

# VIRGINIA LAW WEEKLY

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## #MeToo and the Federal Judiciary

Sarah-Jane Lorenzo '21  
Staff Editor

As the #MeToo movement continues to inspire critical consideration of sexual harassment, Dean Risa Goluboff introduced Monday's panel, "#MeToo and the Federal Judiciary," as a chapter of an ongoing conversation.

Panelists Dahlia Lithwick and Pamela Harris emphasized the particular need to address the issues of power that surface throughout the frequently isolating experience of working in the judicial system. Harris, a United States Circuit Judge of the U.S. Circuit Court of Appeals for the Fourth Circuit, called this conversation long overdue, especially since abuse in the judiciary is difficult to report.

As issues of workplace abuse continue to impede women's full access to the legal profession, Lithwick, a journalist at *Slate* and a contributing editor at *Newsweek*, noted that data on the pervasiveness of abuse in the judiciary is very limited. Many complaints within the federal judiciary are never remediated: The judge may resign, or the complaints just disappear. While we do not know the nature of all of the complaints and some, she said, may be trivial, it is very possible that there are serious allegations going unaddressed.

Both panelists said that while the majority of clerkship experiences are positive, and most judges are good employers, that is not enough. "Inevitably, there are always bad actors," Harris said. "It feels like a closed system, even from the inside." Harris noted that both physical and cultural isolation contribute to that closed system, because judges have complete control over their staffs. "There is no accountability and there is no transparency."

For example, Harris said that "one of the most haunting things" she felt was revealed by the sexual assault hearings following accusations of former Ninth Circuit court Judge Alex Kozinski. Prior to Kozinski's confirmation, a former employee described him as an abusive boss. Yet that description, she said, didn't matter. "There's no signaling that that's an important part of the role."

Lithwick said these issues are power problems in a closed system in which coming forward can lead to lasting personal harm. Power, she said, determines who can come forward and still salvage their career, and that limitation deters many victims from speaking up. She

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## New SBA Leadership Seeks Transparency, Diversity, and Community



SBA leadership transitions for 2019-2020 school year. Left to right: Frances Fuqua '19, MacLane Taggart '19, Her Majesty Jasmine Lee '20, Julia Wahl '19, Rachel Staub '20, Trevor Quick '20, Katharine Janes '21.

Sam Pickett '21  
Staff Editor

I must admit that the first fifteen minutes of writing this article were spent looking up funny quotes about democracy. I wanted to seem witty, like my esteemed colleague Jacob Jones '21 in his coverage of Barrister's, but I couldn't find the right quote. They were all cynical, and that simply isn't my personality, especially given the fact that I just won an uncontested election to be the News Editor for the *Law Weekly*. As I followed the SBA candidates along the campaign trail, I have come to feel a certain pride in the direction the organization seems to be heading and the priorities its members seem to embody. As we look forward to a new year of socials, bar reviews, and other events, I hope to show the UVA Law community what we can expect.

### Big Themes

**Transparency:** It is only right to begin with the initiative that dominated the election cycle. Newly elected SBA President Jasmine Lee '21 has cited transparency as her primary initiative, emphasizing the need to make SBA more accessible to the student body, and for students to "know that SBA wants to hear from them." While meetings are open to the general public and minutes are posted online, President Lee hopes to continue conversations with the new student government to make sure that students feel their government represents their interests. Most of the new 2L Senators share Lee's goals; four of them men-

Newly Elected SBA Official for the 2019-2020 School Year		
<b>Executive Board</b>	<b>2L Senators</b>	<b>3L Senators</b>
President: Jasmine Lee '20	Page Garbee '21	Tazewell Jones '20
VP: Rachel Staub '20	Will Hinton '21	Read Mills '20
Treasurer: Trevor Quick '20	Eli Jones '21	Tim Sensenig '20
Secretary: '21	Colin Lee '21	
	Christina Luk '21	
	Savanna Williams '21	
<b>University Judiciary Committee Representatives</b>	<b>Honor Committee Representatives</b>	
Ben Elron '20	Stephen Paul '21	
Madeleine Keach '21	Todd Truesdale '21	

tioned the need for transparency in their candidate statements. 2L Senator Christina Luk is pushing for SBA to more regularly update its website<sup>1</sup> with its initiatives and to possibly send out a "State of the SBA" summary each semester. Senator Luk's new colleagues Eli Jones, Savanna Williams, and Page Garbee, all class of 2021, made transparency a similarly important part of their campaign platforms by emphasizing that SBA should not be operating behind closed doors and should be talking to the student body to identify certain goals and priorities.

This need for transparency includes the organization's finances; newly elected Treasurer Trevor Quick hopes to make the budget available for student viewing as an important measure of accountability and student involvement.

**Diversity:** A number of SBA's newest officers chose to focus on diversity. In one of the most illuminating presentations given at the debate, new Honor Committee Representative Stephen Paul

<sup>1</sup> DID YOU KNOW that the website has an outline bank?? I had no idea! Many of them are older, so hopefully updating the website can include updating the outline bank??

