

VIRGINIA LAW WEEKLY



A Look
Inside:

The Malicious Chinchilla: Part the Second.....	2
Confirmation Stories: Hugo Black & Supreme Court Secrets.....	2
Charlottesville's Best Donuts, Reviewed by Kids.....	4
Which Fyre Fest Documentary?	7

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THE SHAPE OF JUSTICE

Krasner, Others Keynote PILA Event

Michael Schmid '21
Staff Editor

The third annual Shaping Justice conference took place February 8 and 9 at the Law School, featuring a variety of panel discussions, workshops, and a keynote address by Larry Krasner, District Attorney for the City of Philadelphia. The event was sponsored by the Public Interest Law Association, the Program in Law and Public Service, and the Mortimer Caplin Public Service Center. Panel topics included gun violence, alternatives to incarceration, the affordable housing crisis, and the opioid epidemic.

The opioid epidemic was a focal point of Krasner's opening remarks. Addressing the tsunami of prescription and illicit opioids that has flooded Philadelphia just as it has regions around the country, Krasner argued that the choices law enforcement officials face in combatting that issue are indicative of the overarching issue facing the criminal justice system today. Krasner shuns what he calls "antiquated notions of right and wrong" with its focus on retribution, harsh penalties, and hyper-criminalization, in favor of a "harm reduction" approach focusing on public health and prevention. When localities fail to treat the opioid epidemic as a public health issue, Krasner argues, it leads people to hide their disease, which results in people "dying from stigma." Krasner sees the harm-reduction model as the solution to the opioid crisis, as well as a variety of other criminal justice issues, pointing to the success Vancouver, British Columbia has had with their supervised injection sites in drastically reducing the incidences of overdoses and opioid-related fatalities.

Unabashed in his outsider approach to prosecution, Krasner also appreciates the role of pragmatism in effecting change. Reflecting that sometimes people have to put themselves in situations that might make them uncomfortable in order to achieve the policy goals they desire, Krasner stated, "Virtue is nice. Victory is even better." Krasner pulled no punches in criticizing some elected officials who he believes have neglected the issue of criminal justice reform over the years. "The civil rights issue of our day is criminal justice reform," he remarked. "Our resources have been hijacked by politicians who have built pris-



Philadelphia DA Larry Krasner keynotes the Shaping Justice Conference Photo courtesy Rachel Davidson Raycraft.

ons to get votes." He believes that voters' dissatisfaction with past approaches partially fueled his victory and the election of other "progressive prosecutors" across the country. When change is not occurring on the national or state level, Krasner argues that through "progressive federalism" municipalities can be a source of sensible solutions to criminal justice and public health concerns.

Known for his fiery and iconoclastic rhetoric, Krasner has courted criticism by some for his approach to his role as district attorney. However, a little over a year after taking office, Krasner listed a few of what he sees as some of his biggest accomplishments. In part because of his decision to decline to recommend cash bail for twenty-five offenses his office has labeled as innocuous and non-dangerous, Krasner pointed to the significant decrease in incarcerated individuals in Philadelphia: down from 6,500 to 4,700. Crime has remained flat, while violent crime has decreased during Krasner's tenure, despite opponents' charges that his policies would have the opposite effect. When reflecting on how some of his detractors might respond to the downward trend in crime in the city, Krasner quipped, "They're opposed to crime, but they're very much opposed to me."

In the Alternatives to Incarceration panel, Angel Harris, Assistant Counsel for the NAACP Legal Defense and Education Fund, emphasized the importance of "directly impacted individuals" having a voice in addressing criminal justice issues. The intersection of mental health and the criminal justice system was topic addressed in-depth during the panel session. Judge Robert H. Downer '76 of Charlottesville's general district court noted the successes of the "therapeutic docket" in Charlottesville, a targeted and individualized program which seeks to divert those with mental health issues from incarceration and into treatment programs. "We harm people a great deal when we incarcerate people with mental health issues," the judge remarked. He also commented that integrating and welcoming formerly incarcerated individuals back into society and giving people a chance at a fresh start is critical to keeping people out of the criminal justice system and reducing recidivism rates. "How we treat those who are released [from prison] is important," said Judge Downer. This was echoed by Herb Dickerson, outreach coordinator and shift supervisor at The Haven, who said that the criminal justice system should do a better job of dealing with the underly-

ing issues that lead people into crime in the first place. Dickerson hopes that those involved in the criminal justice system "deal with the individual and not the stigma."

The next morning, students, faculty, and community members packed WB 101 for the Confronting Racism panel, sponsored by the Minority Rights Coalition and the Black Law Students Association. Meredith Horton '07, Associate Legal Director for the Southern Poverty Law Center, spoke about her work challenging felon disenfranchisement laws through impact litigation. For example, in Mississippi, felons are banned from voting for life. The only ways for a released felon to have their voting rights restored are through (1) a gubernatorial pardon, (2) an executive order, or (3) a state legislator personally sponsoring the person who has completed his felony sentence and submitting legislation to restore his voting rights. This bill must pass with a two-thirds vote and be signed by the governor. Unsurprisingly, said Horton, very few people are successful with this laborious process. Michael Herring '90, the Commonwealth's Attorney for Richmond, noted that while most criminal defen-

around north grounds



Thumbs up to free snacks in Student Affairs. After dropping a whopping \$70 on a Barrister's ticket, ANG can't even afford groceries. Thanks, Lisa, for saving us all from our own poor decisions.



