



# VIRGINIA LAW WEEKLY

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

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## Statement from the Law Weekly Board

Over the past week and a half, the world has seen the horrific and unjustifiable terrorist attacks in Israel, and the devastating ongoing violence in the Gaza Strip. We unequivocally condemn Hamas' brutal terrorist attack and offer our most heartfelt sympathy and support to those members of the Law School community who are suffering as a result of these tragic events. Whether your family or friends are in the region, or your faith or ethnicity tie you to it, we want to express our steadfast friendship and commitment to you.

Many of us came to UVA because of its special community and the wonderful people who comprise it. It is important to remember that the measure of friendship is not found in how we conduct ourselves when little is required of us. It is in the challenging moments, where perhaps we seriously, even viscerally, disagree with each other, that we have the opportunity to prove the strength of our relationships. This is not always easy. But it is precisely in times like these that grace, understanding, and friendship are most needed, both for our community and the world which we will all soon enter as attorneys.

Above the doors of our school are carved the words, "That those alone may be servants of the law who labor with learning, courage, and devotion to preserve liberty and promote justice." We hope that liberty, justice, and peace come as quickly as possible to all Israelis and Palestinians. And we hope that you, our dear readers and friends, will rely on the kindness and support of our community, which we are all so lucky to be part of.

editor@lawweekly.org

## LIST Hosts Law and Technology Career Panel



Noah Coco '26  
Staff Editor



Pictured, left to right: Allison Holt Ryan, Michael Jones, Rebecca Weitzel Garcia '22  
Photo Credit: Hogan Lovells, Rothwell Figg, Wilson Sonsini



The Law, Innovation, Security, and Technology Society (LIST) welcomed three Washington, D.C. attorneys who specialize in law and technology on Wednesday, October 4. They were invited to discuss their careers and share insights into the broader opportunities available in law and technology. The attorneys composing the panel were Allison Holt Ryan, a partner in the Privacy and Cybersecurity practice at Hogan Lovells; Michael Jones, a patent litigation and prosecution attorney at Rothwell Figg; and Rebecca Weitzel Garcia '22, an associate in the Privacy and Cybersecurity practice at Wilson Sonsini. LIST President Jeff Stautberg '25 addressed questions to the panel, and answers to several of these questions are excerpted below.

### What skillsets are most important for your job?

All the panelists reflected on the importance of being able to communicate across stakeholders, ranging from government regulators to software engineers. As Weitzel Garcia articulated, she must "translate legalese into engineer speak and engineer speak into legalese."

They all stressed the importance of the capacity to take complex ideas and explain them in simple terms, whether to argue in court or communicate with regulators. For Jones, it helps to have a background in engineering—he has both bachelor's and master's degrees in electrical engineering—especially in his line of patent litigation work, where a technical degree is required for the U.S. Patent and Trademark Office (USPTO) bar. As a partner, Holt Ryan emphasized the importance of building relationships, as this is paramount for engaging with clients and colleagues. She often deals with victims of large-scale data breaches, so the ability to navigate these sensitive issues with panicking clients is a necessity.

### What technical expertise is required for your position?

In most contexts, a technical background is not a requirement. It is still helpful, though, to be "tech-curious," according to Weitzel Garcia. She noted that she often interacts with software engineers who speak about the code they write, so she has had to learn enough to understand and communi-

cate to others what the engineers are conveying. Holt Ryan mentioned that this type of knowledge can be acquired through practices as simple as taking engineers out to lunch and asking them to explain their work through analogies, for instance. This is the type of activity that allowed her—an attorney originally from "the middle of nowhere" Tennessee, with bachelor's degrees in English and Political Science and who did not begin work in her current practice until she was a sixth-year associate—to succeed in her current role.

There are some contexts, however, where a technical background is necessary such as practicing patent prosecution before the USPTO. Although some litigation suits require fewer technical skills, Jones noted, it is otherwise essentially a requirement. Most practitioners have technical degrees, and they often specialize in their relevant areas of expertise.

### What does a typical day look like in your role?

No law career panel is complete without this sta-

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## around north grounds



Thumbs up to 1L midterms this week. ANG enjoys watching 1Ls stress over meaningless busy work; it's great experience for summer associate work.



Thumbs down to professors who didn't cancel Thursday classes last week. ANG took the whole week off anyway.



Thumbs sideways to the flu shot raffle. ANG is excited at the possibility of getting a \$25 gift card. ANG just hopes it's safe to get multiple flu shots to help ANG's chances.



Thumbs up to the House of Representatives. ANG has long believed that Congress needs fewer speakers and more listeners.



Thumbs down to the start of cold weather. ANG is running out of law school class papers to burn for warmth under the Copley Field bleachers.



Thumbs up to Law Weekly Editor-in-Chief Nikolai Morse for giving a great oral argument at the Lile Semifinals. ANG loves EICs who can speak as well as they write jokes for this paper.



Thumbs down to the colder weather. ANG likes to feel the sun on their skin while running around naked in Darden's backyard.



Thumbs sideways to Mental Health Week. ANG will gladly eat ice cream and pet Cooper the Therapy Dog, but trying to keep up with "Gym" Ryan on a run is only going to make ANG more depressed.



Thumbs sideways to the Trump gag order. ANG finds so much inspiration in the former president's unhinged statements. On the other hand, ANG is happy to have less competition for chaos.

