



Alito Holds for UVa Moot Court Team

Eric Hall '18 Jr.

UVa Men's Gold wasn't the only team to claim victory for Virginia last Sunday. Rounding out the winningest weekend of 2018, Trina Rizzo '19 and Phil Doerr '20 trounced twenty-seven other teams to seize the championship at Fordham University's Kaufman Securities Law Moot Court Competition Sunday. The pair argued before a panel of Circuit Court judges, and Supreme Court Justice Samuel Alito, Jr. to claim the title. When they landed in New York early Saturday morning, neither competitor imagined they might be arguing before an Associate Justice of the High Court. "They announced he would be judging on the first day," said Doerr, "and I thought, wow, that would be amazing, but I don't plan on ending up there." Asked what it was like to argue before the court's rudest justice, Rizzo, known for her roles in UVa Law Boyz and the Advisory Committee for the 6th Restatement of Torts (is that a thing??), said, "He was very friendly on the bench and off." Doerr, who was competing for the first time, hit his stride by the final round: "Once we actually got up there, and started talking, it felt like the other rounds did. You don't really think about the fact that it's Justice Alito asking questions."

Both champions credited their coaches and fellow teammates for their success. "It was really great having Sam and Josh there," said Doerr, referring to Josh Spiegel '20 and Sam Connor '20, the two 1Ls who also competed. "At times, it really did feel like a four-person team; after the first day of arguments was over, we could go back to our Airbnb and discuss strategy and arguments," said Rizzo, who also had time to catch a Broadway musical.

Although the Fordham tournament was the last of the season—and the only one to feature a sitting U.S. Supreme Court Justice—it was hardly the organization's only trophy this year. In January, Luke Zaro '19 and Katherine Whisenhunt '20 conquered the International Baseball Arbitration Competition at Tulane. And in March, Ron Pantalena '20 and Laura Toulme '20, captured first place in the Southeastern Region of the American Intellectual Property Law Association moot court competition. Also, Chelsea Kaluzny '20, Abbey Thornhill '20, Chinny Sharma '19, and Jana Minich '20 each took home awards for Best Oralist at their respective competitions. Placing first at Fordham caps a triumphant year for the Extramural Moot Court Team.

ech8vm@virginia.edu

Men's Gold Wins 35th Softball Tourney

Co-Rec Gold Makes Finals



Regular Division Champions Men's Gold. Photo courtesy Mary Wood Schmalzl '84

M. Eleanor Schmalzl '20 Executive Editor

Some of UVa Law students' best moments come from a bar tab and a break from the library. This was certainly the case thirty-five years ago, when Tom McNeill '84 and a few of his buddies got together for their winter holiday break from classes in 1983. Bob Battle, a 3L at William & Mary at the time, came up with the idea of an inter-law-school tournament.



Runners-up, the Co-Rec Gold 2018 tournament team. Photo courtesy of Mary Wood Schmalzl '84

McNeill got approval from the North Ground Softball League commissioners to host the tournament at UVa. The two guys called around to their buddies at other law schools, and the next thing they knew there were sixteen teams from fourteen schools in Charlottesville. The teams competed in

one division and played double elimination, with NGSL commissioners doing all the umping and William & Mary taking the championship over UVa. From humble beginnings, the tournament has grown beyond all imagination.

This year, the tournament saw eighty-one teams in the co-rec division and sixteen in the regular division, attracting schools all along the east coast and Midwest. Tournament Di-

elimination play began later that day. Ali Goldman '19 and Janie O'Connor '19, the two in charge of organizing UVa Law volunteers and handling any emergencies during the tournament, spent their entire weekend at the Park¹. They helped coordinate with the professional umpires hired to ump the games this weekend and managed any general issues that needed quick resolution. Jonathan York '18, NGSL's Head Commissioner, man-

aged to play, bar hop, and put together the playoff schedule for elimination play after pool play. NGSL raised \$20,000 for ReadyKids—and threw the wildest law school party

¹ Seriously, I'm convinced they slept in the concession stand.

around north grounds



Thumbs up to Springtime for Softball in Charlottesville! ANG was skeptical, but your resilience in the face of Stephen T. Parr's unbridled snow rage was nothing short of inspiring.



Thumbs up to the rumor that there might be a new Ninth Planet. Pluto's removal from the list is still a sore spot in ANG's cold, cold heart. That's messed up.



Thumbs sideways to 27-year-old Patrick Reed for winning the Masters. While ANG is glad to see an underdog take the trophy, ANG is upset to see so many sports-related headlines. ANG didn't come to law school to feel bad about being unathletic. What is this, high school?



Thumbs up to Senator Tammy Duckworth (D-IL)! She became the first American Senator to give birth while in office. The 50-year-old Iraq War veteran and double leg amputee is recovering well, and baby girl, Maile Pearl Bowlesby, is healthy.



Thumbs down to the series finale of Fixer Upper on HGTV. Watching the show each week was the only time ANG felt wholesome.



Thumbs sideways to Rebecca Rubin '19 breaking the softball tournament trophy. On the one hand, ANG has been told to stop formally endorsing vandalism. On the other hand, it's not like the Gators were going to make it home with it intact anyway, amirite?



Thumbs up to Cardi B's ability to list all of the U.S. Presidents in a row! That'll definitely merit her an invite to ANG's first annual game of True American.



Thumbs up to the raids on Michael Cohen's office and hotel room. On a related note, thumbs up to the unifying theme of this year's PR exam essays leaking early.



Thumbs up to Ireland's first nude beach! Because nothing says "nude beach" like "genetically translucent skin."

