



## Panel: Women in Public Service

Taylor Elicegui '20  
Historical Editor

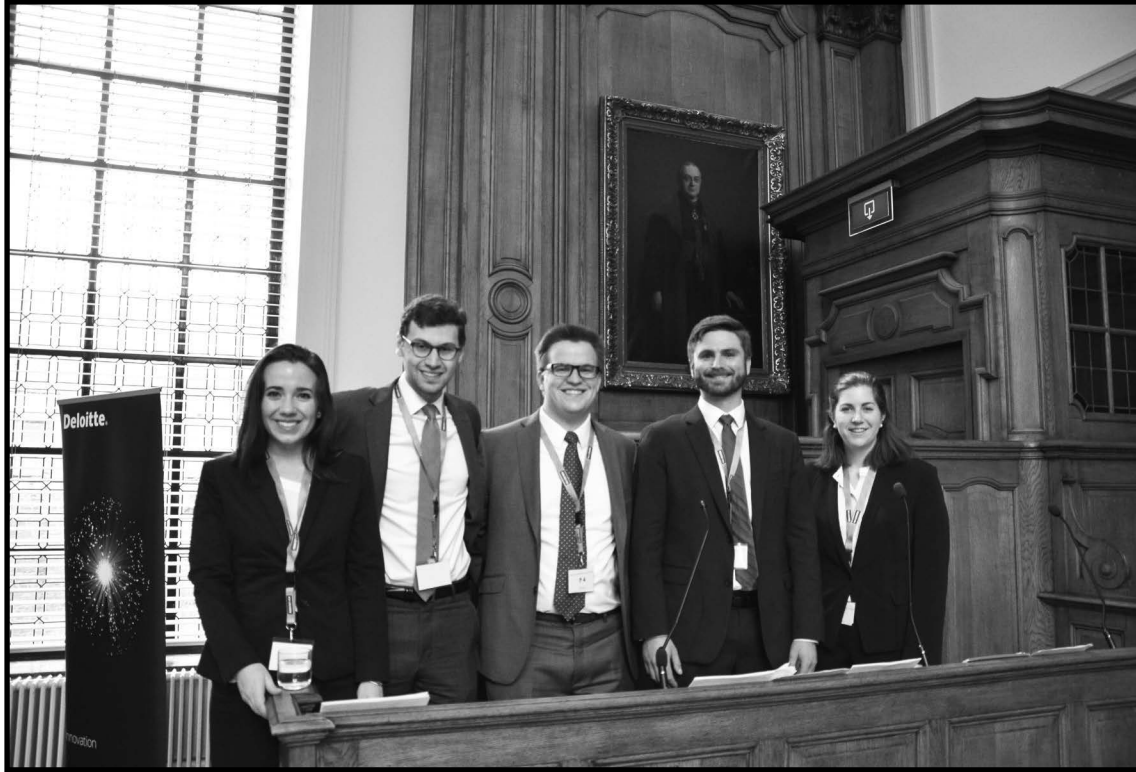
On Wednesday, March 28, Virginia Law Women brought nine women from various public service careers to discuss networking, relationship building, private pathways to public service, and getting started in public service. After three panels, everyone gathered in Caplin Pavilion to hear from Conniel Malek '06, Director of True Costs Initiative. The event simultaneously inspired and educated students interested in public service at some point in their career.

The Networking and Relationship Building roundtable focused on the importance of being the type of person you want to hire and always putting your best foot forward. Gail Johnson of the DOJ Federal Torts Claim Act Section told a story about one of the best networking efforts she had ever witnessed. It involved no awkward, forced conversations; instead, the applicant demonstrated her work ethic and diligence when she didn't think anyone was even watching. During the networking, another division of the DOJ was considering multiple candidates for an incredibly competitive position. The hiring attorneys had cut one prospective candidate until there were few enough that they could attend the same conference. The candidate introduced herself at the beginning and throughout the conference, the hiring attorneys witnessed the candidate attending panels while others went shopping, taking notes while others texted, and following up with panelists while others simply moved onto the next event. By the end of the conference, although the attorneys hadn't spoken to her since the first day, they were so impressed with her that she got the job.

The same combination of politeness and diligence can impress others and advance your career. Tiffany Webb, a public defender, told us that she often gets compliments from prosecutors because she treats her clients with respect. These compliments translate into easier relationships with prosecutors, allowing her to more effectively represent her clients. Likewise, Jennifer Ricketts '88 of the DOJ Civil Division advised the room to always strive to maintain a friendly relationship with opposing counsel. When the opposing counsel denied her request for a delay early in litigation, Ricketts likewise denied their request for a delay at a much more pivotal point in the case. By being uncooperative at an earlier point, the attorneys discouraged the other side from being flexible when they needed it. Ricketts also advised us about the importance of writing thank-you notes. Throughout her tenure at the DOJ, Ricketts saw younger political appointees come into the Department and use thank-you notes as a way to bond with career attorneys and recognize their achievements.

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# GOATS: Greatest of All Tax Students



Julia Wynn, Brandon Dubov, Phil Ogea, David Rubin, and Christina McLeod in court in Leuven. Photo: Philip Ogea.

Jenna Goldman '18  
Editor-in-Chief-in-exile

It was a season of firsts for the international tax community.

The University of Virginia Law International and European Tax Moot Court competition team clinched first place last Friday in Leuven, Belgium—the first American win in the competition's history. The team comprised

Professor Mason is the youngest professor and first woman to hold the distinction. Her scholarship focuses on European Union taxation issues and tax discrimination, two areas that proved vital to the team's win. Professor Mason served as mentor to the team, and the four members met with her weekly to discuss international tax issues, and receive research guidance and feedback on their arguments. All participants were required

2017.

Based on the Organization for Economic Cooperation and Development (OECD) Model Treaty (the international model standard for tax treaties between countries), the music-themed problem this year took place in the state of Jazzterra. When the taxpayer, a limited liability company called Musicalia, incorporated a subsidiary—Milestone—in the state, all cacophony broke loose.



Phil Ogea rises to argue a point. Photo courtesy Philip Ogea.

Christina McLeod '18, Julia Wynn '18, Phil Ogea '18, David Rubin '19, and their coach Brandon Dubov '18.

The win coincided with Professor Ruth Mason's appointment as professor in residence for the International Bureau of Fiscal Documentation based in Amsterdam.


to take Professor Mason's Topics in International Tax class to be on the team. "She taught us everything we knew before the competition," said Ogea.


