



VIRGINIA LAW WEEKLY

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

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Law School Holds 8th Shaping Justice Conference

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On February 2, the eighth annual Shaping Justice Conference took place at UVA Law. This year's event was titled *(De)Criminalizing Poverty* and featured keynote speaker Alec Karakatsanis, author and founder of Civil Rights Corps. The event was organized by Professor Annie Kim '99, Noa Jett '25, Rohini Kurup '25, and Evan Carcerano '24. Describing the program, Jett said, "Since it started eight years ago, the purpose of the conference has been to inspire law students and lawyers to promote justice through public service. This year, we brought together practitioners, organizers, and academics to discuss the criminalization of poverty in hopes of fostering conversations around the issue and potential solutions."

Karakatsanis took to the lectern with his sleeves rolled up, the first indication that he wanted a more informal setting for his speech. He began with a few preliminary notes, the first of which was that he wanted to reserve significant time for questions and to encourage active audience participation during the address. And second, he wanted to make clear that his perspective is born out of his experience representing disadvantaged clients. Karakatsanis did not try to leave the impression that he had the answer to every problem facing the judicial system or the progressive legal community.

The framework for Karakatsanis's address was built around a few

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Kendrick To Be UVA Law's 13th Dean



Nikolai Morse '24
Editor-in-Chief

Pictured: Leslie Kendrick '06
Photo Credit: UVA Law

Professor Leslie Kendrick, law professor and Class of 2006 alumna, has been named the next dean of the School of Law. She sat down with the *Law Weekly* and discussed her gratitude at being selected as Dean, her hopes for the Law School, and her plans for strengthening its position as it progresses through its third century.

Professor Kendrick keeps a map in her office of where she grew up in eastern Kentucky, hung on the wall above the drafting table of her grandfather who was an architect. Kendrick studied classics and English at the University of North Carolina at Chapel Hill and received her master's and doctorate in English literature as a Rhodes Scholar at the University of Oxford. She described her decision to attend UVA Law after Oxford, as among the best in her life.

"In particular, I was won over by my visit. First, it was special that the Dean of admissions called me, an already admitted student, to invite me for a visit. And second, you could just tell how happy people were here and what a special community we have."

During her time at the Law School, Kendrick served on the *Virginia Law Review*

and received several awards. Following clerkships at the Fourth Circuit and United States Supreme Court, Kendrick returned to the Law School as a professor. Since then, she has taught various courses with particular focus on torts and freedom of expression. Kendrick is also the director of the Center for the First Amendment and serves as special advisor to Ian Baucom, executive vice president and provost, on free expression and inquiry. She also served as the Vice Dean for Academic Affairs from 2017 to 2021.

When asked what her primary responsibilities were as Vice Dean for Academic Affairs, Kendrick answered that on a daily basis they could vary, but she was generally focused on "supporting faculty scholarship, teaching, research, and inaugurated eleven centers related to different areas of the law."

Additionally, Kendrick sat on the Appointments Committee. For those who remember (as this writer does), in the summer of 2021 the Law School hired a significant number of faculty,¹ which led to vari-

¹ Specifically, the Law School "Avengers" were Payvand Ahdout, Rachel Bayefsky, Jay Butler, Naomi Cahn,

ous Twitter posts joking that UVA Law was assembling its own set of Avengers. Kendrick remembered this fondly, saying, "The Avengers meme was my favorite! It was exciting to be part of such a noteworthy time in the Law School's history."

Kendrick's selection followed a national search for the successor of the twelfth and current dean, Risa Goluboff. The search was led by a committee co-chaired by Baucom and John C. Jeffries Jr. '73, Dean of the School of Law from 2001 to 2008.

Given her qualifications and time spent in the Law School administration, the choice of Kendrick makes perfect sense. But we wanted to know, why did Professor Kendrick want to serve as Dean? It does not seem like the easiest job in the world (to say the least).

Laughing, Kendrick answered that "This process began without my entirely realizing it, when I was a

Danielle Citron, Kristen Eichensehr, Thomas Frampton, Mitu Gulati, Cathy Hwang, Craig Konnoth, Kimberly Krawiec, David Law, Joy Milligan, Richard Re, Bertrall Ross, Lawrence Solum, and Megan Stevenson. Thanos, is of course, Harvard Law School.

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around north grounds



Thumbs down to PILA grant changes. ANG is the only one allowed to screw over Public Interest students.



Thumbs up to the 13th edition of the Law Weekly this school year. ANG loves it when others are as unlucky as ANG is.



Thumbs sideways to VLR expanding the number of people it gives offers to. ANG loves that VLR is lowering their standards, but each additional member is a potential competitor for precious time on the pool table.



Thumbs up to Will Shortz '77 for finding true love.



Thumbs down to the cancellation of hit MAX show *Our Flag Means Death*. As a devoted anarchist, ANG was glad to finally see some gay pirate representation. Must all good things come to an end?



Thumbs sideways to Lambda's Feb Club signature cocktail. While ANG appreciates the creativity, ANG suspects the original tasted better.



