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Virginia Law Weekly

A Look Inside:

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ANG's Guide to 1L Firm Receptions

Taylor Elicegui '19
Features Editor

I recently sat down with UVA Law's favorite all-knowing cretin ANG, under ANG's favorite bleachers at the softball field, because ANG had a message ANG wanted to make sure the community heard. As law firm reception season starts up, ANG wants to make sure the 1Ls are ready to win friends and influence partners to get that bread. The conversation was a little tricky—it can be hard to distinguish ANG's excited grunts from ANG's angry grunts—but I did the best I could to reprint the substance for you here. If, for whatever reason, you're wary about taking ANG's advice about receptions, see my italicized commentary below ANG's nuggets of wisdom.

Make sure you dress for success. ANG knows that if you look good, you feel good. And if you feel good, you can do a better job of convincing partners that your C+ in Contracts is not indicative of your overall intelligence. ANG recommends a new trash bag or maybe a new Busch Light box as a hat. ANG knows that is what always makes ANG feel ANG's best.

In all seriousness, law firm business casual is more formal than I originally expected. Don't wear a suit, but it's not a bad idea to go a little more formal than you might initially think.

Find at least seven of your sectionmates and carpool. Social interaction can sometimes be a little weird for ANG. To make receptions go as smoothly as possible, ANG finds at least seven of ANG's sectionmates and goes with them to the reception. ANG's general life motto is "No New Friends" so ANG wants to make sure ANG doesn't interact with anyone for the first time.

Go with a friend or two, but make sure you branch out and talk to others. Law firm receptions can be a good time to get to know some of your other classmates. The goal, though, is to learn more about the firm and the different types of law you may be interested in. The best way to do that is talking with the attorneys and learning about

their work.

Keep your hands full at all times. ANG knows there's nothing worse than having to engage in the social niceties of "shaking hands" and "looking people in the eye" during flu season. To avoid this problem, ANG suggests keeping your hands full at

FIRM RECEPTIONS page 2

2Ls Toast a Job (Halfway) Well Done

The Class of 2020 throngs Caplin Pavilion on Wednesday. Photo Kolleen Gladden '21 / *Virginia Law Weekly*

Jamie Butkus '20
Staff Editor

Last Wednesday evening, the UVA Law Class of 2020 celebrated the halfway point of law school with a "Midway Toast" in Caplin Pavilion. And like most law school events serving complimentary food and alcohol, there was strong turnout. A handful of professors and other Law School faculty stopped by, along with Dean Risa Goluboff, who gave the event's keynote.

After everyone settled in, Dean Goluboff spoke about the significance of the Class of 2020 being halfway done with law school. Dean Goluboff encouraged the 2L class to reflect on how much we have learned these past eighteen months, both inside the classroom and through legal internships.

Dean Goluboff also discussed how a solid legal education comes from three sources: traditional doctrinal classes, practical experience, and studying topics outside of one's usual interests. The Dean stressed this third point: that engaging in a variety of classes and experiences makes for a well-rounded attorney. Dean Goluboff maintained that lawyers need to be flexible in their approach to the law and avoid specializing too quickly, since attorneys often shift the focus of their practice at some point in their careers. Accordingly, she encouraged the Class of 2020 to get out of our comfort zones the next three semesters, both academically and experientially.

A few 2Ls weighed in on their feelings after the Midway Toast. Lena Welch '20 told the *Law Weekly*, "The next morning, I saw a fellow 2L who told me he did not attend the toast. He also expressed his thoughts that law school should only be two years. In response, I shook my head, explaining to him 'Dean Goluboff said she hoped no one would ever say that.' And I agree—– if it were only two years, I wouldn't have time to attend the *Lego Movie 2*[1] with my sectionmates after chatting with them at the toast!" Taylor Elicegui '20 further remarked on the toast, "The 2L Toast was a lovely event. Dean Goluboff's speech inspired me to think about all that I've learned and set some goals for the next year and a half. It was also great to get so many of my section mates all together in one place."

As I reflect on my first three semesters at UVA Law, I realize that my experience has far exceeded what I expected when I moved to Charlottesville eighteen months ago. This isn't to say that the road to this point has been easy. In the words of one of my friends during the Fall of 1L, looking up at me from his laptop while typing an LRW assignment the night before it was due: "Law school is hard."

Orientation. The first cold call. Noticing that your classmates are way smarter than you. Keeping up with readings. The Civ Pro review session where you realize you know nothing. Finals. Applying to jobs. Journal tryouts. Cramming. Finals. Summer jobs. OGI. Lacking motivation after OGI. Not really doing the readings. Cramming again. Finals again. Rinse, Repeat.

And no, you shouldn't make comparisons between the Law School and Disneyland. That is some Mickey Mouse heresy right there.

Still, I think that most of us have enjoyed our first eighteen months at UVA Law so far. As I flew back to Charlottesville a few weeks ago, I found that I had missed this place and I was looking forward to seeing friends and catching up with classmates again.

I feel incredibly grateful and privileged to attend this institution, and I think most of us feel the same way.

Cheers to that. Halfway done.

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1 Editor's note: this is the fourth *Lego Movie* to be released since the series began.

around north grounds

Thumbs up to spring for beginning to emerge. It keeps ANG's under-the-bleachers house much warmer. But, ANG hates it when pale, bleary-eyed law students start disturbing ANG's peace and quiet with their "sports."

Thumbs sideways to the 1L yelling in ScoCo about judges making stuff up to get to the conclusion they want to see. While ANG loves signs of angry mobs, ANG prefers to protest things that really matter, like Bilt not being open 24 hours.

