



# VIRGINIA LAW WEEKLY

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

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The Newspaper of the University of Virginia School of Law Since 1948

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## Lighting of the Lawn 2022

LOTL Committee  
Guest Writers

We hope to see you all at the 21st Annual Lighting of the Lawn, a beloved University tradition, which will be held this Thursday, December 1, from 7 to 9 p.m., and will be open to the entire UVA and Charlottesville communities.

Doors to the event open at 6 p.m. with a performance from the undergraduate band The Jellies on the South Lawn, accompanied by food trucks, photo stations, free snacks and hot beverages, ornament decorating, and more. The performances begin at the Rotunda stage at 7 p.m. and feature student dance and acapella groups, with the signature light show as a finale.

LOTL is an event that first came into fruition within a context of tragedy following the attacks on our nation on September 11 of 2001. Following those events, the atmosphere on Grounds was altered. What we once knew to be our joyful and traditional Grounds became overwhelmed by a devastating and fearful energy.

Though that fall was marked as a dark time for everyone at UVA, a group of student leaders on the 2002 Fourth Year Trustees Committee were determined to put on an event that would lift people's spirits. After much brainstorming, Trustee Matt West proposed the idea of tangibly bringing back a sense of light to Grounds by putting Christmas lights up on the Lawn. Once administrators and Facilities Management got on board, students began hanging lights on the Rotunda and Pavilions, culminating in the first Lighting of the Lawn on December 15, 2001.

The event started out modestly, with only a few lights and a couple hundred students in attendance, but twenty-one years later the event has grown exponentially, now drawing close to fifteen thousand attendees each year. Today, LOTL is still led by a group of dedicated students with this same mission to bring joy and light. With performances from over twenty-four student groups, receptions on South Lawn and the Pavilions, and the iconic programmed light show, LOTL is a University-wide celebration of love, light, and each other. What remains the same is that the event is rooted in the same message of unity and community, as this is our last opportunity to gather as a community before we part ways for Winter Break.

In the wake of the tragedy  
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# Healing on Grounds

# UVA STRONG

| ★ 15 ★ 4 |

Dana Lake '23  
Editor-in-Chief

Two weeks ago, a UVA student opened fire on his classmates. Devin Chandler, Lavel Davis Jr., and D'Sean Perry were killed in the attack, while two other students were severely injured. The UVA Alerts system was activated, first with a shots fired report at 10:32 p.m. This was quickly updated to a shelter in place order at 10:39 p.m. And then, at 10:45 p.m., it was updated again: Active Attacker, Firearm Reported, RUN HIDE FIGHT. The next twelve hours would see about 500 students and staff trapped on grounds as the search for the shooter sent the city into lockdown. Charlottesville City Schools did not open Monday, and the UVA shelter in place order was not lifted until shortly before the suspect was arrested the next morning.

National papers have covered the facts of the attack, the suspect's previous reported incidents, and the arrest—some in graphic detail.<sup>1</sup> Even with the movement toward more empathetic and informed reporting, the same pattern repeats itself: A community is thrust into the national spotlight on its worst day, people you haven't spoken to in years message to ask

<sup>1</sup> *The Law Weekly* is not staffed by investigative journalists. For details on the ongoing investigation, please refer to cbs19news.com or other local coverage.

if you're okay, and then the rest of the world is swept on to the next tragedy while the people they leave behind stay here. How a community heals from a tragedy takes many forms and takes many years. But in the hours, days, and weeks after November 13, we have seen how UVA has begun the process.

UVA Vice President Robyn Hadley, sheltering in place on Grounds, sent an email at 1:16 a.m. that Monday. This was the first communication students received from the University about the shooting not through the alert system. She acknowledged the frightening situation, confirmed she was in direct contact with UPD, and urged the many students still on Grounds to remain in place. University President Jim Ryan '92 followed up at 4:14 a.m. He provided more facts of the incident and the suspect's description, linked to the University's counseling services, and canceled Monday classes. The Law School also messaged before dawn. At 5:49 a.m., Dean Risa Goluboff confirmed law classes were canceled and also provided links to University counseling. Dean Sarah Davies '91 followed up by making Student Affairs available for students to speak with over Zoom.

While waiting for the suspect's apprehension, there was little to do but worry and search online for details. The UVA Alerts system, which notified students every fifteen minutes of the situation's status, and the

fast and open sharing of information from administration helped to alleviate anxiety for many students. For those who went to bed early on Sunday, the most complete set of information available was already waiting for them in their inbox. Effective communication from the beginning set the stage for the next few weeks.

In the press conference later that morning, President Ryan and Vice President Hadley were joined by UVA Chief of Police Tim Longo to provide further details and address reporter questions. The national headline was Chief Longo receiving notice of the suspect's arrest mid-report, but what many students will remember is the raw emotion President Ryan shared. The arrest was clearly only the beginning for him, and he made a point of reiterating the University's intentions to hold a community mourning. Later, he and his wife would open their own home to students who needed a different gathering space. President Ryan's compassion, empathy, and clear love for the students of UVA made a warm figure for the community to turn to.

The University instituted a lenient attendance and participation policy for the undergrads that the Law School also adopted. While the undergraduate school could also cancel exams prior to Thanksgiving break, the Law School could not intervene in the November MPRE many 3Ls had al-

Healing page 6

## around north grounds



Thumbs up to Thanksgiving. ANG is still stuffed, but will not be exercising to "burn off the turkey." ANG will be napping, like a sane human being.



Thumbs sideways to Christmas music playing everywhere. ANG loves getting to hear "Carol of the Bells" but is sick of trying to not go feral whenever ANG hears it in a public setting.



Thumbs up to the true Thanksgiving staple: Pillsbury Crescent Rolls. ANG craves the Crescent Roll, but remains too lazy to put them on a baking sheet and cook them.