The team began preparations for the competition immediately after the problem was released in October of


The issues surrounded the corporation's residence, the beneficial ownership of the corporation's dividends, what constitutes a permanent establishment under the treaty, and subsequently where the business profits can be taxed. The ultimate question was


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## around north grounds


 Thumbs up to the start of finals studying. The new-found open space in ANG's favorite bars is directly proportional to the number of gunners trying to reenact the Hunger Games in the library. #nosittingat-standingdesks

 Thumbs down to the 13-year-old rescued this week after spending more than twelve hours lost and trapped in a sewer in Los Angeles. ANG didn't even make local news when ANG drunkenly fell down a storm drain trying to snag ANG's wallet with a golf ball retriever and needed David Holsapple's help to get out six hours later. #TheShapeOf-Water


 Thumbs up to Easter and April Fool's falling on the same day. It was a nice change of pace for ANG not to be the biggest joke at the Easter brunch family gathering!

 Thumbs down to the approaching softball tournament. ANG cannot stand those cads and poltroons from Cornell. How dare they tell ANG that ANG's "completely shit-faced" and "can't run naked through the outfield"?

 Thumbs sideways to the bagels at SBA office hours. While ANG will gladly eat whatever bread-based goods in which President Fuqua trafficks, bagels and donuts are very much not the same thing. How dare you implicitly suggest ANG eat a food group without frosting.

 Thumbs up to the big softball tournament coming up this weekend. While ANG was disappointed to be overlooked as a key player for the tournament teams yet again, ANG is happy to put ANG's endurance training at the keg to good use.

 Thumbs down to a certain guitarist's paranoid reaction to ANG's joke last week about new Swedish law school band, ABA. Should ANG include "Satire:" before ANG's comments next time?

 Thumbs up to the end of Mustache March. ANG was starting to get concerned about how many of ANG's friends wouldn't be playing softball since it's within 30 yards of a public park. Lookin' at you, Graham.

# UVa Law's Winningest Animals, or, The Pets who Made Paw Review

Ali Zablocki '19  
Articles Editor



## Queen of Dogs: Molly Guerinot (posthumous)

### 1) How did Molly come to be a part of your family? What is her adoption story?

My family went to the local animal shelter and fell in love with her. She was supposed to go with another family, but as luck would have it, they weren't able to take her, and she joined our family.

### 2) How did you choose the name Molly?

Not sure how we settled on Molly. Sounded like a great name for her and very fitting.

### 3) Roughly how old was Molly? How long did you have her?

Molly was fourteen. My family had her from the time she was about six or eight weeks old until last week.

### 4) What were Molly's favorite things to do? Least favorite?

Molly loved her walks. As soon as she saw her leash, her tail would start wagging. She also loved her belly rubs and jumping on your bed as soon as you got up in the morning. She did not like thunderstorms, loud trucks, or fireworks.

### 5) Is there an anecdote that illustrates Molly's personality?

Our neighbors called her our "lawn ornament" because she



Molly Guerinot. Photo courtesy of Brian Guerinot

away during Paw Review. However, she was the most winning animal to participate, raising roughly \$200 of the more than \$1,100 Paw Review won for Caring for Creatures, a no-kill animal shelter/sanctuary located just outside Charlottesville.

## King of Cats: Jupiter Optimus Maximus Rowe

### 1) How did JOM come to be a part of your family / what is his adoption story?

My senior year in college I guilted my parents into agreeing to let me get a Sphynx cat (hereinafter naked cat). After some research, I came across a picture of a newborn male naked cat that was available for sale. (I wanted to adopt, but there re-

### his nickname, or does he go by something else? (Not sure I'm reading it right!)

I was an Ancient Greek and Roman History major in college, and Jupiter (Optimus Maximus) is the Roman god of gods. To be fair, I had the name before the cat. I needed a cat that could live up to the name, and this little naked dude fits the bill. He is basically omnipotent. As I like to say, he's semi-omnipotent. While Jupiter Optimus Maximus is his given name, JOM is one of the many names I call him. His other nicknames are derivatives of JOM (for example, JOMmy, JOMmo, JOMmer, JOM-boy, JOMerson, etc.).

### 3) Roughly how old is JOM? How long have you had him?

JOM is just over two years old. His birthday is 2/16/16. He and I were united on May 13, 2016. We haven't looked back since.

### 4) What are JOM's favorite things to do? Least favorite?

JOM has many favorite things. For one, he likes to snuggle with his brother Osiris (who does have fur) until Osiris tries to bite his skin. He also likes to stand on my books while I'm trying to read and then refuses to move when I need to turn the page. JOM also loves to get under my blanket in the middle of the night, wait until I fall back asleep, and then endlessly twist himself in the blanket until he has all of the blanket and I have none. His all-time favorite thing to do is to get brushed with a bath brush. To this day I'm not sure how we figured out that a bath brush was a good naked cat brush, but he loves it. Some of his least favorite things are getting his nails clipped and baths. I have to regularly bathe JOM, otherwise he gets greasy. It's not fun in the moment, but he gets lots of treats after. He also really hates plane flights (understandably).

### 5) What's an anecdote that illustrates JOM's personality?

There are so many stories I could tell about JOM, but I will limit myself to one. When we first met, I gave JOM a little stuffed lion that was creatively named Little Lion. He pretended not to like it for a few days, but

then wouldn't be caught without it. He played with it so much that he ended up ripping giant holes in it. Every time he ripped a hole in it, he would bring it to my bed and put it on my pillow, expecting me to stitch it up. Of course I did. Every single time. He loved Little Lion so much that it ended up with an appearance worse than Frankenstein's Monster. When I finally had to throw Little Lion out, JOM was so upset that he didn't sleep in my bed for a week. Over a year later, I still think he's mad at me. Long story short, he's basically a child who knows how to hold a grudge.

### 6) Given the chance to say whatever he'd like in Law Weekly, what do you think JOM would choose to say?



Gary Coughlin. Photo courtesy of Anne Coughlin

He would have so much to say. Where to begin? First, he would demand treats, and then tuna. Then he would like to say that despite his wrinkles, there's no need to call him ugly. It's rude. They say not to judge a book by its cover, so don't judge a cat by his wrinkles and belly fat. Also, he would like to say that you shouldn't be afraid to pet him. He feels like velvet, not a lizard or a shark or anything like that. Velvet. He would also like to give thanks to all the good people who voted for him, but more importantly donated to a good charity.