Thumbs up to free snacks in Student Affairs. After dropping a whopping \$70 on a Barrister's ticket, ANG can't even afford groceries. Thanks, Lisa, for saving us all from our own poor decisions.



Thumbs down to classes that still involve fights for seating. ANG specifically dropped the class in musical chairs for anxiety reasons and does not find this fun.



Thumbs up to spring break! ANG has thoroughly enjoyed spending the last ten days blacked out in Branson, Missouri.



Thumbs down to Valentine's Day. ANG is so tired of receiving a solitary valentine from ANG's mother that states, "I like you 'berry' much." ANG is sick of the lies.



Thumbs down to SBA elections. ANG prefers the leaders of ANG's pointless bureaucracies to come only from the finest haute-bourgeoisie, none of this grubby NOVA-prep-school-dentists-for-parents bullshit.



Thumbs up to last week when ANG was wearing shorts and flip-flops. ANG kindly requests that Stephen T. Parr stop being so rude and change the weather back.



Thumbs up to Frank the Law School security guard. Frank's a longtime reader and is glad "ANG's gotten much more positive the last few years." It's all thanks to rehab, Frank, but ANG appreciates it anyway!

SHAPING JUSTICE

continued from page 1

dants he sees in the courtroom are people of color, the judges, prosecutors, police officers, and defense attorneys are disproportionately white. This imbalance can lead to prosecutors having a skewed perspective on the criminally accused they see in court on their worst day and in their worst form.

Following the last panel session, attendees could choose from a trio of concurrent workshops, titled: Trauma-Informed Care, Strategies for Nonprofit Litigation, and Tools for Legislative Advocacy. The conference concluded with an award ceremony honoring Chinh Q. Le '00 and Julia Pierce '98 with the Shaping Justice Awards for Extraordinary Achievement and Michelle Harrison '12 with the Shaping Justice Rising Star award.

During his keynote address, Krasner said he appreciated the real change to the criminal justice system that is happening in Philadelphia and across the country, but noted how much more work he feels is still left. He urged others to get involved, calling on those in attendance to "be part of history." As Dean Goluboff noted in her introduction of Krasner, "It is not automatic that change happens. The arc of justice does not bend without people who bend it."

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Malicious Chinchilla: Part the Second

In Which Brutus the Chinchilla Moves in With Our Correspondent

First things first, we should probably discuss the photo that accompanied the last installment of this series (hopefully there's a new one in place by now). I'm not going to lie, it's not a great

Will Palmer '21
Staff Editor



look. The lumberjack phase was questionable in and of itself, and I've never been good with student ID photos. That said, I can assure you that it is indeed my student ID photo and not a mugshot—those are either for people who got caught or people who wrote about their misadventures in the school paper before the statute of limitations ran out. Far be it from me to fall into one of those camps. But I digress.

We left off with my new chinchilla, having already demonstrated a somewhat malevolent streak, freshly installed under the bed in my dorm room and ready to wreak havoc. In less than a week, my friends had organized a death pool regarding how long Brutus would last in his new environment; the longest bet was two months. To everyone's great surprise, he not only survived,

but prospered (depending on your definition of "prospered"). Within three weeks, he was slamming whey protein shakes and doing prison workouts in his cage while blasting Immortal Technique on a speaker he'd procured on the dark web. By the two-month mark, he was the most swole chinchilla on the eastern seaboard and had dropped five mixtapes on DatPiff (if you're wondering, the most popular one was *All Idez On Me*). Needless to say, my cohort conveniently "forgot" the death pool and acquired a newfound interest in treating Brutus with proper deference.

The local squirrels were put on notice as well. On a fine spring day in mid-May, I was polishing my glass eye when I noticed that the door to Brutus' cage was hanging open. Even worse, my collection of 16th-century throwing stars was missing. I realized that the little fella may have taken the wrong lesson from the episode of *Family Guy* where Meg goes to prison. Sure enough, I looked out the window and saw Brutus stalking towards a group of chattering squirrels in the center of the quad, ready to find the proverbial toughest guy in the room and punch him in the teeth. I hurried downstairs, prepared to throw hands if my sidekick needed some backup.

As it turned out, he did not—he didn't even need to use the throwing stars. He approached the erstwhile leader of the squirrels, a nasty specimen that my friends and I had dubbed Harvey Dent (one guess why we picked that nickname). I like to think that Harvey said something uncultured about chinchillas and that Brutus told him he'd need to "get woke," but I'll never know for sure. At any rate, Brutus performed what appeared to be a Tombstone Piledriver and introduced Harvey's good side to the ground at Mach 2. Seriously, he hit the floor so hard that even the NFL would have a hard time covering up the long-term damage. Over my shoulder, I heard my friend J.T. say, "Damn, dude, this is like that scene from Terminator 2." (Names have been changed to protect the innocent.)

