

# VIRGINIA LAW WEEKLY

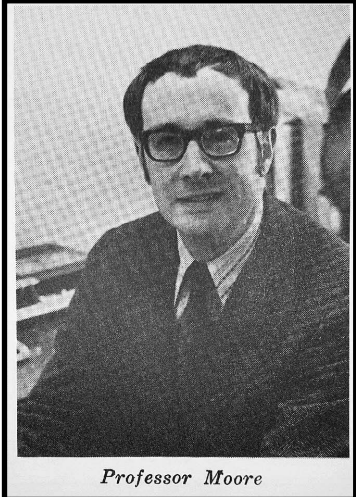


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## Moore: Professor. Powerlifter. Politician?



Professor Moore

A young Professor Moore in 1972. Virginia Law Weekly

Lia-Michelle Keane '18 (she/her/hers) Features Editor

I had the pleasure of first meeting Professor John Norton Moore in December 2017 when I volunteered to promote his possible senatorial bid at the Republican Party of Virginia's "Advance." Despite the numerous events on his schedule that weekend, Professor Moore's calm and genial affect was unshakeable throughout the Advance as he answered hard-hitting questions ranging from his position on foreign policy to his stance on taxes.

When members of the *Law Weekly* sat down with Professor Moore over lunch in late January, I learned that his one-hour Saturday morning presentation had enjoyed the highest attendance of any potential candidate at the Advance, an impressive feat for a newcomer in the political arena. Professor Moore spoke candidly about the preparation that he had undertaken leading up to that weekend. According to Professor Moore, he had been contemplating a run for the U.S. Senate since the summer of 2017 after being approached by party leaders in Virginia. Professor Moore indicated that he had also been encouraged to seek a potential Senate seat after watching the uninspiring presidential debates in 2016. In fact, his dissatisfaction with the debates on both sides of the aisle prompted him to write a book, *The Presidential Debates: Issues and Questions for the 2016 Elections and Beyond*, which emphasizes topics that he believes any candidate should be familiar with.

By the time he spoke at the Advance, Professor Moore had developed a platform that focused on issues such as increasing the country's underlying growth rate; funding medical research for diseases; social security reform; enhancing military resources; and promoting prison reform. With respect to the latter, Professor

# Law School Celebrates Diversity



From left to right, SBA Diversity Committee chairs Jeri Brown '19, Aparna Datta '19, and Muskan Mumtaz '19. Eric Hall / Virginia Law Weekly

Jenna Goldman '18 (she/her/hers) Editor-in-Chief

Caplin Pavilion buzzed with students and faculty who gathered around tables manned by representatives from each affinity group at the law school. UVa Law's annual Diversity Week culminated in a celebration of culture last Thursday in Caplin Pavilion.

"It is so important to highlight diverse students in the law," said Latin American Law Organization (LALO) President Robbie Pomeroy '19 as he danced along to the Bollywood music blaring from the South Asian Law Student Association (SALSA) table.

Elyse Moy '18, President of Women of Color, marveled at the event and how her affinity group has grown since her 1L year. "I got involved in WOC as a 1L rep, back when Dana Wallace [16] revived the club," said Moy. "Kate [Duvall] is always reaching out to us and the school at large has shown us so much support throughout the last few years." Of the event, Moy said "its another great visual representation of how the school and the students support and value diversity."

The Black Law Student Association (BLSA) gave out raffle tickets to participants who could answer questions correctly about black culture and black excellence, *Jeopardy* style. At the end of the event, a name was drawn at random from the tickets and the lucky student received a diploma frame from the bookstore.

The first question came from the category "Famous black lawyers." "(Blank) LaVaughn

Robinson, from the Southside of Chicago, we miss you!" Answer: "Who is Michelle Obama?"

A 1L was stumped on the next question: "The 1948 case that outlawed racial covenants." Luckily she was able to 'phone a friend.' "She was only a few weeks into Constitutional Law, I had to help her!" said Dean Goluboff who answered, "What is *Shelley v. Kraemer*?"

Devyne Byrd '19, who ran the jeopardy style game for BLSA, looked forward to the week of events that places a spotlight on minority students. "It's nice being in the loop for once," Byrd said. Pol Minfuet, an LL.M. from Belgium, agreed with Byrd; "I have never seen this type of event before! We just don't have this sort of celebration of ethnic and racial differences at my school in Belgium."

The Jewish Law Student Association table had Mezza wraps, dates, fruit, and seeds in celebration of Tu B'Shvat, a holiday known as "the birthday of the trees" celebrated this time of year. President Dascher Pasco '18 loved participating in the event. "I think there are lots of values in Judaism that are relevant in law, and it's cool to have an opportunity to share that with the school."

LAMBDA gave away Pride shirts to those who could answer three LGBT history related questions. Chandler Walpole '20 and Rachel Leary '20 fired off questions to the line of students hoping to win the swag.

"I moved from New York City, so I was initially concerned I wouldn't find a community here," said Leary. "But I was pleasantly surprised by the

number of LGBT students at the law school," she said.

Next to LAMBDA, the Asian Pacific American Law Student Association (APALSA) held a "fire ramen-eating contest." "You have to finish your plate of spicy noodles without showing any outward signs of pain," explained Maggie Yiin '19. This reporter can confirm the challenge was a lot harder than it looked.