Thumbs up to the university email warning the student body about the norovirus and then still holding all classes as scheduled. ANG loves when power incites mass panic amongst the weak and then leaves them to fend for themselves. Good thing ANG never goes to class, or ANG might be worried.

Thumbs down to CBS for not having Beyonce grace ANG with her Super Bowl halftime prowess. Beyonce is ANG's favorite type of sports ball and ANG cannot tolerate such an offense.

Thumbs up to the VLBR symposium, ANG hasn't slept that well in years.

Congratulations to Hannah Basta '19 and Andrew Roberts '19 for getting engaged this weekend!

Thumbs up to the Super Bowl. ANG chooses Super Bowl Sunday to start ANG's month-long peach-flavored Burnett's binge every year. In unrelated news, ANG has been blacklisted from the ABC store by Kroger "for this and all future Super Bowl Sundays in perpetuity."

Thumbs up to Professor Doran for accosting ANG about why he got a thumbs sideways last week. Few professors can identify ANG by face, and ANG was too busy trying to avoid Professor Setear to see Doran approach.

FIRM RECEPTIONS

continued from page 1

all times. ANG's go-to is a glass of wine in each hand—one red and one white if ANG is feeling playful and wants to mix things up. If that's not your thing, ANG recommends having two little plates piled high with appetizers. You won't have any hands available to put the food into your mouth, so ANG avoids the caprese skewers and sticks to things ANG can eat straight off the plate.

Don't have a drink and plate at the same time. If you want some snacks, grab a snack plate and napkin, and eat some snacks with your peers before beginning your networking interactions. Make sure you always have a hand available to shake.

Get as drunk as possible. ANG talks with law firms a lot—they all want to hire ANG. So ANG has it on good authority that law firms want you to get as drunk as you possibly can so they can assess how you will fit in at the firm's annual holiday party. ANG likes to start with beer and then switch to liquor. ANG has found that really allows ANG to shine.

Don't have more than two drinks. One is even better. This is not a party and you should not be visibly tipsy in any way.

Pick at least one lawyer and talk to them. Once you're tired of talking to the nineteen sectionmates you arrived with, it's time to do what you're really there for: talk to a lawyer. ANG likes to pick a lawyer who's engaged in a conversation with at least six other people and barge in. Once in the group, ANG thinks it's important to cover all the major conversation topics to show the lawyer how good you are at social interaction. Make sure to tell the lawyer who you voted for, ask who they voted for, share your thoughts on religion, and ask about money. Don't let anyone other than the lawyer talk, though. You want to make sure the lawyer knows you are the top dog at school. Law firms aren't looking to hire anyone else. So assert your dominance over your peers by cutting them off every time they try to speak.

Use this opportunity to ask about the lawyer's work and find out more about the firm's personality. A lawyer once suggested I ask how they would describe the firm in three adjectives, which I thought was a good question and helped me differentiate between firms. Make sure you don't dominate the conversation and give your peers the same opportunity to ask questions and talk).

Follow up if you have a good conversation. ANG continues to differentiate ANG from ANG's peers by sending at least twelve follow-up emails to everyone ANG speaks to. Recruiter, waiters, bartenders, all the lawyers ANG made eye contact with. Tell them about your family vacation, most recent Con Law reading, and the Taco Bell you had for dinner. ANG finds that sending emails allows ANG to make meaningful connections.

Send a follow-up email only if you make a good connection or have an unusually good conversation. Keep it short and make sure it's very polite. Lawyers are busy people, so don't take up more of their time.

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Vice-Chancellor Laster '95 Tells *VLBR* What's Next In Corporate Law

M. Eleanor Schmalzl '20
Executive Editor

Last Friday, John W. Glynn and the Virginia Law Business Program co-hosted *A View From the Boardroom: Directors in an Era of Activism*. The event included a variety of panelists and, as the keynote speaker, Delaware Chancery Court Vice Chancellor J. Travis Laster '95. Speakers throughout the day discussed a variety of hot-button corporate legal matters, including issues around activist investors, what it means to maximize value while serving as a member on a corporate board, and topics surrounding diversity in the boardroom.

The day kicked off with an all-female panel that discussed the question of how to improve diversity on corporate boards. Mary Margaret Frank, a professor of business administration at Darden, discussed the pitfalls of regulations mandating a certain number of women on corporate boards. Frank emphasized the importance of seeking quality over quantity and her optimism that, by letting market forces work, companies will realize the value of board diversity and suffer adverse consequences if they do not move with the tide. Gloria Larson '77, President in Residence at the Harvard Graduate School of Education, agreed with Frank and discussed how important male allies are. And our own Michal Barzuza of UVA Law echoed Frank and Larson on how critical it is to expand the search when seeking new board directors. Without a thorough search, the best female candidates can go unnoticed.

Panelists during the rest of the day discussed the continued growth of activist investors, individual people or firms that acquire large shares of stock in a company to try and influence who sits on the board and what company decisions look like. While panelists thought some players in the investing sector played bigger roles than others and had differing ideas on what activism would look like in the future, most agreed that activism is here to stay. As we continue to see growth in activist investing and outsiders work to gain control over board seats, the role of those on the board to maximize value becomes increasingly complex. Laster discussed the role boards should play in maximizing company value, even if that means merging the company or otherwise ending its corporate life.