# Discovering Virginia's Elusive State Fruit

Monica Sandu '24  
Production Editor



Florida oranges. Georgia peaches. Maine blueberries. Nearly every state has its own official fruit, a symbol of horticultural pride and agricultural delight. But despite living in Virginia since I was three, I recently came to the realization that I had no clue what Virginia's state fruit actually was! Could it be the huckleberry, like Montana?<sup>1</sup> Was it a variety of apple, like so many other states? Surely it couldn't be the tomato.<sup>2</sup> I was wrong on all accounts. The state fruit of Virginia? The pawpaw.

Ok, so it's not Virginia's official state fruit.<sup>3</sup> Virginia

<sup>1</sup> [https://en.m.wikipedia.org/wiki/List\\_of\\_U.S.\\_state\\_foods](https://en.m.wikipedia.org/wiki/List_of_U.S._state_foods). See also, The Huckleberry Trail.

<sup>2</sup> The official fruit of Arkansas, Ohio, and Tennessee. *Id.*

<sup>3</sup> Although it is the official state *native* fruit of Ohio, a totally different category from the state fruit. *Id.* The pawpaw tree is also Missouri's official state fruit tree. See, <https://mdc.mo.gov/discover-nature/field-guide/pawpaw> (herein after MDC Field Guide).

doesn't actually have an official fruit, though it does have, among others, an official beverage (milk), official rock (Nelsonite),<sup>4</sup> and even an official motor sports museum (Wood Brothers Racing Museum and Virginia Motor Sports Hall of Fame).<sup>5</sup> In 2020, to remedy this fruitless oversight, Virginia House of Delegates Representative Elizabeth Guzmán filed a bill proposing the adoption of the pawpaw as the official state fruit of Virginia.<sup>6</sup> But what is the pawpaw?

Bearing the largest edible fruit native to North America, the pawpaw is a small understory tree and "the only local member of a large, mainly-tropical

<sup>4</sup> Named after Nelson County, Virginia, but of no apparent relation to our esteemed professor here at UVA Law. <https://en.wikipedia.org/wiki/Nelsonite>.

<sup>5</sup> Code of Virginia, §1-510. Official emblems and designations.

<sup>6</sup> <https://www.virginiamercury.com/blog-va/pawpaws-may-become-virginias-official-state-fruit-whats-behind-their-rise-in-popularity/>.



*Pictured: A cut pawpaw fruit*  
Photo Credit: Food Network

plant family," according to the National Park Service.<sup>7</sup> The fruit is at peak ripeness in September through late October and resembles a small papaya, with a flavor described as "banana-like with hints of mango, vanilla, and citrus" and a pale yellow pulp that has been called "a natural custard."<sup>8</sup> One botanist even wrote that pawpaw fruit is "rather cloying to the taste and a wee bit puckery."<sup>9</sup>

<sup>7</sup> <https://www.nps.gov/articles/pawpaw.htm>.

<sup>8</sup> [https://en.wikipedia.org/wiki/Asimina\\_triloba](https://en.wikipedia.org/wiki/Asimina_triloba).

<sup>9</sup> Werthner, William B. (1935). *Some American Trees: An intimate study of native Ohio trees*. New York: The

The pawpaw goes by many names, including the "poor man's banana," the "Quaker delight," and the "hillbilly mango."<sup>10</sup> From Kansas to the Chesapeake and the Great Lakes down to Georgia, the pawpaw's natural range covers most of the central and eastern United States.<sup>11</sup> For centuries, Native Americans cultivated it for both its fruit and fibrous bark; in fact, the scientific name for the pawpaw, *Asimina triloba*, comes from the

Macmillan Company. pp. xviii + 398 pp.

<sup>10</sup> [https://en.wikipedia.org/wiki/Asimina\\_triloba](https://en.wikipedia.org/wiki/Asimina_triloba).

<sup>11</sup> <https://plants.usda.gov/home/plantProfile?symbol=ASTR>.

Powhatan word *assimina*.<sup>12</sup> Chilled pawpaw fruit was said to be one of George Washington's favorite desserts, and Thomas Jefferson had pawpaw trees planted at Monticello.<sup>13</sup> With such a long history, why do we not see pawpaw fruit besides our peaches and plums today?

The short answer: commercialized agriculture. More specifically, pawpaw doesn't store well. Even when refrigerated, fresh pawpaw fruit will only keep up to a week, and that time goes down to a mere two or three days at room temperature.<sup>14</sup> Furthermore, the fruit bruises very easily, so it is extremely difficult to ship if not frozen.<sup>15</sup>

<sup>12</sup> <https://gardens.si.edu/learn/blog/way-down-yonder-in-the-paw-paw-patch/>. In 1612, a Jamestown settler transcribed *Assimina* as "wheat plum." Other languages' words for the pawpaw include *tózha*<sup>n</sup> *hu* in Kansa, *umbi* in Choctaw and *ri-wahárikstikuc* in Pawnee. See, MDC Field Guide.

<sup>13</sup> [https://en.wikipedia.org/wiki/Asimina\\_triloba](https://en.wikipedia.org/wiki/Asimina_triloba).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

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## Law Weekly Travel Log: Japan

Ryan Moore '25  
Law Weekly Historian



In all my years of experience,<sup>1</sup> I have learned that very few people want to hear about your vacation, let alone read 800 words on it. Fortunately for me, the *Virginia Law Weekly* allows me to word vomit up anything I want to write about each week, provided I...sometimes...get my articles in on time. So, this week, you get to hear all about my trip to Japan.

