



Celebrating 70 Years of Virginia Law Weekly

The Daily Grind: MyLab Coffee Reviewed

Winnie McBride '19
Daniel Grill '19
Guest Reviewers

Whether you're a 1L burning the midnight oil or a 3L trying to make it through your first class at noon, the coffee machines in MyLab are central to life at the Law School. This year, students were welcomed back to the library by two new coffee machines. The new Encore 29 machines offer a wider variety of coffee drinks, including cappuccinos and café lattes, than the old Keurig machines and have the added bonus of interactive screens. The new machines are also more environmentally friendly as they do not require the use of plastic K-cups (#savethe-turtles). However, the ultimate measure of a coffee machine is the quality of its coffee and the time it takes to make each cup.

3L students, Daniel "What's the Difference Between a Latte and a Cappuccino" Grill '19 and Winnie "My Shenandoah Joe's Order is Over \$6" McBride '19, have provided a guide to the timing and flavor of the new coffee drinks.¹ Winnie is a renowned reviewer of coffee and all things luxury. Daniel, on the other hand, has a less discerning coffee palette. He does not mind the taste of K-Cups and typically drinks his coffee black.

1) House Blend (Time to prepare: 0:57): This was a decent dark roast coffee. Winnie detected a note of nail polish remover. It is not the best, but a good everyday coffee if you hate life and need something to get yourself through the day.

2) Major Dickason's Blend (Time to prepare: 1:01): Winnie was quick to recognize a nutty flavor and thought it tasted similar to house blend. Daniel liked it but it was so hot he spit it out. He felt like the flavor was so strong it hit him across the face.

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¹ All coffees were 8 ounces and consumed black and at middle strength. Palates were cleansed in between drinks with Goldfish and Miss Vickie's Salt and Vinny Chips.

1L Spirits Undampened by Rainy Dandelion



Section H poses for the *Law Weekly's* camera before their less-than celebrated performance. Photo courtesy Kolleen Gladden, '21,

M. Eleanor Schmalzl '20
Executive Editor

As another great year at UVa Law begins, the traditions of the Dandelion Parade continue. Started in 1984 as a calm and respectable parade, Dandelion now serves as the opportunity for upperclassmen to record videos of future attorneys at top jobs across the country doing ridiculous dances and is the nudge for all the 1Ls to realize that they truly can't take themselves too seriously if they chose to come to school in Charlottesville. Beyond overcoming the nerves of dancing in front of all their peers,¹ this year's 1Ls faced an additional obstacle to their dream of gold medal finish in the form of heavy rain.² Winners will get the best seeding in the upcoming 1L softball tournament, held on September 23, so a lot rides on each year's competition.

Section A kicked off the rain dance, setting the bar high with scene changes and well-choreographed moves. While dancing to classics such as Uptown Funk, Wipeout, and Just Got Paid, "Rip's RAngers" also threw 100 dolla dolla bills with CORDEL FAULK on the front³ into the crowd and delivered a handle of Jack Daniels to the NGSL commissioners with "This is not a bribe" written on the front. Securing second place by the NGSL judges, this crew walked away feeling rightfully pleased about their showing.

Section B was up next, and after a solid two minutes of trying to lift some of their sectionmates into a cheerleading elevator stunt, a member of

the crowd was overheard asking, "Is that it?" After an effort to recover from their slow start, "Beyond a Reasonable Out" managed to avoid any booing and were seen heading to the keg for another round of beers, likely in an attempt to forget the embarrassment that was their 1L Dandelion performance.

Section C benefitted from the downpour, with a performance set to "Under the Sea" as the song for the section's performance. While most of the section swayed back and forth making big C's with their arms every time the chorus rang out, their merman stole the show by not only frolicking into the crowd but also worming on the wet concrete. And, as the grand finale, his bikini-shell top bust off the section's performance. Clever idea and a solid effort by the "C's and Desist" team, but I may be biased given my love of all things Little Mermaid.

Section D, known as "Docket Like It's Hot," really tried to be coordinated to their dance set to "Drop it Like It's Hot," but their only saving grace was the inclusion of a dog in the section performance. Big fan of dogs.

Section E, the "Legal E's," came with posters of giant E's and danced to the classic "It's Gonna Be Me." While yelling "It's Gonna Be E!" to the chorus, the section seemed to be having enough fun to make up for their overall lack of hardcore dance moves. I wrote "I'm a fan" in my notes about their skit, so they must've done something right.

Section F, the gold medalists

of the event, grooved to "Fergalicious" in all black. They had men chugging beers and partial nudity—exposing their stomachs which had "DANDELION" spelled out across them—so the group really hit home on all the requirements for a solid placement in this year's competition. While this unbiased PA thinks Section A's Cordel Faulk dolla dolla bills were more clever than painting up, I'll tip my hat and respect the "F Bombers." But, as an aside, I'd just like to note that I'm not sure how the "F Bombers" got approved as y'all's team name. Can't wait to hear what professors think of that when you wear your jerseys to class. Good luck.

Section G had raining men . . . and that was it. With that, your team name is fitting: "Good, not Great."

Section H was the only group to attempt the dreaded skit that can never be heard, but their spoof on *Jeopardy!* was at least appropriate given they have a sectionmate trying out for the show.⁴ I honestly had no clue what was happening throughout their entire performance, but they incorporated *The Lion King* soundtrack, The Beach Boys, and a guy in a Narwhale⁵ costume who slid into the giant puddle in front of the NGSL announcers. Respect for turning boos into cheers, "Habeas Porpoise," well done.

Section I, cleverly named "Bam's I's" worked off of Britney's "Oops! I Did It Again" classic. There's not much to report except that it was,

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around north grounds



Thumbs down to the new UVa Law email that stole its title from a recurring *Law Weekly* feature and its content from a recurring SBA email. #honorcode



Thumbs sideways to the FedSoc sign-up table bagels. On the one hand, a "free" bagel to become a member is a goods-for-services trade ANG can get behind. On the other, not providing cream cheese is a blatant violation of the implied covenant of food-enjoyability.



Thumbs up to Stephen T. Parr. For the second year in a row Parr has unleashed his righteous weatherly wrath on the debaucherous spectacle that is Dandelion!