"The one in the biker bar?" I responded, as we executed a crisp dap.

"Word," J.T. said. "Smoke?" We lit up a couple Camels and turned our attention back to the mêlée at hand. At this point, Brutus had Harvey sprinting around the walls of my dorm like he was Achilles pursuing Hector of Troy. "By the way," J.T. shot me a glance and took a long drag on his cigarette, "Have you looked at the Wikipedia page on chinchillas? Or,

like, done any research at all on them?"

"Not really, I just asked Dennis for some basic tips. I know I'm not supposed to get him wet and stuff."

"Who's Dennis? And—wait, you can't get him wet? Like in *Gremlins*?"

"Dude who works at PetSmart. Great salesman. What's up with the Wikipedia?" I paused to ash my cigarette. "And yeah, I guess it's kinda like *Gremlins*, now that you mention it. Chinchilla fur is so fine that it won't dry naturally. Crazy stuff."

"Anyway," J.T. responded, clearly still somewhat shook by Brutus' Wicked-Witch-of-the-West vulnerability, "I was pretty drunk last night and spent some time on Wikipedia, ended up reading about chinchillas."

"As one does," I interjected.

"Bro, did you know they can live to be, like, 20 years old?" Brutus drove past us in a small chariot, dragging Harvey behind him by the ankles. I whistled.

"Nineteen more years of this shit?"

To be continued...

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Secrets and the Supreme Court: The Strange Case of Justice Hugo Black

Part of Confirmation Stories, an occasional series on Supreme Court nominations.

There are many reasons one may keep a secret. A secret may be innocuous, but rather embarrassing—no

Will Fassuliotis '19
Guest Columnist



need to share it. You may need to keep a secret for the safety of friends or family. A friend may come to you in confidence, seeking advice on a sensitive matter.

All of these sorts of secrets are understandable and often even defensible. Some secrets are understandable, but morally less defensible. You might hold a secret for base reasons, that were your secret public, others would fundamentally change their view of you. And with that fundamentally different view, an objective you have long sought (perhaps a job or award) would no longer be obtainable, or, having reached that objective, it is taken from you. As if to demonstrate that these are universal concerns, this series, which began as an allusion to the Ford/Kavanaugh accusations, applies equally well to contemporary events in our Commonwealth. The Governor, Lieutenant Governor, and Attorney General are all under the cloud of past ac-

tions—some pictured, some alleged, and some admitted—which had they been known, would have altered the course of their political trajectories.

When Justice Hugo Black retired on September 17, 1971, few were likely thinking of Black's old secret. Black served thirty-four years on the bench (longer than all but four other justices), so how bad could it have been? Between 1923 and 1925, Hugo Black was a card-carrying member of the Ku Klux Klan.

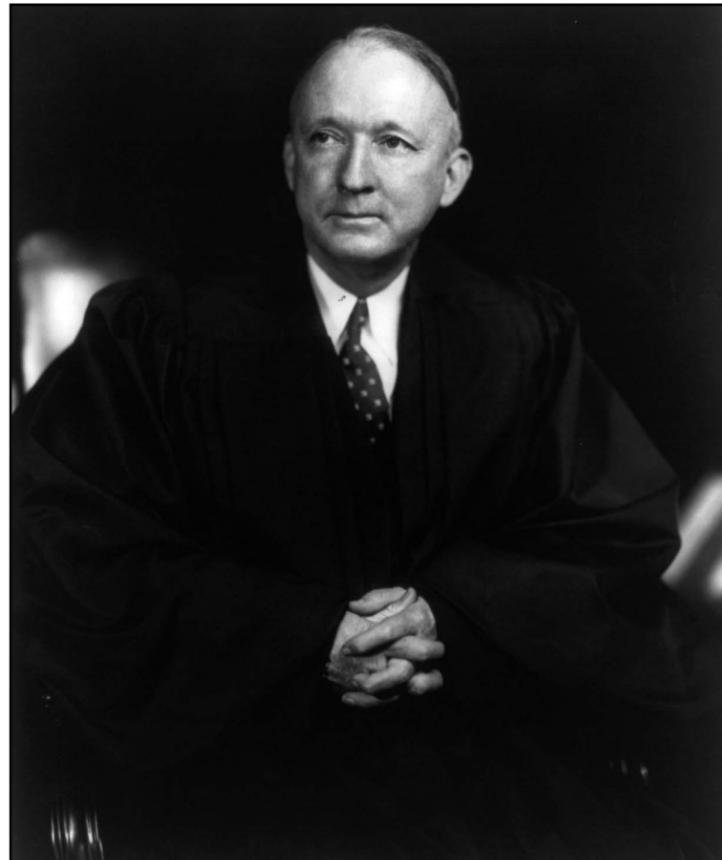
That bad.