'21 brought attention to international students under the honor system. He called for more direct engagement between "Honor" and international students, such as intermediaries for students who may not feel comfortable approaching their professors and TAs. New 2L Senator Will Hinton also hopes to use his role to promote diversity, emphasizing the need to make students who belong to historically marginalized backgrounds comfortable voicing their concerns. Senator Luk plans to meet with leaders from affinity groups around North Grounds to identify areas where SBA can offer support. In fact, a large part of why Senator Luk ran for office was because of this year's Diversity fair, saying:

At the event, the diversity tables had been set up outside in Spies Garden while SBA hosted its own social inside ScoCo. The setup was unfortunate, because SBA had effectively barricaded half the doors leading out to Spies Garden with its own food tables. Given the relative darkness and chill of late evening, attendance at the Fair was predictably low. One memorable guy did make it out to the APALSA table—he came to grab a plate because SBA had run out. Stand-

SBA page 3

## around north grounds



Thumbs sideways to the end of Francis Fuqua's reign of terror. ANG expects Jasmine Lee to keep up Fuqua's steady stream of donut-based bribes or Lee will face the wrath of the Free Press.



Thumbs up to Carly Crist '19 for scanning and saving every *Law Weekly* article published since she was a 1L. ANG appreciates her ardent support and is glad to see someone rivals Dean Dugas as the *Law Weekly's* biggest fan.



Thumbs down to people who send weekly grammatical corrections to editor@lawweekly.org. If you like editing so much, come on Monday nights and get pizza for your efforts.



Thumbs sideways to 1L journal tryouts. On the one hand, journal tryouts. On the other hand, the snakes under the WB floorboards have been craving that 1L anxiety sustenance for weeks.



Thumbs up to last week's dueling ACS-Fed Soc events. UVA students are too collegial to come to blows, but ANG enjoys the quiet simmering tension.



Thumbs down to the arctic freeze. ANG's been forced to take shelter in \*gasp\* the library, a place ANG hasn't been since the librarians accused ANG of "appealing to the prurient interest." #obscurityhasstandardstoo



Thumbs up to spring break! ANG looks forward to whispering "Spring Break forever..." to every anxious student ANG passes in the hallway next week.



Thumbs down to the SBA's 21-day delayed "100 days until graduation!" email. If ANG wanted to be this shocked, ANG would have looked at the price of those class rings it's now too late to get a deal for.



Thumbs up to Grey's Anatomy becoming the longest-running Medical show in history. ANG feels like if Grey can drop that much in quality and still be celebrated, maybe ANG might actually graduate someday.

**\*\*Author's note:** Last week, I was led to believe by someone I *thought* I could trust that the word “dummeranwalt” was German for “Hamburger.” It is not.

Drew Calamaro '21  
Chicken Reviewer



It means “stupid lawyer.” As an aspiring lawyer, you are fine to call me a sociopath, uninteresting, and you can even call me undeservedly self-serious. But you can **never** call me stupid. Law students like myself and my readers are not stupid lawyers, and never have been. We are law **students**, and therefore that insult doesn't apply to us. I apologize to my readers for publishing that insult.

We are at the end of our journey of finding the tastiest and least problematic chicken sand-

# Fried Chicken Sandwich Column Part the Final

In Which Our Correspondent Encounters the Questionable Long Fry

wich. That being said, it is important to remind the readers that this column's objective—relating chicken sandwiches to the political landscape—is never truly over. There will always be more things to get offended by and more chicken sandwiches to eat. As a *media* member, I will never stop asking whether something enjoyed by nearly everyone is problematic.

One other note to all who are concerned; I found a parking garage that gives you free parking for the first hour, since the *Virginia Law Weekly* will not allot me money for travel, despite repeated requests.

**Draft Taproom – 425 E Main St.**

Draft Taproom has over

sixty *self-serve* taps to choose from, which is extremely alarming. Yet another corporation has replaced its bartenders with artificially intelligent pourers. Do you think that these consumers are equipped to choose amongst so many beers, and then pour them without the cup foaming over? I don't think so. Luckily, I am perfectly capable of pouring beer, and this did not happen to me.

The chicken sandwich here is the classic combination of “*Special herbs & spices, shredded lettuce, pickles & Dukes mayo on a brioche bun.*” We do not need to revisit here the horror that is the appropriation of the brioche bun. However, given that Taproom lets the proletariat become their own bartenders, it should surprise no one they are stealing French bread like it's 1789.

The sandwich itself was very pickly—pickled onions and pickled pickles. If you're looking for a briny, average meal, this is it. But given that Taproom's AI revolution will lead to riots by disenfranchised bartenders, I rate this sandwich as highly problematic. I give it the full Louis XVI/Louis XVI for problematicness, and a Louis XI/Louis XVI for taste.

One other note to make is that I ate the longest freedom fry I have ever seen in 25 beautiful years of life. If the culmination of Monsanto-engineered crops and pesticides and bee colony collapse disorder is foot-long French fries, I think that we are paying a small price for the benefits we are

seeing.

**The Fitzroy – 120 E Main St.**

Due to the cheapness of certain editors, I had to order this sandwich to-go so that I could leave the parking garage in under an hour and not get charged. Travel costs aside, the Fitzroy has a chicken sandwich that is “*boneless, buttermilk battered, a little honey and hot sauce.*” Confident

is the restaurant that chooses not to hide its chicken sandwich behind a veil of lettuce, or rest it on a crutch made out of tomato. This, folks, is pure and honest chicken sandwichery, or chicanery for short.

The sandwich has two fried chicken thighs stacked on top of each other. Perhaps they thought this was a great idea, but unex-

CHICKEN page 6



Take-out burger from The Fitzroy. Photo Credit: Drew Calamaro '21.



The questionable longest fry from The Draft Taproom. Photo Credit: Drew Calamaro '21.

