grounds was essentially a punt. While liberals may have joined the decision in effort to keep hope alive for the future, Ortiz predicted that there is a great chance a conservative court would find against their interests should the issue arise again soon.

Professor Micah Schwartzman was next in the line-up, and reflected on two of the past term’s most high-profile cases: *Masterpiece Cakeshop v. Colorado Civil Rights Commission* and *Trump v. Hawaii*. Rooted in the First Amendment’s freedom of religion clause, both cases centered on religious hostility.

Schwartzman noted that while *Masterpiece* was much-covered by the media, its holding was fairly narrow, and centered more on what the court identified as religious hostility by the Colorado Civil Rights Commission than the extent to which anti-discrimination law protects the LGBTQ

community from religious objections.

Similarly spotlighted on national news, *Trump v. Hawaii* explored the legality of the government’s proposed travel ban on Muslim-majority countries—a ban rejected by three lower courts as motivated by religious hostility. Despite those lower courts’ decisions, the Supreme Court upheld the ban as justified on national security grounds. Schwartzman remarked that the Court has never before been confronted with more evidence of religious animus than in the *Trump* case, and described the Court’s ruling to affirm the policy as an “empty gesture” towards the president, who suggested on national television that the ban’s target is religion rather than territory. By failing to criticize the president’s statements, Schwartzman said, the Court exhibited a loss of integrity.

Looking ahead to the courts’ coming term, Professor A. E. Dick Howard, who moderated the panel, questioned the potential impacts of nominating yet another conservative justice to the court. Should the court gain a conservative majority, he predicted limits on affirmative action, abortion, and election finance rules, coupled with an expansion of gun rights and increase of religion in public life. As the court commences its 2018–19 term, his forecasts will soon be put to the test.

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LAW WEEKLY FEATURE: Organization Spotlight—
Latin American Law Organization

Each week, the Law Weekly showcases a Law School affinity group in a feature we call “Spotlight.” Our goal is to give leaders a regular platform to inform readers about their goals and to educate the UVA Law community about their diverse perspectives.

LALO, the Latin American Law Organization, is an all-inclusive student group

Ami Egerstrom '20
Guest Columnist



devoted to increasing awareness of legal issues affecting Latinas/os around the nation. LALO is a place of community for Latinas/os and allies in the Law School and is the conduit for Latina/o law student voices here at the law school. Like the National Latino Law Student Association (NLLSA), LALO is fueled by a coalition-building approach to addressing the issues and needs of our Law School and the larger community. LALO participates in NLLSA’s regional and national conferences. One of our current members, Daniel Natal, is Mid-Atlantic Regional Director for NLLSA. LALO is connected to the UVA Latina/o community through the LatinX Graduate Student Alliance at University of Virginia (LGSA at UVA). LALO and LGSA at UVA cooperate to plan events that support the cultural, social, political, and academic interests and development of the University’s Latina/o community.

I personally decided to join LALO after visiting the Law School. I met with Robbie Pomeroy, our past president, and Diana Swanson, our past secretary, and I expressed my concerns about going to a law school with a small Latino population. Robbie and Diana assured me that although the Latino community at UVA is small, LALO makes it strong. They were right. Through LALO, I have met—and continue to meet—some of the most accomplished and inspiring Latinx law students, and I am proud to call them my friends.

This year, I am very excited to serve as the Vice President of LALO. Serving with me this year are: Ledah Geller, President; Luis Fortuño, Secretary; and Rob Paradelo, Treasurer; Ana Tobar, 1L Representative; Alani Fraga, 1L Representative; and Maria Lueveno, 1L Representative.

As we transition into a new school year, LALO continues to strive to be the center for student resources, dialogue, and action for UVA Law’s Latina/o community. Our first priority this year is to increase 1L participation and ensure that these students feel the same sense

of community and support I felt through LALO during my 1L year. We are fortunate that this community extends beyond the law school and that our partnerships with the LatinX Graduate Student Alliance are becoming stronger. This year, we will be partnering with the Latino Medical Student Association (LMSA) for AVID Career Day which will expose 7th graders to fields from various professional and graduate programs. We are hoping to give these middle schoolers a better understanding of the legal field with the ultimate goal of inspiring them to become future Latina/o lawyers.