Good thing the SALSA table provided mango juice to quell the heat. "This is the Capri-Sun of South Asia; it's my childhood," said Muskan Mumtaz '19, who along with Aparna Datta '19 and Jeri Brown '19 chaired Diversity Week. Mumtaz is also in the process of founding the Muslim Law Student Association (MLSA).

Diversity Week began on Monday, with the panel "He Said, She Said to Me, Too: Successes and Shortcomings in the Law of Sexual Harassment." Professors Coughlin, Ferzan, and Rutherglen discussed changes in criminal law surrounding sexual harassment and #MeToo in context of other historical feminist movements.

Professor Coughlin explained that in Classical Greek and Roman literature, the practice of "cutting off women's tongues after they have been raped" was a tactic to silence from speaking out against their attacker. Coughlin sees the #MeToo Movement as a response to contemporary "tongue cuttings," such as non-disclosure agreements, procedural hurdles to seeking justice, and internet trolling that aims to intimidate

## around north grounds

Thumbs sideways to Valentine's Day. While that annual reminder of the acute pain of loneliness isn't what ANG needed for the new semester, ANG really looks forward to those February 15th candy deals.

Thumbs up to the Olympics! ANG would like to petition the Olympic Committee to include "Sitting in a WB classroom without a sweater" in the next Winter Olympics.

Thumbs down to Z Society rising above and not engaging in the blood feud ANG is trying to build.

Thumbs up to Mirai Nagasu for making Herstory and becoming the first American woman to land a triple axel at the Olympics! Meanwhile in the OAR, that's the prerequisite to entering kindergarten.

Thumbs up to Cavalier Basketball. Somehow we are still number 1! Somehow we are still number 1!

Thumbs down to the comparisons of Kim Yo-jong and Ivanka Trump . . . ANG hates it when certain news organizations (\*cough\* CNN \*cough\*) make ANG say it, but #fakenews.

Thumbs up to the new official portraits of Michelle and Barack Obama. ANG's own portrait (in the vein of Dean Spies' snow leopard fur cape) is scheduled for public unveiling "when you become a Dean of this University, ANG, please stop emailing us about this."

Thumbs sideways to the British tourists accused of "pornographic dancing" in Cambodia. On the one hand, ANG defers to the legislative authority of laws within their jurisdiction. On the other hand, ANG now lives in fear of ANG's actions at Das Klub coming back to haunt ANG.

Thumbs up to Jamaica's dance entrance to the Winter Olympics Opening Ceremony. ANG would like to propose that professors take note. Nelson? A cool dance intro to Legislation? All the excitement statutory interpretation ever needed!

## MOORE

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Moore expressed his concern that politicians have traditionally shied away from discussing, among other things, alternatives to incarceration for non-violent offenders and also from amending the existing sentencing guidelines as well as other needed changes in the criminal justice system. In Professor Moore's own words, his platform was largely founded on his goal of preserving the Republican Party for *everyone* in the nation and attracting a greater number of women and younger voters.

Nevertheless, Professor Moore stated that, following the Advance, he made the difficult decision not to pursue a senatorial campaign, a choice that he described as having "broken his heart." Professor Moore cited the current political climate as having been a significant deterrent, though he said that he loved the experience and wished that he had considered running "twenty years ago." He strongly encourages UVa Law students with political interests to pursue that route because he believes that this Law School is filled with the best and brightest who possess the integrity necessary to run our country. Moore also indicated that he would like to see more faculty members consider entering politics. He stated that although the process may initially seem mysterious, it is something that reveals itself step by step.

A brief review of Professor Moore's résumé, with his five

## DIVERSITY

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From left to right: Gina Sato '19 and Calla Zhou '19 serve fire ramen.  
Eric Hall / Virginia Law Weekly

women into silence.

Professor Ferzan discussed how the American Law Institute is struggling to keep up with the movement. "So many areas, many would argue, are over-criminalized. In the area of sexual harassment and assault we have the problem of radical under-criminalization." Ferzan notes that the individuals who have always borne the brunt force of the criminal justice system have been the poor and people of color. "We need to think about who our potential defendants and who our potential victims will be under a new system."

While Ferzan and Coughlin differed on changes to the

presidential appointments, makes it obvious that he would have brought a tremendous amount of experience and insight to the Senate, though his background also makes him a clear superstar at UVa Law. For instance, during the First Gulf War, Professor Moore served as the principal legal adviser to the Ambassador of Kuwait. His work focused largely on demarcating the boundary be-

people would be justifiably terrified by this, true to his unflappable demeanor, Professor Moore calmly explained that he had simply responded by removing his addresses and any identifying information about his family and himself from the internet.

In addition to his role in the Gulf War, Professor Moore also played an instrumental role in rule-of-law talks between the

viewed by Soviet officials, including a personal spokesman for Mikhail Gorbachev, during a meeting in Moscow. In the overview paper, Professor Moore emphasized the importance of property rights, which he had been told would probably not be received well by the Communist leaders in attendance. In spite of this, according to Professor Moore, the U.S.S.R. representative who

"the revolution was here." The talks that Professor Moore participated in ultimately resulted in negotiations for a charter on democracy known formally as the Copenhagen Document, and colloquially referred to as a modern Magna Carta.