When Franklin Roosevelt nominated then-Senator Black (D-Ala.) to the Supreme Court in 1937, his membership was unknown. There had been some rumors, but at the time nothing substantiated. Roosevelt supported Black because Black supported him in the Senate: on the New Deal, on the court-packing scheme, and various other aims, Black was a rare non-conservative Southern Democrat. When Justice Willis Van Devanter, one of the "Four Horsemen" who frustrated Roosevelt, stepped down, the Senator from Alabama seemed an obvious choice. After some discussion of technical constitutional issues surrounding Black's appointment,¹ Black

was easily confirmed, 63–16. With his commission in hand, Black left for vacation in Europe.

While overseas, the *Pittsburgh Post-Gazette* confirmed his membership in the KKK, including getting hold of Black's 1925 resignation letter. Even more damning were the reports of speeches thanking the support of the Klan for their support in his first run for the Senate, as well as accepting a "grand passport" from the KKK, both after he resigned from the group. The author of the *Post-Gazette's* reports opined that "the note of resignation was a deliberate ruse, designed to protect the Klan's political candidate." Many senators said had they known of his membership in the Klan, they would not have voted for him. Calls for Black's resignation grew louder. Many wondered what Roosevelt thought. In this era, the Klan was not only anti-Black, but vehemently anti-Catholic and anti-Jewish as well. FDR was no friend of the KKK; he supported Al Smith, a Catholic hated by the Klan for his Catholicism, for President in 1928. But when the news came out, Roosevelt remained silent, waiting to see how Black would defend

issues, see American Heritage's "Hugo Black and the K.K.K.," available at <<https://www.americanheritage.com/hugo-black-and-kkk>>.



Hugo Black in 1937. Photo courtesy the Library of Congress.

himself.

When Black returned from Europe, he decided to address the nation over the radio, "in a way that cannot be misquoted and so the nation can hear it." On October 1, 1937, he admitted the truth, "I did join the Klan."² But, he

continued, "I later resigned. I never rejoined. I completely discontinued any association with the organization...Before becoming a Senator I dropped the Klan. I have had nothing to do with it since that time." Black emphasized his views, that "I have no sympathy with

BLACK page 5

² The speech is available on YouTube, entitled "Supreme Court Clips: Hugo Black's 1937 radio address

about KKK membership," at <<https://www.youtube.com/watch?v=p7BaRRPh428>>.

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LAWHOOOWA!

Charlottesville's Best Donuts, As Ranked by Children and Their Sprinkles

Charlottesville is well-known for its winery scene, craft brewery scene, and Vineyard Vines scene. Not

John Melcon '19
Dad & Donut
Connoisseur



to be ignored, though, is greater-Albemarle County's ever-improving donut scene. Special Agent Dale Cooper could get along fine here.

Since what follows is an attempt at ranking C'ville's finest donut emporia, let me say a word about methodology. Over the past two years, my four kids and I have spent most Saturday mornings on a Daddy-Day errand or adventure. Those trips invariably begin with donuts, giving our squad ample opportunity to evaluate all the local offerings. Still, ranking donuts is about as subjective as ranking law schools by "best professors," and just to make things even more arbitrary, I've delegated the entire task to my children. The sprinkle scores below represent the results of a sophisticated voting process, which transpired last Thursday at the kitchen table.

Duck Donuts

Overall Score: 19 Sprinkles

Duck Donuts began in 2006 when Russ DiGilio and Robin Griffith decided to remedy the lack of donuts in their favorite Outer Banks beach town: Duck, N.C. The company's unique business model proved to be a hit, and entrepreneurial tourists prevailed upon the founders to let them open franchises as far away as Huntington Beach, Cal.

Charlottesville's Duck Donuts opened in 2015 at The Shops at Stonefield and has been serving scrumptious Maple Bacon, Vanilla Oreo, and Peanut Butter Raspberry donuts to Pottery Barn and Lululemon patrons ever since. Don't expect any display cases here—every order is custom

made before your very eyes. My eight-year-old calculates that there are over 800 possible frosting, topping, and drizzle combinations, not in-

himself. Moments later, Jefferson spotted the redcoats, dashed back to Monticello, and escaped off the mountain a mere five minutes before

wondering, Carter Mountain Orchard and its donut bakery reopen in 45 days on March 30. But who's counting?

a few years later amidst corporate losses blamed on the Atkins Diet. Fortunately, everyone on the Atkins Diet has since given up, and Krispy Kreme returned from its decade-long externship in 2017.

If you're lucky, you'll pull up to the gleaming, glassy Fifth Street Station location and find the legendary "Hot Light" illuminated. This neon sign, which has much the same effect as Pavlov's metronome, indicates that the mesmerizing Rube Goldberg contraption inside is switched on, pumping out piles of fresh confections. I'm told Krispy Kreme sells many varieties of donuts, but if you ask for anything other than the melt-in-your-mouth Original Glazed, you're doing it wrong.

It's also worth noting that the Original Glazed has long played a leading role in Charlottesville's most famous late-night dessert: the Grills-with. The fabled Grills-with, available at The White Spot and several other Corner establishments, consists of two buttered and grilled Krispy Kreme donuts topped with a mound of smooth vanilla ice cream.

Take that, Dr. Atkins.