Thumbs down to Thanksgiving. ANG expected an escalation of family drama after ANG's cousin brought her ex-husband to Thanksgiving dinner last year and was sorely disappointed.



Thumbs down to the end of *Law Weekly* for the semester. ANG will have to rant about ANG's problems in person like a filthy plebeian.



Thumbs down to all of you who don't put up Christmas lights in your sad, fluorescent light apartments. ANG is not cheered by those lights.



Thumbs up to Carl's Philly Cheesesteaks. ANG loves secret menu items.



Thumbs down to the Roots bowl thieves. ANG is shocked and dismayed to discover this outrage.



Thumbs up to a long break. ANG feels recharged and ready to go absolutely feral for the last few weeks of the semester while avoiding all obligations of studying for finals.



Thumbs up to Student Affairs keeping strawberry yogurt granola bars on hand.

# Attorney and Professor Discuss Supreme Court's Consideration of Affirmative Action

Nikolai Morse '24  
Managing Editor



On Wednesday, November 9, the Federalist Society at the University of Virginia School of Law co-hosted a speaker event alongside the Center for the Study of Race and the Law, entitled “Affirmative Action at the Supreme Court: A Discussion on *Students for Fair Admissions*.” The event featured practitioner Cory Liu, a partner at the Ashcroft Law Firm, who represented Professor David Bernstein as amicus curiae in *Students for Fair Admissions v. President & Fellows of Harvard College*. UVA Law’s own Professor Kim Forde-Mazrui, the Director of the Center for the Study of Race and the Law, also spoke. Mr. Liu and Professor Forde-Mazrui discussed the recent oral arguments before the Supreme Court in *Students for Fair Admissions*, the legal and historical background of race-based affirmative action, and the implications of the Supreme Court overruling precedent upholding affirmative action.

Mr. Liu spoke first, recounting how his parents immigrated from China and the challenges he faced growing up in an immigrant family, including facing discrimination and bullying. He described how, in learning about the

Civil Rights movement, he felt “like a beneficiary of the advocacy of so many people that came before” and that, despite the United States’ long history of racial discrimination, “the Constitution had the principles needed to support much-needed progress.” Mr. Liu recounted his experience applying to colleges, when he learned about holistic admissions. He described how as a high school student, he struggled to reconcile hearing that “your race can only help you but never hurt you” with schools’ goals of increasing representation of some racial groups, which in his view meant you would necessarily decrease representation of other groups. Mr. Liu noted that in his experience, many Asian Americans felt that in the admissions context, “race was working against us.”

Mr. Liu summarized some of the findings from the years of admissions data that Harvard turned over in discovery. “[T]his confirmed a lot of Asians’ worst fears.” From 1992–2013, Harvard’s admissions data suggested that under an admissions regime which counted only academics and test scores, Asians would constitute 40% of the student body. Adding athletics to the mix, Asians would be 33%. Accounting for legacy and extracurricular factors, the percentage dropped to 26%. Accounting for demograph-



Pictured: Corey Liu and Professor Kim Forde-Mazrui. Credit: UVA and Ashcroft Law Firm.

ics, Asians came to represent 18% of the student body under Harvard’s admissions formula. Mr. Liu noted that the remaining admissions criterion, titled “personal rating,” resulted in Asians receiving the lowest scores as a group, followed by whites, and in African Americans receiving the highest scores, with Latinos receiving the second highest. Because these differences along racial lines were not present in the reviews of alumni interviewers, but only presented after review by the admissions committee, Mr. Liu suggested that this category was not race-neutral.

In contrast to *Fisher v. University of Texas*,<sup>1</sup> which made no mention of Asian Americans, Mr. Liu said that “one of the great things about this case is the chance it has given

<sup>1</sup> *Fisher v. Univ. of Tex. at Austin (Fisher I)*, 570 U.S. 297 (2013).



en Asian Americans to speak about the discrimination they faced, especially in the admissions process.” He said the effects on Asian Americans had received increasing media attention, with Asian American writers in *The New Yorker* and *Slate* describing how they felt compelled to “cultivate not just a sense of individuality but also ways to project ‘Not like other Asians!’”<sup>2</sup> by changing their major to “philosophy, thinking this was one of those impractical fields that most sensible Asian parents would not allow their

<sup>2</sup> Jeannie Suk Gersen, *The Uncomfortable Truth About Affirmative Action and Asian-Americans*, *New Yorker* (Aug. 10, 2017), <https://www.newyorker.com/news/news-desk/the-uncomfortable-truth-about-affirmative-action-and-asian-americans>.

children to pursue.”<sup>3</sup> Mr. Liu concluded, “I hope this is an opportunity for the country and universities to have a more nuanced and sophisticated conversation about these issues.”

Professor Forde-Mazrui began by contextualizing his remarks, saying, “I am not going to defend Harvard. My main concern is the bigger claim, which is overturning *Grutter*<sup>4</sup> and banning all consideration of race.” Professor Forde-Mazrui pointed out that there are two claims in *Students for Fair Admissions*: first, that Harvard’s admissions program violates Title VI of the Civil Rights Act under *Gratz*,<sup>5</sup> and second, to

<sup>3</sup> Aaron Mak, *The Price of Admission*, *Slate* (Dec. 5, 2017), <https://slate.com/human-interest/2017/12/the-price-of-college-admission-for-asian-americans.html>.

<sup>4</sup> *Grutter v. Bollinger*, 539 U.S. 306 (2003).

<sup>5</sup> *Gratz v. Bollinger*, 539 U.S. 244 (2003). In the challenge to the University of North Carolina, the second claim is that the admissions policy violates Title VI of the Civil Rights Act under *Fisher v. Univ. of Tex. at Austin (Fisher I)*, 570 U.S. 297 (2013).