Laster, who graduated first in his UVA Law class before clerking, starting his own law firm, and beginning his service on the Delaware Court of Chancery, spoke to students to discuss the key fundamentals behind corporate law and boards of directors. He centered in on key questions such as to whom board members owe fiduciary duties, what those duties are, and what happens when these duties are breached. Laster discussed the differing standards of review on the Court of Chancery and how critical these standards are in making decisions. In closing, Laster encouraged students to apply for clerkships and to not overlook how valuable clerking at the state level can be.

After spending last semester in Corporations with Professor Curtis, I thought Laster did an excellent job summarizing the key doctrines of corporate law and describing what big issues remain relevant. Most compelling to me was his discussion on what it means to maximize shareholder value. He stressed the importance of remembering that, in aiming to maximize shareholder value, board members shouldn't necessarily be doing whatever is in their power to keep the company alive as its own entity. Sometimes the best move is to pursue a merger, allow a takeover, or otherwise terminate the corporation for the sake of creating the most value for investors. Laster cited movie rental companies as an example of this important point; these businesses faced an increasingly uphill battle in maintaining value for stakeholders and some, instead of trying to stay relevant, looked for ways to maximize value beyond remaining a corporate entity. Laster emphasized the importance of strategy in the boardroom and left the audience with a lot of great takeaways.

Several students attended all the panels and discussions held in Caplin Pavilion, excited to learn more about what key issues were dominating the corporate legal profession. Read Mills '20, said, "The keynote address was fantastic. Vice Chancellor Laster provided valuable insight into how courts view and assess a corporation's fiduciary duties to activist shareholders. I was really interested to hear his perspective on why Delaware's standard of conduct and standard of review work together to give corporations flexibility and promote efficiency." Sydney Mark '20 also found the event to be a great learning experience. Mark told the *Law Weekly*, "I thought Professor Curtis did a great job of getting a variety of opinions and thought it was a well-done event. Everyone should be required to listen to the first panel because they were amazing and [the panel] is totally applicable beyond the boardroom."

Mark and Mills, along with several others, really enjoyed the day spent learning about the big issues that they and their colleagues could be directly addressing in their future legal careers. As these issues continue to evolve, it is important to continue to be engaged in the conversation. Events like this help students take control of their learning and hit the ground running when they enter the legal profession after law school.

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Judge Reeves Headlines Sexual Harassment Panel

Lena Welch '20
Staff Editor

Judge Pamela Reeves of the U.S. District Court for the Eastern District of Tennessee discussed the development of sexual harassment law Friday at the Law School in an event sponsored by ACS, DVP, VELLA, and VLW. Judge Reeves chronicled her career and how her early foray into sexual harassment law guided her professional development.

"I was excited to invite Judge Reeves to speak because her career is one of firsts, both for her as a female judge in the Eastern District of Tennessee and being on the frontier of sexual harassment law," ACS Secretary Anna Rennich '20 said. "I knew that it would be interesting to students both from an employment law perspective, but also as sort of an inspirational story for those of us interested in working on either side of tough issues."

Judge Reeves did not set out to be a pioneer in sexual harassment law; rather, as Professor Anne Coughlin stated in her introduction, "Those were the problems that needed to be solved."

As a young lawyer, Judge Reeves had never even heard of sexual harassment.

"I had just taken the bar exam, I had just taken Employment Discrimination Law in my 3L year, and I had no earthly clue what sexual harassment was," Judge Reeves said.

When she began researching the topic, just two or three cases allowed women to proceed on the theory of sexual harassment. There were no federal court of appeals cases, and it was years before the Supreme Court addressed sexual harassment. But she also quickly learned that companies did not want to be the test case for what they believed to be "boys being boys."

One of her earliest cases was against the TVA, a political powerhouse and major employer in Knoxville. She came to a resolution that satisfied her clients, and because it kept the allegations from becoming public knowledge TVA was happy. TVA agreed to adopt new policies and procedures as well as training.

"You can make a lot of money off of guys because sometimes, no offense, you guys, they do really dumb things," Reeves told the group.

So, Judge Reeves set out to become the "sex expert" in Knoxville. But, in sexual harassment cases, it is sometimes hard to know who is telling the truth. Sexual harassment cases typically do not happen out in the open with witnesses.

"People don't, as a rule, harass strong, confident women. They look for the people who are vulnerable. They look for the people who are not going to push back. And they look for the people who need that job . . . . They know how to manipulate the system."

After a while, Judge Reeves was not only hired by plaintiffs but by employers. She was able to learn a lot through her opportunities to look at sexual harassment claims from both perspectives. Employers were interested in trainings to help prevent sexual harassment from happening. When Judge Reeves first began training employers, she used faxes and emails. Now, texts and Snapchat screenshots are the exhibits of sexual harassment, she noted.

One of Judge Reeves's key takeaways from her career is that there is always job security in this area of the law because "humans function as a result of hormones as opposed to common sense."

Judge Reeves even shared a few "war stories." In 1987, she began working for the Tennessee Municipal League, traveling across the state to provide defense to small governmental entities and officials.

"You have never seen stupid until you start to represent elected officials in small towns all over the state of Tennessee," Reeves chuckled.

During her time at TML, Judge Reeves expanded her duties to filing responses to EEOC complaints to avoid the mistakes or inaccurate statements that would cause trouble when TML came in at the trial stage. She also convinced TML to allow her to write *amicus* briefs as the case law was developing in Tennessee.