## Emperor of All Other Animals: Gary Coughlin

### 1) How did Gary come to be a part of your family? Why did you choose a toad as a companion?

Gary chose us as companions. He took up residence in a linen closet that happens to be contained in my home. I believe, but cannot confirm, that our cat, Trixie, encouraged him to look upon us with favor.

### 2) How did you choose the name Gary?

We did not choose the name Gary. Gary's parents chose his name, just as, I assume, your parents chose yours.

### 3) Roughly how old is Gary? How long have you had him?

It would be impolite to ask him his age. He has lived with us for three years.

### 4) What are Gary's favorite things to do? Least favorite?

Favorite things: Posing for photographs. Napping. Hiding in the watering can. Least favorite: Being chased by our dog, Sebastian.

### 5) What's an anecdote that illustrates Gary's personality?

On summer nights, Trixie frequently opens the door and leaves it ajar. On many of these occasions, Gary has taken it upon himself to stand upon our doorstep, guarding against intruders.

### 6) Given the opportunity to say whatever he'd like



Jupiter Optimus Maximus Rowe. Photo courtesy of Brielle Rowe

loved to lay outside and look around. She would move to the shade as the sun moved across the yard.

### 6) Given the opportunity to say whatever she'd like in Law Weekly, what do you think Molly might have chosen to say?

I think she would say, "I loved my family very much. They took great care of me, let me sleep in their beds, and rubbed my belly. They taught me to sit, stay (most of the time), and army crawl. I taught them to fetch since I was always too lazy to do so. I will miss them all."

**Editor's Note:** Molly passed

ally aren't any naked cats available in shelters). Once he came of adoptable age, I went down to Palm Springs with my mom, picked him up and drove the eight hours home. We really bonded during that time. At first he didn't trust me, but after an hour or so he was comfortable enough to fall asleep in my arms, only waking up to scream every so often. Though he didn't trust me immediately, for me it was love at first sight. As soon as I saw his barely-open eyes, I knew that we would be best friends forever.

### 2) How did you choose the name Jupiter Optimus Maximus? Is JOM ("johm")

### in Law Weekly, what might Gary say?

Whatever he might say would be uttered in a pleasing, but difficult to decipher, medium-pitched trill.

### 7) Does Gary feel that this year's victory has made up for any perceived slight by Paw Review in the past?

Gary has a thick skin, impervious to slights. His campaign manager is another story. She is thinking of suing Paw Review for otherizing this noble toad.

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GOAT

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whether the taxpayer, Musicalia, has a taxable presence in Jazzterra.

The team worked tirelessly researching the OECD Model

and French. Luckily one team member, Julia Wynn, spoke French and was able to help with translation.

Then began the arduous task of writing two briefs and preparing for oral arguments.

tion began on Monday, when McLeod and Ogea for the tax authority argued against O.P. Jindal Global University of India. The next day Wynn and Rubin argued for the taxpayer against University of Luxem-

we made the top two," said McLeod. When they received word that the team would go head to head with the dominant Ukrainian team, from the National University of Kyiv-Mohyla Academy of



Some more scenes of two-fisted tax law. Photo courtesy Philip Ogea.

Treaty and its commentary, read scholarship and international case law surrounding the complex issues imbedded in the problem. The biggest obstacle they encountered during their research was that not all the sources and cases were in English, so they relied on Google Translate (which didn't translate the specialized tax language) to parse through the sources in Dutch

Wynn and Rubin represented a foreign taxpayer hoping the treaty would protect them from tax, and McLeod and Ogea represented the taxing state, and discussed why the treaty did not protect the taxpayer. All four worked on both sides of the brief, but each argued their respective sides during the first two rounds of oral arguments in Leuven.

The weeklong competi-

tion began on Monday, when McLeod and Ogea for the tax authority argued against O.P. Jindal Global University of India. The next day Wynn and Rubin argued for the taxpayer against University of Luxem-

bourg. They found out that night that their team made the semifinals and would re-argue their cases the next day. The sub-team for the tax authority bested University of Heidelberg and the sub-team for the taxpayer trounced the hosting school, KU Leuven.

When the four found out they made the final four, they briefly celebrated with a Belgian Ale then immediately returned to the library. "It was totally unexpected when

Ukraine, the team hoped for the best. "We had twenty-four hours to research a new problem, write an entire new brief, then argue before the panel of some of the most prominent tax lawyers in the world," McLeod said.

After turning in the brief, the team had 12 hours to sleep and prepare for oral arguments. UVa represented the Tax Authority of Jazzterra in the final, which was argued by Rubin and Ogea.

"We were underdogs with a red-white-and-blue target on our backs," said Rubin, the team's sole 2L. "Thanks to teamwork, ingenuity, and strong Belgian coffee, we came through when it mattered most. It was like a movie that, admittedly, no one would ever watch."

In true Cinderella fashion, the UVa team pulled through with a slam-dunk brief and argument that impressed the panel of prominent international judges. "We raised some unique arguments, which the judges liked," explained McLeod.

Their coach never doubted the team's promise of success. "Nothing less than first place was acceptable," Dubov explained. "Here are the rules: No sugar. During the competition, your diet should focus on almonds and fish, but no white fish."

A highlight of the competition for Ogea was listening to international tax professors speak about the importance of Professor Mason's scholarship. "It was cool seeing other professors complimenting the people who teach us everyday. To understand how Professor Mason plays a larger role in international tax scholarship really put our class into perspective."

Congratulations to Professor Mason and the entire Tax Moot Court team! At least there was one UVa team that outperformed its seed this March to become international champions.

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The other panels brought together attorneys of various backgrounds and focused on the importance of interpersonal relationships. Nellie Black '20 explained, "The Getting Started in Public Service panel included a range of perspectives from all walks of public service careers, including the DOJ, public defense, prosecution, and non-profit work. All of the panelists were able to give valuable advice about getting involved in public service directly or moving to public service after some time at a firm, and each talked about some of the challenges of their public service career as well as how rewarding and fulfilling they find their work to be." After attending the Private Pathways to Public Service Panel, Ellie Riegel '20 noted, "All of the women present for the panel had incredible experiences in both private practice and the public sector. They encouraged us to be flexible, maintain professional relationships, and get out of our comfort zone in law school."

