



VIRGINIA LAW WEEKLY

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

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1L, 2L, 3L Experiences: Halloween Roundup

Ben Stievater '22
Staff Editor

1Hell of a Halloween

Despite the actual passing of Halloween (making it legally Christmastime, pursuant to the controversial, landmark decision in *Thanksgiving v. Target*, 456 U.S. 293 (1997)), Friday night was peak ~Spooky Szn~ for 1Ls. Before heading to Bar Review and the Gunners' performance at Boylan, most of us flocked in droves to a pregame appropriately entitled "Welcome to 1Hell," the brainchild of Christina Kelly '22 and Chance Maginness '22. Host Marcello Kilani '22 generously provided the space and set-up support, while FYC was kind enough to sponsor refreshments with a tub of White Claws, a keg, and two vats of punch (see vodka with a splash of juice for some color) that proved very effective. The space itself, largely outdoors, was decked with lights, cobwebs, fake blood, and a roaring bonfire (courtesy of co-host Ritchie Vaughan '22) to create the perfect vibe for this spooky soirée.

The best part of it all, however, was the creativity displayed in the costumes—you never knew who you'd bump into as you both reached for the coveted Black Cherry White Claws. Prison Mike from *The Office*, fresh off some encounters with the demontors (the worst part of prison, I hear), was there rubbing elbows with denim-clad Britney and Justin from the 2001 AMAs. Sandra Bullock from *Bird Box* was wandering around blindly, Charles Manson and one of the Cheetah Girls were tango-ing to the tunes as Sharon Tate hid among a group of penguins, and some people even discovered that their classmates had dressed up as them (@BennettRobinsons, one of you left your case of Miller Lite behind). Regardless of whether people recognized all the costumes, one thing was clear: 1Hell was a fun, much needed chance for the 1L class to socialize before the real spookiness of finals season begins.

Dickman, Mers Win Lile

Thornhill Wins Best Oralist



Henry Dickman '20 and Megan Mers '20 are the winners of the 91st Lile Moot Court Competition. Photo credit M. Eleanor Schmalz '20.

Nate Wunderli '22
Staff Editor

Hushed, tense whispers echoed throughout the courtroom (aka Caplin Pavilion). "All rise. Oyez, Oyez, Oyez." The crowd went silent. I tried to stand and partially tripped over my backpack, but recovered in time to give each judge a slight head nod that hopefully will win me a clerkship in a couple of years. The tension was palpable, as the competitors mentally readied themselves for what would be the culmination of years of hard work and preparation leading up to this moment.

The background of the case at issue are as follows: Plaintiff Yasmin Suri brought a class action lawsuit against a social media video service, JusticeConnect. JusticeConnect had developed an application, PrideParent, that was "an advice-oriented community for same-sex parents," through which they posted content including advice regarding adoption, IVF, and surrogacy. Suri decided to purchase premium content on the app, which required entering her name, email address, phone number, home address, and credit card information. Nine months before the district court judgment, Suri received an email from JusticeConnect notifying her that all of PrideParent's premium content subscribers were victims of a data breach.

While JusticeConnect claimed there was no reason to believe any sensitive information had been mis-

used, the company urged its customers to take protective measures. Upon further investigation, Suri also learned that JusticeConnect maintained consumer preference data through PrideParent, which includes unique device identifier information, the user's location when the app is open, and all specific content the user views. JusticeConnect sold this data to an advertising agency, the Chloe Company, which aggregates the data it receives from several applications and uses it to target advertisements to individual users.

Suri was alarmed and decided to bring action against JusticeConnect, alleging (1) that JusticeConnect acted negligently in connection with the data breach, and (2) that JusticeConnect violated the Video Privacy Protection Act (VPPA) by knowingly disclosing consumer preference data to the Chloe Company.¹ The District Court for the District of Lile granted Suri's motion for summary judgment. JusticeConnect then appealed, setting the stage for these advocates to shine.

After opening remarks by the judges—Judge Jeffrey Howard from the U.S. Court of Appeals for the First Circuit, Judge Alison Nathan for the U.S. District Court for the Southern District of New York, and Judge Andrew Oldham for the U.S. Court of

¹ This information has been adapted from the problem written by Hanaa Khan '20.

Appeals for the Fifth Circuit—Henry Dickman '20 calmly took the stage to argue for the appellant, JusticeConnect, on the issue of whether a data breach can confer injury in fact. Dickman argued that the bar to standing is high where there is only a threat to harm, not actual harm. The harm must be "certainly impending" and pose a "substantial risk" to the plaintiff in order to demonstrate injury in fact.

In this case, the harm does not meet either of these criteria, Dickman argued. It has been nine months since the breach, and the plaintiffs have not alleged any actual harm or that harm is imminent. There has been plenty of time following the breach to take the necessary steps to counter identity theft (i.e. freezing credit cards and obtaining new ones), so there is little risk of identity theft in the future. Studies show only about 1 in 5 data breaches lead to identity theft. On top of that, Dickman pled with the court to consider the chain of intervening causes between a data breach and identity theft, arguing that there are too many steps in between to consider a data breach "certainly impending harm."

Throughout his argument, the judges did not hold back as they peppered Dickman with questions, admitting after the argument that one reason for their questioning was to "throw him off." They seemed especially concerned

around north grounds



Thumbs down to Fall Back. ANG knows it's not worth it to trade an hour of extra sleep for four months of SAD. And anyone who thinks otherwise is too bad at negotiating to make it in the legal profession.



Thumbs up to Chipotle for honoring ANG's "tired law student" costume. ANG is proud that their normal decrepit look finally was recognized by someone as a positive.



Thumbs down to undergrad student organizations for selling undersized baked goods for oversized prices after Bar Review. It's a struggle for ANG to ball on a budget while indulging on underwhelming brownies.