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## How to Avoid Studying to Study Better

Caleb Stephens '23  
Technology Editor



If you’re like me, or most law students, you want your life to be easier. You want to have less back pain (thanks, LSAT, CollegeBoard, UVA Law chairs, and speed-bumps), more free time (thanks, law school), and a healthier diet (thanks, inflation and carbs). You want your hands to cramp less when taking notes, you want to spend less time trying to figure out what your mad scribbles say,<sup>1</sup> and you want to remember the fifty million things you have to do. Indeed, the forces of darkness are, as they say, arrayed against you. Fortunately, you have the *Virginia Law Weekly* on your side with a list of Life Hacks for Finals Season.

First, disclaimer, disclaimer, blah, blah, no liability, blah, blah, by continuing to read you agree to hold *Virginia Law Weekly*, the Technology Editor, and your mom not responsible for any emotional, physical, or social injuries which may be incurred in relation to the following unsolicited advice. Any and all lawsuits will be in the exclusive jurisdiction

<sup>1</sup> I still have no idea what “Apopo intts” means, despite having written it on a line by itself at some point in Admin last year.

of the District Court of Petty Complaints.<sup>2</sup>

### Standing Desks

My advice begins with the recommendation of standing desks, which are great. Also, stupid expensive. Good luck. Fortunately, most modern workspaces will provide one upon request, lest they get slapped down with a lawsuit. Unfortunately, that doesn’t help you right now. As a savvy Goodwill and Dumpster Co. shopper, and in my hallowed role as the Technology Editor, I suggest searching for either a portable lectern (like those in some of the classrooms), a good tiltable music stand, or just studying at the standing desks on the second floor of the Law Library. Personally, I use a music stand, which is perfect because you can raise, lower, and tilt your textbook to whatever height and angle you want.<sup>3</sup> There are also folding tray tables which can also be adjusted to different heights, which is what I used before obtaining a music stand. I hear book stands are also an option, but I have no direct experience with them. Of course, if you do have a way to get a fancy standing desk, go for it. Just remember, if you balance your expensive elec-

<sup>2</sup> Good luck getting cert this late in the term.

<sup>3</sup> As long as you aren’t really tall—sorry, former basketball players.

tronics on a standing desk, be much more careful of it falling over.

### Wobble Boards

Have you taken the advice above and found a way to stand while reading? Are your feet/knees/legs tired of standing? I have a solution for you. The humble wobble board, obtainable at many mass retailers, can solve your standing woes and keep you on your toes.<sup>4</sup> “But wait,” I know you’re thinking, “won’t I fall off?” No. You probably won’t. And if you do, it’s really not a big deal. Just don’t wear slippery socks on a plastic board, and you’ll be fine.<sup>5</sup> If you start falling, just...step off. The wobble board also keeps your core engaged and reduces foot fatigue when used.

### A Pack of Tennis Balls

If you don’t have some, pick some up from Walmart. You can use them to work on your back by placing one between your back and the wall and moving side to side. Also, they’re tennis balls. You can learn to juggle, you can bounce them off the wall

<sup>4</sup> \$5 at Five Below, around \$13 on Amazon. Mine came from Amazon, but I don’t think the quality particularly varies.

<sup>5</sup> I have worn those really soft wool socks on a plastic wobble board because my feet get cold. Yes, I’ve fallen off. I, too, like to live dangerously.

for softball practice, and you can accidentally break your expensive flatscreen when one starts ricocheting around the room. The possibilities are endless.

Microsoft To Do. Yes, I am going to recommend a Microsoft app. Yes, Microsoft is generally awful. Yes, this is (shockingly) actually good. Microsoft To Do is just an app that gives you a checklist with reminders. Why is this any good? Because you can just swipe to make a To Do item from your Microsoft email (which we all have from UVA). It lets you set reminders for later, and do all kinds of nice organizational things. The main key is creating checklist items from your emails that remind you to do them later, which is great for those alerts for events or automated Canvas alerts.

### Whiteboard

Basic whiteboards are a lifesaver. Put one on the wall in your room, and write what you need to do on it in different colors. I recommend using Command Hooks to hang one. There’s nothing like literally writing notes on the wall and having them hang there in front of you every time you walk in or out. Engaging more of your senses really can help you remember things better, and the act of standing and writing on a whiteboard gets your creative thinking flowing—like Vesuvius about to destroy

Pompeii.<sup>6</sup>

Your backpack. Seriously, use both straps. If you don’t, you’ll probably have back problems before very long at all. Unfortunately, I know of no successful cases against casebook publishers for making them too unwieldy, so take care of your back now. I know the messenger bag looks cooler, and is cooler, but the classic backpack, as long as you use both straps, will be better on your back.

If you take all of this advice, I can’t guarantee you’ll be better off. You might try to catch a tennis ball, slip on your wobble board, knock your standing desk into your whiteboard, and create a cascading chain reaction around your room. Or you could see a dramatic improvement in your mental and physical health. It could be either one, so good luck. One final tip is to take the time to straighten up your study area. Typically, having a clean area to study improves your mental state and helps you focus. I always straighten up my living space and make my bed before taking an exam; I find it helps my focus significantly. Try it; it may work for you as well.

<sup>6</sup> Too soon?

# A Beaver Blood Moon Paints the Night Sky

Darius Adel '24  
Staff Editor



You may have missed it, but we experienced the Beaver Blood Moon this month. It happened on Tuesday, November 8, early in the morning, and was one of the scariest things I have ever seen. That blood moon is the last one we will see until 2025, so I made a point of getting up in the middle of the night to catch a glimpse of it. I probably could have admired it through my bedroom window, but I decided to go the extra mile.

I drove north, following Barracks Road. It was around four in the morning, so the streets were pretty empty. After pulling off on a side road, I got out of my car and looked up at the night sky. Being out alone in the middle of a field late at night was already pretty scary, but watching the slow eclipsing of a red moon made it so much worse. I'm glad I got to witness it in an area without light pollution, but next time, I'll definitely bring a friend.