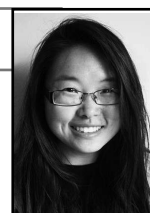
Our Executive Board will be hosting a variety of academic and social programming designed to address the needs of our community. This year we are very much focused on issues surrounding immigration and we are proud to be cosponsoring a panel related to the Attorney General’s decision in *Matter A-B* in late October. We will also be cosponsoring an immigration panel for the Shaping Justice Conference next semester.

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#MeToo in the Judiciary:
Then and Now

On Monday, September 24, in the midst of allegations against Supreme Court

Grace Tang '21
Staff Columnist



nominee Brett Kavanaugh, two UVA Law professors, Professors Anne Coughlin and Kim Ferzan, discussed the historical context and contemporary significance of Dr. Christine Blasey Ford’s hearing in front of the US Senate Judiciary committee. Both professors brought their different perspectives to the table and shared them with students at UVA Law. The event, held in Purcell, was jam-packed with students who stood against the walls to listen and ask thoughtful questions. Professor Coughlin began by discussing her memories of the Anita Hill controversy, which began shortly after she began teaching, and then considered the similarities and differences between the events of 1991 and today.

Professor Coughlin was only one month into her teaching position as an assistant professor at Vanderbilt Law School when the Anita Hill allegations began circulating among the staff. She reflects back on how male colleagues perceived the event and recalled how they were horrified that

a man’s reputation could be “smeared” and “jeopardized.” “It’s surprising, because in other criminal and civil cases, individuals are not discredited or dismissed so easily without an opportunity to be heard or examined,” says Coughlin.

Other striking similarities between Hill and Ford exist. Both women were denied an opportunity for further investigations, and both were put under vast scrutiny and pressure after they came out with their allegations against men in powerful positions on the cusp of one of the most coveted and powerful roles in the country. However, as Professor Coughlin points out, “Key differences did exist between Hill and Ford,” which included “dissimilarities on the ages of the two women, power dynamics between parties, specific type of allegations (verbal vs. assault), and racial differences of parties.”

Professor Ferzan approached her discussions of the hearings from a background in criminal law and her years as a prosecutor. Specifically, she began by framing the context of the hearings and questioning what the burden of proof should be in the current situation. “What standard should be set for the purpose of a Supreme Court nomination?” asked Ferzan, as she asserted that certain indi-

viduals are quick to dismiss the charges against Kavanaugh, or downplay them. She points out that “under criminal statutes in the state of Maryland, the charges against Kavanaugh’s conduct would be that of ‘gang rape’ which is not barred by the statute of limitation... While there may be room for ‘discounting’ the alleged crime due to age, and the fact that people change, it is important to apply these changes equally to all individuals in a similar situation,” states Ferzan, “The individuals eager to ‘discount’ the allegations based on age and second chances may not be the same ones willing to give changes to all youth equally.”

Both speakers stressed that the context from which to view the situation is not from a purely criminal perspective, but from a broader context. The main questions at issue are, “Is Kavanaugh fit to become a Supreme Court Justice? What factors matter in that decision? and what should the standard be for a nominee? These are complex questions to consider and ask ourselves,” said the professors when asked during the lively student Q&A.

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Professor Lunch: Professor Deborah Hellman

Law Weekly staff members went to lunch with Professor Deborah Hellman last week, and while it is our job

Katherine Mann '19
Features Editor



to dig into professors' lives and backgrounds, she made the lunch especially enjoyable by getting to know us as well. We covered everything from Dr. Christine Blasey Ford's testimony to healthcare, to education, to housing policy, and we got

she's only teaching Constitutional Law in the spring. The moral of the story, 1Ls and 2Ls, is get a class with her while you can.

Hellman specializes in equal protection and has written extensively on discrimination, particularly why we accept discrimination in some settings—like setting an age minimum for drivers—but not in others. She explained that her interest in the subject stems from her background in philosophy. Realizing that a PhD in philosophy might not

with a switch to law school at Harvard. "I was interested in philosophical questions," she says, "but I wanted to use it for what matters in the world." She also considered that, with a law degree, she would have a backup skill set if academia didn't work out.

Hellman is from New England originally, outside of Boston, and earned her bachelor's degree at Dartmouth. After obtaining her law degree, she spent several years on the faculty of the University of Maryland

lottesville and the university community have been friendly and warm, so it's been easy to find a life here." She's also found Charlottesville a great place to raise her two daughters, now teenagers.