Dairy Around Charlottesville: The Definitive Guide

Like most of you,¹ I consider a region's dairy products of

Jansen VanderMeulen '19
Editor-In-Chief



paramount importance when evaluating its overall goodness. Upon moving to Charlottesville from the dairy paradise of rural north-west Washington State, I immediately set out to find the best places to grab an ice-cold glass of milk, a cone or bowl of delicious ice cream, or a heartwarming/mouthcooling milkshake. What follows is the only guide you'll ever need to Central Virginia's best dairy products,² with options for various price and calorie ranges. I should note that I consider frozen yogurt to be an inferior form of ice cream and largely shun it unless no dairy alternative exists. Angry reply letters may be sent to editor@lawweekly.org. Without further ado:

Moo-Thru

If you've driven on 29 between Charlottesville and D.C., you've probably seen the roadside dairy establishment with an overflowing parking lot and a seemingly endless drive-thru line. This is Moo-Thru, the saving grace of the Charlottesville–D.C. drive and the greatest idea conceived by a Virginian since the Declaration itself. The brainchild of a local dairy farming family that wanted to find a way out from under oppressively low milk prices,³ Moo-Thru offers the full gamut of dairy experiences: milk, chocolate milk, ice cream, soft serve, milkshakes, malts, and, at Christmastime, eggnog. My favorite is a good old-fashioned chocolate malt, but you really can't go wrong choosing from among the dozen or so ice cream flavors. Being made on-site and from their own cows, the ice cream has a wholesome simplicity and sweetness to it reminiscent of some glorious, pre-froyo paradise. You won't be able to escape the rich creaminess that evokes milk from Frisian Holsteins or even Jersey cows, and you won't want to. Personally, I stop at Moo Thru every time I go to D.C. and usually on the way back, too. I once traveled all the way there just to get a milkshake. I feel not the least bit ashamed about it.

Bonus: You can buy glass-bottled milk fresh—though still safely pasteurized⁴—from the family farm here. Return the bottle and get two bucks back. Hey, it's more than the book store will give you for that ridiculous dead-weight of a Con Law book!

Warning: Moo-Thru's only fault is that it's closed Mondays.

1 If you're lactose intolerant, you should probably just not read any farther; we have nothing to say to each other.

2 Double Hoos who remember all sorts of great places from undergrad, don't @ me. This is a list for adults.

3 This place is perfect for your late-capitalist guilt re: consumerism.

4 You probably should not drink raw milk on the reg, no matter what your libertarian uncle tells you.

If you're going to drive all the way to Remington, I wouldn't want you to suffer the near-existential despair that comes from seeing the "CLOSED" sign illuminated on their windows.

soft-serve cone, or the timeless Blizzard. Mint Oreo is my favorite Blizzard flavor, though you can hardly go wrong with any of the candy-based options. I'm a little more skeptical of the Royal Blizzard, a recent innovation in-

thick and inspiring, the floor's a little gross and it smells like those fried taquito things they call "Hurricanes" or whatever. Ye be warned.

Crozet Creamery

I owe this find to a certain



Moo Thru on a typical summer evening. Photo courtesy Google Maps.

Dairy Queen

That sound you just heard was the collective sneering gasp/head explosion of every one of our Law School classmates who considers themselves too good for wholesome Americana.⁵ I won't back down: Dairy Queen is an American treasure. "Soft serve" were actually my first two words, and I've been a card-carrying member of the Blizzard Club since

volving soft serve surrounding solid cores of chocolate and fruit. But hey, if that's your thing, it still beats some tasteless froyo that costs you \$5.50. Best of all, dairy here is extremely reasonably priced. You can walk out of DQ with more sugar-based calories than our ancestors could have dreamt of for, like, three bucks.

Bonus: Ice cream cakes are

bearded LRW professor whose name rhymes with "Doe Shore," who spoke eloquently and truly when he called it "really good." I trekked out to a newish-looking building by the library in Crozet this weekend to enjoy a waffle cone of apple pie ice cream, and I wasn't disappointed. The shop's website⁷ boasts that ice cream here is made "in small batches from scratch daily," and I believe



Just some of the classic flavors available at Crozet Creamery. Photo courtesy Crozet Creamery.

September of 2011, *viz.*, a few short months after I turned 16 and first obtained a driver's license. Fortunately for Charlottesvilleans, there are two Dairy Queens close by; both the Earlsville and Crozet locations are an easy drive from the Law School. Stop through and get a classic Dilly bar,⁶ a delectable dipped

5 *See, e.g.,* everyone who complains about K-cup coffee, the people who won't eat Bel-Air because it's "in a gas station," and pretty much everyone here from Connecticut.

6 Please don't be a douche-

among the greatest of God's gifts to our society in these latter, shrunken days. Revel in the memory of youthful birthday parties with one of DQ's Oreo ice cream cakes, or remind a friend turning thirty that life used to be fun.

Warning: At the risk of sounding like an elitist hypocrite, the Crozet DQ is actually in a gas station, and unlike Bel-Air, this gas station lives up to the unpleasant stereotypes around gas stations. While the soft serve is still delightful and the Blizzards

bag and say "dilly dilly!" tho.

it. My ice cream had sweet, caramelized apple chunks mixed into a vanilla-ish ice cream that tasted fresh out of the churn. The flavor was noticeable but not overpowering, and the somewhat non-homogenous texture reminded me of the hand-churned ice cream my family used to make in the summers. At the risk of using repetitive adjectives, this ice cream exemplified "thick" and "creamy," which are precisely the qualities I look for in my nightly bowl of cream of ice. The shop was friendly—if a bit modern for my taste—with a wide selec-

7 <https://crozetcreamery.com/>.

tion of ice cream that included an intriguing Thin Mint that I almost went with before settling on apple pie. Crozet Creamery is the perfect place to visit to get out of Charlottesville with visiting friends or relatives to whom you want to prove that you do, in fact, occasionally leave the city limits. Pricing was a little, well, *artisanal*, which I understand to be a word that local places use as sort of shrugging attempt at mitigating sticker shock. Still, if you can afford the alcohol-tinged water at Bilt, I daresay you can buck up for a little dairy.

Bonus: The outdoor seating is ideal for a warm evening. Given that Stephen T. Parr was up to his snowy antics again this weekend, I didn't get the chance to enjoy it, but while I was rushing in out of the cold I noticed the sort of pristine view of the Blue Ridge I foolishly hoped I'd have the chance to enjoy before law school crushed my spirit.