Thumbs up to all of the 1Ls who spent all weekend in the library on their last memo. The bedraggled bathrobe wearers showed ANG that while ungraded, LRW is still the bane of student's existence.



Thumbs down to NGS� playing playoff softball on conjoining turf fields. ANG is already unathletic and sports-deficient, so allstar play for the wrong team ended up being interference. Boo.



Thumbs sideways to Lori Laughlin. ANG wishes they could've bought into UVA Law on an NGS� scholarship.



Thumbs down to Popeyes for bringing back the spicy chicken sandwich. ANG has heard it's overhyped, but due to 29 being backed up for over an hour, ANG couldn't cut the line for food like ANG does at SBA functions.



Thumbs up to the Nationals' Bud Light fan. If ANG had to pay \$50 for two Bud Lights, ANG would hang on for dear life too.

HALLOWEEN

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Jacob Jones '21
Events Editor

One Third of a Real Halloween Article

This Halloweekend, I managed to leave my apartment not just once, but twice. I consider this a major accomplishment for a wise, elderly 2L whose bones are starting to ache when someone says “bar review.” And I even went out in costume—ostensibly as Jacob from *Twilight*—but without the abs, tan, great hair, or any of the defining features of the character. But I did have werewolf ears, and that counts for a costume in your mid-twenties.

Where does a 2L go for Halloween on a Thursday when it's pouring out? To Pizza Hut karaoke, of course. Who can resist the combination of garlic bread sticks and amateurism? There is something hilarious and disturbing when you see a grown man in full zombie makeup singing a song like “My Heart Will Go On,” (originally) by Celine Dion.¹ I opted to avoid Celine, and instead went with the almost ten-minute long “American Pie” so that all of Pizza Hut could know how much I love singing. Santa and one of his senior elves attempted a rendition of “Baby, It's Cold Outside.” Their attempt was hampered by the fact that the karaoke prompt only displayed

1 My heart *will* go on, Mr. Zombie makeup. And I'll never let go, unlike Rose, who totally let go.

the male half of the lyrics. After that, people went to Crozet for a bar review someone organized *ad hoc*.²

Even though I had already been out on Halloween, I returned to Crozet to see Panic! at the District Court on Saturday, effectively being pulled back into the fray.³ More importantly, I wore the same Scooby-Doo costume I've had since 7th grade. And even more importantly, there was a new Law School musical group performing, The Justice System.⁴ One member was a judge, another one wore a white outfit with black stripes⁵ like a prisoner from the 1930's, and one of them was a respect-

2 *Ad hoc* is Latin for “I do what I feel like.”

3 May I take this moment to suggest that one of the law school bands start performing “How to Save a Life.”

4 More like lack of justice in the system. Am I right?

5 Or was it a black outfit with white stripes?



Ruh Roh: Scooby finds out via text that Shaggy prefers Lexis over Westlaw. Photo Courtesy Jacob Jones '21.

ful representation of a police officer. They performed smash hits with entirely original lyrics, something entirely new for any of the Law School bands. But mostly, Saturday was a great chance to wrap up the weekend. Honorable mention to all the LLMs who made it out that night.

Taylor Elicegui '20
Features Editor

A Very 3L Halloween

In a classic move for washed-up 3Ls, I was deterred by the rain and couldn't be bothered to venture out of my cozy apartment to Bar Review. I took my roommate to the Melting Pot for her birthday and experienced the spooky delight that is eating an entire vat of cheese and chocolate before retiring to watch a Disney classic, *Twitches*. If you haven't seen *Twitches* since childhood, I 10/10 recommend giving it a watch next year. The CGI is, so, bad.

bes4cf@virginia.edu
jmj3vq@virginia.edu
tke3ge@virginia.edu

PILA Auction Preview

The Law School's annual PILA Auctions are imminent! The Live Auction will take

Will Palmer '21
Staff Editor



place on Thursday, November 7 from 5:00 p.m. to 7:00 p.m. in Caplin Pavilion and the Silent Auction will occur from 9:00 p.m. to midnight at the Omni Charlottesville Hotel on Saturday, November 9.

I'm going to go out on a limb and assume you all know how an auction works. If you don't, well, Wikipedia exists for a reason.

Let me tell you, folks, this is your opportunity to experience the class, strategy, and mild inconvenience that goes into a traditional live auction. You can also do it *while you're drunk*.¹

The theme of the auction is...Netflix? It's going to be tough to make a lame journalistic pun about that one but I'll give it the old college try. “Auction and chill?” ... Nah, that's weak. *Come on, Will, you can come up with a bad pun. It's your fourth best talent.* “PILA and bill” has a good ring to it, but it's kind of

1 Just act like you aren't. Otherwise I'll get chewed out.

obtuse. I feel like I would need to explain that, like, PILA is billing *you*. For your purchases at the auction. Doesn't really work too well for my purposes.

Nuts. Well, let's put a pin in the quest for a Netflix pun for now and take a look-see at what's available at the Live Auction.

Items up for auction include tickets to the Caps/Flyers game in D.C. on February 8, a six-month supply of delectable cookies from Lena's Loaves, the loveable local loafery, and a new piece by Banksy.² Unfortunately, I was late with my quarterly bribe to Customs Enforcement, so I ran into some issues with the importation of the reliquaries I intended to auction off, but hey, lesson learned.³ I'll Venmo them next time.