Hellman was a competitive downhill skier in her high school years, but lost interest during college. She enjoys cross country skiing more now, and spoke highly of White Grass in West Virginia, where she goes to get the occasional skiing fix. Her children have taken an interest in downhill skiing recently, however, so you might catch her speeding down the slopes again with them.

Hellman loves teaching 1Ls, and her favorite class to teach is Constitutional Law. She approaches it as a language rather than a history and emphasizes that the way we have conversations about issues is important for law students to understand. "The notion of making law versus following law is an unrealistic dichotomy," she explained. Referring to legal theorist Ronald Dworkin's chain-novel analogy, she said that judges have to continue the story they've received, but they have freedom in how they continue that story. In addition to her academic pursuits, HELLMAN page 6



Professor Deborah Hellman. Photo courtesy UVA Law.

pretty close to solving the world's problems. None of your attending staff members has had her as a professor before, and we are devastated as 2Ls and 3Ls that

have been the most practical move—she noted that the job market at the time was "abominable"—she followed her Masters in Philosophy from Columbia University

School of Law. She and her family lived in Baltimore, which she loves, but they've enjoyed living in Charlottesville since she joined the UVA faculty in 2012. "Char-

One Year After August 12: UVA Law Looks Back

By Law Weekly Staff

The University of Virginia and the Charlottesville community marked one year since the Au-

gust 11 and 12 alt-right rallies with a series of events last Thursday and Friday, including a set of panels and speakers hosted in the Law School.



Panelists address the assembled students at the A12 symposium. Photo Kolleen Gladden / Virginia Law Weekly

gust 11 and 12 alt-right rallies with a series of events last Thursday and Friday, including a set of panels and speakers hosted in the Law School.

Thursday night's event at the Paramount Theater in downtown Charlottesville featured Yale Law School professor James Forman, Jr., author of "Locking Up Our Own: Crime and Punishment in Black America," a 2018 winner

of the Pulitzer Prize. Forman was introduced by University Provost and Executive Vice President Tom Katsouleas, who noted the importance of trying to understand the biases and underlying

racism that led to the tragedy of August 11 and 12, 2017. After Katsouleas's introduction, UVA hip-hop Professor A.D. Carson performed a surprise rap about police brutality, leading into President James E. Ryan '92's introduction of Forman.

Forman grew up in Detroit and Atlanta, coming of age in the tumultuous '70s and '80s. He recalled—to begin his discussion

the Georgia state flag, which at that time contained a miniature of the Confederate battle flag. His parents met during the civil rights movement; his mother was the white daughter of British aristocrat Jessica Mitford, while his father was a prominent black leader active in the Black Panthers and the Student Non-violent Coordinating Committee (SNCC). The effect of racist soci-

ety had real effects for Forman; in the year he was born, the Supreme Court's decision in *Loving v. Virginia* overturned the anti-miscegenation laws that made his parents' interracial marriage illegal in swaths of the country.

Forman's talk focused on the myths underlying white supremacy—namely that blackness is inherently violent—and on American society's inability to respond to white-on-black violence. He mentioned Dr. Paul Barringer, the racist medical doctor who headed UVA's faculty from 1895 to 1903 and who believed abolition of slavery was wrong and that slavery was a positive good that controlled people of African descent's supposed natural impulse for criminality. These myths, Forman argued, underlie the justice system's targeting of black Americans and its inability to handle violence against blacks committed by whites. The KKK stands out: based paradoxically on "law and order," it perpetuated violence against black Americans with impunity. Forman also mentioned Dylann Roof, the mass murderer who killed nine black worshippers at a church in South Carolina in 2015. Forman pointed out that when Roof committed that atrocity, the question everyone asked was, "What is wrong with this kid?" encapsulating the inability and unwillingness of the American mind to deal with white-on-black violence.

Despite his thorough condem-

C'VILLE PANEL page 5

Staff Spotlight: David W. Ranzini '20



David W. Ranzini
Law Weekly Position:
Production Editor

Hometown:
Waynesboro, Va.

Undergrad: *I, sir, am a graduate of the College of William and Mary!* Raised at TJ's alma mater to make fun of the school he "merely" founded, I couldn't be gladder to be here at UVA Law.

Favorite Fish: Mackerel, whether raw, flame-broiled, or pickled.

Least Favorite Fish: Hagfish. These vile prehistoric slime eels taste like a caramelized inner tube.