Warning: The man behind the counter was a little too friendly for my taste. Ice cream is a cold dish, and it demands a cold server, not some kind of flippant, merry-faced chuckler who wants to talk about the weather. If, like me, you seek to avoid grating small talk, I recommend working on your steely grimace to show him you mean business.

Honorable Mention:

Kohr's Frozen Custard – I'll admit to being a little let down by this business about custard, which I thought would be a step above ice cream but which was actually somewhere between ice cream and the dreaded froyo in terms of flavor. Still, with proper mix-ins this can be a worthy choice

Homestead Creamery – If you're looking for store-bought ice cream, this is the stuff.⁸ Kroger sells it and its richness knows no bound. I've enjoyed both the Black Raspberry and Chocolate flavors. It's a little pricey, but, you know, *artisanal*. Sub it in for a latte or whatever it is bourgeois urbanites drink these days.

Arches – I haven't actually been here (*see* introductory paragraph) but a couple locals threatened me with disembowelment if I didn't mention it. If you absolutely *must* get frozen yogurt, you should probably go here and join the sea of listless, Vineyard Vines-clad undergrads in their saccharine, meaningless, flavor-bead-saturated paradise.

Ben & Jerry's – Free Cone Day was this Tuesday. Unless you needed PILA hours,⁹ you probably didn't want to go anyway (*see* the above point about undergrads) but you can hardly go wrong paying a visit to this venerable American institution. It's pricey, but where else can you get Cherry Garcia? You can't get the milkshakes in the grocery store aisle, so a visit to the shop in Bar-racks is an occasional necessity.

jmv5af@virginia.edu

8 Hat tip: Grace Cleveland
9 Shout-out to the "bake a cake and get PILA hours" option that meant I only had to do eight shifts at the softball tournament this weekend instead of eleven.

SOFTBALL

continued from page 1 of the year—through intense planning, strong organization, and extreme dedication. What these four and several others put together was nothing short of incredible, creating one of the best weekends many law school students will ever experience in their academic careers.

For me, the annual softball tournament hits close to home. My mom, Mary Wood Schmalzl '84, played in and helped organize the first tournament in the Spring of 1984. She was a star pitcher during her time at UVa Law² and met my dad on Copley Field during her 1L year. I grew up listening to their stories of UVa law, focusing on their days on the softball field. Despite a family wedding and an eight-hour drive from Kentucky to Virginia, she arrived at about 3 a.m. Sunday morning to watch the elimination play. At the end of Sunday play, Schmalzl, Pasco, and Gregory talked about the tournament and how much it's grown.

"I never dreamed the tournament would become this big of a deal," Schmalzl told this year's Directors. "It's incredible what you've done with it." Pasco and Gregory shared how much planning comes along with the tournament but how rewarding it is to see it all come together. For them, it was all worth it to see how much fun everyone had, despite the

² If you don't believe me, go read any *Law Weekly* from 1982-84.

rain and snow that Saturday brought. The group discussed all the positive changes that have come to the tournament

and indeed go forward. By the time elimination play rolled around Sunday, the weather had shaped up and the remain-

3:00 p.m. against "Florida—if You Ain't a Gator, You're Gator Bait," a game which the mostly-okay-but-a-little-whiny Gators

Blue.⁵

As corny as it may sound, I've dreamed of attending UVa Law since sixth grade and hoped to play in this tournament for just as long. Knowing that this dream would become reality this year, I went into the weekend with high hopes. Despite a tough loss in the co-rec regular division championship,⁶ I made some memories to last a lifetime during this 35th annual tournament. And, to help paint a picture of the weekend, what follows is a compilation of quotes, stories, and happenings from the weekend:

- Friday at 5 p.m., UVa's Co-Rec America and Co-Rec Wild Thangs started off the tournament. Co-Rec America's first baseman puffed a cigar while Co-Rec Wild Thang hitters rocked leopard-print leggings,⁷ setting the mood right for the party that is pool play. Co-Rec Wild Thangs got the W, but Co-Rec America won crowd favorite because, well, 'Merica.

- Buffalo Law brought the party at 8 p.m. Friday night, bringing a full-out boom box and hoisting women on men's shoulders in the dugout, getting three alcohol warnings from the ump before the game ended. Things got heated when Buffalo broke the co-rec line in the outfield, and even more intense when a Suffolk player threw a bat after an out. My advice: if you're competitive, beer-league softball may not be for you.

- Anonymous Notre Dame player at their Friday night game against UVa's Co-Rec Blue: "We're not here to play; we're here to drink."

- Random fan at the same game, commenting on Notre Dame trying to argue that women don't have to stay behind the co-rec line in the outfield: "Gender is so 2016!"

- Yale, trying to live up to their law school rank, was #1 to show up to the fields for their 7 a.m. game Saturday morning. Being #1 has its consequences though, like when your opponent doesn't show up and you don't get to play. Makes you realize sometimes being a hard-working, dependable law-student just doesn't pay off.

- Not only did Yale get burned by their 7 a.m. game time, but Villanova also suffered from a no-show opponent early Saturday morning. NYU must've been intimidated after the NCAA basketball tournament and opted to stay at the bars later Friday instead of suffer a crushing defeat from the champions.

- Contemplating his scheduled 7 a.m. Sunday game, one Columbia Law player intent on seeing Gunners N' Roses Saturday night commented, "There's no f**king way I'm making that game. We might as well forfeit now."

- Umpire's response to, "Looks like the rain hasn't picked up": "That's what she said right before the bed broke." We still don't know what that means, but we have

⁵ #NeverForget.

⁶ Wahoos > Gators

⁷ Kira Schwartz, I love you!



Tournament organizers Dascher Pasco '18 with Laura Gregory '18 and original softball tournament organizer, Mary Wood Schmalzl '84. Photo courtesy Mary Wood Schmalzl.

and brainstormed ideas to see it continue to improve.