A variety of bona fide once-in-a-lifetime experiences are available to bid on as well: A pizza party with Professor Kimberly Ferzan, a March

2 I lied about the Banksy. Obviously.

3 This is a joke. Do I really seem like the kind of guy who's late when it comes to managing my reliquary shipments?

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Combat Obscura: Film Documents Life in Combat Zone

I originally became aware of *Combat Obscura* through the veteran community. There was

Chris Boggs '21
Guest Writer



a lot of excitement about the documentary because it promised to give an accurate depiction of what it was actually like to be a Marine in Afghanistan. Far too often, documentaries and films create a glamorized idea of being deployed in a combat zone. A part of the glamorization is the idea of the professionalism of the armed forces. This only goes to further the disconnect between what civilians think it is like being deployed and what it is actually like being deployed. I watched the documentary shortly after its release and thought it did a great job accurately depicting deployment to a combat zone, which includes a lot of unprofessional behavior by Marines.

It was after watching the documentary that I decided to reach out to Oscilloscope Laboratories, the production company, to arrange a screening and if possible, attendance by the director. As the only prior enlisted Marine at the Law School, I felt that this was something I could bring and not have it be construed as in any way political. Rather, I wanted people to get a raw and unfiltered look, and this docu-

mentary provides just that. The synopsis below shows what the film is about.

Synopsis:

“Just out of high school, at the age of 18, Miles Lagoze enlisted in the Marine Corps. He was deployed to Afghanistan where he served as Combat Camera—his unit's official videographer, tasked with shooting and editing footage for the Corps' recruiting purposes and historical initiatives. But upon discharging, Lagoze took all the footage he and his fellow cameramen shot, and he assembled quite simply the very documentary the Corps does not want you to see. *COMBAT OBSCURA* is a groundbreaking look at the daily life of Marines in a war zone as told by the soldiers themselves. More than a mere compilation of violence, the edit ingeniously repurposes the original footage to reveal the intensity and paradoxes of an ambiguous war from an unvarnished perspective.”¹

Many people don't like the way Marines are depicted in the film and claim this was not a reflection of the Marine Corps. I was deployed in Afghanistan from January 2011 to August 2011, and the experience I had was vastly similar to what is depicted in the film. In fact,

1 Synopsis quote from Rotten Tomato at https://www.rottentomatoes.com/m/combat_obscura.

1st Battalion 6th Regiment, the unit Miles was with during the filming, was the unit that rotated into Afghanistan as my unit was rotating out. For these reasons, I am comfortable stating that this is in fact a reflection of Marines serving in combat during this era. Miles Lagoze describes his thought process below, and it is something I wholeheartedly agree with.

Filmmaker Statement:

“I came from a liberal background but decided to enlist in the Marines when I was 18 as a Combat Cameraman for reasons I still don't fully understand. I had always loved movies growing up, particularly the work of Stanley Kubrick, so part of me wanted to go to war while still having the alibi of being a neutral cameraman. As I soon realized though, the camera affects those it films and their actions, as well as the camera operator's, in more ways than can be imagined. While deployed, I filmed the war as a propaganda tool for the Marine Corps, showcasing different aspects of the military in the wholesome and sanitized manner that was approved by the Marines' public affairs apparatus. I couldn't show anyone cursing or smoking cigarettes during a firefight, and casualties were often forbidden from being exposed. As I was editing the events around me to fit the Marine Corps' message,

I was also filming the harsh realities of the deployment, and providing an outlet for the young grunts I was attached with to express themselves in a way that their wives and families back home may not have understood, but that made perfect sense to them during deployment. When I got discharged from the military I kept all the footage that was never released, mostly because I hadn't gotten over the experience and wanted the memories to stay fresh, but also because I knew the rawness of what I had captured was important. The film is composed of the footage I kept, and although it doesn't encapsulate the war experience in its entirety (no film can), I want to show people a side of the conflict and our troops that isn't normally seen, in a way that they aren't accustomed to seeing it. Having worked on it for almost three years after getting out of the Marines, I hope to inspire a fresh dialogue about the war that is centered around honesty, rather than catered to one side of the political spectrum or the other.”²

To accomplish his goal, Lagoze created an unfiltered look at the war in Afghanistan. During the question and answer portion of the screen-

2 Film maker's statement quoted from Miles Lagoze at <http://thedocyard.com/2019/08/combat-obscura/>.

ing on Friday, he described his decision to show a United States casualty on film, which was a highly controversial decision. He stated, “If I was going to show dead Afghans, I had to be willing to show dead Americans. I wanted both sides to be seen as humans.” In fact, this was the first time a United States casualty was shown on film. This raw and unfiltered look can be difficult to watch at times. It should be remembered that if it is difficult for you to watch, can you imagine how difficult it was to live it?

I hope that as people watch the documentary, they gain a new understanding of what it really means to live and fight overseas for America while, at the same time, coming to realize that the men and women being sent overseas to fight are not the amazing professionals they are made out to be. I do not say this as a knock on our military, but rather to create a new understanding that the vast majority of them are immature eighteen to twenty year-olds. These young adults are put into an incredibly difficult situation with no clear direction. They deserve our appreciation for their sacrifices, but it must be remembered—they are far from the perfect professionals society has made them out to be.

cmb5bx@virginia.edu

Women in Public Service: Paths to Public Interest Careers

Pursuing a career in public interest law can be daunting. For a student deciding to pursue big law, the process

Marlyse Vieira '22
Staff Editor



is structured through OGI, firm events, and standardized

Donna Fay Imadi '22
Staff Editor



career practices. Contrastingly, for public interest careers, there

Kathryn Querner '22
Staff Editor



is great variation among the timelines for applications, potential positions, expectations, workloads, and networking opportunities. On Wednesday, October 30, Virginia Law Women, PILA, and LPS hosted an event called Women in Public Service which gave female students an opportunity to learn how to better navigate the challenging process of considering and applying to public interest jobs.

Two simultaneous panels began at 5:15 p.m., followed by a reception at 6:15 p.m. in the Purcell Reading Room.