Her duties at TML also changed as the league adopted mediation because it was an inexpensive way to resolve cases. Judge Reeves utilized her federal court experience, contacts across the state, as well as her experience as a woman—most victims are female—to develop a huge mediation practice across the state. Mediation provided a good alternative for cases that people did not want to go to trial, whether because of a police chief who could not watch his mouth or because of a big company that didn't want to risk bad outcomes.

Between 2002 and when she was appointed to the bench in 2014, Judge Reeves also served as an independent investigator. She even pointed out the benefits of the "dumbass defense."

Judge Reeves shared a story about one of the first cases she worked on after graduating law school. It was a sexual discrimination case that she co-counseled with her first husband. During the closing argument, Judge Robert Love Taylor balked at the idea that Judge Reeves chose not to take her husband's last name.

"So, I remain convinced that the day Judge Taylor found out that I was replacing his seat ultimately on the bench that he was probably just rolling over and over in his grave."

Judge Reeves noted that this is an area of the law that is still developing, both in terms of retaliation claims or protecting LGBT folks. She also commented on the interesting developments happening within the judiciary to protect law clerks and clarify their obligations under ethics rules, as well as the importance of educating judges about sexual harassment.

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Class of 1967 Alumni Lounge, SL324

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- Friendly Alumni and delicious food

Ready to sign up or have questions?
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LAWHOOWA!

LAW WEEKLY FEATURE: Petty Judicial Committee of the Privy Council

Final appeals for all petty matters, civil and criminal, in Her Majesty's Dominions are heard before the Petty Judicial Committee of the Privy Council . The Committee 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 Committee comprises five Law Lords headed by a Lord 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.*

Appeal Cases
Before the
Petty Judicial Committee
of the Privy Council,
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1L Gunners
and
Her Majesty the Queen.

On Appeal from the Court of Petty Appeals for the University of the Dominion of Virginia

614 P.J.C.P.C. 913, 50 Am. P. Apps. 344. (2019)

Statement of Case.

This was an appeal from an order of the Court of Petty Appeals for the *University of Virginia*, (Tang, C.J., Lorenzo & Gladden, B.B.) dated January 30, 2019 and reported *sub. nom. R v. 1L Gunners* [2019] 23 All V.R. (Petty) 792, dismissing the appellants' appeal against their conviction at Chad's Term of the Virginia Assizes Petty on two counts, *viz.:* unlawfully effecting a public mischief in breach of the Queen's peace and conspiracy to corrupt the public order. At the trial before Luk, B., the jury, under guidance from the learned judge, made out a special verdict which found the facts of the case *thus:*

"that on the 12th January, 2019, certain 1Ls, the prisoners, were, with upperclassmen, for the first time admixed within the lecture-halls. That, on the first day of classes, they were free to find seats among their fellows. That, on the second day of lectures, they remained in these seats. That notwithstanding they did among themselves at divers times upon these dates converse in confidence to change their seats within the halls. That the prisoners had spoken among themselves of worry at their grades and job-placements, and suggested that it would be better to take the seats of their classmates that their grades might be saved. That the prisoners felt they would improve their seats by so doing. That upon the third day, the prisoners having in secret arranged among themselves so to do, they contrived to arrive well before the beginning of the next class within the lecture-halls mentioned in the particulars of the offence and to sit upon certain places claimed by the upperclassmen. That upon the arrival of the upperclassmen they declined to move from these new seats, and with sullen looks refused to be budged. That upon the request of the upperclassmen for them to move they demurred impudently. That upon that day the seating-chart was circulated. That an indictment was thereupon drawn against them and they were carried to Scoco to be committed for trial. That under these circumstances there appeared to the prisoners every probability that unless they then changed their seats or very soon changed their seats, they would be unable to sit among their friends and that their grades would suffer. But whether upon the whole matter the jurors may find, that the taking of the seats be public mischief and conspiracy to corrupt the public order, the jurors are ignorant, and pray the advice of the Court thereupon, and if upon the whole matter the Court say that the taking of the seats be public mischief and conspiracy to corrupt the public order, then the jurors say that the gunners were each guilty of the said petty-misdemeanour and conspiracy as alleged in the indictment." The learned Judge then ordered the Assizes adjourned until January 20. Upon the application of the Crown they were again adjourned until February and the case ordered argued before a Court of five judges; on the verdict of the jury sentence of transportation for life being passed, special leave was given to appeal to the Court of Petty Appeals and thence to the Petty Judicial Committee of the Privy Council.

> *"Counsel. . . have made some point of the principle of legality and certain implied liberties . . .This is of no moment."*
> *— Lord Ranzini*

January 31. *Dame L. Welch A.G., Serj't.,* (*M. Schmid, Q.C.,* and *Luevano*, with her), appeared for the Crown.

The record having been read,

Sir S. Pickett, Q.C., (*W. Palmer, Q.C.* and *Grill,* with him), for the appellants objected, first, to the finding of a special verdict in the case below, both facts and conclusions of law ordinarily being within the ambit of a jury properly impanelled, second, that the special verdict, though not unknown to the laws of England, is, by the long span that has elapsed between its last invocation, become obsolescent, and as such is come into implicit antinomy with the Judicature Article of the *British Virginia (Constitution) Act* (32 Geo. III c.VII), which specifies "at Lawe and Equity, tryal by Jury, in accordance with the Usages of our Lawes and Statutes." Third, that what is styled in the indictment a "conspiracy to corrupt the public order" is unknown to the common law, and it was not therefore for the learned judges to find in the facts of this case that the appellants were guilty of the offence. That so to find was contradictious with the rule of law and an *ex post facto* imposition of punishment for an offence hitherto unknown; that no law forbade early arrival in classrooms to secure by priority a favourable seat, and to do so could not be ruled an offence against public order, and an agreement to do so could be no conspiracy against it.