I'm not sure what it is, but people just love looking into space. There's something really primal about looking up and seeing the moon and stars on a clear night. So, once I got back to the safety of my apartment,

I went down a Wikipedia blood moon rabbit hole.

First off, why was this month's lunar event called a "beaver" blood moon? Supposedly, every November full moon is called a Beaver Moon in honor of those river rodents that go into hibernation this month. Personally, I would have preferred a Bear Moon if we were going with hibernating animals, but then again, I'm not part of the lunar cult they have up in Washington.

The fact that they went with beavers makes little sense to me, but one look at the moon three weeks ago would make anyone understand why they use blood to describe it. I wouldn't say that it looked bloody per se—it was more of a bright orangey red. But, the thing was definitely scary, and I get why our ancestors wanted to put a sinister label on it.

In Hindu folklore, the blood moon during the eclipse is supposed to be a literal bloody moon. The demon Rahu stole and tried to drink the immortality elixir, *amrita*. The sun and moon were alerted to this, and Rahu's head was cut off before the *amrita* got past his throat. Rahu's body died, but his head did not. Rahu's head now chases the moon around. When Rahu catches the moon and devours it, that is a lunar eclipse. When



Pictured: The Blood Moon. Credit: CNN.

the moon exits through Rahu's severed neck, it's covered in that sweet demon blood, hence the red tinge.

In Mesopotamian mythology, a blood moon represented a celestial attack on their current king. Since the Mesopotamians were pretty savvy when it came to astronomy, they could predict when a blood moon was going to happen. Before the lunar eclipse happened, they would swap the king with a body double, *Parent Trap* style, to take whatever violence the stars had for the head of the kingdom. After the blood moon ended, the king would come out of hiding and take back his position.

It's cool that the Mesopotamians could predict the blood moon to protect their king, but not everyone used that knowledge for good. On Columbus's last voyage to the New World, he found

himself in need of food for his crew. The native Jamaicans welcomed him, but after six months of hosting, their patience wore off. Columbus knew a lunar eclipse was approaching and so told the natives that God was angry with them and would cause the moon to disappear. When the eclipse occurred, the natives freaked out, and Columbus promised to appease God. When the eclipse ended about forty minutes later, he took all the credit and tricked them into sending him vast sums of wealth in exchange for God's forgiveness. Truly a horrible dude.

Why does the moon actually turn red during the eclipse? I wish I could write my own fanciful explanation for it, but I have to maintain some semblance of journalistic integrity.<sup>1</sup> When the

<sup>1</sup> The blood moon's color

moon passes through the earth's shadow during a lunar eclipse, the only light that reaches it goes through our atmosphere. The refraction of light causes the red color, which we then see when it reflects back off the moon.

Like I said before, the next blood moon isn't until 2025. If you didn't see this one, definitely catch the next one. The hi-def pictures you see online just don't do it justice. We spend most of our lives thinking about issues that only really affect our little speck of the cosmos. Sometimes it helps to look outward just a little bit.

actually comes from the celestial body's soul. During an intersection of the sun and moon, we as mere humans are better able to read its energy auras. The fact that the moon has a red aura is a result of its low energy state, since it is only getting sunlight indirectly.

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# Ranking Seasonal Hershey's Kiss Flavors

Monica Sandu '24  
Co-Executive Editor



The time has come. Halloween can no longer hold back the floodgates. Seasonal marketing has taken over. Even now, store shelves are overflowing, ready for consumers such as myself to impulse buy their daily dose of dopamine. While seasonal flavors are not exclusive to wintertime,<sup>1</sup> I took it upon myself to create a definitive ranking of Hershey's Holiday Kiss flavors for all of your dessert needs. Is this article just an excuse for me to eat copious amounts of chocolate in an effort to distract myself from my impending finals? The world may never know.

**Candy Cane – 10/10**  
It's basically just peppermint bark in the shape of a Hershey's Kiss, and I love it. It's the perfect balance of sweet, minty, and slightly crunchy from the candy cane pieces inside. While it may not be the best if you're not a fan of white chocolate, it's certainly my favorite (and the inspiration for this article).

**Mint Truffle – 10/10**  
Another mint one? Yes, please! It tastes like an Af-

ter Eight if it were slightly sweeter and shaped like a Hershey's Kiss. It delivers on what it promises and isn't too pretentious. However, I still prefer the Candy Cane, so this takes second place.

**Hot Chocolate – 9/10**  
I really like this one! It does have that hot chocolate flavor rather than just that of a Hershey's Kiss, and it's filled with marshmallow-flavored cream! It's also rich and melts in your mouth easily. A definite go-to. It does get one point deducted because I would have liked more marshmallow flavor.

**Cherry Cordial – 6/10**  
Sadly, this does not actually contain any cherry liqueur like a *real* cherry cordial would, so it automatically gets some points docked. In fact, there is no cherry inside at all. Instead, the fine print on the packaging calls it a "cherry cordial crème." Needless to say, I was skeptical going in. I would have liked for it to have some hint of sourness. Instead, it was almost overwhelmingly sweet. However, it does smell just like a cherry cordial, so it gets points there.

**Sugar Cookie – 5/10**  
This one feels like a knock-off version of the Candy Cane—white chocolate, crunchy pieces—but has none of the flair to really put it over the edge. I like the red and green cookie pieces and the overall flavor, but there is a food coloring aftertaste



Pictured: Candy Cane Kisses. Credit: Giant Foods.

that takes it down a point.<sup>2</sup> I feel like it would work well in a thumbprint cookie or on a crunchy pretzel. I also just like white chocolate, so I'm biased.