The basilisk under the WB floorboards proclaims "unwavering faith in ANG." Thank you, Honorable Basilisk. We will get it done together.



Thumbs up to Twitter permanently banning Alex Jones and Infowars, citing abuse. ANG would like to suggest a permanent ban on temperatures above 80F. Similar reasons.



Thumbs sideways to Justice Kennedy's visit. ANG would vote straight up or down but just doesn't want to commit right now.



Thumbs up to the 1L at the prison reform event who quoted Jefferson seemingly impromptu. Good on you, lad. With audacious, un-self-aware pretense like that, you're VLR-bound for sure!



Thumbs down to the Kavanaugh hearings. If ANG wanted four days of televised grandstanding, non-questions, and non-answers, ANG would have turned on C-SPAN literally at any point since its inception in 1979.



Thumbs up to the fall return of prime-time television. ANG needs other things to do besides drink at Bilt.



Thumbs down to the new Bachelor pick, Colton Haynes. Watching someone with a moral compass and no shady past find love is less entertaining than Prof. Garrett's lectures.

COFFEE

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3) Segafredo Vivace (Time to prepare: 1:03): Daniel found the taste bitter and thin, but a less acidic aftertaste than other blends. Also, who is Segafredo Vivace?

4) 50/50 (Time to prepare: 0:59): This was the best of the straight-up coffees. It packed a punch despite being only half caffeinated.

5) Hot Chocolate (Time to prepare: 0:12): This was better than Swiss Miss hot chocolate. It was less sweet than expected and very tasty! We kept drinking the hot chocolate between the other drinks.

6) Mokachino (Time to prepare: 0:43): This drink was solid and we would recommend it if you like chocolate.

7) French Vanilla (Time to prepare: 0:41): THE RIGHT COFFEE MACHINE GAVE US HOT WATER INSTEAD OF FRENCH VANILLA! Once we got the drink from the left machine, it was a bit frothy and tasted like burnt sugar.

8) Vanilla Choco (Time to prepare: 0:59): VERY watered-down hot chocolate without the lasting taste of chocolate.

9) Vanilla Coffee (Time to prepare: 0:46): BEST COFFEE FLAVOR!

10) Vanilla Choco Coffee (Time to prepare: 0:44): This drink was un-

us liked this drink. It was bitter with citrusy notes

place of purchasing a cappuccino from a café every once in a while.

13) Choco Latte (Time to prepare: 0:14): This drink was similar to hot chocolate, but less good.

14) Vanilla Choco Latte (Time to prepare: 0:14): This drink was gross and should be avoided. It tasted like melted Swiss Miss marshmallows.

15) Hot Water (Time to prepare: 0:09): There's a reason this is the most popular drink on the machine. The water was hot.

In conclusion, the new machines make some coffee drinks very well, and some not so well. Our favorite was the Vanilla Coffee (not to be confused with the French Vanilla). We are a bit concerned with the time it takes to prepare each cup, as the traditional coffee blends take about one minute to brew. We will continue to monitor the line for the coffee machine as the semester continues and stay tuned for next week's review: Left or Right: The Battle of the Coffee Machines.



The authors, pictured mid-tasting. On left Daniel Grill on the right Winnie McBride (both '19).

We couldn't really taste the artificial vanilla flavor. The drink was full-bodied without an after taste. A must try!

remarkable and forgettable.

11) Café Latte (Time to prepare: 0:48): Neither of

12) Cappuccino (Time to prepare: 0:44): This was an overall solid drink. It was kind of bitter, but good enough to take the

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Crazy Rich Asians: Mixed Messages about Asian

Barely ten minutes into watching *Crazy Rich Asians*, I caught myself tearing up. In

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the film's prologue, a racist hotel manager dismisses Eleanor Sung-Young (played by the peerless Michelle Yeoh) and her bedraggled family. "Perhaps some place in Chinatown?" he suggests. Sung-Young's wrath is swift and satisfying—she buys the luxury hotel outright and shows him the door. Sitting next to my own Chinese mom in the theatre, I thought back to the times an airline employee or a repairman had dismissed her, and how she had fiercely made them regret it. *Crazy Rich Asians* is a breakthrough. I loved it for so many reasons. Its depiction of pride and expectation in Asian mother-son relationships felt familiar. The disapproving but envious treatment of ABCs (American-Born Chinese) was gut-wrenchingly accurate. Setting aside the "Crazy Rich" part, so many of the film's most powerful moments could have happened in my own life. I never imagined scenes like these would play at my local Regal Cineplex. Asian journalists have praised the film's victories—and fairly so: representation matters. But if Hollywood is going to make more movies with all-Asian cast (and I sincerely hope they do), we need to talk about this one's

shortcomings. As a mixed-race, half-white, half-Chinese male, I think casting Henry Golding in this role was a mistake.

Western culture has long emasculated Asian men. In movies and TV, they are depicted as awkward, and devoid of any sex appeal. Think of how rarely you see a movie that features an Asian guy who isn't a martial arts master, a nerd, or the butt of a penis joke. My heroes growing up were Harrison Ford, Pierce Brosnan, Sam Neill, men who saved the day and got the girl but looked nothing like me (and even less like my Asian relatives). They starred in movies in which Asian men played the conniving villain, or the ethically bankrupt geneticist. These depictions of desirable White men juxtaposed with undesirable Asian men seep into real life. They erode the confidence of Asian young men. They implant the idea that Whiteness—and only Whiteness—is masculine. As a teenager, I was certain my lot was to be brainy and behind the scenes. Talking to girls was unthinkable because I believed I was deeply undateable. That view is apparently widespread. In his book *Dataclysm: Love, Sex, Race, and Identity*, founder of OKCupid Christian Rudder compiled data from three popular dating sites. In the tens of thousands of anonymous responses, he found that women were 26 to 35 percent less likely to rate Asian males attractive. Asian females, by comparison, were

actually more likely to be rated attractive than average. As Eddie Huang, writer of the ABC series *Fresh Off the Boat*, has written, "Asian men are told that they simply don't possess the ingredients to be considered masculine or attractive." While these depictions have subsided in recent years, no Asian has yet ascended to leading man status. Those roles remain reserved for the chiseled White men I grew up watching. Where is our Asian Hugh Grant or Idris Elba? Where are the Asian actors notable not for their coding skills or karate chops but their sex appeal?