Sugar Shack Donuts

Score: 13 Sprinkles

Richmond-based Sugar Shack sold its first donut in 2013. Six year later, the company boasts eleven locations across Virginia and D.C. The Charlottesville store opened in 2018, making it the new kid on the block. And what a block it is: Sugar Shack occupies a storefront on Main Street under the long morn-



The author with his enthusiastic co-critics. Photo John Melcon / Virginia Law Weekly

cluding holiday specials. Visit on a weekend morning and you'll find the place packed with Charlottesville's middle-class families, all probably wishing they were on the Outer Banks but settling instead for soccer practice or swim team.

Carter Mountain Orchard

Score: 16 Sprinkles

Shortly after sunrise on June 4, 1781, Thomas Jefferson crested the top of Carter's Mountain, spyglass in hand. Having been warned that British soldiers were closing in on Monticello, Jefferson wanted to see for

his would-be captors arrived.

It's a good thing the Chiles family wasn't around serving hot apple cider donuts on Carter's Mountain back in 1781. Could anyone have faulted Jefferson for stopping to order a dozen of these delectable fall favorites, a delay that might have left him licking cinnamon sugar off his fingers in British custody? Lucky for us, we live in an era where "Carter's Mountain" is synonymous with the unrivaled pleasure of savoring a fresh cider donut on a crisp autumn morning while enjoying the best views in town. In case you're

Krispy Kreme

Score: 16 Sprinkles

Long-time locals know that Krispy Kreme opened its first Charlottesville location in the late 1990's (in what is now the Raising Canes). The company shuttered the store

Faculty Quotes

S. Prakash: "Hey, dum-dums."

lence* Let me rephrase that... has anyone heard of *Hustler* magazine?"

K. Ferzan: "Ok, it's that day. I'm The Wet Bandit and I'm going to engage in my habit."

C. Nelson: "Suppose I go off to commit a drug trafficking crime--as is my wont. It's how I afford the Lamborghini on cinder blocks outside my house."

J. Setear: "I don't know why I don't murder people, if indeed I don't murder people."

C. Nelson: There's Latin for this so that means it's well established. Don't ignore the power of Latin. If there's Latin it has to be law."

M. Collins: "Is half-assed an okay word to say?"

L. Kendrick: "Anyone familiar with *Hustler* magazine?? *si-



Virginia Law Weekly

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"Everyday People" Doesn't Show My Everyday Reality

Alicia Penn '19

"Everyday People: Images of Black Life at UVA Law" is the photo exhibit currently on the second floor of the Law Library. It's part of a cross-grounds Black History Month exhibit. However, as much as this exhibit would like you to believe it is reflective of the lives of Black people at UVA Law, it is not.

The exhibit features several photos of Black people occupying space at UVA Law and, for the most part, the people in these photos seem to be happy. The exhibit does a good job of showing the happy moments of everyday life of Black life at UVA Law, but it falls short of showing the everyday reality of the incredibly exhausting experience of being Black at UVA Law.

To be Black at UVA Law means choosing your battles when your peers say problematic things in class; it is deciding whether to prioritize your mental health over getting into an argument in Constitutional Law; and it is knowing that Black people are incredibly underrepresented in the student body and in the faculty.

I think the best way I can convey the daily feeling I have for

you is this: One of the speakers at the town hall we held after Jason Kessler's first visit to the Law School said when she learned Jason Kessler was here, she simply said, "Oh, just another white supremacist in the library." That resonated so deeply with me. Because truthfully, so many of my peers are complicit and benefit from the white supremacy at the roots of this school. I am very aware that this institution was not built for me. I am aware that the system was not created with me or people like me in mind. Not only that, but my peers have engaged in acts that let me know this place still is not for me: from uttering the n-word in public to engaging in microaggressions.

The school loves to pretend we are all at an equal level—that everything is so fair. After all, we all are on the same curve. But imagine constantly processing these things I have just described while studying to take exams next to people who are not affected by any of these things at all. Imagine being shaken to your core by these events and knowing you are graded on a curve with someone who does not even see the problem. It is so incredibly exhausting, y'all—it is not fun, it is not all smiles.

Now, I do not expect a photo exhibit to be able to display

all of these complex and nuanced feelings—that is a lot to ask. But what we currently have feels dishonest and false. It feels like the school is using my face as part of a publicity stunt to show how great Black people have it here. It feels exploitative. I do not subscribe to this narrative that Black life at UVA Law is great. Personally, I have not been particularly happy for most of my time at UVA Law. I have never felt my race more than while attending UVA Law. But that is not the takeaway you get from this exhibit.

I am happy that the Law Library is doing something to commemorate Black History Month because Black History Month is important and we do not do nearly enough to celebrate it. And I really like taking a look at the history of Black life at UVA Law, but the execution needs improvement. As the exhibit stands currently, it is not an exhibit about the reality of Black life at UVA Law. It is at most reflective of an outsider looking in on Black life at UVA Law.

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ing shadow of Charlottesville's newest trust-fund-baby housing monstrosity: The Standard.