About twenty female stu-

dents, many of whom intend to pursue a public interest career immediately after law school, attended the panel titled "Starting Strong: Beginning Your Career in Public Service." The panel consisted of four women who are in various public interest-related careers.

After each of the panelists introduced themselves and gave a general overview of their career paths, they were asked a series of questions relating to choosing careers, networking, and advice that they would give to students hoping to follow in their footsteps.

Claire Blumenson '11, co-founder and Executive Director of School Justice Program (SJP), introduced herself first. SJP is a non-profit that provides legal assistance to older students with disabilities. When asked how current students can network in the public sector, Blumenson advised the panel attendees to reach out to two or three legal organizations each week to set up a 20-minute phone call. Blumenson emphasized that this is a great way to learn about various public interest-related career paths and also make connections with people in the industry. Additionally, Blumenson encouraged students looking to learn more about potential public interest career paths to look to the Equal Justice Works website,

which sorts fellows into their areas of practice.

Vivian Kim '12 spoke next, who spent three years practicing litigation in big law before joining the U.S. Attorney's Office for the District of Columbia in 2015. Kim has worked exclusively on matters relating to domestic violence in the D.C. Superior Court over the past year. She advised that enthusiasm is the most valuable attribute that a potential summer intern at the U.S. Attorney's Office can bring to an interview. Passion and enthusiasm for working within the system is essential to success in this career path.

Sarah Buckley '14 then spoke about her work as a trial attorney in the Defense Section of the Environment and Natural Resources Division (ENRD) at the U.S. Department of Justice. Buckley works predominantly on defensive cases under various environmental statutes. She educated students about the value of a working judicial clerkship, as she felt that her experience clerking gave her the opportunity to narrow her legal interests.

The fourth member of the panel, Cassie Powell, works as a staff attorney at the Legal Aid Justice Center's JustChildren program. Her interests include public interest and education law, and she currently works representing children

in educational matters. In narrowing her career path, Powell emphasized the importance of understanding her personal values, and in shaping her career goals off of these values. For example, finding balance and prioritizing her family has always been of the utmost importance to Powell, so she looked to a career path that would facilitate her pursuit of these personal goals.

For the final ten minutes of the event, the audience had the opportunity to ask questions to the panelists. One student asked about differences in salaries between the public and private sectors, which sparked a lively back-and-forth between the panelists about the tradeoff of salary for career autonomy that accompanies public interest careers. All the panelists ultimately agreed that, while public interest law careers pay significantly less than firm jobs, the personal fulfillment and passion they derive from their careers is well worth a lower salary.

Many students hope to enter into public service at some point during their legal career. However, working at a private firm for the first few years out of law school can be desirable or even necessary to pay off student debt, provide financially for one's family, and get high-quality legal training. At the Private Pathways to Public

Service panel, four UVA Law alumni discussed their paths from the private sector to public service and gave candid and valuable advice for students hoping to follow similar career trajectories.

Panelist Sarah Hall '05 serves as an attorney in the Division of Enforcement at the U.S. Securities and Exchange Commission, where she investigates violations of federal securities laws, insider trading, and fraud. Prior to the SEC, Hall was an insurance coverage litigator at Covington & Burling. Though Hall found the training and mentorship she received at the firm valuable, she noted that insurance litigation was not easily transferable to government service. Despite this, Hall was able to make the move to the SEC in through a social connection, demonstrating her point that networking can be key to finding a job in civil service. Because she knew the public sector was her ultimate goal, Hall also signed up for USA Jobs notifications during her first year in big law and had yearly career check-ins with herself. She recommended students interested in making the transition from private to public service do the same.

As a public defender for the Western District of Virginia,

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Reproductive Justice 101

On Thursday, October 31, UVA Law's chapter of If/When/How hosted an

Maria Luevano '21
Staff Editor



event led by Jeryl Hayes, the Movement Building Director of the nationwide organization. In her role, Hayes works with the organization's network of law students and legal professionals to champion reproductive justice within and beyond the legal system. Hayes was introduced to the organization as a law student herself, both as a legal intern and as a chapter leader. From Olivia Roat '21, President of If/When/How's UVA Law chapter: "Our goal with this event was to give students an opportunity to learn about the fundamentals of reproductive justice and to broaden people's perspective of the type of issues that reproductive justice encompasses. We were so excited to host Jeryl, who not only is extremely knowledgeable but also loves talking to law students. We were also thrilled to have such great attendance."

Hayes focused her discussion around the framework of racial justice, which the organization uses for its reproductive justice work. Hayes explained that twelve black women developed the reproductive justice movement in

Chicago in 1994 and were influenced by both human rights and social justice work. They did not find a home for their needs within the civil rights or second wave feminist movements at the time. If/When/How continues their work and believes that it is impossible to look at reproductive justice without thinking about racial justice. The organization is committed to centering people of color. This relationship is embodied in their vision of "an essential transformation of the systems and institutions that perpetuate oppression into structures that realize justice, and a future when all people can self-determine their reproductive lives free from discrimination, coercion, or violence."¹ For them, racial justice is reproductive justice and both are working to ensure that legal rights are accessible to all people.

Hayes further explained that the goal of the reproductive justice movement is about more than reproduction—it includes the right to have children, the right not to have children, and the right to parent the children that you have in a safe and healthy environment. In pursuing these

¹ If/When/How organization vision found at <https://www.ifwhenhow.org>.

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with the fact that a 1 in 5 chance of having your identity stolen can very well be seen as a substantial risk, and barring all victims of a data breach from recovery unless they experience actual harm can under-deter companies from this kind of negligence. They also argued that having to freeze a credit card and take related preventive measures following a data breach can be seen as harm in itself, but Dickman countered that the plaintiffs never alleged any harm pertaining to this.