After the panels, Malek inspired and informed the audience with stories and advice from her career. After graduating UVa Law in 2006, Malek spent ten years at Alcoa, Inc. (yes, the same Alcoa from Learned Hand's *United States v. Alcoa, Inc.* 148 F.2d 416 (2d Cir. 1945) decision), working on commercial contracts and compliance and representing the company in Africa and South America. Then Malek moved into her current role, Director of the True Costs Initiative, a nonprofit organization striving to improve corporate accountability and strengthen legal systems in the Global South. Malek described the process of moving from the private to public sector as a potentially frustrating process that requires a great deal of patience and resilience. Others questioned her commitment to public service, given her private sector background. By refusing to be deterred by failure or criticism, though, Malek eventually found her dream job.

To deal with disappointment, Malek urged the audience to, "always remember your why." Malek told us her why—what drives her to fight for the environment, sustainable development, and corporate accountability. During her childhood in Jamaica, Malek recalls driving to the beach with her parents and noticing large patches of red dirt on the hills, a stark contrast to the foliage everywhere else. Malek asked her parents, who gave her a comprehensive yet accessible answer (for a twelve-year-old) and explained that the patches were a result of mining, prompting a conversation about the competing interests of economic development and environmentalism. That conversation sparked Malek's passion and inspired her career.

VLW's Julianne Toia '19 organized a wonderful event that allowed UVa students to explore public sector careers. The path to the public sector takes many forms and lacks the defined systems for the private sector career search. Programs like WiPS allow UVa students to explore public sector careers and develop the relationships necessary to succeed.

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HOT BENCH



Jeremy Kirsteinn '18

1. What is your favorite word?

All of the ones that you say over and over again until they don't sound like words.

2. Where did you grow up?

Princeton, New Jersey.

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

Squid ink paella in Madrid, Spain. Google it, it's delicious. Kim don't type that. KIM.

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

Jon Stewart. I sort of met him once when I was working as an ice cream scooper, but he didn't want to be recognized so I tried to play it cool.

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

of law school?

Libel. Oh wait... avoid the stress of law school? Yeah, still Libel.

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

"Can't Stop the Feeling," by Justin Timberlake. I love dancing to it. I know all of the words. And then some.

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

That my 3L year I'd be doing a Hot Bench. I'd want to prepare.

8. What did you have for breakfast this morning?

Well this will run on Wednesday, so I think I'll plan to have greek yogurt with banana. Fingers crossed that I don't make a liar out of me.

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

I've never broken a bone. I've ordered a "virgin" Long Island Iced Tea at Trinity. I've been to all 50 States. I have not been to all 50 states. The Long Island Iced Tea was for the UVa Law Boys Video. I had to drink it quickly and was driving home.

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

In the moment.

11. What's your least favorite sound?

People sniffing during a test, then pausing, then sniffing again. But that's just a guess, I'm not speaking from experience.

12. What's the best gift you've ever received?

Life. I use it every day.

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

Best Hot Bench. #Gunning4Lyfe

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

Nothing. I don't want to break the space time continuum.

15. Backstreet Boys or \*NSYNC?

BSB. "I Want it That Way" makes me feel "Larger Than Life."

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

Bruce Springsteen. "Working on a Dream" tour (2009) at the Meadowlands in NJ. He's especially good in his home turf.

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

Wineries. Wait... am I supposed to say law school?

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she/her/hers

# LAW WEEKLY FEATURE: Court of Petty Appeals Docket

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](mailto:jmv5af@virginia.edu).

**Complaints:**

TO THE COURT OF PETTY APPEALS (COPA):

Christopher J. Macomber v. Jansen VanMeulen [sic]

(In his official capacity as Editor of the Law Weekly and in his personal capacity)

The facts are as follows:

On March 27th, I was sitting in Scott Commons ("ScoCo") with an unnamed Bystander<sup>1</sup>. We were joined by Mr. Jansen VanMeulen [sic], hereinafter the Defendant.

I had laid out my belongings across a side ottoman and a table nearby. This included one (1) bag of Skittles that I recovered from the Copy Center after a recent trip there.<sup>2</sup>

I left the area for a moment and brought about half of my belongings to go to my locker nearby. I left behind my water bottle, backpack, and the unopened bag of Skittles. I made no mention that I was leaving permanently.

Upon my return, within 1-2 minutes, my Skittles were missing. I alerted those around me, including the Defendant, that the Skittles were missing. Defendant immediately admitted that he "took" them. As confirmation,

<sup>1</sup> This Bystander may be liable for not intervening in the Defendant's actions but that will turn on if this jurisdiction has a "Good Samaritan Law." As of the filing of this suit, they are not a listed party.

<sup>2</sup> The Skittles were free and available to all at the Copy Center. This fact does not abrogate my possessory rights once I claimed possession of them however.

he revealed the opened package of Skittles. Several were taken from the package.<sup>3</sup>

Seeing as the Defendant admitted guilt, I am only seeking COPA's attention for the proper remedy.

Prayer for Relief: On the claim against the Defendant in his official capacity: I am seeking a formal and genuine apology, printed in the Law Weekly; and on the claim against the Defendant in his personal capacity I am seeking an injunction against him from committing similar acts of theft. Respectfully submitted,

Christopher J. Macomber '19  
03/28/18

Mr. Macomber:

The Court of Petty Appeals thanks you (pettily) for your submitted complaint. Unfortunately, there is no "Jansen VanMeulen" known to the Court. As such, the Court is forced, with utmost (petty) regret, to dismiss your complaint for lack of personal jurisdiction, pursuant to Petty Rule of Civil Procedure 12(b) (2).

IT IS SO ORDERED.

VanderMeulen, C.J.

Honorable C.J. VanderMeulen:

Thank you for your rule correction and order. Because I

<sup>3</sup> This is hearsay but it is still admissible under 801(d) (2)(A) (Party Opponent Exception).

was dismissed *without prejudice* (as is the baseline for all 12(b) motions) I have submitted an amended complaint pursuant to the Federal Rules of Civil Procedure - Rule 15 Amended and Supplemental Pleadings.

As I am sure you know, Your Honor, 15(a) confers essentially an automatic rehearing of the merits on the first amended complaint by the complaining party. I hope this court will honor the text and spirit of the rule.