**Hugs<sup>3</sup> – 2/10**  
A milk chocolate center covered in white chocolate. Pretty basic, not much to say. It may work well in baked goods, but I'm not entirely sure, given the fact that the center is creamy, while the outside is more solid, so the chocolate may melt at different temperatures.

<sup>2</sup> Perhaps this is a tactic to get you to keep eating them—so you drown out the aftertaste.

<sup>3</sup> These technically don't say "Kisses" on the packaging, but they're Kiss shaped and were on the same display as the others, so I am taking the liberty of including them as well.

**Kissmas – 1/10**  
This is literally just a plain Hershey's Kiss, but with a Christmas Tree design on the wrapper. One point solely for the pun in the name. Otherwise, I could see it being fun in a large candy bowl at a party or if you like plain Hershey's chocolate, as long as you don't mind immediately throwing away the one thing that makes it special. It may also be a decent stocking stuffer if you're confident it won't melt above the fireplace.

**How the Grinch Stole Christmas – 1/10**  
Yes, this one is real. It's another plain Hershey's Kiss, but with the Grinch's face on the wrapper and the word "Grinchmas" on the paper insert. I gave it plus two points for nostalgia, but minus one point for the use of nostalgia as a soulless marketing trick.

**Almond – 0/10**

Why. They just shoved a whole almond into a Hershey's Kiss.

**Plain – 0/10**  
Absolutely no creativity. The only thing that changed was the wrapping, to red and green foil, instead of just silver.<sup>4</sup> The "We Wish You a Merry Christmas" commercial notwithstanding, there is nothing interesting about these beyond their decorative use. They don't even get a fun name—they're just kind of there.

**(Dis)Honorable Mentions:**  
Hershey's Bells—you can't just break off the point of the Hershey's Kiss and call it an entirely new product!

<sup>4</sup> I don't know why they didn't do silver and gold wrapping instead, but hey, who am I to judge?

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<sup>1</sup> It was only upon researching for this article that I learned that there is, in fact, a Pumpkin Spice Hershey's Kiss.



## 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 eight 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 [dl9uh@virginia.edu](mailto:dl9uh@virginia.edu)

### Hungry People

v.

Law School Student Orgs  
75 U.Va 12 (2022)

E. BROWN, J. delivers the opinion of the court, in which LAKE, C.J., BNINSKI, J., WALSH, J., GRUBBE, J., J. BROWN, J., PETERSON, J., and MORSE, J., join.

PAZHWAQ, J. concurs.

**E. Brown, J., delivers the opinion of the court.**

### Background

This class action suit concerns an ongoing dispute between literally every student at the University of Virginia School of Law and student organizations that engage in a particularly odious form of tomfoolery. Of the dozens of student organizations at the Law School, many offer food to entice students to come to panels, job discussions, workshops, and other godforsaken wastes of time for which there is no other legitimate reason to attend.<sup>1</sup> At one end of the spectrum, some student groups give out crappy food, like grimy Domino's with no napkins or paper towels.<sup>2</sup> Some are more generous, shelling out big bucks for Mezze, Mellow Mushroom, or—when god smiles upon us—Roots. But regardless of the culinary options offered, student organizations face an implicit expectation to provide at least three free meals a week for the Law

1 Yes, okay, there are some worthwhile events with no food, but the Court of Petty Appeals has no time for your nuance.

2 A note from the Chief Justice: We love and respect the Domino's Pizza on Millmont for their lasting commitment to supporting the hungry editors of the *Law Weekly*.

School's scrappiest and grittiest among us.

Respondents are accused in this suit of the greatest Law School sin: arbitrarily withholding food from event attendees. In several cases reported to the *Law Weekly*, representatives from student groups have refused to let attendees eat the provided food until after the event's conclusion. This means that some hapless students, just hoping to get a free meal, have been forced to sit idly, gazing at perfectly hot and ready food

*"Respondents cannot disabuse themselves of the expectations of their attendees by hiding behind the veil of student group governance."*

just out of reach. As speakers give long speeches and panels answer questions, students sit hungrily, wishing for their swift and merciful demise. I didn't want to name names, but I'm looking at you, Federalist Society.

This Court has appropriate subject matter jurisdiction over all food-related crises at the Law School, as well as sufficient personal jurisdiction to enforce judgments against all Respondents.<sup>3</sup> On appeal, Petitioners allege that Respondents' behavior unjustly deprives them of the ability to get what matters out of events—free food—and seek an injunction against all student organizations that practice this hellish scheme. Respondents argue they should be able to shape guidelines for food distribution at their own events. We grant Petitioners' request for an injunction because I will absolutely never

3 The *Law Weekly* is all powerful and can get student groups to kowtow to its every demand.

recover from when this happened to me last month, and I have no qualms about turning an institutional problem into a rant about my struggles.<sup>4</sup>

### Analysis

First, we reject Respondents' argument that they should be able to decide the food distribution practices at their own events. What is a student organization if not a syndicate of students? And as expressed in this suit, students at large vehemently oppose the predatory practice

of dangling food in front of one's face. Respondents cannot disabuse themselves of the expectations of their attendees by hiding behind the veil of student group governance. They face a responsibility to act in accordance with the norms of the Law School, which specify that food is good and food must be made easily accessible to all students—and without undue delay.<sup>5</sup>

Respondents also argue on appeal that their practices disproportionately harm 1Ls, who are more likely to attend the type of throwaway panels and events that offer free food to motivate attendance. And because this Court has long respected the right to dump on 1Ls, particularly annoying,

4 I attended FedSoc's "Marjuna Federalism" event in October and had to wait an hour to eat the Mellow Mushroom sitting one row away from me.