The judges were also concerned about future applications of this case and where the line should be drawn to determine what constitutes a "substantial risk" or "certainly impending harm" with regards to data breaches in general. Although Dickman admitted that some data breaches without actual harm could be considered injury in fact, he refused to draw a bright line rule, instead advocating for a more case-by-case approach. In this case, even if the worst thing that could have happened occurred (identify theft, followed by credit card fraud), the credit card companies do not hold the customers liable for these charges so no damage would have been incurred regardless.

Following Dickman's fantastic performance, Katherine Whisenhunt '20 took the spotlight for the appellee plaintiff, Suri, who represented the class of plaintiffs

affected by the data breach. A former college soccer player turned oral advocate,² Whisenhunt showed a command of the case law that impressed the panel of seasoned judges. Citing *Clapper*, Whisenhunt argued that creating a substantial risk is sufficient to establish a breach and that a data breach where credit card information, names, addresses, and other personal information is stolen is the substantial risk in which the harm of identity theft arises.

In fact, the very purpose of hacking is to misuse the information, so the harm is a clear and obvious result of the risk presented. Countering Dickman, Whisenhunt argued that the attenuating circumstances between a data breach and identity theft is not as long and complicated as the appellants contended, but certain, direct, and in line with what the *Clapper* court would consider to be a substantial risk. The hackers had everything they needed to steal the identity of the plaintiffs.

The bench did not fire questions at Whisenhunt at the same speed that they did with Dickman, but their questions tried to derail her from her main points. However, Whisenhunt stayed focused on the arguments she needed to present in her limited time and didn't allow the questioning to keep her from presenting a strong case

² To date I've never lost a pickup game with Katherine on my team.

for her client.

Megan Mers '20 was next up to the plate, arguing for JusticeConnect on the second issue of whether PrideParent's selling of device identification codes to the Chloe Company for use in advertising is in violation of the VPPA Act. Mers argued that since an ordinary person cannot trace the Personally Identifiable Information (P.I.I.) back to the actual person, PrideParent's practice should not violate the statute. Although conceding that the statute was created at a time when the technology at issue could not have been anticipated, Mers argued that the legislative intent of the statute is still important in its application to this case.

Mers argued that the point of the statute was to prevent video service providers from releasing potentially embarrassing customer information to third parties. The information released to the Chloe Company was for its eventual use in targeted advertising, not for any kind of public embarrassment. Congress has had opportunities to revise the statute to clarify some of the points relating it to today, but they have yet to do so, so it would be unwise to infer what Congress could have clarified but chose not to.

The judges' main concern about Mers's argument was that the company the data was released to was not an ordinary person, but an organization with the ability to trace back the information to

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the individuals. Why should the recipient of the information not matter but the ordinary person standard apply, when PrideParent knew full well, or at least should have known, the capacity of the company it was sending the information to?

Mers answered that making this kind of information P.I.I. is essentially rendering almost all information P.I.I. just because somebody can trace it back to you. Her example was that Apple can trace a zip code and the movie Legally Blonde back to individuals, but clearly that is not P.I.I. protected under the statute. Thus, the ordinary person standard is the only standard that makes sense in this case, and basing it on the recipient or another standard would be overly broad and render too much information P.I.I., contrary to the intentions of the legislature.

Last of all to argue for the appellee was the 2019 Lile Moot Court Oral Advocacy champion Abbey Thornhill '20. Contrary to Mers,

Thornhill thought the court should construe the meaning of the VPPA broadly and look at what the statute is trying to prevent generally. The purpose of the VPPA, she contends, is to prevent companies from releasing information that can later be traced back to an individual. It does not matter what an ordinary person can or cannot do with the information, but what the recipient of the information can do with it. Chloe's very business model is to take this kind of information, aggregate it, and use it to target individuals for advertisement. JusticeConnect knew full well how Chloe used this information and that Chloe has the capability to trace it back to their customers. In addition, JusticeConnect could have asked for consent from its customers to sell their information, which is a policy many current companies implement, but they did not.

Thornhill argued that although the VPPA does not explicitly mention the type of information relevant to this case since it was enacted before this sort of technology existed, the legislature made

the statute to protect personal customer information from being released, which is exactly what happened here. Notwithstanding the facts and circumstances that lead to the adoption of the statute were different than the case at issue, the main purpose of the statute remains the same: Protect individuals from companies misusing their personal information.

After the main arguments were presented and Mers gave a concise, yet passionate rebuttal for the appellant, the judges exited to deliberate the facts and decide the outcome. Relief washed over both teams, as they finally let themselves relax and take in years of hard work, oral arguments, and lengthy briefs. The teams embraced each other and shook hands with the opposing counsel. The hard part was over, but the result had yet to be determined.

"All rise." I don't know why that phrase gives me the chills every time. The judges reentered the room, this time to a much more relaxed audience. The judges praised the oral advocacy skills of all the competitors, also complimenting their legal briefs and how well they handled the tough questions the judges posed. After the judges each gave a short speech congratulating the competitors, they announced the winners: Megan Mers and Henry Dickman on behalf of the appellants won the argument on both counts, and Abbey Thornhill won the award for best oral advocate. The teams once again embraced, and the crowd offered its congratulations and appreciation for what was a remarkable competition.

Thornhill, talking to the *Law Weekly* about the competition, said: "The results of the finals were obviously disappointing, but I can honestly say that the decision to compete in Lile, and the decision to compete with Katherine, were the best two decisions I have made in all of law school. I had the opportunity to improve and test my skills as an advocate, but I also got to do it with my

best friend. It took a lot of stress-eating chocolate from the snack room, but it was an experience I would not trade for the world." Whisenhunt echoed her partner, telling the *Law Weekly* that "[p]articipating in a competition that spans more than a year takes a tremendous amount of work, but it was worth the effort. I learned a lot about appellate advocacy throughout the process. We competed against excellent teams in every round. I am grateful to the organizers of the competition, the judges who volunteered their time, and the students who helped us with practice moots. I am particularly thankful for Abbey, who not only is an incredible moot court partner, but also one of my best friends."