Sincerely,  
Chris Macomber

Mr. Macomber:

The Court thanks you for your submission. While you have most eloquently stated your case under Federal Rule of Civil Procedure 15, unfortunately for you, this Court does not follow the FRCP. We follow the Petty Rules of Civil Procedure, Rule 1 of which is "We do what we want." (See, e.g., GOOGLE v. Dugas, 9 U.Va 1 (2017) ("Certainly, the defendants cannot mean we do not have the power to create such rules. As Petty Rule of Civil Procedure 1 points out, 'We do what we want.' Implicit in this statement is the power to do whatever we want.") (opinion of HADEN, C.J.). There is substantial overlap between the Federal and Petty Rules of Civil Procedure, so you can be forgiven for conflating the two.

However, Rule 18 of the PRCP states, "Justices shouldn't be assholes," and we take that rule very seriously. As such--and in the spirit of comity surrounding the Easter and Passover seasons--I have referred to the Court COPA page 5

# LAW WEEKLY SPECIAL FEATURE: Historical CoPA

Pursuant to the settlement reached with Karl Lockhart '18 in Anonymous 3L v. Court of Petty Appeals, and Justices thereof, in their official capacity, but especially Chief Justice Goldman and Justice VanderMeulen, Docket 17-139, October 4, 2017, the Virginia Law Weekly has agreed to publish old decisions periodically. It is with great pleasure that the Court of Petty Appeals publishes the following decision from the October 14, 1965 edition of the Virginia Law Weekly. While the current Court would never refer to members of Law Review as "degenerate," "gallows-birds," or, heaven forbid, "lickspittle caitiffs," the Court is intrigued that, despite all the changes over the decades, some things remain constant.

## In The Supreme Court of Justice Fall Term, 1965

VIRGINIA LAW WEEKLY, a publication of nationally recognized ability,  Plaintiff  v. <i>virginia law review</i> , a scurrilous pamphlet of dubious worth,  Defendant	}	Bill Of Complaint
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Now comes the plaintiff, VIRGINIA LAW WEEKLY, and represents to the court that the cowering and reactionary defendant, its beaddled and preoccupied editor, and his untalented, sniveling, whimpering, moaning crowd of "fair haired" lackeys, morons, lickspittle caitiffs, rogues, wretched gallows-birds, assorted loathsome, degenerate, empty-headed, emptyhanded minions of even lesser stature, since suffering ignominious defeat in November last at the stalwart and unflinching hands of the valiant and just, i.e., plaintiff, have unceasingly leveled against their honorable victors the most scandalous, unfounded and libelous assertions of disrespect and contempt for their proven masters; have surreptitiously oiled and oozed their way through your plaintiff's offices, ferreting out and luring unsuspecting fledglings of substantial worth, ensnaring them in defendant's dank caverns with base and deceiving promises of potential glory, only to transform and pervert them into hired underlings of robotic propensities; have persisted, albeit belatedly, in publishing their monthly *rag* of inconsequential value, thereby essaying to perpetuate the myth that regular production of tedious verbiage under camouflage of unintelligibly abstruse footnotes is a significant contribution to American jurisprudence;

Wherefore, plaintiff moves this Court to issue an order charging defendant—especially one Regan the unawares and his sniveling comrades, that motley crew of squinty-eyed, knome-like, pasty-faced, red-necked spastics—to appear in Madison Bowl on Sunday, the 24th of October, 1965, no later than 1:30 p.m., prepared to face your plaintiff's righteous wrath and suffer at plaintiff's hands again defeat, and after receiving this deserved humiliation to provide your plaintiff with one keg of beer, the victor's annual libation, to the end that justice may prevail.

## Faculty Quotes

**J. Harrison:** "I've seen the light. I've given up the evil weed and I'm hungry for knowledge."

**A. Woolhandler:** "Prepare yourselves for lecture. . . Maybe you can get some Chick-fil-A from the Fed Soc event"

**J. Mahoney:** "That would be the day I dance with glee in the courtyard and dive into the pond."

**A. Bamzai:** "Well, on the administrative law professor listserv . . . [laughter] . . . yes, there is such a thing."

**J. Setear:** "I certainly wouldn't do it with a baby in a baby carrier—well, I'd be in trouble because I don't have a baby..."

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



## Virginia Law Weekly COLOPHON

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**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.

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COPA

continued from page 4

your petition for amended complaint. May God (and Justice Malkowski) have mercy on your soul.

IT IS SO ORDERED.

VanderMeulen, C.J.

Court of Petty Appeals  
In re Skittles  
Statement of VANDERMEULEN, C.J.

No. 17-123  
Decided April 2, 2018

The petition for a writ of certiorari is denied. Petitioner has stated a claim upon which relief may be granted, pursuant to Petty Rule of Civil Procedure 12(b)(7),<sup>4</sup> but the Court's pretty tired at this point in the year and doesn't really want to argue about it, tbh. Also, as Justice MALKOWSKI writes in her eloquent concurrence, the petitioner spelled my name wrong. He should spell difficult surnames correctly.

MALKOWSKI, J., concurring in the denial of certiorari, in which SHMAZZLE, ELICEGUI, ZABLOCKI, RANZINI, G, and RANZINI, D, JJ., join.

Certainly, the Court of Petty Appeals is at the point in the semester at which sleep deprivation, lack of timely submitted assignments by one Justice Jani, and a general ennui with regard to Matters Pertaining to People are most prevalent. That said, this Justice concurs in the denial of certiorari to note disgruntledly that it denies this Court the valuable opportunity to rule on the important matter of the botching of difficult surnames. This Justice has been assured repeatedly that this profession concerns itself with "attention to detail."

In practice, this principle to which we allegedly adhere has been contradicted by incomprehensible assertions that this Justice's name is "Markowitz," "Malkowitz," "Mallowsky," and in one inexplicable incident, "Ashley." This Justice shares this information to protect members of the University community, to promote correct identification of individuals without control over their Slavic or otherwise non-English roots, to help reduce the likelihood of future name-related crimes, and to raise awareness of how to seek prompt assistance (read: blind fury) should future misidentifications occur.

The concurring Justices have all had their names badly botched by cretins like the petitioner. While we're all really too tired to do anything about this case, we hope the Court will jump at the first opportunity in the new school year to take a stand for individuals with maligned surnames.

Accordingly, the petition for a writ of certiorari is DENIED.  
IT IS SO ORDERED.