Here was the promise of *Crazy Rich Asians*: a movie with an Asian man worthy of desire. Finally, an idol to show young men with Asian heritage that they too deserve romance. Instead, we got Henry Golding; a message diluted by one-part Whiteness. To be sure, Golding was born in Malaysia to a Malaysian mother. He is a fine actor and excelled in the role. He was funny and charming, and looked great shirtless—prerequisites for any rom-com heartthrob. As a fellow Hapa male, of course I look forward to seeing him in more roles that might have gone to all White actors. More importantly, he depicted Asian-ness accurately. He spoke the language and smoothly respected his elders in a way that reflected his genuinely Asian upbringing. But my complaint isn't with Golding's cultural representation. My complaint is far more su-

perficial. Cultural representation matters, yes. But so does physical representation. When minorities talk about representation in film or the White House or the Supreme Court, part of what we're looking for is role models who look like us. Looks matter, especially in the romantic comedy genre where the themes only reach skin deep.

A week after watching *Crazy Rich Asians*, I saw *BlackKlansman*. One scene reenacts a striking speech from real-life activist Kwame Ture. He talks about growing up watching TV and rooting against the Black villains—the characters who shared his physical features. He describes his realization that Black men and women have to define for themselves what is beautiful, to "stop running away from being Black." Those words, although directed at another people with a distinct experience, stirred a buried shame in me. For most of my life—and even in law school—I used my White half to escape my Chinese half. On my dating profile, when I had one, I described myself as only "vaguely Asian." In college, I developed a canned response for the times someone would make an Asian dick joke and look to see if I was offended. I'd say, "Don't worry, only my top half is Asian." In middle school, when I moved to suburban Ohio, I let people believe I was Hawaiian so I wouldn't be sorted with the Asian kids who played chess and joined math

club. In elementary school, I tugged at the corners of my eyelids with everyone else chanting "Chinese, Japanese, dirty knees, look at these!"

I am embarrassed that I acted this way, but—although it is no excuse—the Asian culture I grew up with never tried to correct me. On the contrary, much of Asian culture promotes Whiteness. Many K-Pop stars, for example, are distinctly "Hapa" or mixed race. My own mom had surgery to add folds to her eyelids. I've known many full-Asian friends who wear colored contacts to lighten their dark brown eyes, and get perms to tame their stiff black hair.

As much as my Asian family encouraged Whitewashing myself, my White friends let me get away with it. They laughed at my dick-joke rebuttal and peppered me with questions about which of my traits were White. I have memories from every stage of my life when a friend would mention a common stereotype about Asians, then seek to reassure me: "Oh, but I'm sure that doesn't apply to you because you're only half." I dated girls who told me they would never date an Asian guy, but mercifully made an exception for me. It's as if society carved out an exception for me because I am mixed with White. Again, the data plays this out. In the same analysis that found that Asian men are less likely to be rated attrac-

LAW WEEKLY FEATURE: Organization Spotlight—The Federalist Society

Each week, the Law Weekly showcases a Law School affinity group in a feature we call “Spotlight.” Our goal is to give leaders a regular platform to inform readers about their goals and to educate the UVa Law community about their diverse perspectives. If you or your organization would like to be featured, please send an email to editor@lawweekly.org.

Questioning presuppositions, engaging with inconsistency, and searching for truth—that’s

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Guest Columnist



the essence of debate and what first drew me to the Federalist Society. I heard about the UVa chapter’s events while growing up in Charlottesville and was impressed by the organization’s dedication to testing the value of ideas by hosting public debates. Since entering UVa Law, I’ve learned that the Federalist Society is more than a debate society. It rests on principles that represent the bedrock of our constitutional system, and its members’ shared belief in those principles encourages the formation of enduring professional and personal bonds.

When I arrived at UVa Law, I quickly became involved in the Federalist Society by serving on the 1L Committee and attending as many events as possible. One particularly memorable event was entitled “Where is Feminism Headed?” Karin Agness, founder of the Network of Enlightened Women, a group for conservative college women, appeared on a panel that included Gail Deady, a Legal Fellow at the ACLU of Virginia. Professor Emeritus Lillian BeVier, UVa’s first tenured female law professor, moderated the panel. It

might have appeared an unlikely event for an organization whose membership is often stereotyped as exclusively male. And yet, it was precisely the kind of event that has made the Federalist Society successful and influential. During the event, Karin Agness and Gail Deady engaged in an increasingly heated exchange that revealed divergent visions of the policies necessary to empower women—but a shared goal of promoting female economic and political opportunity. Indeed, the panel provided a lesson in the importance of opening the door to dialogue, especially when two sides appear ideologically irreconcilable.

As vice president for speakers during my second year of law school, I strove to carry on FedSoc’s tradition of providing a forum for rigorous debate. I didn’t fully appreciate the significance of the Society’s founding principles, however, until halfway through 2L year. The Federalist Society is founded on the principles that “the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be.” My study of American history and political theory during college had already shaped my agreement with the first two propositions, but taking Judge Amul Thapar’s and Professor BeVier’s January

term course on Justice Clarence Thomas’ jurisprudence represented my first real opportunity to reflect on the role of judges, originalism, stare decisis, and other jurisprudential topics.