5 *Students v. Empty Food Table*, 75 U.Va. 10 (2022).

gunnery ones who regularly show up at events, Respondents claim their activities are protected.<sup>6</sup> This is an inaccurate reading of the law. The Court has clearly held in previous cases that in events open to 2Ls and 3Ls, the quality of these events must be at a threshold acceptable to 2Ls and 3Ls should they attend, even if 1Ls are disproportionately represented.<sup>7</sup> Therefore, Respondents cannot get out of their obligation to practice basic human etiquette by coming for the 1Ls—they will

not succeed.

Finally, Respondents claim that if Petitioners succeed, they will come to events for the food and leave immediately once their plates are full, potentially lowering audience turnout for the event itself. This frivolous and hypothetical claim cannot be entertained, for there exists a simple remedy outside the authority of this Court to enforce: Make the events better, so people actually want to stay.

6 *1L Gunners v. Everyone Else*, 939 U.Va. 111 (2019).

7 *1Ls v. 2Ls and 3Ls*, 75 U.Va. 6 (2022).

So, this Court, long respecting the rights of Law School students to use food as one of the few pleasures left to us in this cruel world, finds for Petitioners. All student organizations are enjoined from preventing food from being served the instant it is available, lest they face the legal penalties and wrath set forth by these chambers.

**Pazhwak, J., concurring.**

"How many times do we have to teach you this lesson, Old Man?"<sup>8</sup> This quote by a blue fish on *SpongeBob SquarePants* well encapsulates this Court's frustration with the ongoing antics of student organizations at UVA Law regarding their event food practices. They continue to provide less than an adequate supply of it for the flood of newly interested, post-pandemic attendees, or they erect arbitrary and capricious barriers to its consumption, as the majority well describes in its background on the instant case. This Court has been forced to continue to issue injunctions to deal with these disturbing trends, remaining

8 *How many times do we have to teach you this lesson, Old Man?*, YouTube (Dec. 3, 2018), <https://www.youtube.com/watch?v=sVxJO16xb4Q> (providing a clip with the relevant quote, originally from the *SpongeBob SquarePants* episode "The Bully").

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## Faculty Quotes

**C. Barzun:** "Isn't Sir Walter Raleigh adorable?"

**K. Abraham:** "The Emperor has clothes, it's just that there's four different outfits."

**D. Ortiz:** "It's the yeomen...yeowomen...toiling with their cannabis out in the woods."

**M. Gulati:** "But of course I'm desperate for attention, you know this."

**J. Jeffries:** "I promised not to editorialize, and now I'm going to go back on that."

**E. Yale:** "It's almost November. The question is whether depression will set in when the time change happens."

**A. Woolhandler:** "Groovy," at least 30 times this semester in CivPro.

*Heard a good professor quote? Email us at [editor@lawweekly.org](mailto:editor@lawweekly.org).*

## Cartoon

Created by Monica Sandu '24



*The Jefferson*

## Virginia Law Weekly

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COPA

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a vigilant guardian of justice for those law students—particularly the 2Ls and, most importantly, the 3Ls, who rely on the bounty of free law school food.<sup>9</sup>

The majority properly issues yet another injunction enjoining a specific behavior, yet this approach to the food cases poses the problem of the overconsumption of valuable judicial resources. A clearer standard is needed, since student organizations are evidently not getting the idea.

A proper reading of our caselaw indicates that the handling of event food at UVA Law falls under the dormant collegiality doctrine. The collegiality doctrine, while not elaborated upon in any single document, is nevertheless deeply interwoven into the history and traditions of UVA Law.<sup>10</sup> In its “dormant” form, this doctrine implicitly governs the relations and interactions between students, between student organizations, and, as we have repeatedly found, between students as individuals and student

organizations.<sup>11</sup> Thus, the distribution of event food by student organizations to students must comport with the dormant collegiality doctrine.

We next must turn to the original public meaning of collegiality. Its first known use was in 1887, where it was defined as “the cooperative relationship of colleagues.”<sup>12</sup> Without dissecting this language further when applied to the instant situation, withholding food until the end of an event would not advance a cooperative relationship among colleagues, either now or in 1887. Rather, it appears to be the source of a great deal of consternation. Thus, the dormant collegiality doctrine would indicate that this and all other annoying event food distribution practices are uncollegial and make a mockery of justice.

<sup>11</sup> *National Lawyers Guild v. Federalist Society (NLG VII)*, 23 U.Va. 5 (2009).

<sup>12</sup> *Collegiality*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/collegiality#dictionary-entry-1> (last accessed Nov. 13, 2022).

<sup>9</sup> See *1L Gunners*, 939 U.Va.; 1Ls, 75 U.Va.

<sup>10</sup> See, e.g., *10 Things Law Students Love About C’ville*, Univ. of Va. Sch. of L., <https://www.law.virginia.edu/charlottesville/favorites/student> (last visited Nov. 13, 2022).

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Affirmative Action  
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consider whether the Court should overturn *Grutter* and hold that universities cannot consider race in admissions. Professor Forde-Mazrui said that while this case could be decided on the first claim’s more narrow grounds, he believed the Supreme Court had taken this case to decide it on the second. Professor Forde-Mazrui argued that overturning *Grutter* and banning race completely would not help Asian American applicants more than challenging the program under *Grutter*. Specifically, he pointed to admissions factors like legacy admissions, children of faculty, donors’ children, and athletics—all of which benefit white applicants more than others—that would not be addressed by overturning *Grutter*. “The remedy does not fit the problem.”