Weeknight Tipples:

1. Negroni 2. Whiskey Sour. 3. Gimlet.

7-11, Lawson, or FamilyMart? 7-Eleven pasta is superior to either major competitor, but its coffee lags significantly. Its *oden* is best-of-breed. FamilyMart is a strong contender in the coffee space, and is the only one which offers make-your-own frappes. Lawson's coffee edges past FamiMa, but its pizza *manju* are what really satisfy. Circle K, Sunkus, and the independents typically boast better bread selections than any of the majors, but when you want a curry-filled dumpling, it's 2 a.m., and the last train has left the station, that's when Lawson comes through clutch.

What? Take my word for it, this is *important*.

Why I Joined the Law Weekly: Was press-ganged into the first meeting by my brother Gregory Ranzini '18. Love ya, bro!

Favorite Law School Activity: The Law Weekly is without a doubt the best community of any in the Law School. The friends I've made here have more than made up for the sacrifice of my Monday nights.



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.

North Grounds Softball League (NGSL) v. Parr

892 U.Va. 112 (2018)

SCHMALZL, J., delivered the opinion of a unanimous Court. VANDERMEULEN, C. J., filed a concurring opinion.

Justice SCHMALZL delivered the opinion of the Court.

“Once upon a time, in a land far, far away, the law students of UVA played copious amounts of softball in the fall to bond with classmates, find a good reason to crack open a cold one at 11:30 in the morning, and justify wearing bro tanks in the name of getting an even tan.” These facts, as alleged by plaintiffs, depict the scene of UVA Law as it traditionally has been since anyone can remember. After weeks and weeks of rain and mist and the worst weather Charlottesville has seen since any of us can remember, NGSL has brought suit against defendant, Stephen T. Parr aka the UVA Law god of weather, to enjoin Parr from abusing his power over the weather and, as they put it, “let us play some damn softball.” Further, NGSL seeks compensatory damages for all the members’¹ bloodied hands from their grueling attempts to revive the fields after every rainfall, as well as punitive damages because, they allege, Parr has waited until the week of Fall Break to bring sunshine back to North Grounds. This Court, having felt its own frustration with the puddle that is Copeley Field, is ready to take action to save the UVA community from any more of this treachery.

In his defense, Parr raises several points. First, Parr claims that no damage has really been done because it’s

¹ Or at least those not too hungover from last Thursday at Bilt.

“nice out now” and “the rain seems to have cleared out.” This Court, while receptive to this argument (likely due to the Justices’ good mood after the first beautiful weekend in

713 U.Va. 12 (2010) and *UVA Law Women v. Sexist Men in the “Regular” League Who Think They’re More Athletic Based on the Sheer Fact that They Have a Pair* 612 U.Va.

any other defenses raised by Parr in this action. This Court orders the following: Parr is enjoined from allowing further heavy rainfall in Charlottesville this fall

school year.

It is so ordered.

Chief Justice VANDERMEULEN, concurring.

I join my colleague Justice SCHMALZL’s judicious opinion in full. I write separately only to note that Stephen T. Parr’s denial that he controls the weather is particularly unbelievable given last year’s blessed snow day. Careful readers of their UVA email will recall that Parr’s email cancelling classes last March 21 came at 5:04 a.m., when the snow had only barely begun to fall. What did Parr know that the rest of us didn’t? Is he just risk-averse, like some kind of college administrator? Of course not. Parr’s control over the weather was manifestly evident that day, as benevolent sheets of snow relieved students, professors, and staff of the need to trudge to the Law School on a dreary Wednesday and enabled a glorious day of hot chocolate, sledding, and snowball fights. This Court merely prays that Parr’s benevolence underlying that act of pure grace would return, that the skies would clear, and that the ring of softball bats would once more sound on Copeley Field. If an act of penance is needed to inspire Parr’s goodwill, I am sure a willing volunteer (*cough* Dugas *cough*) can be found.

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“This Court feels NGSL does a good enough job destroying their own reputation without the help of any third party...” J. Schmalzl

C’ville since the end of August), must ultimately refute the notion that no damage has actually been done. Fall Break is this week and no one will be here to play on Friday. Parr’s response that “students can still play Monday through Thursday” is weak at best—while classes after 1L don’t matter, we all know that Friday is the only day softball captains can actually drag their gunner sectionmates out of the Law School and onto the diamond.²

Second, Parr claims he’s doing a service to UVA Law by taking down the alleged cult that is NGSL via destroying their only legitimate purpose, softball. While some members of the law community may appreciate Parr’s attempt at destruction, such as the plaintiffs in *Non-Athletic 1Ls v. NGSL*,

² Stop trying to make “SCOTUS Clerk” happen, Gretchen, it’s not going to happen.