<sup>4</sup> Yeah, that's right, 7. We do what we want.

Response to Justice Stevens

Last week, retired Supreme Court Associate Justice John

W. Augustus "Gus" Todd '19



Paul Stevens penned an *op-ed* in the *New York Times* encouraging the students and activists involved in the "March for Our Lives" events to seek "more effective and more lasting reform" by demanding a repeal of the Second Amendment.<sup>1</sup> Justice Stevens argued the Second Amendment as interpreted in *Heller*<sup>2</sup> has stymied lawmakers from enacting more stringent gun control legislation. In his view, repealing the Second Amendment would short-circuit these arguments and would allow progressive gun control reforms to move forward free from possible constitutional restraints.

While I disagree with Justice Stevens on many points, I am happy to finally see some transparency in the arguments for gun control. For years, many gun owners have viewed proposed "common-sense gun reforms" as concealing an underlying purpose to effectuate an implied repeal of the Second Amendment. This lack of transparency of purpose is one reason many gun owners have dug in their heels and refused to entertain arguments for proposed gun reforms. If society really wants to debate whether the Second Amendment has continued relevancy in modern society, let us have that debate in the open. To do otherwise would be counterproductive and could then endanger other constitutionally secured rights.

I also agree with Justice Stevens that the Supreme Court is responsible for much of our current confusion over the meaning of the Second Amendment. During the decade that has followed *Heller*, the Supreme Court steadfastly refused to hear cases that would clarify what protections the Second Amendment actually affords.<sup>3</sup> The constitutionality of mandatory waiting periods,<sup>4</sup> bans on certain types of firearms,<sup>5</sup> and whether there is a constitutional right to carry

<sup>1</sup> John Paul Stevens, *Repeal the Second Amendment*, THE NEW YORK TIMES (March 27, 2018) <https://www.nytimes.com/2018/03/27/opinion/john-paul-stevens-repeal-second-amendment.html>.

<sup>2</sup> District of Columbia v. Heller, 554 U.S. 570 (2008).

<sup>3</sup> See *Silvester v. Becerra*, 583 U.S. \_\_\_\_ (slip opinion at 12) (2018) (Thomas, J., dissenting from denial of certiorari). Arguably, the only meaningful Second Amendment case the Court has heard since *Heller* is *McDonald v. City of Chicago*, 561 U.S. 742 (2010), which incorporated the Second Amendment as a fundamental right applicable against the states.

<sup>4</sup> *Silvester v. Becerra*, 583 U.S. \_\_\_\_ (2018).

<sup>5</sup> *Kolbe v. Hogan*, 849 F.3d 114 (2017) *cert. denied*, 138 S. Ct. 469 (2017).

firearms in public at all<sup>6</sup> is still unclear despite opportunities for the Court to take cases and decide those issues. Unfortunately, rather than fulfilling its duty of clarifying the law in this area, the Court instead turned the right to keep and bear arms into a "constitutional orphan"<sup>7</sup> and left the country in limbo.

Before I discuss why I am skeptical that many of the popular gun control proposals will have any appreciable impact on overall gun violence, it might be instructive to note that firearm ownership is already heavily regulated at the federal level. For one thing, federal law has effectively banned private citizens from owning fully automatic firearms (i.e. machine guns, or any firearm capable of firing *multiple rounds per single pull of the trigger*) since the enactment of the 1934 National Firearms Act.<sup>8</sup> Moreover, it is already illegal under federal law to give a firearm<sup>9</sup> or for certain categories of people (such as felons, drug users/addicts, persons adjudicated to be mentally defective, and persons subject to domestic restraining orders or with previous domestic violence convictions) to possess firearms or ammunition.<sup>10</sup> Age restrictions are also in place to purchase or own a handgun or any type of long gun (rifles and shotguns).<sup>11</sup> The above discussion doesn't even begin to take into consideration the existing federal background check regime required for all purchases from licensed dealers or the additional restrictions many states impose. Serious punishment awaits those who violate any of the above federal laws, especially when that violation occurs in relation to another violent crime.<sup>12</sup>

The above scheme still allows for the average law-abiding adult citizen to own rifles, shotguns, and handguns, if 21+, of both the manually loaded and semi-automatic variety. For clarity's sake, a semi-automatic firearm fires *only one bullet per pull of the trigger*. "Automatic" is included in the name because some of the energy of the fired bullet is used to eject the spent casing, load the next cartridge, and stage the hammer into a firing position. However, unlike fully auto-

<sup>6</sup> *Peruta v. County of San Diego*, 137 S. Ct. 1995 (2017) (Thomas, J., dissenting from denial of certiorari).

<sup>7</sup> *Silvester v. Becerra*, 583 U.S. \_\_\_\_ (slip opinion at 13) (2018) (Thomas, J., dissenting from denial of certiorari).

<sup>8</sup> There are narrow exceptions to this rule for certain antique firearms or for people who have a Class III license from ATF. For a thorough discussion of the laws concerning automatic firearms, see Sean Davis, *Here are the Actual Federal Laws Regulating Machine Guns in the U.S.*, THE FEDERALIST (Oct. 2, 2017) <http://thefederalist.com/2017/10/02/actual-federal-laws-regulating-machine-guns-u-s/>.

<sup>9</sup> 18 U.S.C. § 922(d).

<sup>10</sup> 18 U.S.C. §§ 922(g) & (n).

<sup>11</sup> 18 U.S.C. § 922(b).

<sup>12</sup> See generally 18 U.S.C. § 924.

matic firearms, the gun will not fire until the operator pulls the trigger again. By contrast, manually loaded firearms require the operator to manually operate the bolt of the firearm using either a pump action, lever action, or using a handle attached to the bolt itself to eject the spent casing, and then load the next cartridge from the magazine into the firing chamber.<sup>13</sup>

One of the most popular proposals for gun control is to institute a ban on "assault weapons." This raises the difficult question of what constitutes an "assault weapon." Previous assault weapon bans did not ban all semi-automatic firearms but instead looked to cosmetic features like pistol grips, barrel shrouds, and telescoping buttstocks as the defining feature of the "assault weapon."<sup>14</sup> A semi-automatic rifle with detachable magazines that did not include these cosmetic features would not be banned. However, these additional features don't really affect the overall lethality of the firearm, so I'm not sure why they would be relevant other than that they make the firearm look "tacti-cool."<sup>15</sup>

For example, both telescoping stocks and pistol grips are primarily ergonomic features that help a person obtain a better and more comfortable grip on their firearm. These are features that should be *encouraged*, not form the basis of making a weapon illegal. Moreover, features like barrel shrouds, threaded barrels, and flash suppressors are cosmetic in nature and generally have no real impact on the firearm other than making it *look* like a military grade weapon.