Like the surrounding apartment buildings, Sugar Shack donuts seem to embody a bigger-is-better philosophy. And while you won't get to customize your toppings, there's something for everyone, including varieties like "Sea Salt Caramel," "Mud Pot," and "Chocolate Butterfinger." If it's protein you're after, order one of their breakfast sandwiches made between two donuts, then come back at night for a "Luther Burger" with donuts in place of buns. Don't forget to follow them on social media: Every day they announce a way to get yourself a free house donut.

Carpe Donut

Score: 11 Sprinkles

In the mediocre 1980's classic *Dead Poets Society*, Robin Williams challenges a bunch of future Z Society members to make their lives extraordinary by pondering the Latin phrase "*carpe diem*," i.e., "Seize the Day." If you've reached the depressing conclusion that your own conformist tendencies are too strong to be overcome by Latin verse, at least you can still "Seize the Donut" at Charlottesville's homegrown donut catering outfit.

A true family operation, Carpe Donut is best known for serving up small-batch cider donuts from its whimsical cart at weddings and

other events. The donuts themselves are a bit overpriced, but what you get is a bona fide organic treat. Regular storefront hours are nonexistent, so your best shot at seizing one of their products is on Saturday mornings, when the owners open up their kitchen for a few hours (winter) or set up shop at the downtown farmer's market (summer).

Dunkin Donuts

Score: 9 Sprinkles

You might think Boston is on a roll these days, what with their big wins in the World Series and the Super Bowl. But when it comes to Beantown's famous donut chain, they're lagging behind in freshness and quality. Still, I'll admit that as a Northeasterner myself there's something predictably nostalgic about biting into a French Cruller or a Boston Kreme, or grabbing a fistful of Munchkins.

Despite being outclassed by the others on the list, Dunkin Donuts has a few redeeming qualities: extended hours, mobile ordering, a drive thru, and some pretty tasty iced coffee. Maybe that's why Dunkin Donuts remains the fourth largest fast food chain in America, loading the stomachs of the human race with almost 3 billion donuts per year.

jtm4em@virginia.edu

HOT BENCH



Ryan Poche '19

Have you ever had a nickname?
Sneaks!!!

Where did you grow up?

A small town in Southwest Louisiana right on the Gulf called Erath (as popularized by True Detective Season 1).

What is your favorite word?

Plethora

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

My wife's family own a seafood restaurant back home and I eat probably three dozen charbroiled oysters each time I stop by.

If you could meet one celebrity, who would it be and why?

Bradley Cooper seems like the kind of celebrity you would want to have a beer with.

What's your favorite hobby to avoid the stress of law school?

I love to cook Cajun food

from back home (my parents are incredibly generous and send me a few key ingredients every couple of weeks). My wife and I love to go to the movies and probably contributed to MoviePass's financial woes last year. Check out They Shall Not Grow Old while it is still on the big screen!

Where is your favorite place to vacation?

Colorado

What's your least favorite sound?

My duo mobile app saying "Thank You" because I have not figured out how to text my authentication instead of calling.

If you owned a sports team, what/who would be the mascot?

The Pelican's King Cake Baby is terrifying enough to be a standalone mascot.

Blueberries or strawberries?

Strawberries are more multifaceted.

What is the best concert you have ever been to?

A Concert for Charlottesville was beautiful.

What's your favorite thing to do in Charlottesville?

I love to take advantage of the Cville hiking scene.

What's your favorite food(s)?

Charlottesville Thai takeout has a soft spot in my heart.

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

Any Lil Wayne song would give me equal parts introspection and hype.

What's the longest you've gone without sleep and why?

Probably two and a half days during Mardi Gras Freshman year at Tulane because New Orleans doesn't really let you stop.

If you won the lottery, what would you do with it?

Pay off my student loans and buy out all of the crawfish farmers in Louisiana to create a monopoly (they're sitting on a gold mine if they would colude).

If you could be in the winter Olympics, which sport would you compete in?

The Biathlon where skiers race and shoot a rifle once in a while looks incredibly fun.

How can Law Weekly improve?

Daniel Grill has asked me if I have seen the Howard Shultz Morning Joe interview every single day since it aired-rein him in!

Biggest Grammy upset?

Scorpion should have taken Album of the Year, no question.

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BLACK

continued from page 2

any group which, anywhere or at any time, arrogates to itself the un-American power to interfere in the slightest with complete religious freedom."

After a terrible secret is revealed, the next question is often one of forgiveness. What can a person in a place of public trust do to earn forgiveness? Should forgiveness even be allowed? The people of 1937 forgave Black: prior to his speech, a poll showed 59 percent of Americans believed Black should resign, after his speech, only 44 percent thought he should. In retrospect, we can see his Klan ties did not prejudice him. In his obituary, *The New York Times* wrote that Black "[made] his mark as a champion of civil rights and liberties,"³ joining *Brown v. Board of Education*, and authoring *Griffin v. School Board*, which effectively ended "Massive Resistance" in Virginia. If the Ku Klux Klan was hoping Black was one of them, they were sorely mistaken. Of course, it is much easier to forgive looking back than it is at the time.

At least one more secret would surround Justice

3 "Justice Black Dies at 85; Served on Court 34 Years," September 25, 1971. The obituary includes Black's reason for joining the Klan, as explained decades after the fact. At the time, Black was a trial lawyer. Opposing counsels as well as jurors were all members of the Klan, so, ostensibly, joining was a way to even the odds at trial.