333 (2001), this Court feels NGSL does a good enough job destroying their own reputation without the help of any third party. Between the group’s takeover of the couches in front of ScoCo, the members’ annoyingly loud conversations through the hall about how many fireball shots they had last night, and wearing their jerseys to class, there’s no need for Parr to intervene. His reasonable necessity claim falls short in this Court’s eyes and, as such, is dismissed.


Third, Parr raises his most ridiculous defense, saying he should not face penalty because he “do[es]n’t actually control the weather” and that he’s “just the Senior Associate Dean for Administration.” This defense is so absurd that this Court refuses to allow any further discussion of it, and is offended that the defendant has engaged in such blatant dishonesty while under penalty of perjury. This Court will not allow such lies in the briefs and, as such, will not consider

and must make Spring 2019 weather the best it’s been since the 3Ls arrived on Grounds. Further, Parr must take full responsibility for the fact that the 1Ls are extra-gunnery since they haven’t been able to use softball as an excuse to leave the library at all this semester. Finally, Parr must attend the 1L softball tournament and throw out the ceremonial first pitch to prove his contrition for attempting to destroy all things softball and NGSL. Refusal to comply with any of these orders will result in further sanctions and uncountable thumbs downs from ANG for the remainder of this

Faculty Quotes

F. Schauer: “I suspect all of you fit in one of two categories: either you have an American Express card or you hope to have an AmEx after law school”
M. Gilbert: “My kid is really into Michael Jackson now, which I think is awesome.”
K. Kordana: “Life is nasty, miserable, and short for our mangy squirrels in the courtyard.”
M. Collins: “An Audi is just a really bad Volkswagen.”
G. Rutherglen: “All of the law, if not life, is found in Civil Procedure.”
R. Harmon: “Make Way for the Ducklings is an excellent book, you

should read it one day.”
M. Collins: “I apologize for being dense and obtuse”
C. Jaffe: “If you label your evidence ‘smoking gun,’ you may want to get your resume and start looking for another job.”
B. Armacost: “Okay, NOW I’m ready to talk about chicken salad”
J. Setear: “The prostate gland tends to grow as you age.”
R. Schragger: “Let’s define ‘bougie”
Heard a good professor quote?
Email editor@lawweekly.org!



Virginia Law Weekly

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


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“Tell ’Em I Miss ’Em”: A Sit-Down With John C. Jeffries, Jr.

As the year began at the Law School, upperclassmen and faculty noticed a striking absence.

Jansen VanderMeulen '19
Editor-in-Chief



For the first time in the memory of any current student and many faculty members, the school year did not kick off with a Criminal Law lecture from professor and former dean John C. Jeffries, Jr. '73. In stark contrast with previous years, no hushed stories about Dean Jeffries's fabled first-day cold made their way through the WB hallways; no savage-yet-courteous quotations dripping with Jeffries's genteel North Carolina accent filled the *Law Weekly's* Faculty Quotes section; and jokes about Justice Anthony Kennedy were widely noted to be at a historic low. Since he became the University's Senior Vice President for Advancement earlier this year, Jeffries has had a new office in Madison Hall on Main Grounds, far from his traditional haunts.

Since beginning his teaching career at UVA Law in 1975, after clerking for Justice Lewis F. Powell, Jr. and serving in the Army, Jeffries has been a student favorite. Selected as dean in 2001, Jeffries led the initiative to make the Law School financially independent of Main Grounds, giving greater flexibility to the Law School Dean to set financial priorities. That financial prowess is part of what led new President James E. Ryan '92 to select Jeffries as the head of University "advancement."

"I work in what used to be called fundraising, which has the virtue of candor," Jeffries told your *Law Weekly* correspondents. "About fifteen years ago they started calling it 'development,' which sounds like a Third-World problem. Now, it's 'advancement.'"

In his new role, Jeffries reports directly to President Ryan, whose stately office sits right around the corner from Jeffries's new digs. Ryan has announced an ambitious campaign to raise \$5 billion for the University of Virginia's new campaign. Jeffries explained to us that as state support has failed to keep up with the University's needs, UVA and other schools like it have come to rely increasingly on private fundraising to make up the difference.