While one could fill a book with Professor Moore's impressive professional background, his personal life is equally exciting. In particular, Professor Moore is a renowned competitive powerlifter. He is a six-time member of the U.S. National Powerlifting team and is set to return to the team later this year for the world championships in Finland. Professor Moore started competing on the bench press at 66 years old and within a few years he had joined the U.S. team. He has set two North American record and won multiple U.S. national championships. His personal best lift weighed in at 309 pounds; in competition he has lifted 288 pounds. He holds the unequipped national record for his age group with an in-competition lift of 270 pounds. Along with powerlifting, Professor Moore enjoys sailing and fly fishing, as well as dining at Pomme, a French restaurant in Orange, Virginia, which he highly recommends.

Although he will not be running for the U.S. Senate, after speaking with Professor Moore at the Advance and during this interview, it is my personal opinion that he exemplifies the most desirable qualities of both a political representative and a UVa Law professor.

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## VJIL, J.B. Moore Present Int'l Law Symposium

On February 20, 2018 the *Virginia Journal of International Law*, the J.B. Moore Interna-

Julie Dostal '19  
(she/her/hers)  
Features Editor



tional Society, and the Immigration Law Program are putting on a day-long symposium entitled, "Immigration and Ideology: International Responses to Migration." The Symposium begins at 12:00 P.M. with introductory remarks from Professor Emeritus David Martin, who previously spearheaded the immigration law program at the Law School. Lunch from Mezeh Mediterranean Grill will be served at 12:20 P.M. The first panel, "Catalysts: Global Causes and Motivations for Migration" aims to provide a broad overview of regional conditions that cause immigrants to leave their homes and aims to produce a robust conversation on the common and differing catalysts of immigration in the Middle East, Africa, and South America. Professor Mila Versteeg will moderate the panel featuring fellow professor Kevin Cope, Charanya Krishnaswami from the United Nations High

tween Iraq and Kuwait, and he joked that because most negotiations took place in Geneva, at one point, he had spent "1/40th of his life" in Switzerland. Notably, his position drew the attention of Saddam Hussein who named him before the Iraqi Parliament as a potential target. While most

criminal approach, they did agree on one thing: loosening the mandatory disclosure rules within the University Title IX

U.S. and the then-U.S.S.R. As the chair of the board of directors at the U.S. Institute of Peace, Professor Moore encouraged the U.S. government to promote democracy and the rule of law. Along with the Deputy Attorney General of the United States, Moore wrote an overview paper that was re-

responded to his comments on property rights stood up and said, "I'm here to tell you that the lack of property rights has destroyed civil society [in the U.S.S.R.]." Professor Moore described that moment as the signal that revolution had arrived and he sent a cable back to the State Department that

recruiting women, LGBT, and attorneys of color a clear priority, retention is also an issue of concern. "If you do not feel comfortable in your workplace, you will leave," noted Dana Weekes '09 of Arnold & Porter Kaye Scholer. The next step for law firms is how to create a more inclusive environment so the talented attorneys will stay. "A lot of law firms are grappling with this from a cultural standpoint" said Weekes.

Some firms have tackled this problem by setting up affinity groups within the firm. Lisa Morales '16 of Sullivan and Cromwell is a member of her firm's black and Latino group and the firm's women's group where she said she meets regularly to socialize and find mentorship.

"Unpacking Privilege" concluded the week's formal speakers events on Wednesday. The experience-based dialogue on

diversity has been a staple in the program for the last three years, where students share their personal stories of adversity, triumph, and how they grapple with privilege.

After the four students concluded their speeches, the audience broke into small discussion tables to reflect on what was said and how we can identify our own privilege to create a welcoming and inclusive environment in the law school. Datta received encouraging feedback about the capstone event, "I know one person who told me they felt as if a weight had been lifted from their shoulders after attending the event. A lot of times we don't realize everything that is weighing us down—especially since we're so busy in this law school environment."

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SBA President and class prankster Steven Glendon '18 mischievously pours a beer.  
Eric Hall / Virginia Law Weekly

structure. Coughlin said that throughout her tenure, students have come to her about sexual harassment situations. "They tell me, 'I don't need a therapist, I need legal advice before I decide to report,' and that's not something I can give anymore because of the mandatory reporting requirements."

On Tuesday, practitioners from prominent New York and DC law firms gathered to discuss how firms are meeting the demands of clients to provide diverse attorney teams.

"Our clients identify that a diverse product is a better product," said Kim Walker of Willkie Farr & Gallagher.

While law firms have made

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# LAW WEEKLY FEATURE: Court of Petty Appeals

The Court of Petty Appeals is the highest appellate jurisdiction court at UVA Law. The Court has the power to review any and all decisions, conflicts, and disputes that arise involving, either directly, indirectly, or tangentially, the Law School or its students. The Court comprises four associate justices and one Chief Justice. Opinions shall be released periodically and only in the official court reporter: the Virginia Law Weekly. Please email a brief summary of any and all conflicts to [jmg3db@virginia.edu](mailto:jmg3db@virginia.edu).

*STUDENTS of the University of Virginia, the Federalist Society, Claimants*  
v.