Henry Dickman also thanked those who helped along the way, saying "One of my favorite aspects of this competition was the chance to build great friendships with the many people who prepared us for the real event. We're really grateful to those people for volunteering so much of their time; we certainly wouldn't have been ready for the judges without them." Mers commented, "I learned so much from Lile, primarily from our mooters and from Henry. The competition was incredibly rewarding—in no small part because of the amazing friends who helped us prepare day after day." The court of Lile is now adjourned until next year, and the *Law Weekly* can't wait to see what is to come.

nw7cz@virginia.edu

PILA
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Madness watch party with the clinic professors, an hour of live music by Panic! At the District Court, and a portrait-painting session with the esteemed Manal Cheema.⁴

I would be remiss to not mention the pies. There are not one but *three* fantastic opportunities available at the auction for you to pull the classic pie-in-the-face gag on Will McDermott '22, Dominique Fenton '21, and/or Justin Aimonetti '20. If you've ever wanted to mash a room-temperature dessert food into a grown man's face, I guess this is your chance, so go get 'em, champ.

So, this Thursday and Saturday, get dressed to the nines, have yourself a reasonable number of adult beverages, and enjoy a quintessential first-world experience: Spending money on things you don't really need, then patting yourself on the back because you helped a good cause. Maybe you can even tweet about it.

wtp7bq@virginia.edu

4 Eds.: Seriously, go follow her instagram @mcheezyart and you'll be bidding top dollar for this.



Faculty Quotes

T. Nachbar: "I am, for whatever reason, not authorized to practice medicine in this state."

M. Gilbert: "Does the word 'high' attach to 'misdemeanor'? A 'high misdemeanor' just sounds like a minor drug crime."

D. Howard: "Even if you're a judge with life tenure, you still have to live with your neighbors."

G. Rutherglen: [Regarding having to teach *Semtech*, which he abhors] "Like game six of the World Series, this class is being taught under protest."


A. Woolhandler: "I've been freaked out all my life."

F. Schauer: "There are probably a few dorm room trashers in this room."

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



Katherine Whisenhunt '20 stands at the podium in front of the Lile judges: Judge Andrew Oldham of the Fifth Circuit (L) and Judge Allison Nathan of the Southern District of New York (R). Seated between Judges Oldham and Nathan, not visible in this picture, is Chief Judge Jeffrey Howard of the First Circuit. Photo credit Kolleen Gladden '21.



Virginia Law Weekly

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Virginia Law Weekly
580 Massie Road
University of Virginia School of Law
Charlottesville, Virginia 22903-1789

Phone: 434.812.3229
editor@lawweekly.org
www.lawweekly.org

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PUBLIC SERVICE

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panelist Lisa Lorish '08 represents clients on everything from DUIs and minor possession to capital murder, more often on the appellate stage than at trials. Lorish graduated from the Law School in 2008, at which point she became an associate at Sullivan and Cromwell. In 2011, she joined the Charlottesville office of McGuireWoods as a commercial litigator and worked there until beginning her current role in 2014. Lorish recommended students hoping to go into public service be aware of how easy it can be to succumb to the inertia and "golden handcuffs" of firm practice and be ready to potentially relocate for an opportunity that comes along, as flexibility can be crucial to getting hired.

Representing the prosecutorial side of criminal practice, Kristi O'Malley '05 is the Deputy Criminal Chief and Chief of the Southern Division at the United States Attorney's Office for the District of Maryland. O'Malley has been at the USAO for nine years, prior to which she worked at Latham and Watkins. O'Malley suggested that students hoping to eventually enter public service choose a firm with an open system of choosing projects, as to not get "pigeon-holed" into a specific, nontransferable legal area.

The sole panelist employed at a nonprofit, Jennifer Nelson '11 works as an attorney for the Reporters Committee for

Freedom of the Press and also serves as co-director of UVA Law's First Amendment Clinic. Before she worked in public service, Nelson was an associate at Gibson Dunn & Crutcher's Washington D.C. office. Having graduated law school during the recession, she knew beginning at a firm was a reality. Nelson had always been interested in media law. Nelson urged those who know they will leave the private sector to "be realistic, and keep to a budget" and to focus on paying off debt while at the firm.

All the panelists endorsed taking advantage of pro bono opportunities that would give young attorneys substantive legal experience, particularly in the courtroom, and show future employers their continued interest in public service. They also all urged those interested in making the career transition to stay in touch with old classmates and colleagues, emphasizing that networking continues to be a primary way to land jobs in different sectors. Frances Skardon '22, found the event very informative, explaining that it made her feel "more comfortable in making her career choices." Despite the significant difference in salary between private and public work, the accomplished attorneys on the panel were glad they made the jump from big law to public service and showed that it entirely possible with some forethought and strategy.

After the panels concluded, students walked over to Purcell Reading Room for a recep-

tion accompanied by hors d'oeuvres, drinks, and a speech by Sarah Baker (former Special Assistant to President Obama's Office of White House Counsel). As a UVA alumna, she delivered an inspiring speech about the path of her career within both the public and private sector. She later inspired the crowd through her message that whichever path one enters first in the legal field, it's still possible to make a difference whether private or public.

She also discussed her new organization "We The Action"—a digital platform connecting lawyers to pro bono projects across the Nation, which to date, has built out 8,000 volunteer lawyers. The organization is "a launching pad for lawyers looking to make a change or dip their toes into work they haven't previously considered."