Despite the weekend's bad weather, the tournament directors made every effort to ensure that all the games were played. While some teams lost their nerve at the sight of the snow falling Saturday, most games

and teams readied themselves for serious play. UVa's Co-Rec Gold and Men's Gold both advanced to the championship, while Co-Rec Blue and Men's Blue fell in the Sweet 16 and Elite 8, respectively. The finals took place Sunday afternoon at Darden Towe fields in Pantops. UVa Co-Rec Gold faced off at

managed to win to claim the co-rec division championship behind some colossal hits and sterling defense.³ UVa Men's Gold, meanwhile, faced off against UVa Iron, a UVa Law alumni softball team. Dean Risa Goluboff got the festivities started, throwing out the ceremonial first pitch in the regular division's final game at 2:00 p.m., an extra special occasion given the fact that both teams represented UVa. "Playing against alums was awesome," Peter Dragna '20, the only 1L on UVa Men's Gold this season, told me. "It shows you how close of a community UVa is. Those old guys⁴ could still ball, too." The Men's Gold team jumped out to an early lead thanks to hot bats, scoring eight runs in the top of the first while batting through the entire lineup. After that, the game settled into a steady rhythm. The alums seemed to be mounting a comeback, but they faltered in the top of the seventh. After holding Men's Gold scoreless for the first time the frame before, and on their last chance to score the seven runs needed to tie, UVa Iron was shut down by the Men's Gold defense, going down in order to end the game, with Men's Gold prevailing over their senior comrades 15-8. On winning the tournament as a 1L, Dragna commented, "It was a great feeling to win it all, but I was more excited to be able to see Vince [Flynn], York, [Nick] Hagen, and Henry [Morris] go out as champs. Also, we were pretty sure York would kill someone on the team if we didn't win, so that played a factor in my excitement as well." The team was proud to bring a trophy to the UVa halls and redeem themselves after last year's tough loss to Men's

³ A UVa loss is a loss; let's not talk about the score.

⁴ Editor's note: "guys" includes one woman as well #Represent.

HOT BENCH



Gregory Ranzini '18
News Editor of the *Chiltern Hundreds*

1. What is your favorite word?

Nobody has a favorite word. That's ridiculous.

2. Where did you grow up?

Waynesboro, VA, the proud birthplace of Spandex. Yes, really. No, there isn't that much to do.

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

There used to be a restaurant in Staunton called Staunton Grocery that did an appetizer of fried squash blossoms stuffed with farmer's cheese. Somehow they had a source for blossoms that were on their way to bearing fruit, so the flowers had tiny, tender baby squashes inside. I still think about those squash blossoms.

4. What's your favorite hobby to avoid the stress

of law school?

I play a lot of *Insurgency*, which is an indie FPS game from a few years back. It's like *Counter-Strike* but harder, and the sound design is really good. I've put around 1,200 hours into it over the last two years, which means that I'm in the top twenty players worldwide in the mode I play.

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

"4:33" by John Cage.

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

Literally WTF a "tort" was. I showed up on the first day with no idea of what I was about to learn. It was probably the only time in my life I've ever started completely from zero in school. It ended up being my favorite class!

7. What did you have for breakfast this morning?

A bowl of Raisin Bran with soymilk and two cups of coffee (half-caf, cream, no sugar). Raisin Bran is my go-to. Peanut butter toast is another good option if you want something more filling than Raisin Bran. The best peanut butter is the Crazy Richard's brand, which has only one ingredient—peanuts. Really, what else do you need? It's peanut butter.

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

I've never eaten bacon
I've resuscitated two people

with CPR.

I've visited every continent. The last is a lie. I'm missing 3 continents.

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

In an old house in a little town in the South Holland province of the Netherlands. You can get anywhere by bicycle, the scenery is gorgeous, the people are friendly, the food is delicious, and there are a lot of museums and things to see.

10. What's your least favorite sound?

The horrible sound of squeakily crunching Styrofoam. It's literally physically painful to me.

11. Backstreet Boys or *NSYNC?

Throbbing Gristle. "Maggot Death—Live at Rat Club" is a banger.

12. What is the best concert you have ever been to?

Wilco at the Pavilion (twice). And once in college, Kendrick Lamar did an essentially free concert at William and Mary. I couldn't convince any of my friends to go—they had no idea who he was.

13. Would you like to be famous? In what way?

I'd like to be well-known, but not "people take selfies with me" famous. I figure if people are saying "Ranzini" in the same tone as "Chemerinsky," I'm doing more than OK.

gpr7qx@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 jmv5af@virginia.edu.

Streit v. Students

654 U.Va. 183 (2017)

JUSTICE JANI delivered the opinion of the Court, in an opinion joined by JUSTICE RANZINI and JUSTICE SHMAZZLE. CHIEF JUSTICE VANDERMEULEN filed an opinion concurring in the judgment, joined by JUSTICE MALKOWSKI.

JANI, J., for the Court.

Today the Court decides a matter that has been of a particularly sensitive nature around the halls of the Law School. While tensions have been and remain high, the lack of marches, sit-ins, and other forms of general civil disobedience can be attributed to the fact that the collective student body has been waiting on this decision to be handed down before taking more affirmative steps to force the administration's hand. As these past months have shown, the recusant law student will stop at nothing to make their grievances known, from taking papers from stands, to marking them with highlighter, to perhaps the most gallant of all actions: pinning them up on bulletin boards. It confounds even the sharpest of minds why the generations before say that our millennial generation lacks the tenacious civic and social pride of former eras.

In an attempt to preserve the fractious peace between the two coteries of colonists of Massie Road, we have consolidated the dozens of appeals that have come to us into a single case, *Students v. Streit, et al.* The facts of the case are as follows. On December 1, 2017, Assistant Dean for Building Services Greg Streit—a title undoubtedly ranked in the top one hundred most important Deanships granted at the University of Virginia School of Law—sent an email to Dean Sarah Davies of the House of Student Affairs, the Undeterred, Queen of Clay Hall, Governor of Spies Gar-

den, Bringer and Breaker of Keg Taps, and Mother of Despondent Law Students asking her to forward said email to the student population. The pertinent elements of the email reads as

The email went on to state a deadline of December 8 for any student to provide input via survey. A proposed menu of offerings that was reasonably believed by the student body to

tacked on for good measure. The final complaint alleges a breach of contract between the students and the administration. Holding court in her office, Judge Dugas below entered

time and time again by this Court.²

Appellees assert that Dean Streit violated students' constitutional right to hot food. While the lower court was correct in formulating that a grilled cheese sandwich cannot constitute hot food, this Court finds no reason to further examine this claim with regard to damages. School officials are protected by qualified immunity when acting in a reasonable manner.^{3,4} In terms

² See, e.g., *Darden Bros v. Section C*, 135 U.Va. 187 (2016) ("If the Darden bros annoy you so much, go use their library, there's never anyone there") (opinion of HADEN, C.J.)