*EIGHT CARTONS OF "FIREHOUSE" SUBMARINE SANDWICHES, A Cask of Coca-Cola, and One Bowl of Pickles and Relishes, More or Less.*

68 U.Va. 976 (2018)

No. 83-1120

Argued February 7, 2018

Decided February 12, 2018

Justice RANZINI delivered the opinion of the Court, in which THE CHIEF JUSTICE and Justices VANDERMEULEN and JANI joined. Justice KEANE filed an opinion concurring in part and concurring in the judgment. Justice SCALIA, sitting by designation, filed a dissenting opinion.

This case arises from a civil complaint brought by the Students for the forfeiture of a substantial lunch spread, left enticingly on the "free food table." Attempts (successful) by the Federalist Society, Respondent and real party in interest here, to exclude passing would-be-takers from consumption of these sandwiches, and subsequently removal and consumption (in private) of the lunches followed. On the grounds that the food had already, by operation of law, become food "abandoned as free" passing to the Students, the Students brought this suit *in rem*<sup>1</sup> alleg-

ing the subsequent removal of the sandwiches constituted unlawful conversion. A three-day trial before the Court of Petty Claims resulted in a judgment as a matter of law in favor of the Students. On appeal, a divided panel of the Court of Petty Claims, Appellate Division, upheld the trial court's judgment. We reverse.

I

of the Class of 1965 Student Lounge, long popularly known as a "free food table." At trial, the Federalist Society averred that, despite placing them on the table, they had never abandoned the sandwiches, had remained in their vicinity while purportedly awaiting the vacancy of their event room, and had continued jealously—in-deed, hungrily—to assert their

table,"<sup>3</sup> a formalistic test for determining if food remained the property of its original owner or had become "abandoned as free" for the free sharing of all hungry persons nearby.<sup>4</sup> Although, along with

<sup>3</sup> Free food tables appear in English petty jurisprudence almost from the Conquest. Although the custom was briefly

the forms *alimentarius* which accompanied them, however, these distinctions have never been modified or abolished by statute, they have long been considered dormant. Looking outward, we find too, that other nations have simplified and harmonized what were, in many nations, a morass of laws and rulings on the taking of free treats. In some jurisdictions this has been accomplished by statute, as in the European Union's Standardization Directive on Buffets, Free Samples, and Hors d'oeuvres (Council Directive 101/963, art. 451bis, 2012 O.J. (L 576) 1, 2 (EC)); in others, it has been the duty of our sister courts, as in America, to say what the law is. See, e.g., Saikō Saibansho [Sup. Ct.] Dec. 2, 2016, Hei 28 (kyo) no. 45, 78 SAIKŌ SAIBANSHO MINJI HANREISHŪ [MINSHŪ] 4335, 1223 [Japan].

III.

It is surprising, then, that the trial court's order, and the opinion of the Appellate Division upholding it, rely exclusively on long outworn, disfavored, formalistic doctrine, as evidenced by their frequent references to the long-dormant action in *trover alimentarius*. The Students' case appears to rely chiefly on a narrow decision in *Students v. Flaming Punch-Bowl*, 2 U.Va. 551 (1834) and an obscure statement, made *obiter dicta* in *Wilkes v. Snath*, 11 U.Va. 328 (1910) that appears to endorse

a share of food abandoned as free has historically been actionable as "hogging."

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*"Witnesses for the [Federalist] Society were called to assert that they had shooed away the crowd who quickly attempted to descend on the footlongs, letting not a single slice of pickle escape into the surrounding hungry mouths.*

-J. D. Ranzini

In the late forenoon of February 7, eight cardboard cartons of Firehouse sandwiches<sup>2</sup> and the miscellaneous food described above appeared on the table that adjoins the north wall

to compel donut shop to timely deliver exam week sweets); *Students v. Electronic Thermostat*, 65 U.Va. 128 (2001) (the Students in their official capacity proceed *in rem* against unknown University employee responsible for setting temperature of Withers-Brown 102 below the freezing point).

<sup>2</sup> "Founded by Firemen," a tagline, this Court pauses to note, is in two respects dubious: on the one hand, it cynically commercializes the sacrificial bravery of the fire services, while on the other hand any sanitary, wholesome aura it seeks to imbue in its hearty sandwiches is in powerful tension with the flatulent locker-room funk of a real fire station.

rights to ownership. Witnesses for the Society were called to assert that they had shooed away the crowd who quickly attempted to descend on the footlongs, letting not a single slice of pickle escape into the surrounding hungry mouths. Testimony from the Students was admitted in opposition to assert that, contrary to the account of the Society, the sandwiches appeared for some time to be abandoned before Society representatives reappeared to shoo them away and had, at any rate, been placed on the free food table, where, in long-standing local usage, they were popularly understood to be abandoned.


II.

The historical petty law distinguished abandoned food as a category separate from other property of questionable ownership, deriving from the ancient custom of the "free food

banned by statute during the reign of Henry II in *Quibus comedent* (1165), 11 Hen. 2, "tabling" was passed down by the common law to be adopted on this continent prior to the Revolution.