When elaborating on her decisions out of law school to first join a firm, Baker discussed the tension between her passion to "do good" as the kind of person who thought "she'd save the world" as a kid, with knowing the security and stability that a law firm job would provide. "I knew a law firm would be a safe and stable pay. It was the path of least resistance."

She later tied in how this work on the private sector was critical to her building skills that would eventually aid her in public service work, "I worked alongside phenomenal people building skills that would help me land my first White House job."

Baker went on to character-

ize the stereotypes of those who enter the public sector and private sector as "the folks who work in non-profit are selfless do-gooders who champion the oppressed and have to weave their own clothes...those in private are just cashing checks as they laugh and smoke cigars," the crowd laughed in amusement.

She then posed a question about all the other lawyers who fall in between. "What about the lawyers working to patent medical devices that will save lives? Which bucket do we put them in? What about the people whose parents paid for law school which makes it easier for them to work at a nonprofit does that make them better than someone who needs to pay off their loans?" These were questions on the mind of those who were in attendance of the event.

When asked about her favorite part of the speech, Jacqueline Foley '21 said "It was so inspiring to see such a powerful woman. When you see all these powerful women on this panel succeeding at the highest level of public service and government it's like, I can do that too. It's like 'you can't see what you can't be.'"

Foley went on to say, "So many feel like public service or private is a dichotomy. But the reality is that it's such a malleable line. You can start in private to pay off loans and there's no shame in that, you're not a bad person. You can always decide to go to public service when it's right. Different cir-

PUBLIC SERVICE page 6

Tricks, Not Treats: The Pavilion on Halloween

On October 30, a fire alarm went off in the middle of the night at the Pavilion apartments. Here is a heartfelt poem to document the events.

Stan Birch '22
Staff Editor



'Twas the night before Spookmas and all through the Pav

All the Nats fans were stirring, a new title they have

Case books had been closed, the devoted's just opened

What came next, a sound, to which I was awoken

The sound that emitted was of an angry disposition

If decibels were checked, they'd violate the Geneva Convention

We all stood around in our doorways bleary eyed

Looking at each other and not to going outside

After five minutes, no break, I donned my shoes and my cap

I had barely settled in, you couldn't call it a nap

Twenty minutes went by with no break to the noise

We all looked around for those FireyBois™

When down on Arlington there arose such a clatter

Thirty minutes later, oh here comes a ladder

Marshaled back into rooms, beds or books were awaiting

The email the next day was anything but elating

They "strive to provide a safe and comfortable experience"

Then pleaded we take any fire drill serious

After taking so long they found the alarm was faulty

Every person in the building just got a little more salty

Now here come tornados to spoil a parade and the night

Merry Spookmas to all and to all a good fright

sfb9yu@virginia.edu



HOT BENCH



Nicole Agama '21

Hey Nicole, thanks for coming to Hot Bench! We heard you were born in Canada. What's your favorite thing about Canada?

Their public transportation is on rubber wheels and so you can't speak when you're on it because your voice is shaking the entire time. I had uncontrollable giggles the first time I went on the train.

What did you do this summer?

I interned for Judge Paula Xinis on the Federal District Court for the District of Maryland.

What was your favorite thing you did that you can tell us about?

I think my favorite thing I worked on was this wrongful detainer case that had to do with this complicated statute where the only case law available was from around the early 1900's. We had to do a lot of statutory interpretation, and so I got to work a lot with my

judge's clerk and my Judge to try and figure out why it was written the way it was. We had to dive deep into the legislative history, which was really cool.

What are you doing next summer?

I will be working at a firm in D.C. I was actually a paralegal at this same firm and now I get to go back as an attorney, which will be kind of cool and kind of weird!

What are you involved in around the law school?

I am the Social Programming chair for BLSA, a Lexis Nexis Rep, a PA for Section G (go Section G, best section of the 1L class),¹ a part of the Virginia Innocence Project student group, an Executive Editor for the Virginia Journal of Social Policy & the Law, and I am also an executive board member of Women of Color, and I just recently joined the SBA Diversity Advisory Council.²

Wow, that's a lot! Do you have a favorite one of those commitments (besides being a PA, of course)?

That's a really hard question, but I think BLSA is extremely, extremely important to me. I

1 The interviewer would like to voice his disagreement with Agama on this point. Section B is by far the best 1L section.

2 Agama is so involved that she uses a note on her phone to keep track, a fact that embarrasses her and highly entertains me.

think they're (a) a great organization and (b) one of those groups that is so important to the legal field and the Law School.

Now to some fun questions!

What is your favorite word?

Pragmatic. I think I'm a pragmatic person and also, I just like the way it rolls off the tongue!

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

Dim sum in San Francisco or my mom's crab cakes.

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

Michelle and Barack Obama. It would be so cool to meet them because they're such icons, especially as black lawyers.

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

Aerial yoga³ at Fly Dog!

Where is your favorite place to vacation?

I love London. If I were to move anywhere else, it would be London.

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

I wish that I knew to not compare myself to others. I also wish I knew that everyone

3 Shout out to *Law Weekly's* Lena Welch '20, who teaches there!

feels the same way I do. Once you start to talk to people, you realize that even your smartest and most secure friends feel insecure about their own stuff.

Backstreet Boys or *NSYNC?

Backstreet Boys—I used to have concerts where I would sing Backstreet Boys songs for my parents.

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

I got a karaoke machine, which I used to sing the aforementioned Backstreet Boys.

What's your favorite thing to do in Charlottesville?

I love to go to dinner with friends at different restaurants. And the wineries—especially Barboursville Vineyards.

Where is a place you haven't been but want to visit?

Tahiti, but I hate flying.