Only by reasoning through Justice Thomas’ opinions and, later, studying administrative law and reading Justice Scalia’s essays in *Scalia Speaks*, did I come to see the relationship between the Federalist Society’s third founding principle and the first two. James Madison (FedSoc’s mascot) alludes to the first principle in his essay on property: “Government is instituted to protect property of every sort; as well that which lies in the various rights of individuals, as that which the term particularly expresses.” Federalist No. 51, also written by Madison, connects the first and second principles: “In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department (branch of government) should have a will of its own . . .” The separation of powers is essential to preventing the “accumulation” of all legislative, executive, and judicial power “in the same hands,” which constitutes “the very definition of tyranny.” The Federalist No. 47 (Madison). But what’s to prevent such a concentration of power? This is where the third principle

comes in. Paraphrasing Justice Thomas’ arguments in his *Perez v. Mortgage Bankers Association* and *Michigan v. EPA* concurrences, the judicial power vested in the judiciary by Article III of the Constitution requires a judge to exercise independent judgment, free of personal biases and “human will.” This proper exercise of judicial power—saying what the law is, not what it should be—prevents the judiciary from usurping legislative power by using judicial decrees to make policy. Additionally, when courts exercise this independent judgment, rather than surrendering it through *Chevron* and *Seminole Rock* deference to administrative agencies, they act as a bulwark against accumulation of executive, legislative, and judicial power in the executive branch. Thus, the judiciary’s adherence to its constitutional role supports the separation of powers, which in turn protects liberty. I hope that opportunities, such as our Originalism 101 event, will enable the current class of 1Ls to learn much earlier than I did what it means for the judiciary “to say what the law is” and why it matters.

A shared passion for the Federalist Society’s founding principles sustains a strong professional network that promotes mentorship and friendship. UVa FedSoc members and alums want to invest in fellow FedSocers from the moment they step on Grounds, as my own experi-

ence demonstrates. One former UVa FedSoc member (class of 2016) helped me navigate course selection for my second 1L semester; another (class of 2012) met for coffee to guide my 1L summer job search; a third (class of 1994) offered crucial advice about my 2L summer job search and clerkship application strategy. All three women have become mentors and friends, who inspire me to share my experience with the UVa FedSoc students who follow me. The exceptional enthusiasm of 2L and 3L members to participate in our chapter Mentorship Program indicates that I am far from the only FedSoc member who, having benefitted from the UVa FedSoc network, wants to reinvest in our new members.

Engagement with the national network provides additional opportunities. The Federalist Society National Lawyers Convention brings together lawyers in government, Big Law, public interest, academia, and the judiciary. Attendance at the convention may provide the occasion to meet someone who could write an important recommendation or sit across an interview table in the not too distant future. The Federalist Society Student Symposium offers the chance to hear exceptional speakers from across the political spectrum debate current legal and constitutional issues, and then to rehearse those debates with

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Confirmation Stories: From Washington to Trump

When a seat on the Supreme Court vacates, the president is

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Guest Columnist



tasked with a great responsibility. Alone among the national government, federal judges have lifetime tenure. Each justice a president appoints is a justice that will put his or her imprimatur well after that president leaves office. Since the start of the 20th century, a justice has on average served (roughly) 13 years after the president that appointed him or her left office.¹ Since the Eisenhower administration (beginning in the middle of the 20th century), that number increases to an average of seventeen years. In other words, a president’s choice reverberates for another three or four terms after he leaves the White House.

President Trump is unique, perhaps, in that he has prominently outsourced his decision making. Also unique is how public the decision making has been. During the campaign, he released two lists of nominees he would consider, first of eleven,² then



Justice McLean, pictured in an 1849 daguerrotype. Photo courtesy Matthew Brady.

twenty-one judges.³ As President, he has maintained an updated list of twenty-five.⁴ While it is certainly nothing new for potential nominees to become public (President Clinton was pretty clear he wanted Governor Mario

3 <https://www.cbsnews.com/news/donald-trump-expands-list-of-possible-supreme-court-picks/>

4 <https://www.whitehouse.gov/briefings-statements/president-donald-j-trumps-supreme-court-list/>

Cuomo of New York to fill the seat Justice Ginsburg eventually would),⁵ most public knowledge comes from leaked private talks, or after the fact interviews and investigations.

In any event, to replace Justice Kennedy, President Trump has selected Judge Kavanaugh, only just added on the third list.

5 <https://www.nytimes.com/1993/03/20/us/the-supreme-court-clinton-and-justice-cuomo-the-real-thing-or-just-talk.html>

Judge Kavanaugh is young. At 53 years old, he could easily serve twice the average length calculated above. He is, to use the abused phrase, “impeccably credentialed,” a D.C. Circuit judge for over a decade, a former clerk to Justice Kennedy, and a graduate of Yale Law School. In the hearings, he has already faced voracious criticism, and if he is confirmed, it will likely be by only a narrow margin.

Has it always been this way? Not exactly. Take Edwin Stanton. He was the Secretary of War during the Civil War for Presidents Lincoln, Johnson, and Grant. In 1869, Grant nominated him to the Supreme Court, and the Senate promptly confirmed. Shortly after, and before he could take his seat, he passed away.

Or take Justice John McLean. McLean was postmaster general under Presidents Monroe and John Quincy Adams.⁶ During the 1828 election, he supported Andrew Jackson, who would end up defeating McLean’s old boss, J.Q. Adams. Today we might think of the postmaster as, at best, a second-tier cabinet position. However, in the 19th century the position was a potential source of large amounts of federal patronage. But at first only a potential source, as McLean favored meritocracy, and resisted wholesale staff replacement merely to reward Jackson supporters. Upset that McLean would not distribute jobs to Jacksonians, but wary of upsetting other supporters by firing him, Jackson found a

solution when a vacancy arose on the Supreme Court. Kicking him upstairs, McLean was nominated and confirmed to the Supreme Court.

Justice McLean is not well remembered, certainly not as well as Jackson’s last nominee, Chief Justice Roger Taney. The first Catholic (and the first non-Protestant) appointed to the Supreme Court, Taney is infamously remembered for authoring the *Dred Scott* decision. McLean was one of the two dissenters. Perhaps he should be better remembered.

Finally, even the father of our nation, George Washington, was not immune to confirmation chicanery. In 1795, John Jay, the first Chief Justice, resigned from the bench to become Governor of New York. To replace him, Washington appointed John Rutledge while Congress was in recess. Rutledge was one of the original associate justices, but resigned after one year to be Chief Justice of the South Carolina courts. Rutledge served until the Senate reconvened, where it promptly rejected him, 14–10, on account of his opposition to the Jay Treaty. The more some things change, well, the more other things stay the same.

Whoever replaces Justice Kennedy will be the 114th American to sit on the highest court in the land. I hope to share a few of the stories of how they got there. Next time, Justice Brandeis and the first public confirmation hearing.