Thumbs up to Taylor Swift's album announcement - the only American royalty ANG recognizes.



Thumbs down to the Presidential election. ANG wishes these hack politicians would debate the real issues. Like getting rid of animal control and maxing out student loans. Let the good times roll!



Thumbs up to Neuralink's successful test of the brain chip implant. ANG is hoping the new technology will be on sale in time for ANG's bar exam.



Thumbs up to Punxsutawney Phil for keeping his claw on the rapidly changing climate.

Law Weekly Previews 2024 Journal Tryouts

Ethan Brown '25
Features Editor



1Ls had the opportunity to kick off February by attending one of two sessions last week about one of the most quintessential UVA Law experiences—journal tryout. Led by the *Virginia Law Review's* Membership Development Editor Mia Smutny '24 and Membership Inclusion Editor Shontae Salmon '24, the sessions provided valuable insight into how the journal process works, its two (writing and editing) components, and important dates on the horizon. Because I clearly exist on this planet to serve the 1Ls who can't seem to make it to these meetings, here is a helpful recap of all things 2024 Unified Journal Tryout.

First, while all interested 1Ls should read on for my acerbic wit, I highly encourage everyone to review the Journal Tryout Toolkit, too. This packet—developed each year by the tryout administrators—goes into more granular detail of the tryout than I could hope to in a single article. I relied heavily on the toolkit dur-

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stories from his career. The first was set in the local jail of Clanton, Alabama, where a mother was being detained for shoplifting. Upon realizing that she would be unable to contact her children, who did not know what had happened to her, Christie began to cry. After she was unable to calm down, jail officials took her to a corner of the hallway that was not covered by the cameras, restrained her, and tased her into unconsciousness. The next day, when Karakatsanis was able to meet with her, he took photographs of the sores that covered her body. Afterwards, Christie eagerly became a party to one of Karakatsanis's many bail system challenges, as all of this had happened before she had even been convicted of a crime.

Karakatsanis then shared some of the history of the money bail system in the U.S. and its failed reforms. Led by Robert F. Kennedy '51 while he was the United States Attorney General, the Federal Bail Reform Act made its way into law. But Karakatsanis diminished the progressive law's impact, since the percentage of federal pretrial detainees

ing my own tryout last year. If you have any questions about specialty journals, tryout timeline, or contact information when problems run up, I guarantee it's in the toolkit.

The most important thing to know now is the tryout dates: February 23–26 and March 1–4. The whole process takes about a weekend to complete. The editing component runs from Friday afternoon to Saturday morning, in which participants have eight (self-timed) hours to Bluebook their way through an actual, real-life law review article purposefully littered with citation errors. Then, starting on Saturday afternoon and through Monday, participants do the writing component. In it, students will read roughly 200 pages of law review articles, cases, and other sources to ultimately write a persuasive argument about the topic therein, operating in a “closed universe” where only the materials provided may be used.

It sounds like a lot—and it is—but this year's tryout is already more humane than in years past. This year, 1Ls

has increased by roughly 300 percent since then. This is what Karakatsanis called the “new labels” problem. Before the Act, money bail was the norm. After it became law, he reasoned, the same judicial system remained but under different language. Judges now keep the accused in detention because they are either “dangerous” or a “flight risk,” in spite of the Act's ultimate purpose.

That story went to the heart of Karakatsanis's address. He argued that Band-Aid solutions applied to entrenched systems are destined to fail, no matter the progressive intent of the legislators and activists. And those Band-Aid solutions are what we learn in law school. Applied in the context of what he called the “punishment bureaucracy,” they are hollow. Even those lawyers who are reform-minded are stuck on a carousel that fails to substantively move the ball.

Karakatsanis left the audience with a few suggestions. First, he wants progressive lawyers to address the punishment bureaucracy head on, so that when these lawyers win in their immediate cases, they are also working on the “constellation” of social changes

can choose to divide their tryout across two weekends, doing the editing component on one and the writing component on the next (or vice versa). Or, for the old-fashioned experience, participants can still do both portions in one fell swoop, and pick either weekend to complete the entire thing. After speaking with some of my 1L friends about journal tryouts, all their questions essentially seem to fall into the same two refrains: What, if anything, can I do to prepare for journal tryout? And is it worth it—will I even get on a journal anyways?