Even more drastic features like bayonet mounts are primarily cosmetic, or in the case of a grenade launcher, meaningless (since the actual grenades themselves are banned under the 1934 National Firearms Act).

Even banning semi-automatic design of firearms or the ability to accept detachable magazines would likely have less of an impact than many gun control proponents would assume. Admittedly, the semi-automatic feature and ability to accept detachable magazines makes it easier to fire multiple rounds in a shorter period of time than if those features did not exist. If that is the sole basis for the argument though, then the goal would seemingly be to ban *all* semi-automatic firearms that accept detachable magazines, regardless of other cosmetic features they may have. But even this would likely not greatly affect the overall lethality of firearms. Instead, it would encourage firearm manu-

<sup>13</sup> Revolvers can share characteristics of both semi-automatic and manually operated firearms, depending on the design.

<sup>14</sup> See Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322 §§ 110101, et seq., 108 Stat. 1796, 1996 (1994).

<sup>15</sup> Because of the visual similarities, some also mistake semi-automatic rifles patterned after fully automatic assault rifles as being the same thing. For example, this has led to many people wrongly conflating the semi-automatic AR-15 with true "assault rifles" like the fully automatic M16 and M4 rifles used by the military. "Assault weapons" and assault rifles are *not* the same.

facturers to change their designs to make pump or lever action firearms fed by "stripper clips"<sup>16</sup> more popular. A person with basic familiarity with their firearm can achieve effective rates of fire with a pump action comparable to that with a semi-automatic firearm. Similarly, there is not much difference in the time required to reload a detachable magazine or use a stripper clip instead.

It would be wrong to see this as evidence that an assault weapons ban wouldn't affect lawful gun owners. While the average gun owner likely can achieve similar functionality with manually operated firearms, individuals with physical limitations may not be able to operate manually operated firearms. Not only would that would render those firearms practically useless as a means of self-defense, it would needlessly inhibit their enjoyment of shooting sports overall. Similarly, the ergonomic features that can result in a rifle being banned as an "assault weapon" are useful to all shooters in making their rifles more comfortable to shoot. That shouldn't be a reason to ban them. But more importantly, the debate itself is misplaced because it focuses on a policy that at best would have only a marginal effect on the overall lethality of the firearms themselves. Rifles and shotguns make up a vanishingly small portion of all firearm-related deaths nationwide. In fact, handguns are by far the category most often used in homicides,<sup>17</sup> and even then, approximately two-thirds of all gun-related homicides nationwide are suicides.<sup>18</sup> To focus on "assault weapons" is to look in the wrong place to combat gun-violence.

My goal here is simply to refocus the debate to where it can have the greatest impact. I am eager to participate in a serious conversation about how to lower the social costs of gun ownership in this country, but we have to start in the right place. We should not make the mistake of sacrificing an opportunity to directly address the mental health and overall violent crime issues that are driving America's gun violence problem by making an emotionally-satisfying yet ill-reasoned choice to focus on a particular class of firearms or by making wholesale changes to the constitutional protections afforded to firearm ownership. Instead, let us have a discussion where we aim to solve the root causes of gun violence. That is a discussion that I, and gun owners like me, have been waiting to have for a long time.

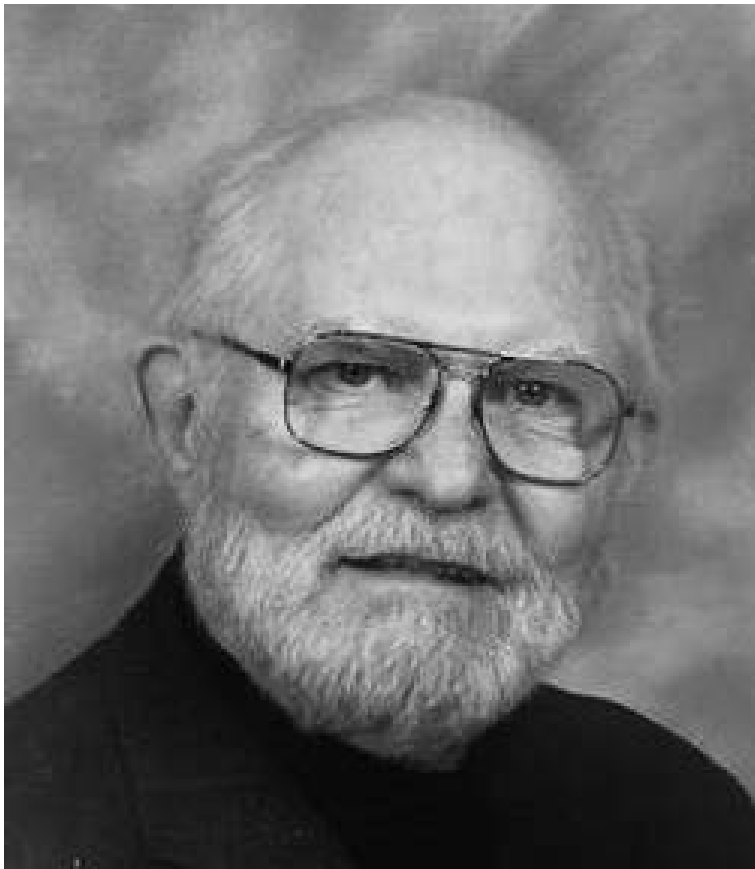
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wat5pm@virginia.edu

<sup>16</sup> A stripper clip is a loading device that holds several cartridges together as a single unit for easier loading into a firearm's magazine. They are called "stripper clips" because you strip the bullets out of them and into the magazine.

<sup>17</sup> Erica Smith and Alexia Cooper, *Homicide in the U.S. Known to Law Enforcement, 2011*, U.S. DEPT. OF JUSTICE (Dec. 2013) <https://www.bjs.gov/content/pub/pdf/hus11.pdf>.

<sup>18</sup> See Ben Casselman, Matthew Conlen & Reuben Fischer-Baum, "Gun Deaths in America," FIVE THIRTY EIGHT <https://fivethirtyeight.com/features/gun-deaths/>.