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1 This number includes only the justices who have completed their service, and not those still on the court. It includes 50 justices, from Justice Holmes to Justice Souter.

2 <https://www.cnn.com/2016/05/18/politics/donald-trump-supreme-court-nominees/>

6 From Josh Chafetz’s *Congress’s Constitution*.

DANDELION

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overall, a hot mess of a performance. And, unlike section D, they didn't have a dog to wow the crowd. The dog always works, people. Always bring a dog!

Sections J and F had the same "all black" idea, but that didn't deter section J from standing out in the crowd. I don't remember much about their dance other than the stripping and the great puddle smash at the end, but something impressed the judges, as the "Justice RBI's" secured third by NGS� rankings.

To finish off, the LLMs pulled the ultimate power move by not even showing up to perform in the heavy rain that clouded the event. After attending the T-Pain concert last week, the LLMs clearly grasped the American mindset to disregard authority and do whatever they wanted. The LLMs are likely the only group to survive Dandelion without a cold or an extremely embarrassing video of their dance skills and, consequently, the traditional Dandelion winners secured another victory in my eyes.

While people may grumble about Dandelion, it's a strong tradition that, like softball, sets UVa apart from several other law schools in the country. Here's to hoping this class survives all the colds and flus they contracted during the rainy Saturday and keep the tradition alive for years to come.

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¹Thank you, NGS�, for providing free kegs and pizza to enhance performances and viewing pleasure.

²Weatherman Stephen T. Parr refuses to comment on why he has allowed such dreadful Dandelion weather two years straight, but promises sunshine for the 1L tournament.

³Starting the petition now to make the official change on real paper money. I think Trump could be persuaded.

⁴Would be better if they had the 1L who actually won *Jeopardy!* in his pre-law school career, but I digress.

LOOKING BACK: 70 Years of the Law Weekly

In celebration of seventy years of publication, Volume 71 of the Law Weekly takes pleasure in publishing excerpts from the past seventy volumes. This week, a special focus on the late '90s, aka the heyday of Kordana restaurant reviews.

Memories of Hurricanes Past

"The City of Charlottesville awoke Friday morning to find itself without power, as Tropical Storm Fran battered Albermarle



Professor Anne Coughlin in simpler, less fashionable times. From the Law Weekly's issue of 10/31/1997.

intriguing structure yields to no apparent logic. (For example, prices are not chosen to come out evenly with the addition of tax; the examples given above include prices set at 17, 12, and

County... Even students who did not live on a mountain were affected. 'A tree fell over our driveway and stayed suspended on an electric power line for three days before Appalachian Power removed it,' said second-year law student Mark Hornor, who lives in Covesville, about 20 miles south of Charlottesville... Like other Albermarle County residents, many law students went without power or phone service for part of the weekend, including some who remained without power throughout the weekend." **Curtis J. Romig '98**, "Fran Wreaks Havoc on Virginia," *Virginia Law Weekly*, Friday, September 13, 1996.

Eds.: This is your friendly reminder to stock up on candles, batteries, and non-perishables, kiddos.

An Allegation of Fraud from an Unlikely Source
"The pricing scheme's initially

7 cents below \$3.) A cynic might suggest that the prices are unusual in order to make monitoring the bill more difficult: on my first visit a \$2.93 Blind Pig (a '96 Great American Beer Festival Gold Medalist) was erroneously charged at over \$5." **Professor Kevin Kordana**, "Zen and Culinary Art at the Buddhist Biker Bar & Grill," *Virginia Law Weekly*, Friday, October 31, 1997.

Eds.: RIP Buddhist Biker Bar & Grill, Professor Kordana's restaurant reviews, and illogical price schemes.

A Gloomy and Impotent Protest Against Progress
"The Law School has implemented a policy, effective this fall semester, requiring that all first-year students own a notebook computer... While the long-term benefits of this requirement in regard to the Virginia legal education remain to

be seen, the immediate financial impact is readily apparent. In addition to paying for tuition, housing, multiple textbooks and study aides, first-years must now absorb another significant cost upwards of several thousand dollars." **Howard Chang '01**, "Laptops a New Requirement," *Virginia Law Weekly*, Friday, September 3, 1999.

Eds.: Thank goodness the price of laptops has come down to only a thousand dollars these days. And most importantly, thank goodness laptops ushered in a technological revolution so we never had to learn to Shepardize cases by hand.

Examples of Personal Ads that Remind Us Why We Don't Run Personal Ads
"Come on Baby Light My Fire: Disgruntled 2L tired of this school stuff seeks dynamic instructor to rekindle my interest in the law. No legal economists need apply. Looking for inspiration and willing to actually do reading provided it is not too boring."


"In Search of the Fourth Horseman: Three 3Ls job offers in hand, seek a fourth for regular rounds at Birdwood. Our sole goal this year to reduce our handicaps by half. Would prefer someone with a good short game. No duffers need apply."

Ben Block, "Looking for Love in All the Wrong Places," *Virginia Law Weekly*, Friday, September 3, 1999.

Eds.: Glad to know not much has changed since 1999. This is still why the Law Weekly doesn't run actual personal ads.

Staff Spotlight:

M. Eleanor Schmalzl '20



Name: M. Eleanor Schmalzl

(What does the "M" stand for, you might ask? Come to any of my first days of class to find out.)

Law Weekly Position: Executive Editor

Hometown: Walton, Kentucky. (I've heard there's a rumor that I am from Ohio. If you are among the mistaken, please reference the tattoo of Kentucky on my foot.)

Undergrad: Ohio Northern University (Go Polar Bears!)

Favorite Horse: Clydesdales, because they are beautiful and represent my favorite cheap beer, Bud heavy.

Favorite Law School Activity: SOFTBALL!!

Least Favorite Type of Bottled Water: Nestle or Ice Mountain. I can tolerate Ice Mountain when cold, but Nestle is all around a garbage brand of water. Stick to cookies, Nestle.

Greatest Achievement: Being able to write legibly with my non-dominant hand. Whoever said doodling during church was a waste of time doesn't know how to doodle effectively.