³ See *Vampires of Virginia Law Library v. Fitchett*, 773 U.Va. 980 (2017) ("Given the fact that some law students look like they gave up trick-or-treating only within the past couple of years, the Virginia Law Library and its staff are protected by qualified immunity for letting undergraduate students sneak past the front desk. Per Harlow v. Fitzgerald it must be obvious to all reasonable officials that what the main grounds trespassers were doing violated petty law, as the Court has witnessed bare-faced failure that is No Shave November at this school, it would be unacceptable to think that any reasonable librarian would be able to distinguish between the two classes of students based on appearance alone (keep on trying, Mr. Lucy, the Court is sure that beard will fill in soon). Let Assistant Dean of Literacy Taylor Fitchett retire in peace.")

⁴ See also COPA page 5



A Great Harvest Sandwich. Photo courtesy Great Harvest.

follows:

As most of you know, the Law School contracts its dining operations through the University. Aramark is the company that the University uses to provide dining services throughout Grounds. In an effort to provide the Law School community with improved dining operations, the Law School is working with Aramark to explore options that would increase the quality of our dining services.

Currently, Aramark provides a myriad of options in the Sidley Austin Café, including but not limited to the following: deli sandwiches, wraps, pizza, grab-and-go, comfort food, and grilled items. From a business perspective, it is difficult to be a "jack of all trades" when several offerings are not very popular overall. With that being said, Aramark would like to gauge the Law School's collective interest in replacing the current offerings with a high-quality, Panera-style menu that would be supplied by Great Harvest Bread Company.

be comprehensive and continuous was attached. The transition from went into effect soon after, and the conversion was completed by the time students arrived back on grounds after winter break.¹

Broadly, Students state three separate causes of action. The first cause states that appellant Great Harvest Bread Co. has violated §2 of the Antitrust Act by acquiring a monopoly on food service in the Law School. The second cause claims a substantive due process violation, with a \$1983 claim for damages

¹ There exists within the record a law school community conspiracy theory that the survey extended to the student population was done only out of appeasement and that the proposed changes had been finalized ex ante of the received email. As this suggested theory was unanimously refuted by the subordinate courts, the Court of Petty Appeals will not review this question of fact de novo.

summary judgment for Students on the ground that Great Harvest's monopoly did indeed violate the pertinent antitrust provisions above.

In reviewing the options of dining available to students, faculty, and administration officials, the lower court erred in determining the market power of Sidley Austin Café. While appellees are correct in contending that the annexation of the Café by Great Harvest Bread Co. ensures that students and faculty are restrained from seeking alternative food options, they fail to consider the "if you want nice things, walk your happy ass to Darden" analysis advanced

Faculty Quotes

J.C. Jeffries, Jr.: "The problem is, these drug dealers are often...difficult. And carry weapons. And aren't amenable to being arrested by undercover officers who say 'Ahhh ha! Stick em up, let's go!' I'll just refer you to television. Before they let you in the room, they are liable to check to see just how... weaponized...you are."


J. Johnston: "Jail is bad. I think that's a good principle to live by."

J. Harrison: "Nothing is better than a Posner opinion, especially where Posner is talking about Hadley v. Baxendale. Pure pleasure!"

Heard a good professor quote?

Email editor@lawweekly.org!

C. Barzun: "This rat would like to go to the bathroom!"



Virginia Law Weekly

COLOPHON

<p>Jansen VanderMeulen '19 <i>Editor-in-Chief</i></p> <p>M. Eleanor Schmalzl '20 <i>Executive Editor</i></p> <p>Anand Jani '19 <i>Managing Editor</i></p> <p>Ali Zablocki '19 <i>Articles Editor</i></p> <p>Taylor Elicegui '20 <i>Historical Editor</i></p>	<p>David Ranzini '20 <i>Production Editor</i></p> <p>Kim Hopkin '19 <i>Development Editor</i></p> <p>Katherine Mann '19 <i>Features Editor</i></p> <p>Alison Malkowski '19 <i>Format Editor</i></p> <p>Jenny Lamberth '19 <i>Cartoonist-in-Chief</i></p>
---	---

Published weekly on Wednesday except during holiday and examination periods and serving the Law School community at the University of Virginia, the *Virginia Law Weekly* (ISSN 0042-661X) is not an official publication of the University and does not necessarily express the views of the University. Any article appearing herein may be reproduced provided that credit is given to both the *Virginia Law Weekly* and the author of the article. Advanced written permission of the *Virginia Law Weekly* is also required for reproduction of any cartoon or illustration.

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

EDITORIAL POLICY: The *Virginia Law Weekly* publishes letters and columns of interest to the Law School and the legal community at large. Views expressed in such submissions are those of the author(s) and not necessarily those of the *Law Weekly* or the Editorial Board. Letters from organizations must bear the name, signature, and title of the person authorizing the submission. All letters and columns must either be submitted in hardcopy bearing a handwritten signature along with an electronic version, or be mailed from the author's e-mail account. Submissions must be received by 12 p.m. Sunday before publication and must be in accordance with the submission guidelines. Letters and/or columns over 1200 words may not be accepted. The Editorial Board reserves the right to edit all submissions for length, grammar, and clarity. Although every effort is made to publish all materials meeting our guidelines, we regret that not all submissions received can be published.