What are your seven wonders of the Law School?

- (1) Danielle Gibbons' Dog, Max
- (2) The BLSA Office
- (3) The Lexis Lab⁴
- (4) Section C last year (shout out to them)
- (5) Section G this year
- (6) Studying in the Garden
- (7) Mandy

nha4zd@virginia.edu

4 If you walk into the library, it's to the right next to a classroom.

REPRODUCTIVE JUSTICE

continued from page 3

goals, If/When/How works to dismantle discriminatory systems and institutions and create equitable policies and practices in their place. One general way they hope to achieve this is to ensure that everyone has the same level of access to healthcare and healthcare coverage. Hayes then encouraged the audience to consider our own privileges and in turn our own oppressions, related to factors such as race, gender, status (such as immigration status), economics, and more. She explained that in doing so, it will be easier to determine when working in reproductive justice whether to “speak up” and share your unique perspective or ensure that your identity and experience is being represented, or whether to “listen” and use your platform to include others that provide another perspective and may be better suited to speak on the topic. Hayes also implored the audience to be more than allies and take on the role of “co-conspirators” by playing an active part in the reproductive justice movement. She started her close by pointing out the ways in which all of this work can be done through a racial justice lens by centering the most marginalized and lifting up impacted communities, identifying systems of oppression and discrimination, actively fighting against

explicit and implicit bias, working within your own community, educating your peers and calling for systemic change, and acknowledging the work of people of color. In the end, Hayes closed with the idea that justice is multi-dimensional and that there is no one size fits all solution to the many issues they hope to address.

If/When/How’s next event at the Law School will be held on Thursday, November 7 at 1 p.m. and will be a discussion around the *June Medical Services v. Gee* case which the Supreme Court recently granted cert. The case involves a Louisiana abortion law and that could have a big impact on the future of reproductive rights. If/When/How is bringing together a panel of experts for a discussion about the case and the work that lawyers are doing to challenge laws that limit abortion access. Speakers include Amy Hagstrom Miller, CEO of Whole Woman’s Health; Heather Shumaker, Senior Counsel for Reproductive Rights and Health at the National Women’s Law Center; Pepis Rodriguez, Litigation Counsel at the Lawyering Project; and Kimya Forouzan, If/When/How Reproductive Justice Legal Fellow at the National Asian Pacific American’s Women Forum.

mlggt@virginia.edu

Cartoon By Raphael



PUBLIC SERVICE

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cumstances in your own life or in government when they are hiring are all factors. You don’t have to have it figured out all right now.”

As Baker later put it, “The point is we all have different circumstances at different times of our lives, reasons for doing the things we do.” As

many law students start pondering questions of the future, considerations of practicality that conflict with our passions may be the guiding force of our decision making.

Baker later said, “so often in law but also everywhere else there are all of these unnecessary lines about doing good in the world and who gets to have the moral authority. She

says, “It’s a false choice that pigeon-holes us.” Baker closed her remarks to a roaring round of applause saying, “As I see it, anyone can save the world.”

mav3p@virginia.edu
dfizun@virginia.edu
kmaq8vf@virginia.edu

THE DOCKET

| TIME | EVENT | LOCATION | COST | FOOD? |
|-------------------------------|---|--|---------------------------|----------|
| WEDNESDAY – November 6 | | | | |
| 12:00 – 13:00 | Wellness Wednesday Sleep Seminar | WB 104 | Free, RSVP to Kate Duvall | Provided |
| 13:00 – 14:00 | Financing Your Public Service Career | SL 262 | Free | --- |
| 17:15 – 18:30 | Book Talk with Author and Adventurer Peter Stark | Minor Hall | Free, RSVP requested | --- |
| THURSDAY – November 7 | | | | |
| 11:50 – 13:00 | Impeachment and National Security | Caplin Pavilion | Free | Provided |
| 12:00 – 13:30 | First-Generation Student Day Lunch | WB 104 | Free | Provided |
| 13:00 – 14:00 | June Medical and Beyond: Working to Defend Reproductive Rights | WB 103 | Free | Provided |
| 19:00 – 20:00 | Alejandro Chaoul: Tibetan Yoga for Health and Wellness | Clemons Library Room 220 | Free | --- |
| 20:00 – 22:00 | Fall Dance Concert | Culbreth Theater | Free for students | --- |
| 20:00 – 21:30 | New Music Ensemble | Bridge PAI | Free | --- |
| FRIDAY – November 8 | | | | |
| 12:00 – 13:30 | West Coast Wahoos 1L Jobs Panel | WB 128 | Free | --- |
| 17:00 – 20:00 | Movie Night on the Lawn: The Nightmare Before Christmas | Tasting Room and Taphouse at Mount Ida Reserve | Free | --- |
| 20:00 – 22:00 | Fall Dance Concert | Culbreth Theater | Free for students | --- |
| SATURDAY – November 9 | | | | |
| 11:00 – 12:00 | Cello Masterclass with Wesley Baldwin | Old Cabell Hall Room 107 | Free | --- |
| 20:00 – 22:00 | Fall Dance Concert | Culbreth Theater | Free for students | --- |
| SUNDAY – November 10 | | | | |
| 14:00 | Cavalier Symphony Orchestra | Old Cabell Hall | Free for students | --- |
| MONDAY – November 11 | | | | |
| 17:30 | Brian Caputa Jazz Trio | Oakhurst Inn | Free | --- |
| TUESDAY – November 12 | | | | |
| 11:30 – 12:45 | Fed Soc: Event with Judge Jennifer Elrod | Caplin Pavilion | Free | Provided |
| 12:00 – 13:00 | VJIL: The Unreasonable Relevance of Admiralty Law to Current Controversies in Int’l Law | WB 103 | Free | Provided |

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