Professor Forde-Mazrui then introduced the framework for his speech, which was titled “Taking the Federalist Society Seriously: The Constitutionality of Race-based Affirmative Action.” He suggested that “whether you agree with affirmative action as good or bad policy, and whether Harvard and UNC have done it in harmful ways, Federalist Society principles compel supporting affirmative action.” Professor Forde-Mazrui began by noting that the Federalist Society has a healthy respect for judicial restraint, state sovereignty, and

the democratic process. However, he noted that overturning *Grutter* would take the decision out of the democratic process, and state legislatures would no longer be able to determine whether or to what degree they support or disallow affirmative action.<sup>6</sup>

Looking next to originalist views of the text, tradition, and history of the Constitution, Professor Forde-Mazrui first pointed out that equality “is a principle of reason, to treat people the same if similarly situated and different if differently situated.” However, the Constitution, Forde-Mazrui noted, does not tell us how individuals are situated. Looking to original meaning, he said that it is clear the Fourteenth Amendment does not mandate colorblindness and was in fact adopted over a competing version which explicitly mandated colorblindness. Professor Forde-Mazrui argued that while he believes the original meaning supports race-based affirmative action, at the very least it is sufficiently ambiguous that the burden to justify taking it out of the legislative process is unmet.

Lastly, Professor Forde-Mazrui said that when you look to tradition after the Fourteenth Amendment’s adoption, as was favored by Justice Scalia, it is clear that

<sup>6</sup> Professor Forde-Mazrui noted that California banned affirmative action in college admissions in 1996 through Proposition 209, a statewide ballot measure.

there is no deeply-rooted historical tradition against affirmative action. Rather, nearly 80 percent of states allow affirmative action. Professor Forde-Mazrui compared this to abortion regulations, noting that “there are more states that practice affirmative action than states which say anything about abortion . . . and the Court said there was not a deeply-rooted historical tradition” supporting abortion. In closing, Professor Forde-Mazrui stated that “morality supports the theory of affirmative action, and so do the Federalist Society’s principles.”

At the end of a question-and-answer session, Professor Forde-Mazrui asked Mr. Liu how overturning *Grutter* would have affected a university’s ability to consider his background relating to his parents’ immigration to the United States. Forde-Mazrui said that his concern was the extent to which colorblindness would restrict consideration of important aspects of individuals’ identities which were rooted in their race. Mr. Liu responded that he didn’t think it would foreclose discussion of overcoming discrimination in an admissions essay, though he noted that this very issue prompted Justice Kagan to respond that the lawyers for *Students for Fair Admissions* were “slicing the salami too thin.”

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HOT BENCH



Counsel's Counsel's  
Jane Doe

Interviewed by Jon Peterson '23

*Counsel's Counsel is the world's preeminent advice column for law students. Written by recent UVA Law graduate, Jane Doe, J.D.*

*Who is she? When did she graduate exactly? What advice is she qualified to give? Why provide a back story for a character meant to be anonymous? Well, why not, we say. Expanding on lore no one asked for is what we're best at.*

Where are you from?  
What brought you to the Law School?

I was born and raised in the rural Midwest. I was always an overachiever as a kid, and I seemed to thrive on standardized tests, so people told me, “You’d be good at law school!” As a first generation professional, I didn’t really know much

about the law, though. But, I was feeling a bit devoid of a purpose in my life after graduating from undergrad, so that’s why I figured I’d come to law school. I went to the University of Virginia in particular because of what I heard was an incredible community, and, more importantly, because of hopes of improving my family’s material possessions. Since making that choice, I’ve had a lot of opportunities for post hoc rationalization about that decision. While my current outlook is bleak, I make a lot of money. I try to think about everything else as little as possible and that aspect of my life as often as possible.

What did you do before law school?

I actually ran a non-profit dog shelter for a couple of years! It’s funny, because I’m super allergic to dogs, which made it really challenging. But I will say that it made for an incredible personal statement when the time came. Considering the school loved that as a “facing adversity” story, I can’t imagine how easy the lives of the average law students here have been.

Why do you still write for the Law Weekly?

I write for the *Law Weekly* so that people who may be feeling similarly lost, like I was when I was in law school, can have advice and reactions and point to those and say, “Someone else said this was a good idea.” You know, to give some cred-

ibility to their decisions that they might not otherwise have had. Really, I’m here to help all of those lost souls.

Do you think you’re really helping?

Honestly, I’m not sure. I started doing this to help people. But, with every passing month, I have less and less faith in the legal system, legal academia, and law students in general. So, I guess I’m hopelessly trapped in a cycle. I can intellectualize and reflect on my issues. But, much like many other law students, I don’t know how to change.

What are some of your hobbies?

Working in Big Law doesn’t really provide many opportunities for hobbies. However, between sessions of work, I’ve come to enjoy working out at the firm gym, wine, and sewing and knitting. I once knitted a beautiful hat for my cat, Charles. He doesn’t really like wearing it, but it gets a laugh.

What kind of law do you practice?

Litigation.

More specifically?

Complex Commercial Litigation.

What was some good law school gossip from your time here?

Yeah, a lot of the drama happened 1L. Everyone came in happy and excited to be in a new place with new people. Then, a lot of people started

hooking up in their sections, which *really* made things messy. Lots of unaddressed and unresolved tension in group situations. I think it stemmed from a lack of emotional maturity and conflict resolution skills in group settings. I imagine it’s not as bad now though, because there were some external, societal factors at play that made the damage worse. Also, there was this weird reporting system. After all the 1L drama, it wasn’t so much that there was active drama going on, just tension. That tension really never got resolved, but everyone just grinned and bore it.

What was your favorite restaurant in Charlottesville? Hopefully it’s still here!

I actually really like Miller’s. It’s a nice way to get away from the Law School. Honestly, anything that gets me away from there is good. The smoky haze of the third floor feels like home. It’s also just so much quieter than The Corner—that place is an absolute nightmare on Fridays. And, really, who wants to party with undergrads?

Lightning Round!

Favorite animal?

Sharks. But it used to be puppies.

Favorite flavor of ice cream?

Rocky road. In line with my legal career.

Least favorite thing about the law?

The suffering it puts into the world.

Favorite case?

Whatever the winning precedent is.

Favorite word?

Zealous

Dream job?

In-house counsel. I have very realistic aspirations.