I will admit that Japan was never high on my list of places to travel. I have been to over twenty countries, ridden the length of the Trans-Siberian Railroad, and spent months living abroad in Germany. Now that Covid restrictions are largely lifted, I considered traveling to the Middle East, the region of my prior academic study. But my wife and I decided to spend ten days in Japan instead.<sup>2</sup> There are two main reasons why we chose Japan. First, my wife LOVES

<sup>1</sup> And as the president of Older Wiser Law Students, I have a lot of years.

<sup>2</sup> Shout out to Casey Kuhn for planning the entire trip.

Japan. Like, "horse girl" levels of love. Second, my brother is currently getting his master's in international relations from a university in Kyoto. Before I was a law student, even before I was a private investigator, I was a graduate student in international relations at the University of Chicago.<sup>3</sup> Knowing firsthand how much of a mistake graduate school is, I wanted to check in on him before it was too late. That is how I found myself driving two hours to Dulles Airport in Washington, D.C. to take a fourteen-hour flight to Tokyo. However, I mostly stayed in Kyoto, the old imperial capital of Japan, with my brother who served as my personal tour guide and money exchanger.

Japan is an island country of 125 million people, 120 million of which were always in line in front of me. Three-fourths of the islands that constitute Japan are mountainous, so most of the major population centers are located on the coastal plains. Japan is prone to earthquakes as it is located

<sup>3</sup> I have yet to identify other international relations graduate school refugees. If you are one, my email is in this article.

on the notorious Pacific Ring of Fire. Unlike my prior vacation to Los Angeles, California, I (disappointingly) did not experience any earthquakes.

Because I am in law school, I had to research the legal system of Japan. The Japanese government operates under a post-World War II constitution promulgated by the United States. Japan is a civil law country largely based on the German legal system. Crime in Japan is famously low; however, "low" crime does not mean "no" crime. What Japan lacks in a murder rate, it makes up for in a high rate of umbrella theft. Everyone steals unattended umbrellas from each other; it's practically a national pastime. I experienced this firsthand as my umbrella was stolen from the front of a convenience store right before my eyes.<sup>4</sup>

The exchange rate between the dollar and yen makes tourism in Japan cheaper than I expected. The central bank of Japan has struggled for decades

<sup>4</sup> This is the only instance in which I, an aspiring public defender, would support "tough on crime" policies.



*Pictured: A future lawyer*  
Photo Credit: Ryan Moore '25

to meet its two percent inflation target rate in order to stimulate the economy.<sup>5</sup> Low inflation, combined with a weak Yen and no open container laws meant I could get blasted on \$2 tall boys anywhere I wanted. Imagine the freedom of New Orleans's Bourbon Street but with public streets as clean as a hospital ward.

Speaking of cleanliness, there are what feels like no trash cans in Japan. This might seem counterintuitive at first, but it makes perfect sense. If there are no trash cans, everyone learns not to bring trash with them onto the streets. Thus, no littering. But this also means that

<sup>5</sup> <https://www.imf.org/en/News/Articles/2023/05/24/cf-uncertainty-around-japan-inflation-underscores-need-for-nimble-monetary-policy>.

many times I finished a beverage or four and was forced to carry the cans around with me for the next hour.

Japan has fully embraced the international appeal of its popular culture. Around the country you can find stores dedicated to Nintendo, Pokémon, One Piece, Pokémon, Capcom, and Pokémon. The Pokémon stores (named "Pokémon Centers" after the video games) are highly popular but are designed as tourist traps. The Pokémon Centers suck in unsuspecting foreign tourists who have fond childhood memories of the video games and TV series. They offer nearly every Pokémon in stuffed or plushie form for the low, low price of around \$15 each. They always carry your favorite Pokémon in a deliberate attempt to prey on your sense of nostalgia. Maybe you are jet lagged and too tired to think straight. Maybe Professor Jeffries's Civil Rights Litigation class is harder than you expected. Maybe you are spending that BigLaw summer associate money before you have actually earned it.

Suffice it to say, you can

# Professor Mike Lincoln Talks ECVC

Brent Rice '25  
Staff Editor



On Tuesday, October 3, Professor Mike Lincoln '91, Vice Chair of Cooley LLP, ducked out of the office a bit early and began the familiar drive down Route 29 to UVA Law. Now in his twenty-fourth year of teaching a course as an adjunct professor on Emerging Companies and Venture Capital (ECVC for those who Nym), Lincoln was arriving even earlier than his regularly scheduled class to address a large group of students at the invitation of the Virginia Law Emerging Companies and Venture Capital Society. The topics of the conversation included a bit of background into Lincoln's own career trajectory, life working in ECVC, and a Q&A period for curious students.

## Lincoln's Background

Lincoln began the night's conversation the same way he begins his class each semester he teaches, with a PowerPoint deck depicting his wife, children, and dogs, a refreshing change of pace from someone who has ascended to the highest levels

in Big Law. His point being, especially in the realm of ECVC, it is impossible to separate your personal life from this type of work. He shared that in the practice of emerging companies, your work is deeply embedded with the relationships you build with founders and their teams. Just as he has met the parents, spouses, and children of his founder clients, so too have his clients met and heard much about the family that is at the heart of Lincoln's life. In Lincoln's view, you can't simply drop your family at the door on the way into the office and pick them back up when you leave.