<sup>4</sup> "Food . . . abandoned as free . . . is the common property of any who can eat it; cast aside into a maelstrom of gnashing mouths, its ownership vests collectively in all who see it and hunger." <sup>2</sup> *Leslie's Commentary on the Law Petty*, \*152 (1857). The attempt to aggressively arrogate too large

<sup>1</sup> Commentators differ on whether this once-strict procedural requirement remains so for actions arising in petty law from disputes in things, but no doubt the flexibility of the form within the petty law, not to mention our preference for the eccentric case names it generates, will ensure that the action *in rem* always finds an honored place before our Bench. See *Cleaning Staff v. Taped Outline*, 68 C.O.P.A. 557 (2017) (Libel Show, real party in interest, attempting to enjoin removal of symbol on floor, "phallic in nature"); *Twelve Dozen Duck Donuts, More or Less, v. Duck* 68 U.Va. 334 (2017) (proceeding *in rem* as donuts, SBA attempts



## Virginia Law Weekly

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## Faculty Quotes

**K. Kordana:** "A friend of mine had a baby at Sibley hospital and when I went to see them, I asked to see the audit records . . . But I was treated like some kind of freak!"

**M. Robinson:** "You've got one male spouse, one female spouse, and a lot of little, whaddaya call 'em, spouselets? There's more than 50 shades of gray here!"

**S. Prakash:** "Do people know about string cheese? I first found out about it in Scouts, I was amazed."

**C. Nelson:** "But you can't falsify a fish. And you can't make a false entry in a fish. Indeed, you can't even make a true entry in a fish."

**A.E.D. Howard:** "I lie a lot."

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**COPA**  
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alimentary trover's continued viability in the 20<sup>th</sup> century. We believe the cited cases are distinguishable in their plain facts; however, to the extent that they conflict with the instant decision, they are hereby overruled.

As for any personal property, we declare that the better rule for the abandonment of food is that it requires (1) an intention to relinquish all interests in the property, and (2) a positive act by the owner effectuating that intent. In the case of food abandonment and placement on "free food tables" and other customary loci of disposal and dispersion, that placement, in some cases, may create a presumption of intention to abandon to the free consumption of such clarity as to approach to irrefutability. We do not, however, today purport to lay out with exactitude the contours of when, exactly, this may be;<sup>5</sup> instead trusting to the same wellsprings American law has always resorted to: the rough-hewn intuitions of the jury, under the careful guidance of the judge.

By way of guidance in this matter, we take note that an organization primarily dedicated to laundering soft money into jurisprudence favorable to its donors by first converting it into free chicken sandwiches,

<sup>5</sup> An example, offered non-exhaustively: when the Justices are extra hungry.

the Federalist Society undoubtedly has a lower expectation than other persons may in reasserting possession over food whose status as abandoned as free or defended is in question, as here. But here, we feel, though placed for a time on the free food table, the record shows evidence sufficient to engender a genuine question of material fact as to whether the sandwiches in question were nonetheless being guarded. That question was, in right, within the competence of the petty jury, and should have been decided there.

REVERSED and REMANDED for new trial in accordance with this opinion.

SCALIA, J. dissenting  
Fifteen long years ago, I warned, from this nation's highest bench, that the results of that court's short-sighted decision to revise our once-sacred standards of *stare decisis* for the sake of a politically-expedient result would open wide the floodgates to a "massive disruption of the current social order." *Lawrence v. Texas*, 539 U.S. 558, 591 (2003) (SCALIA, J., dissenting). As in the great, so in the small—and from my seat by designation on the Petty Bench today, I find myself a voice crying out in the wilderness once again.

From the way he blunders, groping murkily for something—anything—on which he can hang his preferred result, it seems to me sadly clear that Justice Ranzini is a lost child of the third generation brought

up in the darkness of Justice Douglas's justly-infamous "penumbras." Wild Bill's ghost is with us yet, I see, hovering over the nation like a nightmare. Like the Supreme Court's opinion from which I dissented those fifteen years ago, today's opinion is the product of a court, which is the product of a law-profession culture, that has largely signed on to the agenda directed at eliminating the moral opprobrium that has attached to any traditionally disfavored conduct, whether homosexual sodomy or hogging food that should be free for all. (*See id.* at 602.) Were it not so, this Court could have found the answer for this case right under their noses within our common petty law.

The longstanding law this court discards today laid out simple, self-applying rules for "tabling," perfected long ago. The distinction between private events and the open food tables for disposal of extras is "as old as the common law." *Oakeshott v. Mills*, 70 U.S. 927, 995 (1916). As well as the food table itself, that law regards the area "immediately surrounding and associated with the free food table"—what our cases call the food-courtilage—as "part of the free food table itself for Free Lunch purposes." *Oliver, Treatise on the Pettie Law at 180\** (1735). This principle, too has ancient and durable roots: Blackstone said of the "food courtilage or sandwich-stall" that the "table protects and privileges all its branches and appurtenants." 4 W. Blackstone, *Commentaries on the*

Petit Laws of England 223, 225 (1769). This area around the free food table is "intimately linked to the free food table, both physically and psychologically," and is where "free lunch expectations are most heightened." *California v. Lequizamo*, 476 U.S. 188, 213, 106 S.Ct. 1809, 90 L.Ed.2d 334 (1986). Food enters this area the property of the donor; it must not leave again, except in the stomachs of hungry claimers, whose property it instantly becomes by operation of this act, known in the earliest cases as the "livery of seasoning." The courts below understood well these principles and rightly ruled in favor of the Students. This Court, it is clear, has other ideas. If it is the majority's intent to send away the venerable principles of tabling with this opinion, let me drink their health a final time in parting. "For tomorrow we may die."