Jeffries's new role has him coordinating between the various University fundraising units, like the Law School Foundation and its equivalent across the colleges, schools, and departments. Each of these fundraising apparatuses is responsible for meeting its unit's fundraising goals, which consist mostly in raising money for scholarships, endowed professorships, and facilities.

Jeffries explained to us that there is a common misconception that universities sit on huge piles of cash they could otherwise spend down. "Most of the money goes into endowments," he said, noting that the income off these endowments is usually no more than 5 percent of the total fund. The new, \$5 billion campaign will have a special focus on funding need-based scholarships,

Jeffries told us. In addition to coordinating among the fundraising units, Jeffries will also team with Ryan to secure major gifts, like the \$50 million gift from Law School alumni Bruce ('90) and Martha ('91) Karsh announced this summer.

When Ryan was announced as UVA's ninth president last

Michigan Law Review. Ryan later served as an academic associate dean of the Law School under Jeffries. Now, as Ryan has taken the helm of the University, he has taken Jeffries for a three-year stint as chief fundraiser.

Asked if he misses teaching, Jeffries answered emphatically that he does. "I like dealing with

As to whether he will return to teaching after his three-year stint in fundraising, Jeffries told us he would very much like to, but chuckled and noted that "God has something to say with that." Your *Law Weekly* correspondents, having taken Jeffries's Federal Courts class, could not resist asking for some insights into the current makeup of the Supreme Court and the issues facing it. One issue that stands out to Jeffries is affirmative action in universities. Mentioning that the Harvard litigation on behalf of Asian-American students has thrown the traditional debate "into a different light," Jeffries commented that it has become clearer that "helping someone means limiting someone else."

Justice Kennedy, a favorite foil of Jeffries's in the classroom, controlled the Court's opinions on affirmative action in recent years, most recently upholding the University of Texas's "plus factor" affirmative action plan in the newest iteration of the long-running *Fisher* saga. Jeffries called Kennedy "conflicted" on the issue and said it will be "a big, big deal" for universities if they lose the ability to be conscious of race in admissions.

Seeming conflicted as he lamented some aspects of his new job ("I miss the kitchen access") and celebrated others, Jeffries left your *Law Weekly* correspondents with a clear message for the students of the Law School: "Tell 'em I miss 'em."

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September, keen-eyed viewers of the livestream could see Jeffries, a member of the presidential search committee, standing behind the newly announced leader, "grinning like a Cheshire cat," as one student put it. Ryan and Jeffries go way back; Jeffries taught Ryan during the latter's time at the Law School from 1989 to 1992. "He was extremely able," Jeffries remarked, noting that he "recommended [Ryan] to clerk for [Chief Justice] Bill Rehnquist." They served alongside each other on the UVA Law faculty, authoring a well-regarded piece on the history of the Establishment Clause in the

students and young people," he told us, contrasting his students with the donors he now deals with: "Most of the people who are rich are also old." Elaborating on what he misses about teaching, Jeffries mentioned his special fondness for UVA Law students ("The number-one feature of UVA students is they're kind to each other. Keep it up.") and commented on the enormous progress students make during law school, especially 1Ls. Even after more than forty years of teaching, he marveled at the tremendous academic progress students make in their first semester as law students.

C'VILLE PANEL

continued from page 3

nation of American attitudes toward race and criminal justice, Forman ended his talk on a hopeful note. Insisting he is not naïve, Forman urged members of the crowd to participate in "maximum allyship," which begins with a mindset of being big hearted, open minded, and looking beyond distrust. He acknowledged that it is hard to work with people who hold different views, but making allies means building connections and finding common ground. He recommended starting conversations with questions like, "Where are you from? What are your needs? How did you get here?" and then building on the core values that emerge.

Friday's events at the Law School were opened by Dean Risa Goluboff and consisted of four panels: Panel 1 – The Body; Panel 2 – Policing Communities; Panel 3 – Institutions; and Panel 4 – Social Mobility. Between Panels 2 and 3, University of North Carolina Law Professor Theodore M. Shaw gave the keynote address.

Courtney Davis '20 was the student moderator for Panel 1. Davis explained that the first panel "discussed American conceptualizations of race and racism from historical, theological and scientific perspectives. For example, Dr. [Jonathan] Kahn discussed the dangers of making implicit bias the primary explanation for racism. And Dr. [Khiara] Bridges explained how 'the double-edged sword' of white privilege is bad everyone and can negatively impact white people too, using *Buck v. Bell* as an example."