## Strengthening American Democracy by Strengthening the Electorate

China lifted a billion people out of poverty and is experiencing six percent GDP growth on an annual basis. America was once a bastion of innova-

Ali Zablocki '19  
Articles Editor  
Emeritus



tion and entrepreneurship, a leader in investment banking, and home of the world's supreme armed forces. Today, America is afflicted by politics more deeply divided than at any time since the Civil War, budget cuts to science and education initiatives such as the space program, and crumbling infrastructure. At the same time, problems ranging from terrorism to cyber warfare and climate change to income disparity loom unrelentingly large, and it is unclear how America will confront them. What does all this say about the ideals of individual rights and democracy that America has prided itself on for so long?

On Friday, March 1, 2018, the Student Legal Forum—one of UVA Law's oldest student organizations, now celebrating its seventy-second year—hosted General Wesley K. Clark (retired) in a conversation about what many believe to be the greatest single issue facing America today: a dearth of true leadership at a time when our country can no longer avoid addressing these serious problems and when

American supremacy cannot be taken for granted as it has been for decades.

General Clark retired in 2000 as a four-star general after thirty-eight years in the U.S. Army, at which time he turned his skills to investment banking and took a foray into politics as a Democratic Party presidential candidate for the 2004 election. Prior to his retirement from the military, he served as NATO Supreme Allied Commander, during which time he directed NATO's response in the Kosovo War. General Clark was awarded the Presidential Medal of Freedom, Defense Distinguished Service Medal (five awards), Silver Star, Bronze Star, Purple Heart, and honorary knighthoods from the British and Dutch governments. General Clark credits his time in the military, at West Point (where he was valedictorian and studied the Russian language), and Oxford University (which he attended as a Rhodes Scholar) for giving him diverse international experience, but he notes that it was not until he ran for the Democratic presidential nomination and had a chance to interact with people all over the country that he truly got to know America politically. However, to quote the General, he is “two years older than Donald Trump and *did* fight in Vietnam,” and his generation is “about done.” It is up to us to ensure the effectiveness of

our country's leadership and to decide where the country is headed and how we will get there. In a bid to support rising generations, General Clark founded the nonpartisan organization Renew America to diminish partisanship in public discourse.

General Clark believes that in order to strengthen the democracy, we must strengthen the electorate. Specifically, “We must strengthen the way we challenge those running for office.” In order to raise the quality of elected officials and put effective leaders in office, private individuals must ask hard questions about the issues facing the country and accept only thoughtful answers that delve into the complexity of these issues. General Clark acknowledges that obtaining anything but the soundbites to which we are accustomed has become increasingly difficult in the era of television and internet. According to Clark, the press is happy to headline controversy rather than real issues, because that is what sells. Cults of personality drive elections. Candidates today are selected based on their looks, their personal lives, and their overall charisma rather than their hard skills and plans for their time in office. JFK had a beautiful wife and a royal sister-in-law, but as the now-public record shows, he was not terrifically well-prepared to cope with the Cuban Missile Crisis. However, if we

could move beyond such superficiality, engage in genuine discussion, and elect politicians whose focus is on achieving the solutions we the people want, progress will come.

General Clark explained that by his analysis, American politics runs on a forty-year cycle, with business-dominated policy eventually ceding to progressive political reforms. For instance, FDR pushed through massive reforms, propelling the country out of the Great Depression, into WWII, and onward to the rise of the military industrial complex—

whereby government investment enabled large-scale innovation that spilled over beyond the defense sector (e.g., integrated chips). However, the rise of Milton Friedman's Chicago School of Economic Thought in the latter half of the 20th century led to business-led policy displacing government regulations and initiatives. Clark identified the Clinton Administration's authorization of mergers between investment and consumer demand-and-deposit

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# The Future of Originalism: Conflicts and Controversies

In recent years, no theory of judicial interpretation has been as widely praised, criticized, and debated as originalism. While originalism it-

Colin Snider '19  
Guest Columnist



self is a simple concept—that judges should interpret the Constitution according to the understanding of those who ratified it—originalism raises interesting questions about whether it accomplishes its objectives and how it should be applied. What should a judge do when the meaning of the Constitution is unclear or nonexistent? How should judges react to subsequent developments in caselaw and practice? Does originalism actually constrain judges or is it a tool for judicial activism?

Last Thursday, the Federalist Society at UVA played host to constitutional law scholars, practitioners, and judges who grappled with these and other questions. Building off their fall “Originalism 101” seminar, hosted by Professors Caleb Nelson and Sai Prakash, the Federalist Society sought to confront some of the critiques of originalism and explore disagreements among originalists themselves. As expressed by the symposium’s keynote speaker, Judge Thomas Griffith (’85) of the D.C. Circuit, the symposium served as

an opportunity for originalists to “recalibrate” and “reconsider” originalism’s fundamentals.

## Original Understanding and Substantive Rights

The day kicked off with Judge Diane Sykes of the Seventh Circuit moderating a panel on originalism and the Due Process Clause. Professors John Harrison of UVA Law and Randy Barnett of Georgetown Law began by reiterating that due process, as originally understood, was more of a procedural guarantee than a way for courts to substantively review the content of laws passed by Congress. It could be thought of as a separation of powers requirement that Congress not exercise judicial power and that courts bind themselves to the rule of law. Substantive review of laws passed by legislatures, argued Harrison and Barnett, comes from other sources like the Bill of Rights, the Commerce Clause, and limits on police power.