KEANE, J., concurring in part and concurring in the judgment

In responding to the majority's opinion, it is necessary to first address what this case is really about, namely: "Entitlement. n. (1) The mistaken belief that one is deserving of or entitled to certain privileges, such as a free submarine sandwich on a Tuesday afternoon. (2) An exceptionally unflattering quality that makes people particularly irksome to deal with." *See Dictionary of Petty Definitions* (2018); *see also Why People in the Service Industry "Go Postal,"* 42 J. Soc. Behav. 194 (1993). The major-

ity's opinion admirably refuses to join the lower courts in reducing students' preparedness for their lives beyond the walls of UVa Law when they will be forced to confront the harsh reality that "the dang Commies lost—there ain't no such thing as a free lunch." *See Recently Graduated Law Students v. Food Stall Operator Who Wants to Get Paid*, 72 C.O.R.W.P. 86 (2010).<sup>6</sup>

Regrettably, however, the majority negligently mischaracterizes the facts giving rise to this suit even as it stumbles upon the correct result. The sandwiches in question were placed on the free food table at approximately 10:50 a.m. in advance of an event hosted by the Federalist Society that they planned to begin setting up at 11 a.m. Because students have a surprising tendency to dawdle while packing up their belongings at the end of a riveting lecture on the tax code of Turkey,<sup>7</sup> the class that had been occupying the event space took longer to empty out of

<sup>6</sup> The Court of Real World Problems, though rarely cited by this court, consists of esteemed (alright, not always esteemed) scholars (but more frequently, angry middle-aged men) who regularly publish their opinions in the comment sections of Facebook posts.

<sup>7</sup> Real talk: do y'all actually enjoy being in those dated wood-paneled classrooms longer than absolutely necessary? Where's the hustle to escape to freedom?

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**HOT BENCH**



Courtney Koelbel '19 (she/her/hers)

**1. Have you ever had a nickname? What?**

Thanks to Mr. Miller of Superstition Springs Elementary, I've had at least five: Koelbel on the Cob, Cowbell, Kibbles and Bits, Kill Bill, and Kill Bill Vol. 2.

**2. What is your favorite word?**

Phantasmagoria—it was one of my vocab words in elementary school and I just really liked it.

**3. Where did you grow up?**

Mesa/Gilbert, Arizona

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

J.K. Rowling. A) Because I need a second chance since last time I couldn't manage to put together a full sentence. B) So I can ask her what's up with Johnny Depp/the lack of

Dumbledore gayness in *Fantastic Beasts*.

**5. If you owned a sports team, what/who would be the mascot?**

Regulus Black (my cat) because he's purr-fect.

**6. If you had to pick one song to play non-stop in the background of your life, what would it be?**

Right now, I would say *Rainbow* by Kesha. Hella inspiring.

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

I would love to be able to stop time. Then I would be able to create enough time in the day to do all of the things I need to do.

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

How much drinking there would be so I could better prepare my liver.

**9. What did you have for breakfast this morning?**

Oatmeal with banana, peanut butter, flax seed, and almond milk (trying to be all healthy and whatnot).

**10. What's your most interesting two-truths-and-a-lie? (And what's the lie?)**

All my cats at home are named after "It's a Wonderful Life" characters; I've never broken a bone; and one year, instead of going home

for Thanksgiving, I flew to Orlando to watch my favorite band's last concert ever. The broken bone one is the lie. I broke my arm when I was too young to remember it.

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

NYC for sure.

**12. What's the best (or worst!) PG-rated pick-up line you've ever heard?**

Did you survive the Avada Kedavra curse? Because you're drop-dead gorgeous. (To be clear, I read this on the internet.)

**13. If the Law School had yearbook awards, what would you want to win?**

Most likely to chain herself to a tree.

**14. If you could know one thing about your future, what would it be?**

How many cats do I end up having at once?

**15. Backstreet Boys or \*NSYNC?**

Weezer

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

Doing trash things with my babes.

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

No more fossil fuels. Let's just ban them all.

**SYMPOSIUM**  
continued from page 2

Commission for Refugees, and Nikila Dasarathy from the ABA Rule of Law Initiative, Africa and Middle East Division.

The second panel, "International Responses and Solutions to the Global Refugee Crisis," intends to explore topics of integration, education, and child migrants to evaluate how the existing legal and policy framework of resettlement is failing migrants. The panel will be moderated by Professor David Leblang from the University of Virginia's Batten School for Leadership and Public Policy. Participants on the panel include Professor Bernhard Streitwieser from George Washington University's Graduate School of Education and Human Development, Professor Jessica Anderson from Georgetown's Institute for the Study of International Migration, and Professor Marisa Ensor, who also works for the Institute. The panel will conclude with a discussion of how resettlement procedures could improve to better handle the greatest refugee crisis of our lifetime.