Dame L. Welch A.G., for the Crown. As to the first two points, the special verdict is of well-attested form and was invoked correctly in this instance. [She cited *R. v. Washington,* 2 Am. P. Apps. 122 (1778), *Marsh's Case,* Walsh, C.P.E. 887 (1763), *R. v Brown,* 3 Terr. P. Reps. 235 (1859).] Though not often in usage in these years, it cannot be shewn on any authority that it has been explicitly overruled either within Britain or in her Dominions. That, *pace* the learned counsel for the appellants, reference made by the Constitution Act to "the Usages of Our Lawes and Statutes" subjects any understanding of that document to the authority of the English common law, and a verdict found according to the law of Britain must perforce go as good law in Virginia. As to the third point, that the common law would be a faithless watchman if it were not within the power of the learned judge to apply the general principles which underly it to acts hitherto unattested. [She cited *Shaw v. D.P.P,* HL 4 May 1961 & *R. v. Manley,* 1 K.B. 529, 1933] That these principles were certainly offended by the secret arrangements of which the appellants' conduct gives tangible evidence, *&c.*

[Their Lordships intimated that the above points taken on behalf of the appellants were untenable.]

Sir S. Pickett, Q.C., for the appellants. With regard to the substantial question in the case, on the contrary to the Crown's contention, it is popularly recognized in the custom of the

Faculty Quotes

A. Woolhandler: "Let's say I'm driving for the power company…but that doesn't seem that something they would hire me to do."

M. Collins: [A Saints fan] "I'm going to watch the Superbowl this weekend and hope nobody wins."

R. Harmon: "Everyone in Manhattan has a telescope. THERE ARE NO STARS. Why? To look into other people's apartments."

R. Verkerke: "There are quite a lot of coffins when you go to the inter-webs. This one is a discount oak coffin!"

C. Nelson: "In fact, you can't even make a *true* entry in a fish!"

B. Armacost: "This topic is boring."

J. Setear: "59 years old with the maturity of a 14 year old."

Heard a good faculty quote? Email editor@lawweekly.org

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country that until the moment of the actual circulation of the seating-chart, that the place of seating in a lecture is not assigned. In the alternative, when under a necessity, set seats may be moved or exchanged. That, in fact, the gunners here were under that necessity, they having a reasonable fear that they would not be able to sit with their friends, indolently whisper pompous commentary on the lectures from seat to seat and that their grades might reasonably have been adversely affected thereby. That in 1L spring this necessity was of particularly compelling character. [He was stopped.]

Dame L. Welch, A.G., for the Crown.

To this point, custom in this case has been superseded by statute, the Seating Chart (Assigned Class Seats) Act, (127 Vict. c. XIV). Although the seating chart may not be distributed until the third meeting of a class or later, new seats in a class may be taken no later than the second meeting. That no necessity could reasonably be adduced from the intuitions of the appellants; that most students receive a B+ average and are gainfully employed following graduation; that no doubt can be advanced against the proposition that cliques tend to irritation and offence to the public order.

[Their Lordships took time for consideration]

February 5. The judgement of the Council (Lord Ranzini, C.J., van der Meulen, Zablocki, JJ., Malkowski, Schmalzl, BB.) was delivered by

Lord Ranzini, C.J. The appellants, styled the "gunners" of the 1L class, were indicted shortly after the first of this year for conspiring among themselves to take by subtlety and convert to their own usage the preferable seats of divers members of the upper classes. They were tried before the learned Baron Luk at Scoco on the 15th of January, and through the careful direction of my learned Sister, a special verdict was returned, whose legal effect, having been twice disputed, it falls to us finally to pronounce a judgement upon.

The special verdict, as it has at length come before us, is as follows: [His Lordship read out the special verdict as set out *supra*.]

From these facts, it appears sufficiently certain that these were indeed gunners, and that they felt themselves under a powerful compulsion to obtain for themselves the seats which, at the first and second meetings of their classes, chance had denied them. Yet nevertheless it is clear that in changing their seats they incommoded those in whom a claim upon those places had already inhered.

Learned counsel for the appellants have made some point of the principle of legality as applied to the laws of the Dominion of Virginia and certain implied liberties which emerge from nice distinctions within the Act of Constitution and the English common law, to which the Attorney General has ably replied. This is of no moment. Before this bench is a matter in petty law, to which the First Principle of that law applies—*We shall do what we want*. The slights and wrongs in which the petty law deals are trivial in their apparent magnitude but would fatally unwind the warp and weft of our civilisation if left without their lawful challenge. The breadth awarded our discretion in these matters is the appointed check to these ills.

Upon the substance of this case the learned counsel for the appellants has advanced that a defence of necessity attaches to their acts. This too cannot––must not—detain us. Man is, by barbarous nature, born a casuist, but the law in its noble essence must have no truck with special pleading. Such a principle, once admitted, would be made a cloak for the impulsive evil that is in men's souls. Necessity can never substitute for justice before this bar. No judge can tread the path of the law who strays from it on so weak a principle. True, we set up standards we ourselves too often cannot reach. But it is the prerogative, instead, of the Sovereign to exercise mercy when the terrible equity of the law lies too heavy on its subjects. Their Lordships will therefore humbly advise Her Majesty that the judgments appealed from ought to be confirmed, and the appeal dismissed, and that sentence of transportation be commuted to mild public ridicule.