However, fealty to the original meaning of the Due Process Clause leaves originalists in somewhat of a bind. What do they do with the fact that substantive protections in the Constitution, such as the Commerce Clause and Privileges and Immunities Clause, have lost their strength? Scott Ballenger, Partner at Latham and Watkins and Professor at

UVA, suggested that despite its more limited original meaning, substantive due process is the “tool at hand” courts have to protect fundamental rights left unprotected by changes in Supreme Court doctrine. As an example, Ballenger cited his work in *Abigail Alliance*, in which he argued that the individual right to self-defense included the right to purchase experimental drugs to fight cancer. Even though the Founders would have seen the right to self-defense as one of the first fundamental rights of nature, the D.C. Circuit declined to use substantive due process in the case. On a similar note, Professor Julia Mahony suggested substantive due process could be used to tackle unique twenty-first century problems such as civil asset forfeiture, crony capitalism, and administrative state overreach.

## When the Text Runs Out

What should originalists do when the text of the Constitution is unclear? After a wonderful lunch debate on judicial restraint between Clark Neily of the Cato Institute and Mark Pulliam of Law & Liberty, the symposium took up the issue of what to do when the text of the Constitution is ambiguous or does not answer the question before a court. Panelists Joel Alicea from Cooper & Kirt, Professor Stephen Sachs from

Duke Law, and Professor Lawrence Solum from Georgetown Law discussed this issue.

To begin, each panelist discussed what motivates originalism. Professor Sachs observed that originalists are faithful to the original meaning of the Constitution not necessarily because the Founders got it right, but because originalists believe that original meaning is the law. Constitutional changes should take place by amendment, not by judges. Alicea commented that a judge’s approach to constitutional interpretation depends on their personal political theory and how they see the role of judges. Finally, Solum noted that it makes sense for originalists to examine the philosophy of language and history, just as some judges defer to economics or science in their opinions. Originalism is, after all, like any scholarly discipline.

When asked by Judge John K. Bush of the Sixth Circuit, the moderator, about what advice they would give judges about what to do when the text is indeterminate, Professor Sachs suggested judges look to background principles of law, such as the legal maxim that “no man can profit from his own wrong,” which the court relied on in *Riggs v. Palmer*. Alicea suggested that canons of construction, history, and precedent [if consistent with original public meaning] can take judges quite far in discov-

ering the mean of the Constitution. Finally, Solum argued that if ambiguity persists, judges might look to the objective purpose of a provision of the Constitution or, if all else fails, defer to the political branches.

## Conclusion

Overall, the panelists at the symposium raised excellent arguments, both for and against originalism. They grappled with the difficulties originalists face when they confront longstanding changes in original meaning, such as the Due Process Clause. Panelists made strong arguments for why originalism should or should not constrain judges. They also addressed what originalists should do when their methodology leads them to an inconclusive result. The day concluded with a re-argument of *The Slaughterhouse Cases* by Dominic Draye, Solicitor General of Arizona and Elbert Lin, Former Solicitor General of West Virginia. Judges Griffith, Sykes, and Bush did their best to re-create the atmosphere of the original argument. It was a fantastic to see the distinguished advocates and judges recreate one of the Supreme Court’s most infamous cases. It was a fitting end to the symposium.

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cps6xf@virginia.edu

## Do You Have What it Takes to be a General Counsel?

On Friday, March 1, the Emerging Companies and Venture Capital Club (ECVC) and the Virginia Journal of Law

Drew Calamaro '21  
Chicken Reviewer



and Technology hosted a panel with general counsels from technology companies to discuss their careers in the technology sector. The panel was moderated by Cool-ey’s firmwide head of business Mike Lincoln, a UVA Law lecturer and 1991 graduate.

The panel members included General Counsels Chris Winters (Appian), David Woolston (Nuxeo), Stephen Riddick (Tenable), and Brian Brown (AvePoint). A big shoutout to Mike Lincoln, Moussa Ismail, and Vikram Vivek for organizing this event, as well as the general counsels for choosing to attend.

Mike Lincoln opened the event by having the panel introduce themselves and explain what they do for their respective companies. Lincoln then asked the panel how much of an expert general counsels of tech companies need to become in the technology they are dealing with in order to be effective at their jobs.

According to Riddick, you need to become very familiar with the technology. But, he joked, there are people who will “never respect my depth of understanding of our prod-

uct.” The key, he said, is to ask a lot of questions to the people in your firm. Woolston added that the deference goes both ways between engineers and lawyers, since you are still the expert of your field in the room.

Lincoln then asked what students thinking about joining a company or being on the business side can do in school to position themselves best. Winters responded, “get to know your classmates.” Winters went on to say that lawyers practicing in M&A, real “deal junkies,” make for great tech lawyers since they are used to working on a deadline. Winters did say that, although he remembers very little from law school, negotiation seminars were incredibly important. He compared the skill to a muscle that, if worked consistently, gets better over time.

The rest of the panel agreed with Winters, and Riddick added that it is helpful to join large law firms to develop the expertise needed to conduct large deals. Riddick also emphasized the importance of relationships in law school and beyond, saying that they “are everything.” Three out of the four general counsels also spoke to relationship building by saying that their current jobs were the result of cultivating good relationships.

The panel discussion then turned to what the split is like between the business side of their position and the legal side. Brown answered that the most successful people under-

stand what the business objectives are and allow the legal side to play in that direction. The goal, he said, is to “offer solutions if you tell the business side that they can’t do something.” Winters stated that, for him, everything is “100 percent business.” He reiterated that it is important to think of yourself as more than just a lawyer, and that revenue is “everything.”