After graduating from UVA Law, Lincoln began his career in the Washington, D.C. office of Latham & Watkins, practicing as a corporate attorney. After several years, he began to have an itch to work in tech and entrepreneurship, which precipitated a move to the Richmond-based firm of Hunton & Williams (now Hunton Andrews Kurth) where he became Partner. Ever captivated by the potential of the emerging companies market, Lincoln later made the



Pictured: Professor Mike Lincoln '91  
Photo Credit: Cooley LLP

jump to Silicon Valley-based Cooley LLP to co-found the firm's first East Coast office in Reston, Virginia.

## Cooley's Approach to Lifecycle Representation

Next, Lincoln expounded upon his approach to emerging company representation noting that "the goal is to represent not only emerging companies, but unicorn companies that go on to do something big in Lifecycle Representation." By all accounts, this approach seems to have been successful as evidenced by Cooley's representation of NVIDIA, Tableau, Zoom, and Uber in their IPOs and, in some cases, eventual sales. De-

spite the aforementioned examples, Lincoln was quick to clarify that ECVC representation is not limited to tech companies. Rather, it is more about disruption, a drive towards liquidity, access to capital, and growth trajectory. One other interesting practice by Cooley is to allow its attorneys to invest in some of the start-up companies they represent through an affiliated investment fund. According to Bloomberg Law, this practice allowed Cooley attorneys to acquire a roughly \$150 million stake in Snowflake Inc., a company for which Cooley LLP handled the IPO.<sup>1</sup>

## Why You Should Consider Practicing in ECVC

As for the career prospects in the emerging companies practice area, Lincoln was highly optimistic. For those interested in this practice, he stressed the

<sup>1</sup> Brian Baxter, *Snowflake's IPO Was a Startup Stock Success For One Big Law Firm*, Bloomberg Law (Sep. 30 2020), [https://www.bloomberglaw.com/bloomberglawnews/business-and-practice/XLRIN5C00000?bna\\_news\\_filter=business-and-practice#jcite](https://www.bloomberglaw.com/bloomberglawnews/business-and-practice/XLRIN5C00000?bna_news_filter=business-and-practice#jcite).

importance of networking and maintaining relationships with family members, undergraduate, and law school classmates who go on to start or join early-stage companies. Lincoln also emphasized that practicing in the fast-paced environment of emerging companies means that young lawyers can quickly become experts in their field by taking an interest in new technologies and reading up on them, rather than slowly climbing the ladder in the more traditional practice groups. Those who do plan to enter this area should be prepared for entering a high number of time entries as Lincoln noted that there is not much block billing when a typical day might involve working on eight to ten different client matters, rather than just one or two larger blocks.

Lincoln concluded his presentation by once again focusing on the people. He noted, "Law firms and lawyers don't need to see around corners, they just need to follow the people that can."

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# A Spooky Movie for Every 1L Class

Garrett Coleman '25  
Managing Editor



For many 1Ls, this spooky season will be one to remember. As midterms and practice exams come to a close, many people realize just how unprepared they are and how much work lies ahead. I was in the same boat, and everything turned out fine, but that does not mean October was at all pleasant. In respect to that gut wrenching dread to which all of us can relate, I decided to analogize each 1L doctrinal to a horror movie or October favorite.

## Torts: *Hocus Pocus*

Torts is the quirkiest of all the doctrinal classes. In my view, the whole field is an exercise in remedying stupid behavior and preventing it in the future. 1Ls have the privilege of reading a series of short stories about young men diving head first into shallow lakes, friends casually driving around town while another is internally bleeding in the backseat, and fireworks being set off in train stations. And, unlike Crim Law, it has an air of humor to it. Learning about stevedores who blow up an

entire ship by dropping a single plank makes some of us laugh. This is where *Hocus Pocus* comes in, since it is the quintessential cult spooky movie. Like Torts, it has a devoted fanbase, and its value comes from its self-effacing nature. It is always pleasant to rewatch and leaves you feeling good.

## Civ Pro: *Scream*

By this point in the semester, some of you future litigators are coming to the realization that this is the most important class you will take. Its lessons will crop up in every one of your cases and can often be (outcome) determinative. Like *Scream*, you will appreciate it with age. Civil Procedure also has a touch of self-awareness. When you are not dealing with substantive law but the procedural accompaniments, the law seems a bit more silly. The same can be said of *Scream*.

## Contracts: *Midsommar*

This is certainly a class I thought I could get through with common sense. Many of the early cases seem pretty basic and nonthreatening. Those days feel like

you're arriving at a nice festival with a group of friends. But then you start to realize that much more was going on in the community of Contracts nerds. All of a sudden, those simple agreements are morphed by fraud, duress, or incapacity. Before you know it, you'll be bogged down with questions of admissibility of oral modifications. Your arrival in those simple days of consideration and assent will be lost and you will have to live out your days in a realm of uncertainty (maybe I was just bad at Contracts).

## Criminal Law: *Zombieland*

It is the goriest of classes, but you're not scared or supposed to be. One minute, you will read a case about an incel murderer or a homeless person trying to stick someone with an unsanitary needle. The next, you'll be evaluating his mental state to determine if he meant it in the worst way or a more acceptable way... This class has so much depraved behavior that you achieve a Buddhist level of desensitization. When I watch *Zombieland*, I similarly tune out the violence so

I can watch a great story of love, nontraditional family dynamics, and the human spirit.

## Property: *Hereditary*

This will be the most unfamiliar to current 1Ls, so here's a synopsis. Our law comes from England, a country with many archaic rules and extra sons willing to risk it all. So, we have to shoehorn those rules into a modern economy and decide who owns what, how much they own it, when they can take someone else's stuff, and what happens when they give it to someone else. While some of the cases have a tort-like flair, much of it is a memorization slog. And this is how I feel about *Hereditary*. It comes from a successful writer and director, is well made, but also terribly uncomfortable to watch. When you prep your outline, you will feel like the girl who has her head ripped off.