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HOT BENCH

Anna Bobrow '20

What are you most excited for during your 2L spring in Charlottesville?
I feel like I'm a latecomer to getting out and exploring the great things that the town has to offer, so I'm excited to go to more vineyards, cideries, UVA baseball games, and hikes.

What would you pick to be your last meal and why?
My mom's macaroni and cheese, with a side of her meatloaf and this delicious chocolate pie she makes in the summer for dessert. If it has to be my last meal, I want the food to be made with love and evoke good memories.

Funniest person in the law school?
Griffin Peeples '20. He's also the best dancer in the Law School.

What's something you wish you'd known about law school before coming to UVA Law?
The qualities and people that made you successful before law school are the same things that will make you successful during law school.

What is the most interesting thing/most fun fact about you?
I've seen Shaggy in concert… in Zanzibar. I volunteered with a nonprofit in Zanzibar one summer in college, and he was the headliner at the Zanzibar International Film Festival's concert. It was a crazy concert: We paid $5 for VIP tickets and the venue was an old Omani fort built in 1699. There were twelve warm-up acts by local performers, Shaggy came on at 1a.m., and then played his two songs you would know ("It Wasn't Me" and "(You're My) Angel") in the first five minutes, so we left right after.

If you could live anywhere, where would it be? Why?
London. My family lived there when I was in elementary school and I would love to live there again. Easy access to Europe (let's not talk about Brexit) and a city with tons of history, great restaurants, and theater.

What's the best gift you've ever received?
For my eighteenth birthday, my grandmother gave me a necklace that my grandfather (who died when I was a year old) gave to her when they were in the early days of their marriage. It's a unique piece of jewelry, and I love to wear it.

What's your favorite thing to do in Charlottesville?
Recently, it's been going swing dancing on Wednesday nights at Swing Cville on the Downtown Mall.

Which animal are you most like?
A meerkat (like Timon from Lion King).

If you won the lottery, what would you do with it?
Claim the ticket anonymously and donate it. Depending on the amount, I would consider the benefits and negatives of working through established community nonprofits with low administrative overhead as compared to setting up a new foundation. If I got lucky enough to win the lottery, I would want to make sure the money is spent in the most efficacious and responsive way possible.

Where is a place you haven't been but want to travel to?
I'm a big tennis fan and have been to Wimbledon, the French Open, and the U.S. Open, so the plan would be to go in January so I can go to the Australian Open, and then jump over to New Zealand to hike and hang out with sheep.

What would be the title of your biography?
One of my good friends suggested: "Well-Traveled Lass Takes the Road Less Traveled." If I could live up to that biography, I'd be happy about that.

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"Aren't the Mediocre Entitled to a Little Representation?"

Nixon's Failed Supreme Court Nominees

Part of Confirmation Stories, *an ongoing series on Supreme Court nominations through history.*

On May 23, 1969, President Richard M. Nixon must have felt pretty good. It was on that day that he submitted his nomination to the Senate for the new

Will Fassuliotis '19
Guest Columnist

Chief Justice of the United States. On a personal level, his new nominee would remove his longtime rival and bitter foe, Earl Warren, from the national level. The soon-to-be-former Chief Justice once had presidential ambitions, which Nixon had helped thwart. Now, Nixon had risen to that role. On the political and legal level, he was fulfilling his campaign promise to promote law and order—Nixon ran in no small part against what he perceived to be the excesses of the Warren Court.

In his acceptance speech for the Republican nomination, Nixon identified the source of the surge in crime—and there was undoubtedly a great increase in crime at this period—as a result of the judiciary having "gone too far in weakening the peace forces as against the criminal forces . . . . Let those who have the responsibility to interpret [our laws]," he continued, "be dedicated to the great principles of civil rights. But let them also recognize"—invoking FDR's Four Freedoms—"that the first civil right of every American is to be free from domestic violence and that right must be guaranteed in this country." In choosing as Chief Justice D.C. Circuit Judge Warren E. Burger, a prominent critic of the Warren Court from Minnesota, Nixon thought he had his man to restore balance between the "peace forces" and the "criminal forces."

Burger's nomination easily sailed through the Senate. Barely criticized, Burger would be confirmed by the Senate seventy-four to three, a mere eleven days after nomination. His confirmation would stand in stark contrast to the battles that preceded him and kept the Chief Justice spot open, and the battles to come to try to fill the second vacancy.

For his second nominee, Nixon sought "a white southern conservative federal judge under age sixty."[1] Having already won much of the peripheral South, Nixon hope that nominating a Southerner to the Court would help him in the Deep South, as well as heading off a potential Dixiecrat third-party spoiler in the next election, which he had suffered in the form of Alabama Governor George Wallace of Alabama in 1968. With these requirements in mind, Nixon nominated South Carolina Judge Clement Haynsworth of the Fourth Circuit.

Unlike Burger, Haynsworth faced immediate and sustained opposition. Opponents emphasized three deficiencies. The first was in the area of civil rights. Haynsworth's record was not particularly good; He had joined a public-school desegregation opinion that was unanimously reversed by the Supreme Court. Other opinions led civil rights leaders to opine that at best Haynsworth was unlikely to support desegregation efforts once on the Supreme Court, and at worst out-right supported segregation, and so they urged the Senate to oppose. The second source came from organized labor, who claimed that seven of his antiunion opinions had been reversed. Ironically, the third well of opposition was in the same vein of problems that brought Justice Fortas down: money. Haynsworth had sat in at least one case where he had a financial interest. After Fortas, many Senators were wary of putting a man on the Court who even hinted at an appearance of impropriety.