Other fantastic quotes include, “associate yourself with revenue,” and “there’s a lot of ‘general’ in ‘general counsel.’” Absolutely a huge day for this reporter, since he is a big fan of revenue, and is not the biggest detail guy. Whether or not that is what the GCs were addressing is up for debate, but I will choose to interpret it that way. The panel closed out by speaking to the importance of client service inside and outside of the company. Riddick stated that “you had better know client service walking into a company.”

There was a happy hour held at Maya afterwards, where this reporter ordered what he thought was a gin and tonic, but ended up being an electric green cucumber drink. A good time was had by all, however, as students were able to speak with Lincoln and Riddick. One final thanks also to Lincoln for bringing in engaging guests and setting aside time for this event.

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dac6jk@virginia.edu

## SBA

continued from page 1

ing out in the cold with the other affinity and diversity groups, I felt a great impatience for change. I think that SBA lacks awareness of the struggles that diverse students face on campus.

## SBA as an Intermediary:

Another commonality among SBA’s new officers is an understanding of the organization as an intermediary between the Law School and the student body. President Lee specifically defines the SBA as “the body that can be an intermediary and speak with administration on an issue, work to address student complaints, and have a voice with Main Grounds.” As the former Secretary of SBA and FYC representative during her 1L year, President Lee has had the opportunity to speak with a great number of students and faculty—a characteristic I believe will make her an excellent ambassador for students’ concerns. 2L Senator Colin Lee (no relation to Her Majesty—the President) sees SBA similarly, in that it “facilitates a balanced dialogue between different interest groups in the school” and “brings [SBA] members together in order to address any concerns that are brought to the organization’s attention.” Senator Lee also wants to make SBA an intermediary between the Law School and the community by reaching out to charities and organizations in the larger Charlottesville community.

3L Senator Read Mills also sees SBA as an intermediary, but on a more practical level. He wants to help student orga-

nizations turn their ideas into actions by applying for funding and connecting with other organizations seeking to plan similar events. Mills has been an important contributor to the SBA’s social planning, along with “all-stars” Sara Phipps’20, Tazewell (“Taz”) Jones ’20, Jasmine Lee ’20, Ryan Poche ’19, and Ben Elron ’20, which has given him considerable experience in pulling the Law School together around the joys of food and drank [I know this is a serious article, but I just love phrasing it as drank.]

The *Law Weekly* looks forward to seeing this group of leaders push for transparency, diversity, and accessibility to the student body. And, most importantly, I look forward to seeing how many free meals SBA provides in the coming year.

Bonus Quiz: Match the SBA Officer to their Bodo’s Order

- A) Read Mills
- B) Jasmine Lee
- C) Collin Lee
- D) Christina Luk

1. Plain bagel, egg, and cheddar cheese
2. Garlic bagel with herb cream cheese
3. Toasted onion bagel with scrambled egg, cheddar cheese, and “crisp bacon”
4. Everything bagel with lox and cream cheese

Answers: A(4) ; B(1) ; C(3) ; D(2)

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shp8dz@virginia.edu



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 mes5hf@virginia.edu.

**Stevens v. Gray**

303 U.Va. 294 (2019)

ELICEGUI, J., delivered the opinion of the Court.

Justice ELICEGUI, for the Court.

After a messy breakup, George Grey and Alex Stevens brought suit in the Court of Petty Breakups. That Court misapplied the Petty Law of

broke up with her boyfriend and Grey broke up with his girlfriend.

Because Stevens and Grey started dating so early into their 1L year, their life at UVA became deeply intertwined. They had the same friend group, classes, and study habits. They went to the same parties and bars. Second semester, Stevens and Grey arranged to take one of their two electives together—Family Law. While taking Family

Stevens and Grey continued to date happily. They spent 2L summer working in the D.C. office of Grey and Sloan LLP, and both received offers to return after graduation. When they returned to Charlottesville, they moved into a two-bedroom apartment together at the Jeffersonian. In October, they adopted a rescue Corgi named Toast.

Unfortunately, though, the stress of living together and caring for Toast took a

weeks in a tense silence, only communicating when they had to decide who would feed the dog or take her for a walk.

Unable to persist in that untenable state, Stevens took the case to the Court of Petty Breakups to get a judgement enforcing the prenup and giving her custody of Toast. Stevens argued that the prenup was enforceable, because it was entered into by two equally savvy-1Ls. Stevens argues she was the rightful owner of

of the prenup, and issued a petty judicial decree, declaring that “Grey so totally had to get out of the apartment.”

Grey appeals that decision to this Court. He argues that the prenup agreement is not enforceable because the couple made the agreement while already dating and did not consult a savvier, neutral 3L who actually knew about the Law School, law, and life. He asks this Court to apply the equitable doctrine of laches and, under that approach, give him custody of everything because he “has always been nicer than Stevens and should be rewarded for that.”

“Everyone knows that second semester 1Ls haven’t learned property yet and don’t even know about the fertile octogenarian. How can they be expected to come to a fair division of ScoCo time?”—J. Elicegui

the Land, resulting in an inaccurate division of property and assets. This Court applied the fairness doctrine and best interests of the (fur) child to reach an appropriate division of assets.