To answer the first question, there are certainly some things that participants can do to prepare for the tryout, but my main advice would be to think about what will best recharge you during the weekend. The tryout is not meant to take up all your waking hours—indeed, the editing component has a time limitation that prohibits you from doing so! Plan out time to sleep, eat, relax, exercise, and talk to your friends.¹ It is eminently pos-

¹ Don't talk about the journal tryout though! 1Ls are prohibited from speaking about the prompt or materials with

that are needed to make the win worthwhile. As he put it, “you can't win on the bail issue in a silo.” Second, to actually implement that, he hopes that some progressive lawyers will leave public defender roles for private practice that works cooperatively. That means getting access to the tens of billions of dollars available to court-appointed private attorneys, who are no longer beholden to the political interests that currently plague public defenders. Along with that, he wants these lawyers to become a “human FOIA,” regularly speaking with journalists and compiling anecdotes of bad judges, crooked cops, and private medical care abuses in the penal system. This “entrepreneurial focus” is his solution to combat the entrenched systems that he has encountered throughout his career. It is also the way that he fights the feeling of complicity, which was raised by several students in their questions. That is, how can students who fundamentally disagree with the penal system help individual clients without legitimizing that system? Working as a private criminal defense lawyer in his cooperative setting, or as a traditional public defender with an eye toward

sible to do an excellent job on the tryout without making yourself miserable in the process. Still, insofar as actual preparation is concerned, I recommend taking a gentle stroll through the Bluebook to refamiliarize yourself with the main rules and tables you might have seen last semester in LRW, and get access to the online Bluebook through the library's complimentary subscription. Try out some of the exercises on Lexis's online citation workspace. And if you have time, you can “tab” your physical Bluebook. This—like outlining—is something you should do for the process, not for the final product, because you probably won't flip through your physical book much during the tryout itself if you have an online version. But I did find it very helpful to take an hour last year and force myself to remember each of the Bluebook's main rules, something you must do when literally writing out their names on a sticky note.

And finally, with respect to the second question: yes,

anyone else while it is occurring—keep things confidential.

exposing systemic injustices, is his solution.

The story that encapsulated his address came from another of his jail visits, though he did not specify where. As he said was common across the U.S., children of the detainees were not permitted to visit their parents. Karakatsanis claimed that this was motivated by the increased call revenue that the jails would receive from parents trying to reach their children. So, in response, the families of detainees would gather below a large window in the facility and would write messages and draw pictures with chalk on the sidewalk. By the time Karakatsanis was leaving, he saw the sheriff stripping the road of its messages. And this, Karakatsanis said, was the progressive sheriff who campaigned on humane reforms to the penal system. While he did not explicitly say so, I think this was a pretty clear example of the entrenched “punishment bureaucracy” Karakatsanis described and its inevitable consequences.

Karakatsanis's work shows that combating systemic injustice requires creative solutions. Fortunately for Karakatsanis, he is in good company. As Professor Kelly Orians tells it, her stu-

1Ls, you will get on a journal and things will be okay. After you complete the tryout, you should first celebrate your hard work (yay!) but then consider which specialty journals you would like to apply to. You will have the option to rank your top three choices, at least one of which will hopefully extend you an invitation to join. I say this not in any official capacity, but I am unaware of anyone who—after putting in a good faith effort at the tryout and abiding by the tryout's rules—did not eventually end up joining a journal. If you follow the rules and do your best, you should not let this process panic you.

Much more information about the journal tryout will be forthcoming. As the incoming membership development editor for *VLR*, I will be one of this year's unified journal tryout administrators, so I am very happy to field any questions about the process as they come up—as are Mia and Shontae. But for now, all I can say is good luck!

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dents in the Decarceration and Community Reentry Clinic are helping families to disrupt the intergenerational cycle of poverty and incarceration. While much of the work that students in Professor Orians's clinic do is traditional legal advocacy, such as helping former prisoners with criminal expungement and restoration of rights, students also apply their skills in creative ways. In collaboration with the Darden School and Resilience Education's Prison Reentry Education Program, law students will soon begin teaching business law classes to prisoners at Virginia correctional facilities. Armed with entrepreneurial skills, once formerly incarcerated individuals are out, there's a community of resilient professionals and partner organizations that provide low-interest capital to help launch and scale new businesses. “This is really some of my favorite work. This is the work that keeps me going, that feeds my optimism,” Orians explained.

Nearby in Richmond, Mayor Levar Stoney's administration has been experimenting with a creative idea—guaranteed income. The Richmond Resilience

Nobody's Free Until Everybody's Free

Darius Adel '24
Satire Editor

"Nobody's Free Until Everybody's Free."
- Fannie Lou Hamer



provide legal aid for their upcoming protest. I had been wanting to do something in response to the horrible hate crime. To me, this was the perfect opportunity to use my legal skills to actually make some sort of difference.

I won't go into the details of what occurred at the protest, but it was physically and emotionally draining for both the protesters and members of the legal aid team. Even though I felt tired, the thanks I got from the undergraduate students made the hours out in the hot sun worth it. I felt that I had done what was expected of me as both a law student and an activist, I was giving back to the community and actually doing the work. But, I was wrong. At least in part.

Soon after the event, I attended a dinner with other student leaders led by Dean Goluboff. We discussed the work we did for the law community and the difficulties our respective communities faced. When the subject of the Homer noose hate crime came up, I stopped eating and got ready to talk about the aid work my organization and I had done for our



Pictured: Hamer representing the Mississippi Freedom Democratic Party. Photo Credit: Methodist Church Global Ministries/Kenneth Thompson

fellow students. A friend of mine at the table spoke up and voiced his frustration with the UVA Law community. Not one student organization had reached out to him or the Black Law Students Association to check in and see what could be done to help our Black classmates.