4 Poff was a graduate of the University of Virginia School of Law; thus, this sequence of events robbed this Law School of a second justice to sit upon the Supreme Court.

5 SOPHOCLES, HIPPONOUS, fragment 280.

6 BENJAMIN FRANKLIN, POOR RICHARD'S ALMANACK.

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C'ville Coffee: The *Law Weekly* Review

Do you ever wish you had a nice place to sit down in Charlottesville? A break from the anguished sighs of those trying to wrap their heads around the Rule Against Perpetuities? A place to meet a

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friend who is not slightly depressing? Somewhere to get work done that is not full of fellow students? If so, visit one of the fine coffeeshops of Charlottesville listed below.

Grit (The Corner)

Grit is in a cozy, old building, a former house by my estimation, and serves excellent coffee, and is within walking distance of the Law School. I strongly suggest the upstairs for a comfy chair and the downstairs if you want to try and be productive. The garden had ginormous okra at some point. I don't mean like "big," I mean like "you could take this to the state fair, it's the size of my left arm" big. Unfortunately, it is also walking distance from the Undergrad Hordes and perhaps a bit too cozy. Do you want to hear loud conversations about drama? Too late, you already do.

Verdict: For a treat, or when you want to study far enough away from the rest of grounds, but not ages away.

Greenberry's

Pros: Okay coffee, reasonable proximity, lots of wood trim.

Cons: Short hours (what does it take to get an all-night coffeeshop in this town closer than Milli's, dammit), awkward run-ins with professors exponentially more

likely. Unfortunately crowded. Not as many food options in terms of food, and I cannot speak to their pastries but they are not the most exciting.

Verdict: If you like that it's fine, you can be a bit closer. I have not had luck being productive here and it's a bit crowded.

Milli Coffee

A bit far away. Apparently, they have a brie waffle I have yet to try. It is probably the latest-open place regularly, at least until some enterprising and very-lazy 3L starts an all-night diner in Barracks Row. Also good for overpriced coffee, but what coffee isn't overpriced? Fortunately or unfortunately, it is overridden with "normal" people and that tribe of even more unfortunate souls than us 1Ls—grad students.

Verdict: For those who live further out and need to be night owls out of the house. Dammit I need to try that brie waffle.

Hot Cakes

A nice little tea and coffee place in Barracks. Good food and excellent pastries but it's not perhaps the best atmosphere to get work done in. Very old lady-ish, so naturally well suited to me. But it is not great for working. I do strongly recommend their cakes.

Verdict: For when you want to feel like a little old lady. Good place to meet someone for late lunch. Not a good place to try to work.

Mudhouse (Crozet)

This place is big. Pastry selection appears to be good. Has good variety of coffee. Comfy. Unfortunately, it's too far away and I am not sure what the marginal utility of going that far for, well, a coffee-

shop. Even if you really want to be away from it all. Even a really good one. Maybe on a weekend.

Verdict: A good weekend or daylength trip, not so much for afternoon studying.

Quality Pie

This is a remarkable place, if less of a coffee shop than a bakery. It is honestly the most retro place I have been in a while, but with warm beignets. Warm beignets! What else can you ask for! And discount refills.

Verdict: For post-bar review hangover and an outing.

Atlas Coffee

A fine little diner-like coffeeshop. I distinctly recall a cinnamon roll half the size of my head, excellent coffee refills, and more Christmas sweaters than a section party. Very haymish. Also a place where it is entirely possible to randomly start chatting with an astrophysics grad student(!). What a pity it is so distant!

Verdict: If you live out in Fry's Spring for some reason I strongly recommend.

Snowing in Space

Very good coffee, cold brew on tap, excellent pastries, fairly cozy and near a very nice little deli place. Plus, next to the very excellent Korean place Dolma and the also-excellent generic high-end place Maya. Bit twee, and one is unlikely to run into another student here. Bit far to go for just a cup of coffee, but nice if you're in the area.

Verdict: Good to visit if you don't mind a bit of a 2000s hipster vibe.

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State of the Union: Good, Bad, Ugly

The State of the Union

Rhetoric: 2/5

Entertainment Value: 3/5

Meme-ability: 4/5

Average: 3/5

After tumultuous midterms and a government shutdown, President Trump delivered his State of the Union Address to

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the 116th Congress last week. In his address to the nation, the President called for cooperation and compromise to overcome partisanship and petty squabbles. President Trump also highlighted the success of his economic and international policies. Overall, I gave the 2019 SOTU a 3/5. The President scored a lot of points on meme-ability and entertainment value, but the substance and rhetoric of his address were subpar according to my arbitrary criteria. Below are some musings on the SOTU. Enjoy.

The Good

One of the President's central messages was overcoming the challenges of partisan politics. While many Congress-people visibly rolled their eyes, the President did deliver a moment of bipartisan applause when he celebrated the record number of Congresswomen in attendance. The most iconic, and meme-able, moment of the SOTU also

occurred at this point with Nancy Pelosi's literal clap back.