I

Petitioner George Grey and Respondent Alex Stevens began dating during their first semester 1L year. Stevens and Grey became fast friends; their relationship started off strictly platonic, because they were both in long-distance relationships with other people. After long nights struggling over proximate cause and the *Erie* doctrine, though, Stevens and Grey could not deny the chemistry between them. Stevens

Law, Stevens and Grey learned about prenuptial agreements and became concerned about what would happen if they ever broke up. They decided to draft a prenup to divide their friends and assets in case they divorced.<sup>1</sup>

1 The agreement was as follows:

1. Grey will take custody of the following friends: Izzy Wilson, Preston O’Malley, and Mark Montgomery.

2. Stevens will take custody of the following friends: Meredith Yang, Miranda Robins, and Christina Kepner.

3. Stevens gets the exclusive right to be in ScoCo between 12 and 1. Grey gets the exclusive right to be in ScoCo from 1 to 2.

4. Stevens will take custody of

toll on Stevens and Grey’s relationship. They broke up in January of their 3L year. Stevens asked Grey to follow the terms of their prenup, move out of their apartment, and give her Toast. Grey refused, and counter-offered that Stevens should leave the apartment and give him the dog. Thereafter, they lived for three

any pets the couple has.

5. Stevens has the right of first refusal for all Election Law-related classes. Grey may only enroll in such classes after Stevens has decided not to.

6. If Grey and Stevens work at the same law firm, both will make all reasonable efforts to find different jobs and keep their relationship out of the workplace.

the dog because she picked up Toast’s poop more often and that she should get to keep the apartment because it would be more of a hassle for her to move. On the other hand, Grey could easily move in with his friend O’Malley. The Court of Petty Breakups agreed. It found the prenup agreement enforceable, gave Stevens custody of Toast, as per the terms

Faculty Quotes

**S. Walt:** “I hate this, I really hate this, but it’s my job, so . . .”

**K. Abraham:** “Get to be a 3rd year associate as quickly as you can. That’s my advice about children too.”

**L. Kendrick:** “Some people are excited that the Jonas Brothers are back doing music again. I didn’t know they left.”


**M. Haskins:** “I told you that I was on drugs and wasn’t

feeling my best. \*pause\* Legal drugs.”

**A. Hayashi:** “Think about those beautiful depreciation deductions just sitting there in those big Navy ships”

**R. Harmon:** “So what if you get yelled at? Take a punch.”

**A. Bamzai:** “At the end of the day as an associate you’re responsible for, like, bolding words. Not, like, winning cases.”



Th. Jefferson

## Virginia Law Weekly

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

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

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future. Because the parties did not do this, this Court cannot enforce the prenup.

This Court will apply the fairness doctrine to equitably divide up the parties’ assets and will look to the best interests of the (fur) child to decide who receives custody of Toast. First, turning to the parties’ friends, this Court is not in a position to divide up the couple’s section mates evenly or fairly. How are we supposed to know who’s good at softball and who’s fun to go out with? Instead, the parties shall hold a friend draft, to take place two weeks from now, where they will take turns selecting friends to keep. If the friends would rather be on the other team, they may trade among themselves to come to a better breakdown.

This Court thinks it is only fair that one party get the apartment and one party get the dog. Whoever has to deal with the hassle of moving should at least get to keep the joy of a fluffy potato dog. Applying the best interests of the (fur) child standard, Stevens is the rightful owner of Toast. She is the one who takes Toast for walks, picks up her poop, and orders her dog food. Grey is responsible for taking Toast to the vet, but that is an infrequent duty and does not approach the level of hands-on responsibility that Stevens has. Therefore, Grey will keep the apartment. He must assist Stevens in finding a new place to live and cannot kick her out before she does, though.

Finally, applying the fair-

ness doctrine to the school, this Court finds there is no truly even way to divide ScoCo or classes to keep the parties entirely separate. Instead, Grey will get the exclusive right to be in the ScoCo dining area and Stevens will get the exclusive right to be in the atrium. Stevens will get the Gunner Pit and Grey will get the second floor of the library. This Court declines to impose a rule on class selection, but does encourage the parties to sit far apart if they happen to find themselves in the same class.

III

Breakups are no fun, but the Court of Petty Breakups is here to smooth things over and divide assets (even if that involves divvying up beanie babies on the courtroom floor). The Court shall apply the fairness doctrine and best interests of the (fur) child to reach conclusions in the best interests of the parties and any pets involved.

The judgment of the Court of Petty Breakups is VACATED and the case of *Stevens v. Grey* is REMANDED for further proceedings consistent with this opinion.

*It is so ordered.*

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*tke3ge@virginia.edu*

CLARK

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banks as the moment at which the government’s role reached its nadir. By Clark’s calculation, we are now at the end of a such a forty-year cycle of diminishing the role of government. Efficient market theory and the shareholder theory of value reign supreme, even as major issues go unaddressed by big business, and our positions in foreign affairs are messy and often reflect a lack of comprehensive strategy. Now is the time to force candidates to come to terms with the issues the private sector has been unsuccessful in addressing.

Meanwhile, as America veers toward dystopian ideological posturing and partisanship, a nation on the other side of the world that was the greatest on Earth for millennia vies to reclaim that position. China is the birthplace of silk, gun-powder, and a fierce exam-based educational system. Though socialist, the Chinese government has a meritocratic basis, much like its university system. General Clark recalled how Madeleine Albright once described America as the indispensable nation, one which must be involved in everything. Once upon a time, Great Britain ceded leadership of the world to its best friend, the U.S.; now China is jostling to become the U.S.’s best friend and the next recipient of this title. During the 2008 downturn, China invested heavily in infrastructure and fared better than the U.S.; according to

General Clark, this took a toll on China’s view of the U.S. The challenge for the U.S., then, is to prove that the rules made by a group of men over two hundred years ago can solve problems just as effectively or even more so than China’s Communist system.