Why I Joined the Law Weekly: Free dinner on Monday nights during 1L was a huge draw. Why I became Executive Editor is less clear, but I recall the editor-in-chief telling me it "isn't that much extra of a time commitment" and that "we don't stay past 11 on Monday nights." Oh, how young and naïve I was as a 1L.

Faculty Quotes

C. Jaffe: "There's no Boy Scout rule in legal ethics."

F. Schauer: "If you have a theory you don't like but you don't know why you don't like it, call it formalistic."

J.S. Ballenger: "Is it true that Cleveland is a place that people don't voluntarily choose to live?"


R. Schragger: "What is the only thing more important than freedom? . . . LOVE!"

A. Vollmer: "I've never looked at the Trust Indenture Act in my life. I don't know where it is. I don't know what it says. But there are those who love it."

A. Choi: (after asking volunteer a follow-up 5 questions): "See? I'm trying to create a collegial environment"

Heard a good professor quote?

Email editor@lawweekly.org!



Virginia Law Weekly

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The Power of State Constitutions: Judge Sutton Speaks

On Tuesday, September 4th, Judge Jeffrey Sutton of the United States Court

Taylor Elicegui '20
Features Editor



of Appeals for the Sixth Circuit visited the Law School to discuss his new book, *51 Imperfect Solutions: States and the Making of American Constitutional Law*, at the invitation of the *Journal of Law and Politics* and the *Virginia Law Review*. Judge Sutton is a great friend of UVA Law—the book grew out of a talk he gave at UVA and an article published in the *Virginia Law Review*.¹ Judge Sutton's book argues state supreme courts should have a more important position in the world of constitutional law, allowing states to have different rights and making it easier for a polarized nation to continue to exist as one. As he explained, lawyers tend to focus on federal rights, seeing the federal Supreme Court as the ultimate arbitrator of constitutional questions. Judge Sutton proposed a détente between the right and left's lawyers: lawyers should focus on state court and state constitutions, allowing the flexibility

1 Judge Sutton also hires many UVA Law grads as clerks, including Professor Aditya Bamzai, a panelist at the event.

of federalism and eschewing a one-size-fits-all solution. Professors A.E. Dick Howard, Richard Schragger, Aditya Bamzai, and Molly Brady all discussed different aspects of the book and its four main topics (school funding, exclusionary rule, compelled sterilization, free speech, exercise of religion, and mandatory flag salutes), providing more insights and raising questions about the feasibility of a détente (which Judge Sutton acknowledges would be difficult to achieve, if not impossible). Professor Howard pointed out another benefit of state constitutions: the ease with which they can be amended. Since state constitutions can be amended much more easily than the federal constitution, voters can respond to state supreme court decisions by changing the constitution. He gave the example of *Kelo v. City of New London*,² a federal decision about the meaning of "public use" in the takings clause which inspired states to tighten the state requirements of the government's eminent domain power. Schragger focused on the importance of city power and reminded us we live in a three-tiered system, not a two-tiered system. Bamzai emphasized the Fourth Amendment. The states were the original in-

2 545 U.S. 469 (2005)

novators of the exclusionary rule among a variety of potential approaches to protecting against unreasonable searches and seizures, including money damages and trespass claims. He focused on the difficulty of striking a balance between federal and state protections. For states to have room to innovate, the federal rights must be set below state rights yet still high enough to achieve the desired policy outcomes. Professor Brady took a different approach and discussed property rights, where state innovation has not come to fruition. She explained she shares Judge Sutton's hope about the potential of state constitutions, but not his optimism. Ohio and other states invented the easement of access, which the Supreme Court eventually adopted. Professor Brady acknowledged some states responded to *Kelo* by specifically defining the Fifth Amendment's "public use" as not to include economic development. Twenty-seven states added "or damaged" to their takings clauses, which initially seems like a positive development. As Professor Brady explained, though, the states all use the same "Alaska test" to assess if a property has been damaged by government action. Can you guess what the Alaska test is? You guessed it—the good ol' *Penn*

*Central*³ balancing test.⁴ In general, states have declined to interpret their own takings clauses differently than the federal takings clause. Professor Brady also explored the impulse lawyers have to take cases to the United States Supreme Court. Because people tend to think they will win (although they know they could, theoretically, lose), they want to win at the national level. For public-interest organizations with limited resources, taking cases to the federal Supreme Court can be a more efficient use of resources since they can't reasonably take a fifty-state approach. Professor Brady acknowledge a détente could be effective, but questioned the feasibility, given these considerations. Judge Sutton also stressed the need for advocates to take their second shot. As he explained, by focusing on federal rights, advocates ignore their clients' rights under state constitutions, to the peril of the client. *Utah v. Strieff* is the ultimate explain of the oft-ignored second shot. In *Strieff*, a narcotics detective began surveying a suspected drug house and observed Edward Strieff leaving the residence. The office detained Strieff and realized Strieff had an outstanding warrant, so the officer proceeded to arrest and search Strieff. The officer found methamphetamine and drug paraphernalia. Strieff moved to suppress the evidence, arguing the officer did not have probable cause to stop him. The Utah Supreme Court held 5-0 that the evidence must be suppressed as tainted by the initial, illegal stop. Utah appealed to the United States Supreme Court, which overruled Utah and considered the evidence to be admissible. Had Strieff's lawyers also raised his right to be free from unreasonable searches and seizures under the Utah state constitution, the United States Supreme Court would not have been able to overturn the decision and the evidence still would have to be excluded. Overall, Judge Sutton was a persuasive advocate for state supreme courts and federalism. He explained that, while not all judicial activism is ideal, at least state judicial activism has more democratic legitimacy. Although I too share concerns about the feasibility of a détente, I am intrigued by the argument. At the very least, I have a much greater appreciation for the second shot.

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3 Penn Central Transportation Co. v. New York City, 438 U.S. 104 (1978)

4 1Ls, you have so much property to look forward to. You're welcome for the preview, filled with jargon that is currently meaningless. I promise, though, these words will one day all make sense.