## Constitutional Law: *The Shining*

It's a classic, the only doctrinal that every 1L comes into with some background knowledge of. It is also a great suspense story.

Things start off slow with the Commerce Clause and congressional delegation, like how the Torrances take their long drive through the Rockies. But as soon as you reach *Loving v. Virginia* and *Griswold v. Connecticut*, you have entered Equal Protection and Substantive Due Process land. That path only ends when *Obergefell*, *Dobbs*, and *Bruen* come bursting through the bathroom door to incite the most heated law school debates. Many of the opinions also have an artistic side that encourages general readership, similar to how *The Shining* is appreciated by many. The only difference, though, is that many students do not think Con Law has a happy ending with this current Supreme Court. Think of an alternative ending to *The Shining* where Jack finds his family in the maze.



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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

*Commonwealth of Virginia v. Harvard Law Review Association*  
76 U.Va 6 (2023)

ALLARD, J., delivers the opinion of the court. MOORE, J. concurs in the judgment. COLEMAN, J. and SANDU, J. dissent..

**Allard, J. delivers the opinion of the court.**

This case began as an antitrust suit brought by the Commonwealth of Virginia against defendant, the Harvard Law Review Association (“the Association”) for its publication of *The Bluebook: A Uniform System of Citation*. The Association removed to the Court of Petty Appeals in accordance with the Petty Rule of Civil Procedure 1.<sup>1</sup> We are perplexed by this decision and cannot help but smile at defendant’s ill-judged removal motion. Indeed, counsel’s decision to defend the case before this Court borders on malpractice. Though we are eager to punish the Association for its error, we cannot. Ultimately, though it pains us to do so, we find for the Association, because to do otherwise would benefit 1Ls.

The Harvard Law Review Association is a nonprofit organization registered under the “laws” of Massachusetts. The Association distributes and publishes the *Bluebook*, an infamous and universally

mocked<sup>2</sup> manual on pedantry. The *Bluebook* has been a repeated subject of controversy. Beyond innumerable tortious injuries to law students and practitioners alike, the *Bluebook* has been accused of fostering elitism,<sup>3</sup> it has been protested by students of its own ilk,<sup>4</sup> and it

There are many reasons to sue the peddlers of the *Bluebook*. But the Commonwealth has sued only for the Association’s monopolization of legal citation recommendations. The Commonwealth’s allegations are as follows. Firstly, the Harvard Law

profits come from 1Ls who are forced each year to purchase the *Bluebook* for their legal writing classes.

Second, the Association’s prescriptivist tendencies have resulted in frequent updates to the *Bluebook* and a rapid growth in its page count.<sup>8</sup> The Association thus

a letter to *BabyBlue* asserting that the manual’s publication would infringe the *Bluebook*’s trademark rights.<sup>10</sup> Despite the Association’s efforts, *BabyBlue* was published, albeit under the name *The Indigo Book*.<sup>11</sup>

The Virginia Antitrust Act, Va. Code Ann. § 59.1-9.7, makes unlawful “[e]very conspiracy, combination, or attempt to monopolize, or monopolization of, trade or commerce of this Commonwealth.” Va. Code Ann. § 59.1-9.11 further provides that courts may assess “a civil penalty of not more than \$100,000 for each willful or flagrant violation of this chapter.”

Jurisdiction is proper in this case. The Association, by their removal motion, has waived any argument regarding personal jurisdiction. Further, this Court has subject matter jurisdiction over all petty disputes related to the Law School. Because many at UVA Law would love nothing more

*“The Association may continue to monopolize the legal citation manual market, so long as the monopoly continues to primarily burden 1Ls.”*

has even been aesthetically linked with Nazi Germany.<sup>5</sup>

<sup>2</sup> See e.g., Richard Posner, *What Is Obviously Wrong with the Federal Judiciary, Yet Eminently Curable, Part I*, 19 Green Bag 2d 187, 194 (2016) (correctly identifying the *Bluebook* as “560 pages of rubbish”); Richard Posner, *The Bluebook Blues*, 120 Yale L.J. 850, 851 (2011) (accurately describing the *Bluebook* as “a monstrous growth”).

<sup>3</sup> Fred R. Shapiro & Julie Graves Krishnaswami, *The Secret History of the Bluebook*, 100 Minn. L. Rev. 1563, 1568 (arguing that the *Bluebook*’s arcane rules are “one more of the many factors alienating lay people from the legal system as a whole”).

<sup>4</sup> Kendra Albert, *Harvard Law Review Should Welcome Free Citation Manual, Not Threaten Lawsuits*, Harv. L. Rec., Feb. 12, 2016, <https://hlrecord.org/harvard-law-review-should-welcome-free-citation-manual-not-threaten-lawsuits/>.

<sup>5</sup> A. Darby Dickerson, *An*

Review Association and its fellow cartel members, the *Columbia Law Review*, the *Pennsylvania Law Review*, and the *Yale Law Journal*, earn millions in profits from the *Bluebook*—as much as \$27.4 million between 2011 and 2020.<sup>6</sup> The Harvard Law Review Association receives the largest chunk of these profits. Indeed, for fifty years, the Association jealously kept 100 percent of *Bluebook* profits for itself.<sup>7</sup> Inevitably, much of those

*Un-Uniform System of Citation: Surviving with the New Bluebook*, 26 Stetson L. Rev. 53, 58 (1996).