As our generation rises, there are three lessons General Clark wished to impart to us. First, if the U.S. government and the American people work together, there is nothing we cannot do. History shows that some of America’s greatest achievements have been attained through government intervention; however, equally importantly, there are some issues which may only be thoroughly addressed through broad-ranging government initiative. For instance, a 5G network would be a major advance in the private sector but also raises national security issues more aptly addressed by the government than private business. Similarly, consumer and investor demand might propel some environmental initiatives but not comprehensively enough to avert devastating climate change.

Second, if the people cannot accept the government as an ally and instead vote for the marketplace to determine the American vision, we should not go to war unless it is forced upon us. Military intervention is not necessarily the most effective solution; General Clark noted, with respect to Venezuela, that chopping away at the problem from the edges—working with international

organizations and countries such as China and Russia to force relief in, and then supporting interference-free elections rather than taking over the government—likely would be more effective than sending in U.S. troops.

Third, we cannot withdraw from a world of which we are a major power: those outside forces will eventually impact us; therefore, it is essential to use preventive diplomacy, to engage with allies, and to have able leaders.

Throughout American history, there has been an evolving vision for the U.S. people. During World War II, the dream was for everyone to have the opportunity to become a homeowner; during JFK’s time, it was of Camelot; during the Reagan administration, it was of America as the shining city on a hill. Our generation must generate its own vision of America and work to ensure the officials we elect are capable of implementing it. In order to do so, we must challenge candidates to give us proof of their capabilities before we give them power. In doing so, we have the opportunity to prove once again the superiority of those classic American fundamentals of individual freedom and democracy.

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*amz2ea@virginia.edu*

HOT BENCH



Jansen VanderMeulen ‘19

**What are you most excited for during your clerkship year in Coeur d’Alene, Idaho?**

Wade Foster and I are going to shoot a bunch of pheasants and I can feast on pheasant tacos to my heart’s delight.

**What is your favorite word?**

January. Imagine James Earl Jones saying, “January.”

**Where did you grow up?**

Washington State’s picturesque Skagit Valley, home of the Skagit Valley Tulip Festival and acres of the world’s finest blueberries.

**What’s the best meal you’ve ever had?**

When I worked in the berry fields, a local taco truck would dispatch a van (license-plate frame: “Always Late But Worth the Wait”) to the fields for lunch every day. We would

drop what we were doing and “make haste”—as the kids say—over to the van for some of the Doña’s tortas de asada. If she mass-produced her torta sauce she’d be a millionaire.

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

I don’t believe in celebrities.

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

If you go west on Barracks Road and just keep going past the general store, the road eventually turns to gravel; if you keep going a while longer, you end up at a county park in some foothills far from everything. My cell phone doesn’t work there and there’s no one around, so I open my truck window on a nice spring day to let the breeze in, lean my seat back, and go to sleep. It’s paradise.

**Where is your favorite place to vacation?**

Southeast Washington’s Blue Mountains are an uncharted and unpopulated nirvana, far from street lights and car horns and 1Ls who steal your seat after the third day of class. You can hear the bull elk bugling and drink the spring water, but you *will* run into black bears and that can be disconcerting for some folks.

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

I should have known not to

believe the tour guide who told me we’d all receive a fur cape like Emerson Spies’s when we graduated.

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

I have forsworn breakfast in this life except in narrow circumstances mostly involving Bodo’s and blueberries.

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

*See Question 3, supra*

**What’s your least favorite sound?**

The unmistakable throat-clearing of a gunner about to derail Prof. Nelson yet again.

**What’s the best gift you’ve ever received?**

For my high school graduation, my penny-pinching Dutch family knew I wanted an ice cream cake, so they picked up one that was on sale at Dairy Queen. It said “Happy Acquittal, Suzy” with frosting decorations of an unlocked ball-and-chain. Given that the cake was left behind and on sale, Suzy apparently had a bad court date.

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

I’d ban brunch don’t @ me.

**What’s your spirit animal?**

Porcupine.

**What’s your favorite food?**

I shoot some ducks, I pluck them, I cut out the breasts and sauté them with garlic and Worcestershire sauce and put them in some tortillas with peppers and onions and some sauce.

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

First, bye bye law school debt.

Second, give Michael the groundskeeper a huge raise, Spies Garden looks amazing.

Third, buy my dad a trip to Australia.

Fourth, go to Delaware to prove it’s not a myth made up by law school professors.

Fifth, purchase Waffle House.

Sixth, end Waffle House.

**What are the 7 wonders of the law school?**

1. The giant hedge of red bushes by the Dean’s parking lot the Law School is currently destroying;
2. Lisa;
3. All eighteen things in the Law School named “Caplin”;
4. Tom Watson’s hair;
5. The enormous, wildly detailed painting of the hills in Caplin Pavilion;
6. K-Don’s success rate;
7. Dean Jeffries’ pocket square.

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*jmv5af@virginia.edu*

#METOO

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emphasized that law students, and especially women in law school, should never feel forced to endure anything in order to attain opportunities.

In sharp contrast to those abuses of power, Harris said she believes a central role of a judge and of the rule of law is to protect against abuse of power and to hold power accountable. “I think that raises very interesting questions about whether there’s room in the system for judges who don’t know how to do that and who are themselves abusing power,” she said.