Following a coffee and pastry break, the third panel of the symposium will examine the uncertain future of immigration law and policy in the United States. The panel exclusively features practitioners who will speak to how changes in immigration policy affect their clients. Ms. Deena Sharuk from Legal Aid Justice Center Charlottesville (LAJC) will moderate the panel featuring Tanishka Cruz from LAJC Charlottesville, Ms. Harriet Kuhr from the In-

ternational Rescue Committee, Lieselot Whitbeck from the Erickson Immigration Group, and Edward Summers from his own private immigration practice. This panel aims to introduce and explore the inadequacies of the current American immigration landscape. The panel intends to address questions concerning asylum procedures and due process, how the current backlog affects immigrants and the greater system, and finally how policies should be adjusted for children. This panel will conclude with a forward-looking discussion of how the politics and procedures of the U.S. immigration system may be best adjusted to handle the issues addressed during the discussion.

The symposium will conclude with a keynote address delivered by Ms. Colleen Roh Sinzduk, a senior litigation associate at Hogan Lovells. Ms. Sinzduk has briefed, argued, and won cases before multiple courts of appeals, and she was recently named an *American Lawyer* Litigator of the Week after successfully convincing a federal district court to issue a temporary restraining order against the President's Executive Order regarding immigration and refugees. She will speak on the topic of the Executive Order litigation and how Big Law lawyers have a place in immigration litigation more generally. Following her keynote address, a networking reception featuring practitioners from both the public and private sector will take place from 6:00 to 7:30 P.M.

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the reserved room than Federalist Society organizers had reasonably anticipated. As a consequence, when Firehouse Subs' delivery person arrived with the sandwiches, he did not have an obvious place to leave them other than—as he suggested to the Federalist Society member in charge of arranging the event's catering—on the ground. Realizing that most event attendees would be less than thrilled to eat a floor-sandwich, the Federalist Society's representative instructed the delivery person to put the food on the disputed table. The representative testified that she stood with the food throughout the limited duration that it was there and repeatedly explained the situation to the descending vultures—er, other students. Using the Court's own legal analysis and a property hornbook, it is difficult to fathom how, as in the facts currently before the Court, one could claim that the food items had, in fact, been abandoned regardless of where they had been placed. Notably, the majority's own opinion suggests support for the decision made by the Federalist Society's representative. Specifically, the majority states in a footnote that Firehouse Subs has a likely interest in associating a "sanitary, wholesome aura" with its sandwiches that would be undermined by the "locker-room funk" found in a fire station. Similarly, Firehouse Subs has a

presumable interest in not having its food associated with the unsanitary condition of being put on the well-trafficked floors of the Law School.<sup>8</sup>

The majority, despite, at least, reaching the only acceptable conclusion, also seems to focus on the modifying component of the phrase "free food table" at the expense of the final word: "Table. n. A piece of furniture with a flat top and one or more legs, providing a level surface on which objects may be placed and that can be used for such purposes as eating [and presumably, holding food whether it is free or not]." See *An Actual Dictionary* (2017). Alone, the definition of "table" provides no suggestion that the objects it can hold must always be free, and it is unreasonable—and, actually, inaccurate—to assume that the modifier is always applicable. For instance, the free food table and the alcove that it occupies regularly hosts food intended solely for consumption by certain individuals. As an example, one only needs to look at the food placed there on the mornings of 1L oral arguments each spring. In such situations, although 2Ls and 3Ls passing by might be interested in snagging a cold bagel before pretending to study in the Law Library, their itchy fingers would be swiftly smacked away by Legal Writing profes-

<sup>8</sup> No offense to UVa Law's cleaning staff, of course, who have the difficult task of constantly cleaning up after people who don't understand how trashcans work.

sors in charge of guarding the spread.<sup>9</sup> Thus, it is apparent that exceptions to the purportedly longstanding tradition of allowing *all* law students to acquire food free of charge from the table exist and are accepted within the community.

Further, the majority ignores the fact that, despite the allegedly universal understanding that items on the free food table may be taken at will, when food items are actually placed on the table, students constantly ask questions, such as, "Is this up for grabs?" and, "I can take this, right?" Such questions severely undermine the majority's argument that the free food table carries an automatic presumption of abandonment.