# Obituary: Gordon Wallace Poindexter, Jr.



Gordon Wallace Poindexter, Jr. Photo courtesy McDow Funeral Home.

He was educated at Virginia Episcopal School, East Carolina University and the T.C. Williams School of Law at the University of Richmond. He served in the U.S. Marine Corps in World War II and the Korean War. He left the service as a major with a Purple Heart and a Marine Good Conduct Medal.

A Mason and member of Waynesboro Lee Lodge 209, Poindexter practiced law with the firm of Poindexter, Schorsch, Jones and Hill for many years.

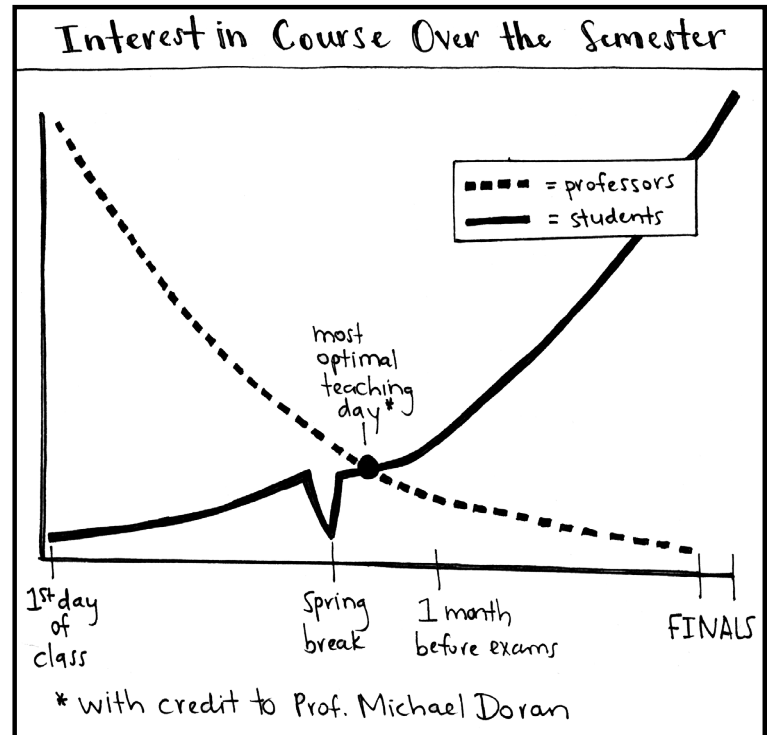
He is survived by his wife Kathy Frey Poindexter, of Waynesboro, and their daughter, Sarah Boyd Poindexter Harmer, and her husband, James Kneller Harmer, who live in London. He is also survived by son Gordon W. Poindexter III, daughter-in-law Virginia M. Poindexter, and granddaughters Ashby Atkinson Poindexter and Lucy Watson Poindexter, all of Richmond.

Memorial contributions may be made to Mennonite Central Committee, P.O. Box 500, Akron, PA 17501 or to Springdale Mennonite Church, 170 Hall School Road, Waynesboro, VA 22980. No flowers please.

Condolences may be shared with the family at [www.mcdowfuneralhomeinc.com](http://www.mcdowfuneralhomeinc.com)



Cartoon By Jenny



**Editor's Note:** Gordon Wallace Poindexter, Jr., a prominent Waynesboro attorney, passed away late last year. His law firm partner, John I. Hill, sent the following obituary as a tribute to Mr. Poindexter to be published in our pages. The Virginia Law Weekly reprints the obituary with best wishes to Mr. Poindexter's family, colleagues, and loved ones.

## Gordon Wallace Poindexter, Jr. (September 14, 1926– December 13, 2017)

Gordon Wallace Poindexter, Jr. died December 13, 2017. He was born in Richmond on September 14, 1926, the son of Gordon Wallace and Mary Morse Boyd Poindexter, who predeceased him, as did his brother James Edward Poindexter.

TIME	EVENT	LOCATION	COST	FOOD?
<b>WEDNESDAY – April 4</b>				
13:00	Human Rights Program Presents: Electronic Surveillance in 2018	WB 102	Pick up your phone and say "I'm coming" to the dial tone for head count.	Lunch served based on attendee browser history
12:00-13:00	Perspectives on Balancing the 1st Amdt. and Inclusivity	Purcell	Free	What do we want? Sticks! When do we want it? Now!
15:45-20:00	LIST Spring Networking Symposium	Purcell	RSVP joj5rd@virginia.edu	Dinner off-grounds for RSVP
<b>THURSDAY – April 5</b>				
16:00-18:00	Debevoise Presents: Federal No-Entry Programs with Judge John Gleeson	Caplin Pavilion	RSVP ccostello@debevoise.com	Heavy reception hors d'oeuvres
17:30-18:30	Real World Finances: Home Buying and Renting	WB 128	Free	Light refreshments
<b>FRIDAY – April 6</b>				
14:30-15:30	Free Yoga for Law Students	North Grounds Rec Ctr.	RSVP mkb4ja@virginia.edu	----
8:45--	Symposium: Regulating the Sharing Economy	Caplin Pavilion	RSVP online	Lunch for RSVP
<b>SATURDAY – April 7</b>				
11:00	Native American Students Union 4th Annual Powwow	South Lawn	Free	----
<b>SUNDAY – April 8</b>				
13:00	Flute Ensemble in the Dome	Rotunda Dome Room	Free	----
<b>MONDAY – April 9</b>				
12:30-13:15	Advocates for Life Presents: Inside the Brain of the Unborn	WB 104	Free	Lunch served
17:15-18:45	Going Federal III: Lateralizing From a Firm	Purcell	RSVP Symplicity	Dinner provided w/ RSVP
17:30-19:30	Ola B. Smith Lecture: 4th Cir. Chief Judge Robert Gregory	Caplin Pavilion	Free	"Quality food and drinks!" [sic]
<b>TUESDAY – April 10</b>				
12:00-13:00	Lunchtime Talk: Feminine Likeness	Fralin Museum	Free	----
<b>WEDNESDAY – April 11</b>				
17:30	PROSPER Act: What's Ahead for Federal Financial Aid?	WB 128	Free	Pizza
18:00-20:00	Film Screening: "They Shall Not Perish"	Nau Hall 101	Free	----

THE DOCKET

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