<sup>6</sup> Daniel Stone, *Harvard-led Citation Cartel Rakes in Millions from Bluebook Manual Monopoly, Masks Profits*, Substack (June 9, 2022), <https://danielstone.substack.com/p/legal-bluebook-profits-havard-yale-columbia-penn>.

<sup>7</sup> Shapiro, *supra* note 3, at 1585.

benefits from a “planned-obsolence business model” because “law review editors are pretty much forced to buy each successive edition.”<sup>9</sup>

Finally, the Association has sought to thwart the work of would-be competitors. In late 2014, the developers of an open-source legal citation manual called *BabyBlue*, informed the Association that they planned to publish their manual online. In response, counsel for the Association sent

<sup>8</sup> Posner, *The Bluebook Blues*, *supra* note 2, at 859-61.


<sup>9</sup> *Id.* at 860.

<sup>10</sup> Albert, *supra* note 4.

<sup>11</sup> Sprigman et al., *The Indigo Book: A Manual of Legal Citation*, Public Resource (2016).

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<sup>1</sup> See *Comedy v. Libel Show*, 74 U.Va 21 (2022) (“[W]e do what we want.”).



## Virginia Law Weekly

### COLOPHON

|  |  |   |  |
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## Faculty Quotes

**B. Sachs:** "Wow, that might be the most incorrect of the semester."

**C. Nicoletti:** "I haven't won the Pulitzer Prize yet. It's coming."

**J. Fore, explaining the Bluebook:** "Some of them have periods, some of them have apostrophes. Why? I don't know. Ask the cartel."

**J. Duffy:** "I'm in Torts. That's definitely not where I want to be."

**T. Nachbar:** "Who picks their anesthesiologist?"

**M. Livermore:** "I actually have a podcast where we talk a little bit about this."

**J. Harrison:** "No one lives in Delaware except corporations."

**A. Bamzai:** "It's a bit of a head-scratcher, but that's why they pay you the big bucks."

**M. Collins:** "I know there aren't fun facts in Federal Courts, but this is what passes as a fun fact in Federal Courts."

**A. Woolhandler:** "Now we get Justice Scalia going ballistic."

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

## Counsel's Counsel

The world's preeminent advice column for law students.



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**COPA**

continued from page 4 than to stick it to the Association, this case is a quintessential petty grievance, and it thus falls within our jurisdiction.

We believe that the Virginia Antitrust Act clearly prohibits the Association’s monopolistic conduct. Indeed, it is clearly a flagrant violation subject to the heightened penalty. Nevertheless, we are bound to uphold it by a much more important body of law—the common law of this Court.

A decision against the Association would only benefit 1Ls, as they are the only students at the Law School who are likely to purchase a *Bluebook*. 2Ls and 3Ls have already purchased and long since forgotten about their copies of the *Bluebook*. And 1Ls must always lose.<sup>12</sup> This axiomatic rule is subject to only the narrowest exception: “1Ls may have rights when it is funnier for them to win . . . .”<sup>13</sup> Here, we rec-

<sup>12</sup> See e.g., *Liberals Who Are Bad At Using Canva v. Federalist Soc’y at UVA Law*, 76 U.Va 4 (2023)

<sup>13</sup> *Gay Section H Law Weekly Staff v. Lake*, 75 U.Va 16 (2023) (Lake, C.J., concurring).

ognize that it would be very funny to stick it to the dorks that write the *Bluebook*. But it is indisputably funnier to, after having recited a litany of criticisms of the *Bluebook*, nonetheless reach a ruling that is adverse to 1Ls.

Thus, we conclude that the Association may continue to monopolize the legal citation manual market, so long as the monopoly continues to primarily burden 1Ls. *It is so ordered.*

**Moore, J. concurring in the judgment of the court.**

I concur in the majority’s judgment in this case. But only a true gunner would write a COPA on the *Bluebook* over Fall Break. For that, I pity you.

**Coleman, J. dissenting.**

The majority erroneously concludes that this antitrust suit would only benefit 1Ls and future 1Ls. This conclusion is based on a fundamental misunderstanding of the damages in a class action antitrust case, which are calculated over the period of cartel misfeasance. So, 2Ls and 3Ls would be members of the relevant class.

But more importantly, I have two reasons for disagreeing with the majority’s ruling. First, I am a strict adherent to the *Slatebook*, the quirky but simplistic alternative style guide used by the *Virginia Law Review*. It is my intention to use every means of anticompetitive behavior to ensure that the *Slatebook* rules this land. Abusing my role on this court to effectuate that goal is a great opportunity.

Second, the majority does not consider the plight of the plaintiffs’ attorneys who stand to benefit the most from this type of case. And this is symptomatic of the general disdain for the plaintiffs bar among fancy law schools. None of you have the *cajones* to go years without income for just the prospect of a settlement, or the originality to think of novel causes of action. So, I will benefit the plaintiffs bar when I can.

**Sandu, J. dissenting.**

The only true and valid system of citation is the *Law Weekly* style guide. For this reason, I must respectfully dissent.

**Counsel's Counsel**

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

**Dear Jane:** I am a 1L who took five years off before starting law school. I left my life as a bachelor in New York City working for a major consulting firm to come to Charlottesville. The first few months of law school have been academically fulfilling, but one question continues to pop into my mind: Am I too old for UVA Law?