Yet Harris said she is hopeful that the system is moving forward. For example, she believes changes to the Rules for Judicial Conduct Proceedings that outline and forbid abusive behavior are a crucial type of effective signaling. “Writing it down is at least a first step,” she said. She noted that the federal judiciary has also hired its first judicial integrity officer, and that in the Fourth Circuit, clerks are now trained on how to report issues of abuse. While she recognized that changes will likely be gradual, she believes there are many judges who are very committed to addressing issues of abuse, and who are equally committed to making changes.

Ultimately, Lithwick said, one of the most important remedies to abuse within the federal judiciary will be keeping it in as our key focus. “The problem isn’t over when somebody steps forward,” she said, “and the system isn’t fixed when one person steps down.”

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*sll5fg@virginia.edu*

CHICKEN

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pectedly getting a pair of thighs covered in honey and hot sauce to the face is not exactly a good time. The sandwich is delicious though, and I give it a 9.1/10 for taste.

However, since Fitzroy is Anglo-Norman for “son of the king,” I also give it a 9.1/10 for problemativeness. Great chicken sandwiches should never be gender biased, and this is an anti-nepotism column.

Chick-fil-A – 350 Woodbrook Dr.

I would first like to say that if you haven’t tried the chicken breakfast burrito at Chick-fil-A, you haven’t started living life. But we are here for the chicken sandwich, and more specifically, the “spicy deluxe meal (Chick-fil-A sauce included) with a large fry and an ice water.”

It seems that Chick-fil-A’s sandwiches has ruffled the feathers of my media colleagues over at *The New York Times* and *The Washington Post*. I, for one, choose to be open minded about my chicken, and do not discriminate based off of a chicken’s religious background. I make room for chickens of all religions. As for the sandwich itself, the spicy deluxe with pepper jack cheese is consistently a revelation to eat.

What’s more, unlike Michael’s Bistro, which appropriated Oaxacan queso onto its sandwich, I see nothing of the sort done with Chick-fil-A’s “spicy deluxe.” On the contrary, calling something more exciting than a glass of milk or Chief Justice John Roberts “spicy” is the most American act

of all. The use of “spicy” here is American, through and through. As a result, and for the first time ever on this column, I am awarding the Chick-fil-A sandwich a perfect 66/66 books of the Bible for taste, and a one-way ticket to heaven for having nothing problematic whatsoever. A simply incredible finish to an even more incredible column!

Final Rankings:

Chick-fil-A

Taste: 66/66 books of the Bible  
Problemativeness: None—one-way ticket to heaven

The Fitzroy:

Taste: 9.1/10  
Problemativeness: 9.1/10

Michael’s Bistro:

Taste: 177/180 LSAT  
Problemativeness: 3.54 GPA

Iron Paffles:

Taste: 173/180 Press Freedom Index  
Problemativeness: 147/180 (still very high!)

Whiskey Jar:

Taste: 10/12 eggs  
Problemativeness (Brioche tastiness): 47/50 freedom fries

Draft Taproom:

Taste: Louis XII/Louis XVI  
Problemativeness: Louis XVI/Louis XVI

Zinburger:

Taste: 3.5/5 stars (Southwest airlines food rating)  
Problemativeness: 3.5/5 stars (Id.)

Cookout:

Taste: 163 LSAT  
Problemativeness: Tune in next week!

dac6jk@virginia.edu

Cartoon By Raphael



SUDOKU

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

Solution

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

THE DOCKET

TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY – March 6				
17:00	First-Gen Student Financial Advising	SL 294	Free	----
17:30	Documentary Screening: “Raised in the System”	Purcell	Free	Mellow Mushroom
THURSDAY – March 7				
11:00 – 14:00	Libel Tickets On Sale	Hunton Hallway	Varies	----
11:30 – 13:00	FedSoc: What’s So Bad About Inefficiency? Why Our Constitution is Better Than Britain’s	Caplin Pavilion	Free	What food more American than fried chicken on a bun?
12:00	Legal Practice at NSA: Opportunities & Challenges	Purcell	Very extensive background check, burden of keeping secrets	Provided
FRIDAY – March 8				
11:00 – 12:30	Curry School Research Lecture: Dr. Iheoma U. Iruka	Curry School, Bavaro Hall 116	Free	----
11:00 - 12:30	E-School: Lunch & Learn with Eric Starkloff	NI Lab Thornton Hall A 120	Free	Lunch provided
SATURDAY – March 9				
8:30	Journal Tryouts Distributed	Purcell	Wailing, gnashing of teeth	My sighing comes before I eat, and my groans pour out like water
SUNDAY – March 10				
11:00 – 12:00	Looking Inward: Meditative Art Tour	Fralin Museum, Bayly Bldg.	RSVP 434-243-2050	----
MONDAY – March 11				
10:00 – 13:00	Theater of the Oppressed Workshop	PVCC, V. Earl Dickinson Bldg.	RSVP bstoller@pvcc.edu	----
19:00	Banff Mountain Film Festival	The Paramount Theater	Starts at \$19	----
TUESDAY – March 12				
10:00 – 10:45	Babies in Artland	Fralin Museum,	RSVP 434-243-2050	----
WEDNESDAY – March 13				
12:00 - 13:00	Medical Center Hour: Edge States As Opportunities for Courage and Compassion	Med School: Pinn Hall	Free	----