UVA Special:

Large 1-Topping Pizza\$8.99



Open Late! We Accept Plus dollars

977-UVA1

1137 Millmont St.

COPA

continued from page 4 of injunctive relief, we refuse to acknowledge that there is a constitutional right to hot food. Substantive due process only protects those fundamental rights which are “deeply rooted in the school’s history and tradition.” *Washington v. Clucksbird* (2003). Since the adjoining hallway, and thus Sidley Austin Café, was not constructed until 1998, the students at Virginia Law, for most of its history, were forced to eat the saltine crackers and Oreos they brought with them from home.⁵ Therefore, this claim must fail as access to hot food is not a fundamental right for students.⁶

To evaluate the breach of contract claims asserted by Students, we first must determine whether a contract between the students and administration was entered into. This Court has determined that an implied contract was established at the time. We will not go through the analysis of how a contractual relationship was established because we do not have to walk down that road. See *Virginia Law Weekly v. Eisenhower* (1957) (“We’ve got too much snog in the noggin for this mush. You bull hockeys aren’t owed anything, so put an egg in your shoe and beat it.”) However, the contract must fail on one of two grounds: promissory estoppel or the capacity to contract.

In his email, Dean Streit alludes to a menu of “high-quality” offerings. This phrase was relied upon by students when considering whether or not to relinquish the prior cafeteria food options.⁷ This reliance was in a manner that Dean Streit should have reasonably expected, so the promise should be legally enforceable. There exists a general consensus among the community about the degradation in quality and taste of the food, “The chicken salad is the same, just worse in every way”⁸ and, “They took away the hot food and gave us shittier sandwiches, because they’re a sandwich company from Montana. Nobody thinks of Montana when they think of good sandwiches.”⁹ The claim of promissory estoppel nonetheless must be denied because since when has cafeteria food been “high-quality”? The educated student should know that flipping between national corporations in hopes that one provides “high-quality” cuisine in the cafeteria is a Sisyphean endeavor. *Cafeteria food at the In re Dean Dugas*, 663 U.Va. 121 (2016) (“But developments in the add/drop, which sometimes are speeded up, cannot be halted any more than the fleeting happiness of a snow day could be halted. The period takes one by the throat and forces a decision.”)

⁵ Or whatever the population of primarily white men ate.

⁶ Law students have always had fewer rights than prisoners who are guaranteed “three hots and a cot.”

⁷ Again, this Court is very dubious of the claim that the wishes of students mean anything to school administrators.

⁸ See Brief for Tyre as Amici Curiae.

⁹ See Brief for Lawhoos for What the Hell? Montana?? Amicus Curiae.

Law School cannot ever in its nature be high-quality.

This case must be decided on capacity to contract. The survey forwarded by Dean Davies, praise be to her, reached students on December 1 with the expectation that all considered responses were to be submitted by December 8. This Court has never before seen such an egregious display of opportunism. A person lacks capacity to contract if she is unable to act in a reasonable manner and the other person has reason to know her condition. Restatement of Contracts 2d §12. Asking a struggling law student in the week before exams what they would like to eat the next semester is akin of asking a baby you just stole to pick out drapes. Any response received by the administration should be invalidated and, as such, the contract as a whole ceases to exist.

Finally, this Court would like to asseverate that Assistant Dean of Comestible Settlement Mandy has been executing her duties in a laudable manner, her presence at this school is cherished; please don’t allow Darden to steal you away. Also, shouts out to my little sibs, Malvi and Shahil Jani, who are celebrating their birthdays this month.

The case is remanded to the lower court, with instructions to vacate the prior ruling of summary judgment and enter judgment on behalf of the plaintiffs on contractual grounds.

It is so ordered.

VANDERMEULEN, C.J., concurring in the judgment.

With my Brother Jani’s mind so clearly deteriorating, I feel compelled to join his opinion to ease his departure from the Court. Like Wild Bill Douglas before him, Justice Jani has clearly entered the throes of madness. Capacity to contract? Promissory estoppel? Professor Kordana never mentioned either of these terms.¹ Nevertheless, I agree that Justice Jani has stumbled upon the correct result, if not for the reasons stated. I would affirm the lower court’s grant of summary judgment to Students in accordance with this Court’s Mahoney doctrine, which holds that complaints by students are presumptively reasonable absent “clear and convincing evidence that the complaint is too whiny to be considered.” See e.g., *SBA v. Davies*, 38 U. Va. 189 (2017) (“Seriously? You’re still mad about the f*cking keg?”). Here, appellants have failed to provide any evidence, much less of the clear and convincing variety, that this is mere whining,² despite ample opportunity to do so in their response to appellees’ complaint. As such, Students must emerge victorious.

ahj3ez@virginia.edu



Back For Seconds: The Santa Clarita Diet

Possible minor spoilers below.

Those of you with Netflix

Kim Hopkin '19
Development Editor



may be aware of a show that debuted on the internet streaming service in 2017 called *Santa Clarita Diet*. The advertisements for the show didn’t cause me any excitement, but I decided to check it out anyway. I’ve always been a fan of Timothy Olyphant’s wry humor, and a show that attracts Drew Barrymore couldn’t be that bad. I was absolutely blown away by how funny and ironic the first season was. Without giving major plot points away, Barrymore’s Sheila is a suburban realtor who becomes a self-aware zombie. Her family, including her husband Joel and daughter Abby (played by Liv Hewson), struggles with the repercussions of this recent change in “medical status.” The boy

please go back and re-binge the first season. Many of the important storylines are directly continued, and if you haven’t reviewed, you may miss some of the best jokes trying to catch up.

My favorite part of this season was admittedly my least favorite part of last season. Joel’s role as an emotionally adolescent parent created a dynamic that grated me last year. Sheila had to do *all* the murders, raise Abby, *and* get dinner on the table for her family? Rude. But they really reached a dynamic in the relationship once Joel put down the pot and joined in the dysfunction. When they reached #couplegoals at the end of last season with Joel paying a coroner for “spare” body parts, I didn’t know if they were going to repeat Joel’s maturity process again this season. However, I was really happy to see that he really leaned in this season and the relationship as a whole grew. The situations they encounter push them to decide



Sheila (Drew Barrymore) chows down. Photo courtesy Netflix.

next door, Eric (played by the hilarious Skyler Gisondo), is eventually recruited into the conspiracy and uses his nerdy earnestness to endear himself to the audience as well as Abby.