MIXED MESSAGES continued from page 2

tive, Rudder found that men who check boxes for both Asian and White get a 32–48 percent boost over the average. As Rudder puts it, "When you add White, ratings go up, across the board." So what does casting Henry Golding do for the perception that Whiteness equals beauty? Absolutely nothing. If anything, his casting entrenches the status quo. Just as I have done my whole life, casting a mixed-race Asian man as a full Asian character gives the audience an excuse for his attractiveness. It lets them say, "Oh, but he's just half." Golding's Whiteness allows the audience to reconcile its stereotypes about Asian men with what they're seeing on screen. The implication is that he's attractive and masculine because he is mixed with Whiteness. The message to young men watching is that a full-Asian male is not plausible—or, perhaps, palatable—as a sexy male lead. After the movie came out but before I saw it, a family friend whom I consider especially woke commented that I might look good with a hairstyle like Henry Golding's in the movie. When I finally saw it, I realized I could never have hair like that. I simply didn't inherit that particular White gene. His hair is wavy and lays neatly on his head. Mine is distinctly Asian, bristly and usually cow-licked. I make a point of putting product in my hair daily to keep it under control. That comment stung where I didn't have Whiteness to protect me. Here was supposed to be this modern symbol of Asian masculinity, and at least one of his attractive features has nothing to do with his Asian heritage. Which other parts of Henry Golding fit into the same mold that produced Zac Efron? George Clooney? Either Hemsworth? I'm not the first person to grumble about Henry Golding's halfness. When *Entertainment Weekly* asked him to respond, Golding said, "I was chosen because I came as close to the character as possible" Except that's not true. Nick Young's father and mother were Chinese, both in the book and the movie. "Where are the boundaries? Where are the lines drawn for saying that you cannot play this character because you're not fully Asian?" Golding asked. His question was rhetorical but—at least for this movie—the answer is obvious: two Asian parents just like the character was written. If we want to stop running away from being Asian, we need to stop casting actors with distinctly White characteristics. Our eyes are slanted. Our hair is straight. We are Asian and beautiful.

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HOT BENCH



Nicole Llinares '19

- 1. What is your favorite word?**
Toad.
- 2. Where did you grow up?**
Hauppauge, N.Y. which is in the middle of Long Island. It's equally far from the city and the Hamptons as well as the North and South Shores. It's all the traffic with none of the benefits. (Can't wait to show this Hot Bench to my parents!)
- 3. What's the best meal you've ever had?**
I'm not very fancy. I went to all the Ohio State football games in college to give the impression I was a loyal fan (which I was), but everyone knows I only stayed for the hotdogs. Recently, however, I went to a restaurant called Damas in Montreal and ate some life-changing Baba Ghanoush salad.
- 4. If you could meet one celebrity, who would it be and why?**
Mindy Kaling. I think she is an amazing role model for young women. Also, she's hilarious.
- 5. What's your favorite hobby to avoid the stress of law school?**

- The stress of law school has really helped me realize I have no hobbies. I am currently trying to learn how to play the guitar. If you hear a sad attempt at Bob Dylan through the walls of Ivy, that's me! Everyone seems to react negatively to Wonderwall so I'll probably start on that one next.
- 6. Where is your favorite place to vacation?**
Seaside PARK on the Jersey Shore. Please note the emphasis on Park. I did, however, see D.J. Pauly D working in the Shore Store once.
 - 7. What did you have for breakfast this morning?**
Sour gummy bears.
 - 8. What's your most interesting two-truths-and-a-lie? (And what's the lie?)**
(1) I used to have a lip piercing.
(2) Bachelor in Paradise is bad TV.
(3) I'm a nice person.
Bachelor in Paradise is an extremely entertaining program. #ChrisHarrison2020.
 - 9. If you could live anywhere, where would it be?**
I'd get a lake house on Flathead Lake in Montana.
 - 10. What's the best gift you've ever received?**
Tickets to a Spice Girls concert in the second grade.
 - 11. What is the best concert you have ever been to?**
I saw Arcade Fire at the Panorama Music Festival on Randall's Island in 2017. I was not familiar with their music at the time, but it was still the best and most enjoyable performance I have ever seen.
 - 12. What's your favorite thing to do in Charlottes-**

- ville?**
Leave. Fine—breweries! I love Devil's Backbone, but it's a bit of a hike (something I sometimes also enjoy).
- 13. If you could make one rule that everyone had to follow, what would it be?**
Never say "hi" to anyone you pass in the hall or on the street. You know, kind of like in NYC. I'm really trying to decrease the percentage of time in my day in which I feel awkward. This rule would really take the pressure off.
 - 14. What's your favorite food?**
Chicken cutlet with mayo. Doesn't need to be on bread.
 - 15. If you won the lottery, what would you do with it?**
Start a production company and make all my own movies.
 - 16. If you had Matrix-like learning, what would you learn?**
Videogames. Then I could be the #1 player on Fortnite and make a career out of it and all the celebrities would want to play with me.
 - 17. Where is a place you haven't been but want to travel to?**
Bora Bora ever since my cousin had a poster of it in her room in middle school. And I want everyone to know this was my idea before the Kardashians went and had their big-time family vacation there back when Kim was still married to Chris Humphries.

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SPOTLIGHT

continued from page 3

fellow law students from across the country. Those law students will become colleagues, collaborators, friends, and supervisors who could one day promote pursuit of a new opportunity at a firm or a move into a new job.

Of course, any explanation of my love for the Federalist Society and our UVa Law chapter must recognize our Law School's special community. FedSoc chapters at other top law schools do not always experience the willingness of other organizations to cosponsor events and the respect from students and faculty that our chapter enjoys.

One of the reasons I ran for FedSoc president was that I believed our chapter could do a better job of strengthening our chapter community and emboldening our members to articulate the importance of the principles of individual liberty, separation of powers, and the rule of law. We hope these are principles upon which all lawyers can agree, but we are grateful for a community eager and willing to debate their significance and how we, as a society and a profession, may achieve or defeat them.