I was initially confused by his comment. I had done my part, right? I spent the better part of a whole day helping undergraduate BSA students protesting for more information on the perpetrator of the hate crime. What I had actually done was less than the bare minimum. I had ignored the plight of the individual students in our own community. In a way, I had become desensitized to their pain. To me, this was a

political issue, not a personally traumatic experience for my peers. I addressed it in a way I felt comfortable doing regardless of what was actually needed by the people I care about.

When the hate crime happened, I didn't do the one thing I should have done which was reaching out to my classmates and finding out what they needed. How can I expect my peers to show solidarity in the face of hate when I myself failed to do so. Our gut reaction is to want to feel comfortable and safe, claiming we can do nothing of substance for others. But, it is not enough to retreat back into powerlessness. Trans people are being attacked, the right to get an abortion is being whittled away, and people of

color continue to be seen as lesser than.

Intersectionality requires empathy. We have to be able to help others without getting anything in return. To view our respective communities transactionally is a tool of our oppressors. I share some of my experiences here so that you can hopefully learn from my mistakes. The vast majority of us will soon be in positions of immense power. It is up to us to do what we can for each other no matter where we come from.

While it may be uncomfortable or even scary to speak out against injustice, we owe it to others, past, present, and future. I implore you to start close to home. Check in with your friends, have those hard conversations. Not every action needs to be a heroic deed. Not every sacrifice needs to be martyrdom. To come out of your comfort zone for others is at the core of what's most needed. Intersectionality isn't some sociological framework to toss into a law review article, it is a call to action.

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junior faculty member. I really love this place and love it to flourish. So anytime on a committee where I had an opportunity to improve the Law School, I was so excited."

Kendrick pointed to her sense of service and an appreciation for the opportunity to steward the Law School as a primary motivating force. "For me the really meaningful thing that makes me excited about being Dean is continuing to try and build on all the strengths we already have and bring this institution into its third century of existence. I have the opportunity to steward the Law School event for a few short years, and I am really excited about it."

Asked what challenges, as incoming Dean, she thought our Law School faces, Kendrick said "Writ large, the challenge for everyone is that we are living in a very dynamic environment. Things are moving very quickly and it is our job to adapt all of the Law School's strengths to new conditions as they unfold."

Specifically, Kendrick described the challenges presented by technology and the future of legal practice. She



Pictured: Leslie Kendrick with her 1L small section. Photo Credit: Nikolai Morse '24

noted that the issue is two-fold: understanding how the practice of the law is shaped by technology, and adapting our methods of teaching to appropriately utilize technological advances.

Kendrick was particularly emphatic in her view that the second challenge the Law School faces is to its sense of community, which she is determined to protect and nurture. "There are a lot of different forces that can pull against the sense of community and some of those forces can manifest in ways that polarize people. One of the huge strengths of this place is its community." She hears this answer from her 1L Torts students over lunch. "I am amazed over

the twenty years I have been at the Law School where a lot of things have changed, at how much that response is the same. It is the one I would have given as a student."

Perhaps most significant in terms of what it portends for Kendrick's tenure as Dean, is the apparently universal affection she inspires amongst her students. "As my Torts professor, Dean Kendrick was dedicated to ensuring that we understood the materials and how to apply it to real life concepts. She [made] me feel comfortable asking what I thought were sometimes ridiculous questions. She's a great Professor and will be an amazing Dean," said

Amelia Isaacs '26.

As if to prove this point, by a pleasant coincidence at the conclusion of Kendrick's interview with the *Law Weekly*, her 1L small section from the fall surprised her outside her office with a gift of a framed record, Genius of Love.

Asked if there was anything she wanted to communicate directly to the students of the Law School, Kendrick replied, "this is a place that is characterized by excellence and empathy." But she cautioned that this excellence might not always look as we expect. "I try to tell my 1Ls that you have been in a lot of situations where achievement is perfection. You get the grade

or the perfect transcript, but you have to redefine success in law. Because there will not be trophies anymore; there will be the satisfaction of a job well done. It is going to be hard work, and it might look sweaty and ugly, and you will get in the ring, and you will do your best, and it will not be perfection, and it won't be pretty, but it will be well-earned."

Kendrick's term as the thirteenth Dean of the School of Law will begin on July 1. The *Law Weekly* wishes her all the best and is sure her tenure will be well-earned.

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LAW WEEKLY FEATURE: Court of Petty Appeals

The Court of Petty Appeals is the highest appellate jurisdiction court at UVA Law. The Court has the power to review any and all decisions, conflicts, and disputes that arise involving, either directly, indirectly, or tangentially, the Law School or its students. The Court comprises eight associate justices and one Chief Justice. Opinions shall be released periodically and only in the official court reporter: the Virginia Law Weekly. Please email a brief summary of any and all conflicts to editor@lawweekly.org

Students for Attending Cool Events (SACE) v. UVA Law Faculty, et al.
76 U.Va 13 (2024)

ALLARD, J., delivers the opinion of the court. ALLEN, J. concurs. COLEMAN, J. dissents. SANDU, J. concurs in the judgment.