The average age of the Class of 2026 is twenty-four. Most of my classmates are KJDs with below average social skills as a result of going to college during the pandemic. I don’t know what it means when one classmate tells another who has just aced a cold call that he has “W Rizz.” In between classes, I stand in silence as they talk about different TikTok sounds. The only TikTok sound I’m familiar with is the one my watch makes. When I made this joke recently, one of the KJDs in my section rolled her eyes and told me I was “elderly.”

I feel especially old when I read the weekly Bar Re-

view emails. First, I don’t really understand the jokes. More importantly, am I really expected to dress up in theme every week to go out? Who has a full Gatsby costume laying around? I don’t have extra cash to spend on a new outfit each week; I’m maximizing my savings in a 401k. Bar Review should be about unwinding for the evening after a long week of studying the law, not attending a weekly costume party.

Finally, there is nothing that makes me feel more out of place than carrying a backpack and using a locker. This isn’t high school! I want to fit in with my classmates, but they are just so young. How do I make it through the next three years? - Already Gone Gray

**Gone Gray:** They say you can’t teach an old dog new tricks, but I’m going to try. Here are some suggestions for getting through the next three years without being called a boomer every week by your younger section mates.

It might feel like you are the oldest person in your 1L section, but you certainly aren’t the oldest person on

COUNSEL page 6

**HOT BENCH**



Delaney Toomer '26  
Interviewed by Ashanti Jones '26

**Hi Delaney! Thanks for sitting down for this week’s Hot Bench. To start, where are you from, where did you go for undergrad, and what were you up to before heading to law school?**

I’m from Columbia, South Carolina. I went to Clemson University—go Tigers! I came straight through from undergrad, and my summer consisted of babysitting, resting,

and spending time with family and friends.

**Sounds like a super good summer to me! As a South Carolina native and Clemson University alumna, what drew you to Virginia and UVA Law?**

I was drawn to the community aspect of UVA. I felt welcomed immediately during Admitted Students’ Weekend, and now that I’m actually here, I see how everyone works together. Law school can be challenging enough, so knowing that there are genuine people in your corner is invaluable.

Also, being in South Carolina my entire life, I knew I wanted to step outside of my comfort zone a bit more and experience a different place. I feel that UVA Law is a place where I can continue to grow as a person.

**During undergrad, you interned at the South Carolina Office of the Attorney General and the Unit-**

**ed States Attorney’s Office. Do you view those experiences differently now looking back since starting law school?**

I really enjoyed and learned a lot from both experiences. They solidified my interest in working in public service at some point in my career, potentially as a federal prosecutor.

I particularly enjoyed the semester I spent in Washington, D.C. at the United States Attorney’s Office because I met some great mentors and got to observe a couple of criminal trials for the first time.

Now that I’m a law student, I am able to look back on certain assignments with a different perspective. I see why there was such a focus on proving mental state when assessing culpability. I also see how knowing how to IRAC back then would have probably saved me a bunch of edits on my memos!

**I know you have only been living in**

**Charlottesville for a couple months, but so far how are you liking it? Do you have any favorite spots or things to do?**

Charlottesville has been great so far—hopefully I’ll be able to cross more things off my list soon! I loved going to the sunset series at Carter Mountain, and I also like the ice cream at Dairy Market.

I take a weekly adult ballet class at Charlottesville Ballet studio, which is one of my favorite de-stressors and hobbies. It’s fun to get back into dancing because I didn’t get many opportunities to do so during undergrad!

**Time for a little lighting round! What is your least favorite TikTok trend?**

I’m not sure about “least favorite,” but at the moment I’m obsessed with “get ready with me” videos/story times and anything to do with pets!

**Favorite Halloween**

**movie?**

“Twitches Too,” a Disney and childhood classic. As a twin myself, it’s always been a favorite.

**Funniest case you’ve read for class so far, and four-word explanation why?**

*Christian v. Mattel*, Barbie doll was thrown.



PAWPAW

continued from page 2

It is also worth noting that the pawpaw has been designated a plant of “low severity poison characteristics” because ingesting the fruit’s outer skin or seeds causes stomach and intestinal pain; mechanical separation can easily contaminate the otherwise safe-to-eat pulp.<sup>16</sup> The pawpaw’s leaves can also cause skin irritation.<sup>17</sup> In addition, the tree’s small purple flowers “emit a faint odor of rotting meat or rotting, fermenting fruits” when they bloom, since its pollinators are mostly scavenger insects like blow flies and carrion beetles.<sup>18</sup> Overall, the pawpaw is simply unable to compete with apples, oranges, and other grocery store staples mass cultivated nationwide.

However, that does not mean that the pawpaw of today is useless. Far from it! The tree has “no serious insect or disease problems,” meaning its cultivation requires little to no pesti-

16 <https://plants.ces.ncsu.edu/plants/asimina-triloba/>.

17 *Id.*

18 MDC Field Guide.

cides.<sup>19</sup> Because they prefer wet soil and “multiply to form dense and well-rooted thickets,” pawpaw trees can protect vulnerable areas from erosion and runoff.<sup>20</sup> Furthermore, areas where the pawpaw grows are less likely to suffer deforestation due to logging since pawpaw wood does not have any real commercial uses.<sup>21</sup>

The pawpaw is an important food source for its local ecosystem. Birds, squirrels, opossums, and raccoons all eat the fruit, while the zebra swallowtail, Tennessee’s state butterfly,<sup>22</sup> feeds exclusively on pawpaw leaves.<sup>23</sup> In contrast, the pawpaw’s irritant sap causes herbivores to stay away.<sup>24</sup> This means that pawpaw trees can be used to restore forest understorey in places where deer

19 <https://www.missouribotanicalgarden.org/PlantFinder/PlantFinderDetails.aspx?kempercode=b500>.