Favorite movie?

Avatar—the one with the blue people, not the one with the kids moving elements. I’m obsessed with plots about living other, alternate lives.

---  
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Submit your questions to Jane Doe by scanning the code below:



Healing

continued from page 1

ready signed up for. Amid concerns of road closures for students testing on Monday and a general sense of emotional whiplash for everyone else, most law students took the exam as scheduled.

The undergraduate Student Council organized an informal gathering Monday night, with electric candles for attendees to hold and place on the steps of Old Cabell Hall. The hundreds of students and community members who attended shared in silent reflection—considering the loss of three much-loved classmates, concern for the injured students still hospitalized, relief that the suspect had been arrested, confusion over his motives, and the ever-present fear of a copycat. Overcoming fear and grief as a community would be the recurring call throughout the formal and informal gatherings held that week.

At a community breakfast hosted by the Law School, Dean Goluboff offered this closing remark: “I hope you’ll give each other grace and support, and I hope you will ask for it.” We live in a small town. Culbreth is a road many of us travel on to get home, to visit friends, and to get to Main Grounds; Culbreth Garage is right across Emmet Street, not some place far away. A tragedy in the community you live in affects you, no matter

how tangentially. How it affects you, when you will feel it strongest, and what that will look like is different for everybody. Be patient with your friends, and when you need support, please ask for it.

There are several ways to help the families directly affected by the shooting. Juan Thornhill, a UVA football alum now playing for the Kansas City Chiefs, raised over \$30,000 for the families through a raffle he organized this last week. The University is selling UVA Strong merchandise through the UVA Bookstore to benefit the UVA Strong Fund, which supports the survivors, families of the victims, and the broader student community. You may also write letters to the victims’ families, dropping them off at the information desk at the Rotunda or mailing them to: Office of the EVP-COO, O’Neil Hall 130, 445 Rugby Rd., P.O. Box 400228, Charlottesville, VA 22904.



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Lawn

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ic deaths of our classmates D’Sean Perry, Lavel Davis Jr., and Devin Chandler, this year’s Lighting of the Lawn is more important than ever in bringing light back to Grounds.

Back in August, the committee chose this year’s LOTL theme to be Full Power. Originally intended as a way to celebrate our strength following the past few difficult years and a return to normalcy, we have reinterpreted this theme to take on a new, more powerful meaning. LOTL Full Power reminds us that it is only when we are together as a community that we have the full power to love, the full power to remember, and the full power to offer light. In many ways, being UVA Strong is our community at full power.

For many in our community, this semester has presented many challenges which have been further exacerbated by recent tragedies. Our hope is that you can join us on Thursday to celebrate this community’s

resiliency and unity. It may be the first time in a while that so many of us gather together for a celebration, or perhaps our first time singing the Good ‘ol Song. Whatever this night may mean to you, we hope that you can find moments of community and laughter.

The original mission of the first LOTL is all the more important as our school continues to grieve and heal, and as such, the tone of the event has been adapted to better suit the needs of the community at this time. We hope that this year’s Lighting of the Lawn can again bring joy to our community as we celebrate the lives of the three young men taken from us too soon and remind each other what makes all of us UVA Strong.

More information on this year’s Lighting of the Lawn can be found at our website [lightingofthelawn.com](http://lightingofthelawn.com) or on our Instagram page @lotluva.

All of us in the LOTL committee hope to see you on the Lawn this Thursday.

# A Look Back on the PILA Auctions

Sai Kulkarni '23  
Production Editor

A few weeks ago, the student body of the Law School was able to take part in a time-honored tradition: the PILA Silent Auction. For many of us, it was a chance to dress up in our fanciest outfits and take a much-needed respite from the impending doom of finals. We got to dance the night away at next-door Darden and take advantage of their fancy facilities that we get to peek at with envy throughout the year. The night was a ton of fun and the dance was followed up by an after-party at Rapture that lasted as long as it took for people to get hungry and tired, then realize that they had responsibilities. While a fun night is usually enough to get a feature in this paper,<sup>1</sup> that is not the main focus of the night. The PILA Silent Auction is, along with the Live Auction during the week preceding the dance, a fundraising opportunity (through ticket sales and winning auction bids) for the eponymous organization: The Public Interest Law Association.

During the week, students

1 I point you to 90 percent of my ramblings in *The Law Weekly* last year.

and faculty got the opportunity to bid on such fun items like getting one’s name featured in the Libel Show or getting to play poker with professors. Meanwhile, the Silent Auction is home to some of the most extravagant items, including Presidential box seats at a home basketball game. The winning bids on these items are donated to PILA to fund scholarships and summer stipends for students who work public interest jobs. It makes sense that professors bid on these items during the Live Auction; they are fulfilling their obligation to give back to the students and the Law School community after long, prestigious, and often lucrative careers. But it seems even more important that so many students, most often those pursuing private sector careers, are also bidding on these items.

Entering public service is daunting on its face. Lawyers in that space are working jobs that are just as—and arguably *more*—intense as law firm jobs. Despite this, there is a monumental difference in pay. None of that is news to anyone in the Law School. But more than being daunting, the idea of paying back loans over time and, for many students, additional familial obligations, can make the choice of entering

the public sector not even a choice. These auctions, and the efforts of PILA generally, play a major role in easing that burden for the students who need it most. When students who are going to law firms, and especially students who come from more privileged backgrounds, give back through these auctions, it helps out public interest students in a way that feels social. UVA Law is absolutely a party school, so having so many students come together at a large party, where even the act of buying a ticket helps out, is a great collaborative effort. Props to the PILA board for using this opportunity to raise over \$40,000 for public interest law students. One might even say that the event was a demonstration of our favorite word here at the Law School: collegiality.

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Pictured: Lighting of the Lawn. Credit: Sanjay Suchak, University Communications.