I. Background

Plaintiffs, Students for Attending Cool Events (SACE) brought this action for public nuisance against the UVA Law Faculty. During the week of January 28, the Docket, a daily email update sent to members of the Law School community, listed two events titled “Law & Technology Colloquium: Jeff Kosseff of the U.S. Naval Academy” and “Faculty Workshop: Cynthia Nicoletti.” Despite being in an email also sent to all law students, these events were labeled as only “[o]pen to faculty.” SACE alleges that, in a week where other events listed in The Docket included Unified Journal Tryout Information Sessions 1 & 2 and “Academic Success Session,” the faculty-only events were “the functional equivalent of the Met Gala.” The UVA Law Faculty, perhaps fearing the wrath of Professor Nicoletti, have not disputed this characterization.

SACE seeks injunctive relief against the Faculty for listing two faculty-only events in the daily Law School email. In Count 1 of their complaint, SACE argues that the closed events are an unreasonable interference with their enjoyment

of the Law School’s public amenities. Count 2 argues that listing closed events in a school-wide email is also a public nuisance because it is a “bait and switch.” SACE asks the Court to enjoin the Faculty from including such events in the school-wide email.

The Faculty respond that students are not entitled to enjoy all Law School amenities and that their exclusion from certain faculty events

“Open to Faculty is of course a euphemistic slight intended to mean ‘no students allowed.’”

is reasonable as a matter of law. The Faculty further argue that the nuisance alleged in Count 2 cannot constitute a “bait and switch” if, as they argue, the exclusion in Count 1 is reasonable. We agree that the exclusive events are reasonable and judgment is entered for the Faculty on Count 1. But we are persuaded by SACE’s “bait and switch” argument and order that closed events be listed in a separate email.

II. Discussion

This Court has jurisdiction over “all petty disputes related to the Law School.”¹ While an action for public nuisance has never been brought before the Court of Petty Appeals, it is undoubtedly among the pettiest

¹ *Virginia v. Harvard Law Review Ass’n*, 76 U.Va 6 (2023).

actions known to the common law. And, in a case resembling a public nuisance action, this Court has previously granted injunctive relief against Law School-wide conduct in an action for nuisance.² We thus believe it appropriate to exercise our jurisdiction over this case.

Because the material facts are not in dispute, we need only determine whether the Faculty’s undisputed conduct constitutes a public

nuisance. “A public nuisance is an unreasonable interference with a right common to the general public.”³ Thus, we are presented with two principal questions: (A) Is attendance at all Law School events a “right common to the [Law School] public,” and; (B) Is it reasonable to exclude students from events listed in a school-wide email?

A. While law students are entitled to the enjoyment of most amenities, the Faculty may reasonably hold exclusive events.

² See *In re Pleats*, 71 U.Va 21 (2019) (enjoining the “design, production, and marketing of pleated trousers” and ordering fashion designers to “burn any and all pleated pants in their possession”).

³ Restatement (Second) of Torts § 821B.

An interference with public rights is likely unreasonable, and thus a public nuisance, if it “involves a significant interference with . . . the public safety, the public peace, the public comfort or the public convenience,” or if the conduct is “prescribed by . . . administrative regulation.”⁴ This Court has generally favored students’ right to enjoy University amenities for which they have paid with their tuition.⁵

Such cases have generally involved ensuring students’ physical access to spaces “held for the use and enjoyment of the public.”⁶ But attendance at student organization events, and even consumption of food at such

⁴ *Id.*

⁵ See e.g., *UVA Gym-Goers v. UVA*, 74 U.Va 13 (2022) (“Access to the gym is necessary for students to make use of the memberships, memberships which they have paid for in the form of tuition.”).

⁶ *Id.*

events, has been recognized as a public right enjoyed by all students.⁷ Indeed, the Law School has recently emphasized the importance of the free exchange of ideas. Its speech policy forbids conduct that “interfere[s] with . . . a listener’s ability to see or hear”⁸ The policy also notes that “some events at the Law School are *open only to members of the Law School community.*”⁹

We believe that the foregoing establishes a clear preference for openness in Law School events, but it does not forbid faculty exclusive events. While we have recognized students’ right to access amenities, we have generally done so in the context of public spaces and student-organized events. We are unpersuaded by SACE’s argument that the Law School speech poli-

⁷ See *Hungry People v. Law School Student Orgs.*, 75 U.Va 12 (2022) (enjoining student organizations from “preventing food from being served the instant it is available” at events).

⁸ UVA Law, *Law School Speech Policy*.

⁹ *Id.* (emphasis added).