20 [https://en.wikipedia.org/wiki/Asimina\\_triloba#Range\\_and\\_ecology](https://en.wikipedia.org/wiki/Asimina_triloba#Range_and_ecology).

21 *Id.*

22 <https://sos.tn.gov/civics/pages/tennessee-state-symbols#insects>.

23 MDC Field Guide.

24 *Id.*

would otherwise decimate the vegetation.<sup>25</sup>

Pawpaw fruit are also extremely nutritious, with three times the vitamin C of an apple, potassium comparable to a banana, one and a half times as much calcium as an orange, and all of the essential amino acids.<sup>26</sup> They definitely appear to be worth your time...*if* you can find them. But that, my friends, is a story for another article.

25 [https://en.wikipedia.org/wiki/Asimina\\_triloba#Range\\_and\\_ecology](https://en.wikipedia.org/wiki/Asimina_triloba#Range_and_ecology).

26 <https://web.archive.org/web/20191230230839/https://kysu.edu/academics/cafsss/pawpaw/pawpaw-description-and-nutritional-information/>.



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COUNSEL

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North Grounds. You don’t need to spend all of your time with the KJDs. First, we have multiple professors here who are octogenarians. Try taking one of them out to lunch on SBA’s dime. You might find the conversation a bit more relatable. If you are looking to hear more cringey dad jokes, there are plenty of younger professors—and even some students—who are fathers.

While you probably thought you were too old to attend a fair, the Student Organization Fair would have been a great opportunity for you to learn about OWLS, the oldest and wisest law students at UVA. If your hair really is already gray, I’m a little surprised they haven’t already recruited you to join their softball team. It isn’t too late to sign up for their listserv. You should be warned though: I’ve heard of twenty-six year-olds attending OWLS events.

I think your complaints regarding Bar Review and the weekly themes are wholly justified. FYC has absolutely taken this too far. Halloween is once a year, not once a week. It is concerning that the 1Ls didn’t get rid of

their costume boxes when they graduated college. You can just emulate the current 2Ls and 3Ls, who dress in normal going out attire each week regardless of the proposed theme. Although, if you dress up on theme, you might get a shoutout in your 1L GroupMe.

You are not the first person who has complained to me about wearing a backpack in law school. Luckily, there are other alternatives for you to try. You can use a briefcase, a satchel, or even a male purse. Ultimately, I think most 1Ls, regardless of age, find a backpack is the best way to carry all of those heavy casebooks while providing maximum lumbar support. As someone nearing thirty, I’m sure you can appreciate avoiding lower back pain.

You have come to law school to learn how to be a lawyer. Next summer, you might be getting assignments from associates who are younger than you. A member of Gen Z will likely be telling you what to do one day. If you don’t start to learn their lingo while you are in law school, you are going to be behind in your career. Figure out how to enter your slay era now, and you will be just fine.

LIST

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ple. As is often the case, the panelists all expressed that no two days look alike, so they resorted to the classic tactic of describing their most recent day of work.

On any given day, Weitzel Garcia works on a couple of major projects and a few smaller projects. Recently she has been assisting clients through two major Federal Trade Commission (FTC) investigations. In the meantime, she had completed a one-off privacy policy for the Technology Transfers group, conducted typical first-year associate doc review, and engaged in research for a data privacy agreement for an educational technology company.

Holt Ryan generally spends most of her days on client calls. She is currently representing clients targeted by the recent Moveit data breach exploitation. The incident has spawned nearly 200 new privacy lawsuits against the software developer and twenty-five related independent companies. She announced the newest development that all the cases were to be combined into a single class action suit in Massachusetts. That particular day, she spoke with

clients regarding settlement strategy in response to this case.

Jones’ days do tend to look a little more uniform. He can anticipate spending approximately half of his time helping clients obtain patents, and the other half litigating patent infringement. That particular morning, he worked through discovery disputes, reviewed legal research, and directly assisted inventors trying to protect their innovations.

**What new topics do you expect to come down the pipeline?**

Recent actions involving the major regulatory bodies are affecting all of the panelists’ practices. Weitzel Garcia alluded to recent rulemaking at the FTC that she anticipates will impact her clients. In particular, she cited the sweeping commercial surveillance rules governing consumer privacy and data security. She noted that there remain unanswered questions regarding the FTC’s role and whether the rules exceed the FTC’s permitted reach. Holt Ryan referenced the FTC as well but expressed her interest in the “turf war” among regulators like the FTC and Securities and Exchange Commis-

sion (SEC) over how they are handling issues such as cyber-attacks and the implementation of AI in industry. Jones likewise expressed excitement in following the rulemaking he anticipates from the new Commissioner for Patents, Vaishali Udupa, as she conducts a review of existing rules.

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JAPAN

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fit \$496 worth of Pokémon items in your carry-on luggage if you pack carefully.

If I had to impart an underlying message to my trip, it would go something roughly like this. We, the class of 2025, are nearly halfway through our law school careers. One day we will graduate, take the Bar, and enter the workforce. Whether you are starting at a private firm or public service, our time and ability to travel will soon both be limited. If there is anything you take away from this article, it is this: Go out, travel, explore, and appreciate the world around you.

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