Haynsworth was rejected, forty-five to fifty-five. As the Democrats controlled the Senate fifty-seven to forty-three, this might not seem so odd. But this was not a party-line vote. Nixon's nominee was defeated by a mirror image of the forces that defeated Fortas. Recall that Fortas was defeated by a coalition of Republicans and conservative Democrats; Haynsworth was vanquished by a coalition of Democrats and liberal Republicans. Seventeen Republican Senators—nearly 40 percent of the Republican caucus—broke ranks to oppose their Republican president.

Nixon took the defeat personally. Recent history has exposed a deep fault-line about when a Senate should confirm or reject a nominee. Ideology? Basic competency? Pure politics? Nixon rejected all of these views: Appointments were "the constitutional responsibility of the president," and he did not believe that individual Senators could "frustrate" that responsibility. To a certain extent, Nixon had a point. For the first time in thirty-nine years, a president's nominee to the Supreme Court was rejected.[2] Before that, a historian would have to go all the way back to 1894, when the Senate rejected President Cleveland's choice.[3] Not only was opposition rare, most judges were confirmed unanimously. That era no longer existed. Rather than change course, Nixon doubled down.

Nixon's next nominee was Judge G. Harrold Carswell of the Fifth Circuit. Another "strict

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1 A useful book on this topic, from which I got this quote, is Kevin J. McMahon's *Nixon's Court*.

2 In 1930, the Senate rejected President Hoover's choice of Judge John Parker, also of the Fourth Circuit, thirty-nine to forty-one. Formally, Fortas was filibustered, and so he was never technically rejected. Instead, his nomination lapsed at the conclusion of the Congressional term.

3 Wheeler Hazard Peckham was defeated 32-41. Cleveland would later successfully appoint Peckham's brother, Rufus Wheeler Peckham.

CONFIRMATION

continued from page 5

constructionist" Southerner, Carswell's fate would be no better than Haynsworth's. Carswell faced opposition for past stances on civil rights.[4] While running for local political office in 1948, he made remarks explicitly in favor of segregation. While a judge, his opinions seemed written to delay desegregation rather than promote it.

But it was not this that ensured his defeat. Carswell had a reputation for being an intellectual lightweight bordering on incompetence. In perhaps the greatest own-goal backfire, Republican Senator Hruska of Nebraska had this to say in support: "Even if he were mediocre, there are a lot of mediocre judges and people and lawyers. They are entitled to a little representation, aren't they, and a little chance? We can't have all Brandeises, Frankfurters and Cardozos." With supporters like these . . .

The Senate rejected Carswell, forty-five to fifty-one. Republicans, again broke rank—thirteen of forty-one voting Republicans, over 30 percent, again voted against their President's nominee. Ironically, Fortas, Haynsworth, and Carswell all received forty-five votes in support. Enraged, Nixon publicly denounced his opponents for refusing to allow a Southerner to be on the Supreme Court. Nixon turned to Judge Harry Blackmun of the Eighth Circuit. Burger had suggested Blackmun to the administration. The Chief Justice had strong ties to Blackmun—they went to the same elementary school—and Burger was even the best man at Blackmun's wedding. The suggestion was a good one, in that Blackmun was confirmed ninety-four to zero.[5]

But for strict constructionists and judicial conservatives, the choice was ultimately disappointing. The "Minnesota Twins"—Burger and Blackmun—would grow personally and judicially distant on the bench, as Blackmun became one of the most liberal justices on the Court during his tenure. And though we do not know how a Justice Haynsworth or Justice Carswell would have been on the Court, I feel safe in saying that their opponents succeeded in preserving the legacy of the Warren Court, in no small part, because it was Justice Blackmun who sat on the court instead.

Next time, Hugo Black's retirement lets us ponder: When does a secret bring prevent someone from becoming a Justice?