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Faculty Quotes

J. Harrison: “Sometimes, people tortiously destroy one another’s refrigerators.”

P. Ahdout: “The house always wins. Professor Ahdout always wins.”

T. Nachbar: “I believe weird hypotheticals are my domain.”

J. Harrison: “Never trust a used car salesman; they’re all like Nixon.”

G. Cohen: “My wife loves crime shows...probably figuring out a way to knock me off somehow.”

T. Nachbar: “The government says, ‘Look, if we can’t ban child labor, let’s get a piece of the action.’”

N. Cahn: “For common law marriage, the couple needs to be living together. And for living together...consider that a euphemism.”

J. Harrison: “The great thing about the corporate world is that sometimes you’re the windshield, sometimes you’re the bug.”

T. Nachbar: “Some people say Constitutional law is confusing.”

Heard a good professor quote? Email us at editor@lawweekly.org

C. Nicoletti: “There were some strategic deaths.”

Counsel's Counsel

The world's preeminent advice column for law students.



Virginia Law Weekly

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 cy only contemplates events that are restricted to “members of the Law School community.” Rather, we believe that the policy supports the administration’s authority to limit event attendance in accordance with the event’s purpose. We thus agree with the Faculty that faculty-only events are not a public nuisance.

B. While it is reasonable to hold faculty-only events, listing such events in emails to the student body is a public nuisance which must be abated.

Turning to the listing of such events in the Docket, we are persuaded that doing so is a noxious “bait and switch.” For the Faculty, the most crippling fact of this case is the misleading use of the descriptor “[o]pen to faculty.” SACE emphasizes in its complaint that the “[o]pen to faculty” descriptor appears “at the every end of the event listing.” The student reader’s attention is thus drawn to the event, only to finish in disappointment. The phrase’s word choice is equally misleading. “Open to faculty” is of course a euphemistic slight

intended to mean “no students allowed.”

The *Virginia Law Weekly* filed an amicus brief in this case, emphasizing the public convenience harms of including these closed events in the Docket. The *Law Weekly*’s editors rely on the Docket to select events for reporting to the student body. The editors “frequently” propose to cover such events, only to realize that they are closed to them.

We are persuaded that the public convenience harms described by SACE and the *Law Weekly* are severe and that the inclusion of these events in the Docket is unreasonable. Students are henceforth entitled to attend any event listed in the Docket from which they are not explicitly excluded. Accordingly, SACE’s request for injunctive relief under Count 1 is *denied*, and their request for injunctive relief under Count 2 is *granted*.

Allen, J., concurring.

While I agree the Law School should be prevented from listing faculty workshops in the Docket, I arrive at this conclusion on the basis of the Eighth Amend-

ment’s prohibition on cruel and unusual punishments. While exclusion of students itself would not rise to such a level of infringement, the advertised exclusion clearly meets this threshold. It is cruel, insofar as students’ hopes are raised and then thoroughly dashed in seeing events listed and then realizing they cannot attend. The behavior is also unusual to the degree it is odd — seriously, *why* do they list these events that students aren’t allowed to attend? Thus, I would either enjoin the administration from excluding students from attending faculty workshops or, conversely, prevent the publication of such events in the Docket.

Coleman, J., dissenting.

As a public institution, the University of Virginia’s exclusionary policies are subject to review under the Equal Protection Clause of the Fourteenth Amendment.¹⁰ Since law students are not a protected class, we must employ rational basis review, meaning that

¹⁰ See *United States v. Virginia*, 518 U.S. 515, 519 (1996).

the legislative means must be “rationally related to a legitimate governmental purpose.”¹¹ Because excluding me from any event reeks of arbitrariness, I would hold that the “open to faculty” exclusion violates the Equal Protection Clause.

A “legitimate governmental purpose” exists in this case. The School wants to maintain order in their events, promote genuine scholarly discourse, and maintain an aura of exclusivity. These are all well and good. But there is no rational relation between excluding law students like myself and achieving those goals. Students like me are wonderful, inquisitive, and respectful. Therefore, a blanket ban on all students is grossly overinclusive. Were the restriction limited to law students, then I would have no problem, since it is of course rational to exclude MBA students. In this case, if the means don’t fit, you must admit [law students].

I would hold that the Law School is forbidden from restricting any event to faculty only. Therefore, I disrespectfully dissent.

¹¹ *Hodel v. Indiana*, 452 U.S. 314, 331 (1981).

Sandu, J., concurring in the judgment.

While I agree with the Court’s final judgment, I would have not granted cert initially, as I believe plaintiffs lack standing. While I agree that such a case is undeniably petty, it appears that the overwhelming majority of students truly wishing to attend faculty-only events are 1Ls and/or *Law Weekly* editors who lack other ideas for articles.¹²

Among this Court’s foundational principles is the maxim that 1Ls always lose.¹³ It therefore follows that this Court ought not go out of its way to confer a disproportionate benefit upon such 1Ls. As for the *Law Weekly* editors, this Court’s greatest commitment is to The Bit™, and I can find no outcome funnier than the *Law Weekly* being unable to meet its article quota because this very Court would

¹² Additionally, no evidence was submitted to the Court on whether Faculty themselves actually wish to attend the events at issue in this case.