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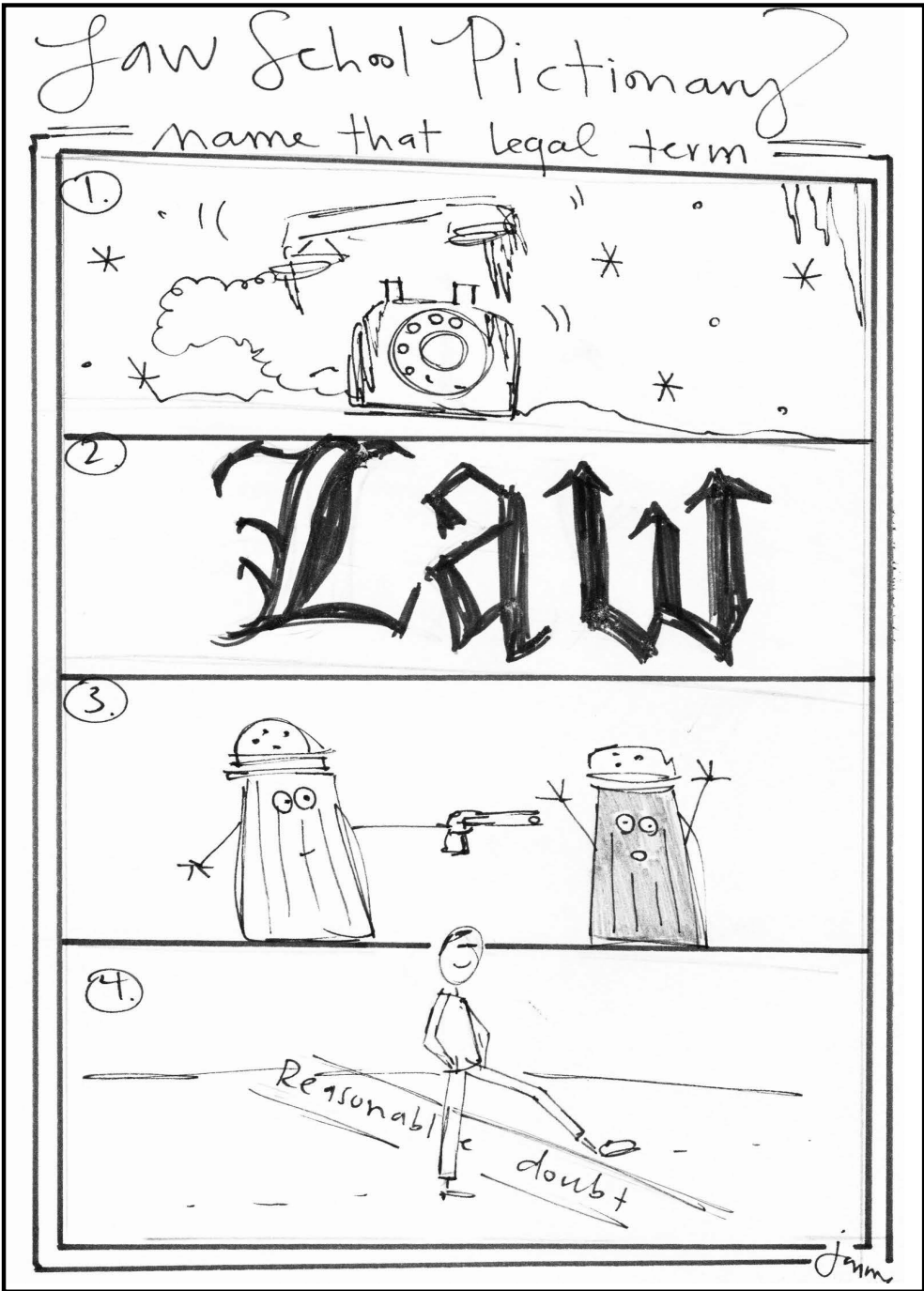
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Cartoon By Jenny



A: 1. Cold call 2. Blackletter law. 3. Assault with a deadly weapon. 4. Beyond a reasonable doubt.

THE DOCKET

TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY – September 12				
11:30 – 12:30	Lunch and Feminist Button-Making w/ FLF	WB 278	Free	Yes
12:00	Lexis Lunch	WB 126	Free	Pizza and Little Debbie cakes, in case you really needed to ask
12:30	The Real Deal: Prosecution	Purcell	Free	----
17:00 – 17:45	Street Law General Body Meeting	WB 152	Free	Yes
THURSDAY – September 13				
11:30 – 12:30	Exploring Firm Careers	WB 152	Free	----
11:30 – 13:00	FedSoc Presents: Universal Basic Income – A Debate	WB 101	Free	Wings Over
12:00	Lexis Lunch	WB 126	Free	You guessed it -- Pizza!
12:00 – 13:00	West Coast Wahoos General Body Meeting	WB 154	Free	With RSVP
13:00	Greening Your Event	WB 114	Free	Yes, but you'd better not waste any!
FRIDAY – September 14				
11:30 – 12:30	Exploring Firm Careers (Repeat)	WB 152	Free	----
16:15	Conversation with Justice Kennedy	Caplin Auditorium	He's not doing this for nothing, you know	----
SATURDAY – September 15				
10:00 – 11:30	Off the Chain: Against Chaining of Dogs	Fredericksburg Town Hall & Market Square	Free	Dogs: food for the soul.
10:00 – 11:00	Antisocial Media: How Facebook Disconnects Us	Alumni Hall	Free w/ online reg	----
SUNDAY – September 16				
19:00 – 20:30	Kaushiki Chakraborty Vocal Concert	Old Cabell Hall	Free	----
MONDAY – September 17				
12:00	Food Law / Animal Law Presents: "Meat" Your Maker	WB 128	Free	I can at least tell you what they aren't serving . . .
11:30 – 13:00	FedSoc/JLSA: Religious Pluralism	Purcell	Free	Mezeh
17:30 – 19:00	BLSA Presents: The Role of Non-Black Allies	Caplin Pavilion	Free	Dinner served
13:00 – 14:00	VLW General Body Meeting	WB 152	Free	Yes
TUESDAY – September 18				
15:45 – 17:00	JD / MA Dual Degree Presentation	WB 119	Free	----
15:40 – 16:40	Markets & Market Strategy 101	WB 152	Free	----
15:45 – 17:00	Halting Harassment	Purcell	Free	Cookies, drinks
WEDNESDAY – September 19				
12:00 – 13:00	Your Heart is the Size of Your Fist: Martina Scholtens MD	Pinn Hall Conf. Ctr. Auditorium	Free	----

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