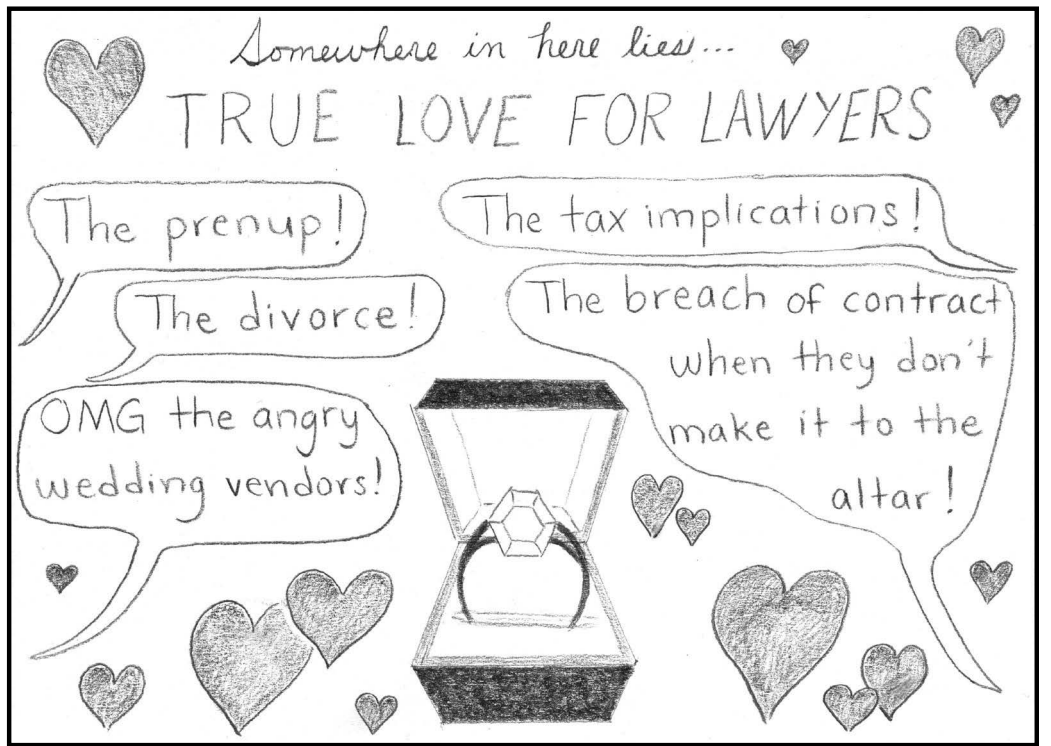
<sup>9</sup> I see you, J. Fore.

After all, if UVa Law students *truly* believed that everything placed on it could be taken for their personal consumption, there would be no need for the regular displays of hesitation described above. See generally *Students v. That One Student Who Always Asks Self-Explanatory Questions One Minute Before Class Ends*, 35 U.Va. 433 (1992) (in which the Court held that there is no reason for students to question the obvious when the obvious is actually obvious).

Ultimately, the majority's confusing and listless opinion leaves event organizers to choose between several unappealing options when they are in a bind. They can either: (1) set the food on a table outside the vicinity of their event; (2)

place the food that their organization paid for on the disputed table and incur the unjustified wrath of the entitled; (3) put the food on the floor (because everyone enjoys eating sandwiches covered in dust and hair, amirite?!); or (4) place the food on the vulture table and pray it conforms to the majority's unintelligible, sentimental, Kennedy-like test. Because the majority's decision refuses to acknowledge that exceptions to the free food table's tradition already exist and are invoked as needed, it makes less sense than mayonnaise. Accordingly, I concur in the judgment only. Well, almost only. I join the majority's footnote about the sweaty fireman locker rooms. Preach.

Cartoon By Ali



**THE DOCKET**

TIME	EVENT	LOCATION	COST	FOOD?
<b>WEDNESDAY – February 14, 2018</b>				
12:00 PM	VJIL Lunch Series: Professor Kevin Cope	Purcell	Free	Yes, Chipotle
1:00 PM	Cross-Border M&A Transactions and Related Antitrust Issues" with Peter Lyons	WB 102	Free	Lunch will be provided, with a reception at the Whiskey Jar to follow that evening.
1:00 PM	Virginia Law Women General Body Meeting	WB 152	Free	Not sure
<b>THURSDAY – February 15, 2018</b>				
11:30 AM	A Conversation with Judge Kevin Newsom	Caplin Pavilion	Free	Yes, Wings Over
12:00 PM	A Day in the Life of a Junior Associate	WB 154	Free	Yes, Feast
12:00 PM	People of Color in Big Law Panel with Cadwalader	Purcell	Free	Yes
5:00 PM	I'm Not Racist...Am I? Presented by Center for the Study of Race and Law	Purcell	Free	Yes
<b>Friday – February 16, 2018</b>				
11:00 AM	NEDA Eating Disorders Panel	WB 126	Free	Yes, Mellow Mushroom
3:00 PM	Global Leadership in Crisis? A Conversation With UVA Deans	Darden's Abbott Auditorium	Free	Not sure
<b>SATURDAY – February 17, 2018</b>				
10:00 PM	Gunners 'n Roses	Rapture	Free	No.
<b>SUNDAY – February 18, 2018</b>				
2:00 PM	Marie Antoinette	Fletcher Collins Theater	\$12	No.
<b>MONDAY – February 19, 2018</b>				
12:00 PM	#WeObject: Advice from Practitioners on Responding to Harassment in the Workplace	Purcell	Free	Yes
5:00 PM	PILA Mentoring Mixer	Caplin Pavilion	Free	Probably
5:30 PM	BLSA Alumni Spotlight Event: Congressman McEachin '86	Caplin Auditorium	Free	Reception to follow
<b>TUESDAY – February 20, 2018</b>				
12:00 PM to 8:00 PM	VJIL and J.B. Moore International Law Symposium: Immigration and Ideology: International Responses to Migration	Caplin Pavilion	Free	Lunch will be served at 12:30 PM and light refreshments will be provided throughout the afternoon.
5:30 PM	VELF Movie Night: An Inconvenient Sequel	WB 278	Free	Not sure

**SUDOKU**

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**Solution**

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