¹³ Unless it would be funnier for them to win.

HOT BENCH



Amanda "Mandy" Marie Brock

Interviewed by Noah Coco '26

Hi Mandy! It’s great to speak with you. This is now the third time that the *Virginia Law Weekly* has Hot Benched you, which I am pretty sure is a record! Since we have been getting to know you over the past few years, I thought we could start by catching up on some things you have spoken about in the past. So we know you have a son and daughter—how have they been doing?

My son graduated high school recently and is now going to Piedmont Virginia Community College taking business classes. And my daughter just had a son last Thanksgiving, so I am a grandmother now!

Congratulations! That is so exciting to hear! I also know that you are a basketball fan, do you have a favorite team?

I don’t have a favorite team, but I do have a favorite player: Kevin Durant. He is just really good at what he does. I didn’t start watching until my son told me about him, but now I really like watching him play wherever he goes.

What about college basketball? Are you going to participate in March Madness?

I’m a fan of UVA! I do like March Madness, but I don’t do the brackets. My friends have asked me to do it in the past, but I haven’t done it. It really is madness! I think this year I might do a bracket, a lot of people ask me about it.

I’m glad I could talk you into it! I also know you love reading—have you read anything good lately?

No, unfortunately I haven’t been reading lately. I’ve been so busy with work because I have been working three jobs.

You do work at least as hard as anyone in this building, so I am sor-

ry to hear that. What about this: if you were to write a book, what would it be about?

I really like mysteries and suspense—murder mysteries and things of that nature. I’d probably write something like that.

Okay, on to some new topics! Can you share something from your bucket list?

I just want to travel the world. I work so much, so it is difficult to travel a lot. I want to go to Dubai, but I also really want to go to Africa. I am going to Africa before 2025.

That means this year!

Yes I know, I’ve been trying for a long time and have been saving money. I have been talking with friends about it, too. We were supposed to go in 2022, but that just didn’t happen. So now we want to try to go before 2025.

Do you have any personal heroes?

My mother. That is the strongest woman that I know. She is the definition of a superwoman. She is currently seventy-two years old and works three jobs, and she doesn’t even have to. She gets up every day

and keeps going, and that is where I get it from. She just makes things happen, and I love her for that. She is my superhero.

Do you have a favorite memory with her?

My mom used to take me and my oldest sister to this camp when we were kids. I can’t remember the name of it, but it was just this weekend thing. She would pack a picnic, and we would do all these fun activities. She made a lot of memories with us, and that has really stuck with me. We haven’t done that for a while, but now we have grandchildren! I think I should call my sister about it, and maybe we can start up again.

Do you have any hidden talents?

When I was younger I used to take things apart—like a computer or clock—and put them back together. It started because I was just bored one day, and I had a clock that I felt like taking apart and putting back together. It was an old school alarm clock with a lot of parts. The most challenging thing I ever worked on was probably an old school radio that my dad had. That one was harder but probably the most fun.

If you were serving dinner to guests, what would be your signature dish you’d serve?

My kids love my pork chops. I cook some mean pork chops.

What is the trick to these mean pork chops?

I’d just tell my guests “they were made with love and cooked to perfection.” You got me wanting one right now. Golden brown and juicy, so delicious. Yeah you’ve got me thinking about them now.

It’s time for our lightning round! Go-to karaoke song?

“Girl On Fire” by Alicia Keys. But I’ll only sing by myself.

Guilty pleasures?

Chocolate.

Favorite coffee drink for yourself?

I don’t like coffee.

Really? For as many times as you have been interviewed for the *Virginia Law Weekly*, I don’t know if you’ve ever been asked that question before.

COPA

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not permit it.¹⁴

More fundamentally, however, plaintiffs lack any personal injury beyond the general harm suffered equally by all in the Law School community receiving emails with events they will never attend.¹⁵ Plaintiffs failed to demonstrate any imminent plans to attend such events and/or write articles about these events—a mere proposal to cover the event is like a nebulous plan to see some animals. And like those in *Lujan* whose passion for wildlife was insufficient to support their claim against the federal government, so too should these plaintiffs' fleeting interest in attending faculty-only events be insufficient for this Court. 'I don't want to go, but I still want to be invited' is simply not enough.

¹⁴ See *Gay Section H Law Weekly Staff v. Lake*, 75 U.Va 16 (2023) ("There is nothing more vital to the exercise of justice than committing to the bit.").

¹⁵ *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992).

JUSTICE

continued from page 2
Initiative, launched in 2020, has provided guaranteed monthly income—between \$250 and \$500—to low-income Richmond residents who are employed but don't qualify for federal aid. "I'll admit it, initially I did not buy the idea and the concept," said Mayor Stoney. But he became convinced of the idea's potential after seeing the 2020 pandemic stimulus save lives. As Mayor Stoney explained, "People were leveling up. Instead of working two jobs, now I can study and get a certification, so I can get more money in the current job that I have . . . You may think that \$500 a month is small change, but for us, it makes a big difference in our lives."