Asked about her experience on

the panel, Davis noted that she was "nervous at first . . . sitting next to such accomplished and intelligent scholars" but became so interested in what the panelists were saying that she "began furiously taking notes." She is looking forward to reading the work that comes out of the symposium.

Toccara Nelson '19, who moderated Panel 4, explained how her panel analyzed American social mobility through a race-conscious lens. "Through empirical, anecdotal, and historical data, the panelists discussed how communities of color and other marginalized groups face obstacles in achieving upward social mobility. Panelists discussed such obstacles under the lenses of our social and familial networks, education system, public spaces, and the news. Simultaneously, our panelists presented data showing how non-marginalized identities face such obstacles at more muted frequencies and intensities." Nelson expressed her hope that the Law School community was enlightened by the whole conference, and she looks forward to more programming of this nature.

Robbie Pomeroy '19 moderated the policing panel, which he said "brought together the world of academia and the consequences of policing to a real-world situation that had a direct impact on our community." Pomeroy, too, was optimistic one year after the rallies: "Together we were able to reflect how, in the wake of last year, we can push for more care in law enforcement policies."

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HOT BENCH



Shivani Patel '19

1. Have you ever had a nickname?

Yup! Shiv, Shivu, Shivvy .

2. Where did you grow up?

All over Georgia, but mostly Atlanta and Albany.

3. What are you most excited for during your first year in Wilmington, Delaware?

Being close to the beach.

4. What is your favorite word?

Hey/hi/Sup.

5. What's the best meal you've ever had?

A friend's mom makes the best pizza I've ever tasted because there are chilis baked into the crust. That would be the best meal I've ever had.

6. If you could meet one celebrity, who would it be and why?

Priyanka Chopra cause she's living my childhood dream of marrying Nick Jonas.

7. What's your favorite hobby to avoid the stress of law school?

OTF.

8. What's something you wish you'd known about law school before coming to UVA Law?

Plenty of people take gap years.

9. What did you have for breakfast this morning?

Bodo's.

10. If you were a superhero, what would your superpower be?

Time-control—the ability to slow down, stop, or speed up time.

11. If you could live anywhere, where would it be?

Vienna, Austria.

12. What's your least favorite sound?

Anything remotely similar to nails scratching on a chalkboard.

13. What's the best gift you've ever received?

A greeting card with a Starbucks gift card at a random time during 1L from a friend who just wanted to send me mail and remind me to chill.

14. Blueberries or strawberries?

I only really like berries baked or in a smoothie.

15. What is the best concert you have ever been to?

TomorrowWorld.

16. What's your favorite thing to do in Charlottesville?

Eat!

17. If you could make one rule that everyone had to follow, what would it be?

Restaurants shouldn't be allowed to just throw away vast amounts of leftover food

at the end of each day.

18. What's the longest you've gone without sleep and why?

36 hours because I was cramming for a Physics final.

19. If you won the lottery, what would you do with it?

Well I'd pay off my law school debt and my friends' law school debt and then create a scholarship so some kids don't have law school debt. Then I'd buy an awesome vacation home in some remote, unconnected place.

20. If you had Matrix-like learning, what would you learn?

A ton of different languages including Latin, cause why not?

21. Where is a place you haven't been but want to travel to?

Maldives.

22. What are the 7 wonders of the law school?

The study rooms on the first floor of Slaughter, Everything about Student Affairs, Mandy, the PILA office couch, Mylab coffee, the free food table, and Frank.

23. If the Law School had yearbook awards, what would you win?

Most likely to be spotted at the law school as a 3L (the PILA couch is really comfortable guys).

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continued from page 2

feels helpful to a judge rather than defensive. Also, remember to breathe.” According to Crandall, “I’d recommend that students view the experience as a conversation rather than an argument. Certainly, you want to bring the judges to your way of thinking and advocate zealously on behalf of your client, but the most effective way to do that is often to let the judges’ concerns shape the conversation. It won’t matter how eloquent you are if you leave the judges with significant unanswered questions. Oral argument is your one op-

continued from page 3

she serves the Law School by chairing the Faculty Appointments Committee.