If you haven’t seen the first season of *SCD*, then please stop reading here and tune into the show. The show has several twists and turns and includes a mystery surrounding how Sheila turned and whether or not others may soon follow.

MAJOR SEASON ONE spoilers below. As in LAST season so don’t send me hate mail.

The second season picks up directly after the cliffhangers in last season’s finale. This means Joel is being carted off to a mental hospital, and Sheila is literally chained up in the basement waiting for Eric and Abby to create a serum that may stop Sheila from further deteriorating. If this doesn’t immediately jog your memory,

what they really want and how far they are willing to go to maintain normalcy in this outlandish situation—leading to wildly comic results. I have to say, their dynamic was my favorite part of this new season.

Following closely behind was Abby’s arc this season. She’s always been tough and witty, but this season she faltered and realized the boy next door can mean more than the tough guy . . . who works at Color Me Mine (I love these writers). While Eric doesn’t undergo too much change this year, I really don’t think he needs to. His sincere desire to help the Hammonds at any cost makes me believe in mankind again. Which is fairly important when watching a show that graphically shows Barrymore chewing a man’s face off while I cheer her on.

knh3zd@virginia.edu

SOFTBALL

continued from page 4

given up trying to figure it out. • The pitcher for the Harvard-Nationals was confused during his Saturday game against UVa’s Co-Rec Gold—his burgundy pants and nice gray sweater had everyone wondering if he knew he was coming to UVa to play softball or if he thought he was traveling to C’ville for a hot tinder date.

• Fordham University, after being ejected for profanity and disrespect to their opponents and the umpire: “WE’RE NOT THAT DRUNK!”

• And the anonymous player from the opposing team after Fordham tried to say they should get to continue playing because they “were way more drunk the game before”: “Just because you get caught stealing a candy bar today doesn’t mean you can get away with it by saying you stole a car the day before!” Law school logic taught you well, my friend.

• Two games ground to a sudden halt when a series of loud, excited screams were heard at the Park around 9:30 p.m. Saturday night. Play resumed when it became clear that not only was no one in trouble, but that the screams were merely the celebration of Courtney Koelbel ’19, who had just won the popular phone trivia game “HQ.”

• Seton Hall players, after losing to UVa’s Co-Rec Gold 29-0 on Saturday evening: “Are you sure you’re law students and not actually headed to the minors?”

• Players for the Ohio State co-rec team embarrassed themselves with endless sanctimonious chirping and complaining. When the UVa field monitor asked the thick-skinned ump—whose day job is as a probation officer—if the players were drunk, she replied, “I sure hope so. If not, they’re just assholes.”

• Rebecca Rubin ’19 suffered ridicule and jeers after she clumsily broke the co-rec trophy as it waited for presentation on the Darden Towe bleachers. Not about to have something go wrong after a near-flawless weekend, tournament director Pasco leapt into action, procuring a saving supply of gorilla glue, and leaving Florida none the wiser that their trophy was mangled.

• Mary Seraj ’19 and Greg Bischooping, a Penn Law student, got engaged this past weekend after meeting at the 2017 softball tournament last year. Despite the Co-Rec Gold team’s loss, I am glad these two had a happy ending!

For all who missed this year’s tournament,⁸ I hope you’ll find the time to watch a few games this time next year. The tournament is a hallmark of UVa Law and is part of what brings us together as a community. You won’t remember—or enjoy—your April weekends in the library, but you will remember—or maybe not?—your fun times at UVa Law softball games.

mes5hf@virginia.edu

⁸ Stop being a gunner.

Guest Opinion: Keep College Open to Discussion

“It is impossible for a man to learn what he thinks he already knows.” Epictetus

Sarah Crandall '19
Guest Columnist



“It is in fact a part of the function of education to help us escape, not from our own time—for we are bound by that—but from the intellectual and emotional limitations of our time.” T. S. Eliot

Hearing Professor Coughlin and Loyola Professor Alexander Tsesis discuss the propriety of limiting free speech on university campuses, I couldn't help but reflect on the purpose of education. Both professors and I agree that the First Amendment does not protect *all* speech, and since the discussion did not focus on the current limits of the law as much as the policy questions involved, my response focuses on the normative implications of campus speech restrictions.

As I see it, education is about more than paying a ridiculous sum for a paper bearing my name. I'm here to learn—to hear ideas I never thought of before, to have my fundamental ideas challenged, to see if they will still stand. It's not a comfortable process. And it isn't supposed to be. If safe spaces become synonymous with echo chambers, and if classes are expected to be safe spaces, that undercuts the point of education. As Professor Tse-

sis rightly noted, students miss valuable parts of their education if their professors let them skip the parts that make them sad or uncomfortable. Sometimes the most painful experiences are the most formative. I remember reading and discussing *The Hiding Place*, describing a Dutch Resistance worker's torturous experiences in Nazi concentration camps, as an eighth grader. It made me cry. It made me angry. But it forced me to think about how I would respond in a similar situation, and I learned from the narrator's growth. It exposed me to different ways of thinking and enabled me to assess whether those ways of thinking were right and why.

The danger of campus speech regulations, born from the idea that school should be a safe space, is that they often prematurely shut down discussion that would otherwise lead to growth. I've heard from my fellow students how the mere prospect, or in some cases, the firsthand experience, of being labelled a “hater” has had a chilling effect on their speech. They refrain from saying what they think in group discussions not because their ideas lack a rational foundation but because they fear the only responses will be straw-man analysis, ad hominem attacks, ostracism, or even harassment claims because a given idea is politically “incorrect” and personally offensive to someone present.