And Law School alumna Mary Mergler '07 is using her skills as an advocate to eliminate fees in the criminal justice system. Mergler is the National Advocacy & Campaigns Deputy Director at the Fines & Fees Justice Center (FFJC), an advocacy and research organization focused on eliminating fees in the criminal justice system and ensuring that fines are imposed equitably. Its current national initiatives include ending debt-based

Counsel's Counsel

Dear Jane: After weeks of checking SIS five times per day over Winter Break, I logged in on January 14 and saw my grades from my first semester of law school had finally been posted. I honestly didn't know what to expect. I felt pretty good about my performance on my exams and thought there was a good chance that I beat the curve in at least one of my classes. I had also checked the grade data spreadsheet floating around the law school and knew some of my professors had wide curves. I anxiously clicked the "Academics" tab to find that I had, in fact, beat the curve. In fact, I beat the curve in all but one of my 1L fall doctrinal classes (Torts).

As thrilled as I am to have gotten so many A minuses, I am now feeling intense pressure. I know my performance can't slip this semester if I want to get on VLR, be offered a job at a V10 firm during OGI, and interview for a federal appellate clerkship. I want to tell my friends about how I'm doing, but I know we aren't technically supposed

to share our grades. I tried to let on how I did by telling them how much I loved all of my professors from last semester, except for my Torts professor. I even told them that I think he is a reverse sexist who only gives As to women. Do you think they got the hint?

Last week, I decided to set up a meeting with my Peer Advisor to talk about how I'm feeling. My PA suggested we meet in ScoCo during lunch. It was crowded that day, so I'm sure other people overheard me tell my PA what my grades are and about the intense pressure I've been feeling. The meeting ended up being a total waste of time. My PA didn't have any good advice for me. I wouldn't have set up the meeting if I had known this PA got straight B pluses in all of their 1L classes. Do you have any advice for me, Jane?

- Beat the Curve.

Curve: The best way to make sure your classmates know you were successful last semester is by raising your hand and participating in class early and often. You'll really be showing off if you start off your question by telling your new professor how much you already

know about the subject matter. Your 2L and 3L classmates in your electives will especially appreciate and respect you for showing how much you know about the law. I can guarantee that nobody will be rolling their eyes at you or texting about you during class.

If that isn't enough for your friends to see you beat the curve, they probably did get the hint that your worst grade was in Torts. It doesn't take a genius to figure out that someone only complains about a professor when they aren't happy with their grade. It really is remarkable how a good grade can turn someone who spent all semester complaining about a class or professor into their biggest defender. I'm sure your female friends in your section really appreciate hearing that the only reason they beat the curve in Torts is because they are women. It certainly couldn't be that they studied hard or wrote a better exam answer than you.

Finally, let's talk about pressure. You may think you have it bad and are under intense pressure. It's true that you'll need to continue to get good grades to meet your lofty goals. But consider your classmates who

didn't beat the curve. While you are out announcing your grades in ScoCo, they are having weekly academic support meetings with Dean Davies. Don't you think they might have it a bit worse than you?

Here's my last piece of advice for you: If you want to have a private conversation, you may want to stay out of ScoCo during the lunch hour. Otherwise, your next "private" chat with your PA could end up the topic of a Bar Czar email or a Reddit post. Everyone knows ScoCo is the place to see and be seen, not the place for hushed conversations and sharing personal information.

- Jane Doe, J.D.

For a serious response to your serious inquiries, please access the anonymous submission form using the QR code on page 4.



HOT BENCH

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What about your favorite drink to make?

Caramel Vanilla Latte. I love making lattes, and I do make a lot of them. The work has slowed down over the years. We used to be so busy, but people have been buying less coffee lately.

I will issue a PSA to our readership: Buy more coffee! I know you all need it. What is your favorite drink?

My favorite drink? I like cortados. They are espressos with just a little bit of steamed milk. Kind of like a small cappuccino.

I used to make something like that. There used to be a student from Italy who asked for espresso with just a dab of steamed milk. That must be what they were. I just learned something new!

Who would you want to star in a movie about your life?

Angela Bassett. Great actress. I love her.

I sense an Oscar coming for that role.

I can see it too!

driver's license suspensions and eliminating fees imposed over the course of the criminal justice process, such as phone call fees while in prison. Mayor Stoney added that after the Youngkin administration restored the previous practice of requiring individuals convicted of a felony to apply to the governor to have their rights restored, these prison fees can prevent Virginians from voting.

Although fines and fees have expanded since 2008 as a means of funding the criminal justice system, Mergler expressed optimism about the progress her organization has made. "The issues that FFJC works on are issues where we have been able to find a lot of consensus and bipartisan support . . . There is a lot of opportunity for success on these issues."



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Mountain or beach vacation?

Definitely beach. I don't like cold. At all.

If you could bring one television show back, what would it be?

This one is tough. I think I'd go with *The Wonder Years*. That was my favorite show as a kid.

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