We solicited Hellman's student and career advice as well, and she did not disappoint. She encouraged students to think of their career "not as the next step," but over the long term. Whatever your long-term goal may be, "you don't have to get there immediately," she said. Younger students who don't have families yet are particularly able to find positions that allow them to slow down or speed up to get where they want to be. She said it's important to consider that you will have a long life and a long career, and you don't have to be in a hurry. "A meandering path is okay," she said. As for general life advice, she empha-

portunity to interface directly with the decisionmakers, so make the most of it. Mooting your argument with a variety of people will also help you become more flexible in how you approach the argument, because everyone zeroes in on different issues and details.” Joynes said, “The most helpful preparation for me was to get as many different perspectives as possible on my argument, set my expectations, and go in with confidence. Most of all, before I approached the podium, Professor Braga passed me a note that said, ‘have fun!’”

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sized the importance of learning to drive a stick shift, and being able to parallel park.

While her position on the Faculty Appointment Committee is keeping her course load light this year, Hellman has taught Contracts, Bioethics, Jurisprudence, and Con Law II in past years. We are hopeful that next year she'll be back to teaching upper-level classes so that you all can enjoy her warm personality and enthusiasm for teaching. And 1Ls who have her in the Spring: take advantage of the SBA professor lunch reimbursement program. You'll have a lovely time.

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Softball Scores:

Legal E's/Section E
'21 over Rip's RAngers/
Section A '21 12-8

Justice RBIs/Section J '21 over Bam's I's/Section I '21 8-7

200Ls over Section I
'19 15-11

Habeas Porpoise/
Section H '21 over F
Bombers/Section F '21
3-2

Green Machine over
See No Evil Guerinot
Evil/Section E '19 16-15

Sermon on the Mound over ACS via forfeit for lack of numbers

Docket Like It's **Inglawrious** **Bat-**
Hot/Section D '21 over **ters/Section I '20 over**
C's and Desist/Section **Allied Front 10-6**
C '21 21-5

Cartoon By Kurtis



TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY – October 3				
11:30 – 12:30	Cato Institute: Econ and Law of Pres. Trump's ObamaCare Proposal	SL 258	Free	Limited-duration nutrition assistance for qualified individuals
12:00 – 12:30	Lexis Pizza Lunch	WB 126	Pays equivalent of \$2.86	Inevitably pizza
13:00 – 14:00	Cover Letter Workshop: 1/5 identical sessions	WB 152	Mandatory for 1Ls	----
18:30	Lambda: Ele(Q)t Project for LGBTQ Leadership ft. Delegate Danica Roem	Caplin Pavilion	Free	----
THURSDAY – October 4				
11:30 – 12:30	Cover Letter Workshop: 2/5 identical sessions	WB 152	Mandatory for 1Ls	----
12:00	Food L. At Va. Assoc.: Should Employer-Provided Meals: Be Taxable?	WB 114	Free	----
12:00 – 13:30	LIST / Cen. fr. Nat'l Sec. L.: Legal Practice at NSA ft. Glenn Gerstell	Purcell	To preregister, call your mom at home	at least once
20:30	The Niceties by Eleanor Burgess: Staged Reading	Helms Theater	Free via tickets.artsboxoffice.virginia.edu	----
FRIDAY – October 5				
10:00 – 17:00	Poetry and Race Symposium	Wilson Hall 142	Free	----
10:00 – 17:00 Friday – Sunday	Martha's Market Fundraiser	JPJ Arena	Free	For purchase
SATURDAY – October 6				
10:00 – 13:00	Encaustic 101 w/ Giselle Gautreau	Second St. Gallery	\$75-85	----
11:00 – 12:00	Invitation to Weaving	JMRL Central Library	Free w/ pre-registration	----
13:00 – 14:00	Artificial Intelligence: Philosophical & Scientific Perspectives	JMRL Northside Library	Free	----
SUNDAY – October 7				
07:30 – 16:30	"Huge" yard sale: craigslist	1827 Quaker Run Rd. Madison, VA	Free	----
MONDAY – October 8				
00:00 – 23:59 M - W	Fall Break	Various	Mandatory, you gunner freaks	----
09:00 – 16:00	Design + Make: The Art of the Spoon	UVA A-school	Free	----
10:00 – 13:00	Theater of the Oppressed Workshop	PVCC V. Earl Dickinson Bldg.	Free	----
TUESDAY – October 9				
16:00 – 18:00	VR Workshop: VR Painting, Modeling, and Graffiti	Clemons Library	Free	----
WEDNESDAY – October 10				
09:00 – 14:00	Healthy Development Blitzarama	Rotunda Multipurpose Room	Free	----

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Solution

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