That sort of one-strike-you're-out reaction does no one any favors in the long run. It doesn't encourage wrong ideas to be refuted with rational argument rather than name-calling, and it doesn't teach students how to engage with these ideas post-graduation, when they may not have the luxury of walking out of the uncomfortable conversations. It only serves to leave the

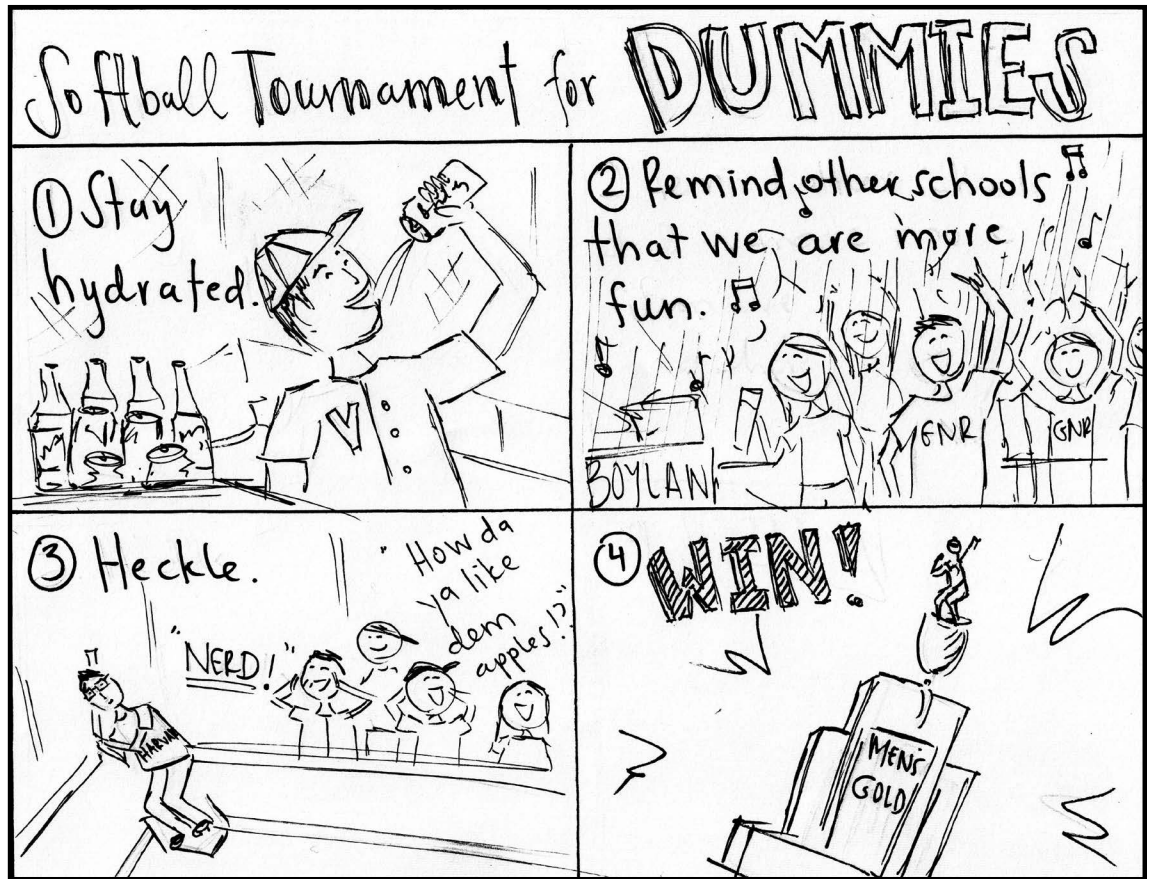
disparaged students feeling disrespected and resentful, forcing them into their own growth-stunting echo chambers.

Regardless of what background we come from or what beliefs we hold, none of us has all the answers. I hope that UVa will be a place where people can freely and earnestly pursue truth together, treating each

other with the dignity all human beings deserve. Rather than decreeing what can and cannot be said, let's have the hard conversations. And let's be better people for them.

sec4dr@virginia.edu

Cartoon By Jenny



TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY – April 11				
11:30-13:00	Myanmar and the Rule of Law	Purcell	Free	Lunch provided
13:00-14:00	Taxing Conversations: How and Why We Disagree About the Tax Bill	Purcell	Free	Extra lunch for the 1% will “trickle down” to attendees
13:00-14:00	West Coast Wahoos OGI Panel	WB 101	Free	Lunch provided
17:30	PROSPER Act: What's Ahead for Federal Financial Aid?	WB128	Free	Pizza
17:00	Virginia Law Rod & Gun Club Membership Meeting	WB 101	Free	Wings Over
THURSDAY – April 12				
11:30-12:45	Skadden Fellowships	WB 103	RSVP Symplicity	Yes
17:00-18:30	Is There Life After Death? presented by John Cleese	The Paramount Theater	\$15	Definite “no.”
FRIDAY – April 13				
12:00-13:45	Survivor's Guide to Prison Screening	WB 103	Free	Pizza
12:00-13:00	Textualism and Statutory Precedents	Purcell	Free	Mezeh
20:00	... Huh? A Night of Stories From People Who Don't Know What to Think of the Situation At Hand	Gorilla Theater	\$5	Indications unclear
SATURDAY – April 14				
20:00-22:00	A Sound Celebration Concert	The Bridge Prog. Arts Inst.	Free	“amazing music and food” [sic]
20:00-21:30	University Singers 60th Anniversary Concert	Old Cabell Hall	Free	----
SUNDAY – April 15				
16:00-17:30	Meditative Practices and Social Justice	Rotunda MP Room	Free	----
16:00	Westminster Organ Concert Series	Westminster Pres. Church	Free	----
MONDAY – April 16				
11:30-12:30	Henry Waxman on Environmental Policymaking	Garrett Hall	Free	Yes
TUESDAY – April 17				
20:00-21:30	Percussion Ensemble	Old Cabell Hall	Free	----
WEDNESDAY – April 18				
13:00-14:00	Animal Law: Animals in Labs	WB 129	RSVP mkb4ja@virginia.edu	Primate chow
11:00-13:00	Bike Maintenance Workshop	Clark Hall	Free	----

THE DOCKET

SUDOKU

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

Solution

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