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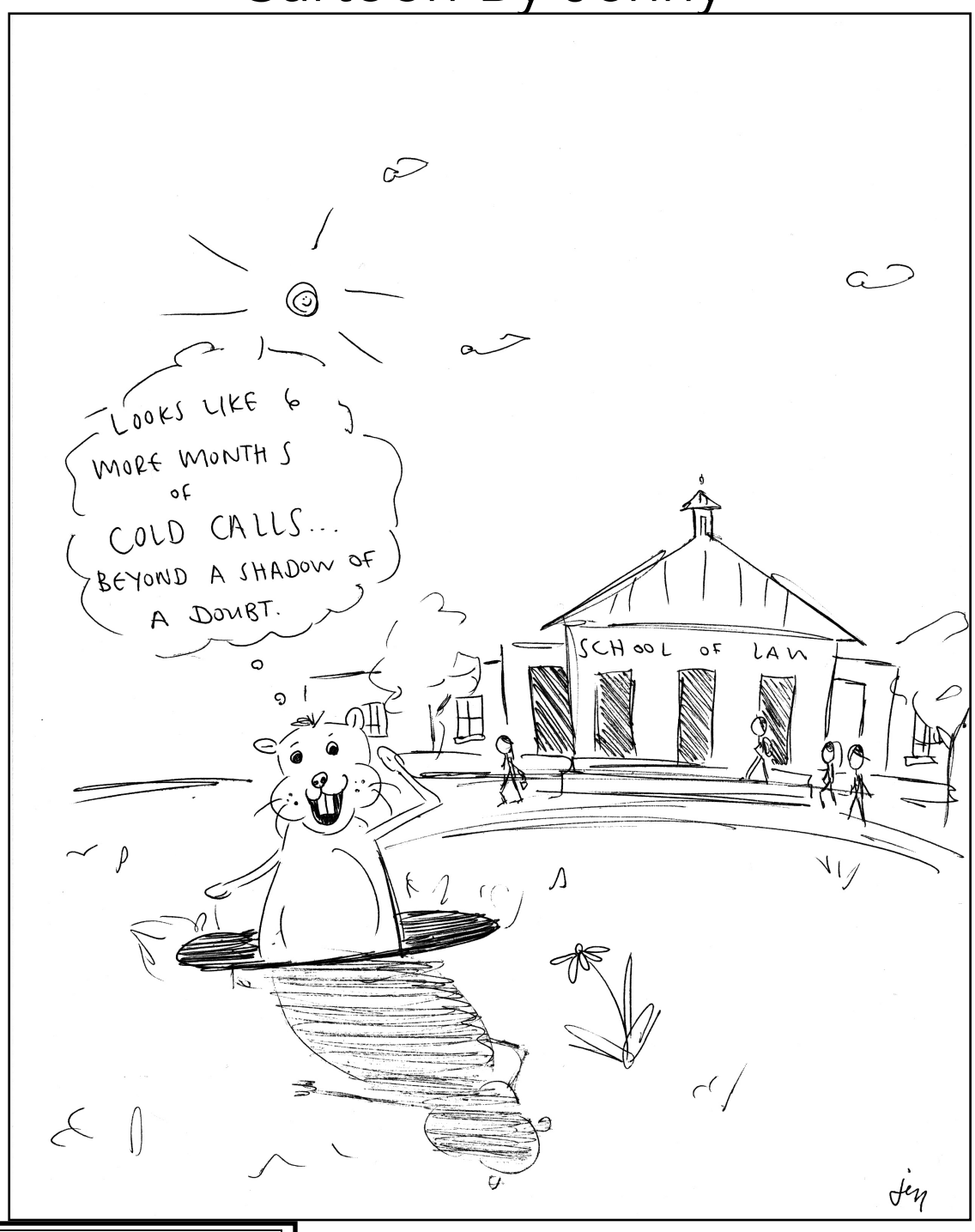
4 A major difference between today and the past was that nominees were largely unscrutinized by those who appointed them. While current events show that no one catches everything, some of these misses, if I may editorialize, are malpractice.

5 Like Haynsworth, Blackmun also had sat on cases where had a financial interest in the outcome. Unlike Haynsworth, no one used this as reason to vote against Blackmun.

Cartoon By Jenny



The Docket

Time	Event	Location	Cost	Food?
	Wednesday – February 6			
11:00	Barrister's Tickets On Sale	Scoco area	Varies	----
12:00	Lexis Lunch	WB 101	Time + materials	Pepperoncini, "garlic" "butter", "pizza"
18:15	ASL Student Org Kickoff	WB 105	Free	----
19:00 – 21:00	Law Vets Trivia	Hardywood Taproom	At door	Onsite
	Thursday – February 7			
11:00	Barrister's Tickets On Sale	Scoco area	Varies	----
11:30 - 13:00	FedSoc Pres: Should the Supreme Court Overrule Qualified Immunity?	Caplin Pavilion	Free	Chick-Fil-A
16:00 – 18:00	Journal Open House	Scoco, Journal offices	Free	Snacks outlook good
18:00	VELF: Can We Recycle the Library Coffee Cups?	WB 114	RSVP online	Food provided
18:00 – 19:30	Biomedical Ethics Ctr. Pres: '62 Days' Screening; Brain Death & Pregnancy	Med School Pinn Hall	Free	----
	Friday – February 8			
11:00	Barrister's Tickets On Sale	Scoco area	Varies	----
13:00 – 20:30	PILA/LPS/PSC Pres: Shaping Justice Conference ft. Larry Krasner	Caplin Pavilion	RSVP online	Lunch / dinner provided
12:30 – 13:45	CAPS Pres: Holistic Approaches / Positive Psychology	Darden CR 190	Free	----
	Saturday – February 9			
09:00 – 15:00	Shaping Justice Conference	Caplin Pavilion	RSVP online	Breakfast / lunch provided
	Sunday – February 10			
11:00 – 12:00	Looking Inward Meditative Art Tour	Fralin Museum	RSVP museumoutreach@virginia.edu	----
	Monday – February 11			
12:00	VLBS Pres: M&A Lunch Panel with Gibson Dunn	WB 104	Free	Lunch provided
17:00	Arnold & Porter Food Law Panel	Purcell	RSVP online	Dinner provided
	Tuesday – February 12			
12:00	Lambda / SBA: Casey to Obergefell	WB 128	Free	----
15:30 – 17:00	Journal Tryout Writing Workshops	WB 152	Free	----
15:40 – 18:00	Career Svcs.: DC Day	Caplin Pavilion	Free	Dinner in small groups
17:30	SBA: No! The Rape Documentary Screening	WB 102	Free	Dinner served
	Wednesday – February 13			
12:00	SBA Diversity Firm Panel	Purcell	Free	Chipotle

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Solution

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9	5	2	8	6	1	3	7	4
6	1	4	3	7	5	2	8	9
1	4	9	6	3	7	5	2	8
8	3	5	1	2	4	7	9	6
2	7	6	5	9	8	4	1	3
5	6	1	7	8	3	9	4	2
3	2	8	4	1	9	6	5	7
4	9	7	2	5	6	8	3	1