On a non-political note, the video directors of the SOTU have to be given some credit. The high entertainment value score, in fact, is largely attributable to the directors. If you're not going to pan to Bernie Sanders' perturbed face while President Trump marshals his forces against the red menace of socialism, why even televise the SOTU? Without the video directors, we would never get classic moments like President Trump disparaging military planning in Afghanistan while his top generals visibly think, "Bruh, not cool."

President Trump also claimed that his economic policies have led to the lowest unemployment rates for minorities, reduced taxes for the middle class and increased business confidence. While I can't and won't speak to the accuracy of these claims, I did note that President Trump omitted his greatest economic contribution: bolstering the meme economy to levels unseen. Some might argue that current status of the meme economy was a product of the Obama administration and that a rising tide lifts all boats. However, President Trump is the equivalent of a one-man stimulus package and few can dispute his personal contributions to said meme economy.

The Bad

In an odd moment, President Trump claimed, "If I had

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Law Weekly photographers will be onsite at Barristers' to capture this special moment.

Buy digitals or prints to remember the time you actually looked good for once!



The Jefferson

Netflix's *You*: Finally a True Anti-Hero

I appreciated *Breaking Bad* and *Mad Men* as much as the next gal, but I also never watched *Ozarks* because I got

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tired of watching men behaving badly and being forgiven under the guise of "sympathetic anti-hero." I am also tired of watching romantic comedies where the male characters prove their love by being ultimately creepy. For instance, in *The Choice*, the male protagonist crosses state lines to follow his object of desire to her parent's home to ask for her hand in marriage even though she *literally* screamed that she doesn't want to marry him. I mean, I still cried at the end; I'm not a monster. But I am tired of having this narrative shoved down my throat every time I want to watch beautiful people fall in love with each other.

So, when I clicked on the new series, *You*, now streaming on Netflix after originally airing on Lifetime, I fully expected to really hate the show. After all, the series is openly about a stalker falling in love with a woman in New York City. I even put it on about thirty minutes before I wanted to go to bed anticipating being so bored that it would lull me to sleep. Four hours later, I had to force myself

to turn off the show to catch at least a couple of hours of sleep.

I didn't love the show because the male protagonist, Joe, was so redeemably sympathetic as an anti-hero (apparently hundreds of girls on Twitter felt that way). He wasn't. Instead, I was just so invested in Beck, the female protagonist, discovering how twisted and disgusting Joe was. I love the show because Joe is decidedly *not* redeemable, loveable, or sympathetic. At one point, without giving too many spoilers, I literally screamed, "Oh, c'mon—he's right there! Find him and call 911!" at my television. I'm sure my neighbors were charmed by my screams at 2 a.m.

When I fell in love with the show, it was because I started asking myself how Beck could be so blind. How could she ignore all of these red flags? Eventually, I had to admit to myself, it was because *she didn't want to see them*. Now, before anyone cries "victim blaming," I'm not saying it's her fault (or even admitting that she's a real person—did you forget she's an imaginary character on a television show?) I'm saying that this show, like more highly praised shows, does what I think dark dramas should do: it holds a mirror up to our society and unflinchingly tells us to look.

Beck wanted a man to save her and worship her to the exclusion of all else. It

could be because that's what movies and television and Nicholas Sparks tell us love—true love—is like. That it is all consuming. It could be because she had "daddy issues." Or because she wanted to feel as special as her rich friends. Regardless, Joe gave Beck all of his energy, and Beck interpreted that as positive instead of negative.

Now, if this story were a suspense movie, the director would probably take advantage of the Kuleshov Effect¹ and show Joe as a positive force in Beck's life before revealing his true intentions. However, the genius of this show is that Joe was the narrator. We heard Joe's thought processes as he hides outside her apartment masturbating or following her to a bar across town to "protect" her. We even heard Joe lambast his abusive next-door neighbor while protecting the small boy, Pico, who lives there. Yes, really awful people can

1 Alfred Hitchcock taped himself looking at something off camera and giving a slight smile. He then arranged the film in a way that made his character look at a young mother playing with her children; audiences found his smile endearing. For another audience he cut to footage of a young woman bending over to lay out a blanket before laying on it; the audience took the same sly smile and interpreted it completely differently.

still do really nice things for other people without canceling out the fact that they are *awful people*.

But no matter how much Joe rationalizes and explains that it's for Beck's benefit or happiness, the audience cannot look away from the undeniable fact that Joe is a cold-blooded stalker. Even when he snipes at another character on the street in a way I found endearing, or when Beck and Joe share an undeniably intimate and romantic moment, I could never bring myself to like him. In moments where I started to think, "If only he weren't a complete creep..." I would remember that the same dynamic wouldn't be there if he were normal. He only said the perfect thing because he invaded her privacy to manipulate her. And the show doesn't let you forget that.

There were episodes where an "antagonist" would appear in the show, like Beck's best friend, Peach. However, no matter how controlling or disgusting the other characters are, the best I could give Joe was an r/AmITheAsshole: "Everyone Sucks Here." Even though I knew the story would end too soon, I wanted Joe to be caught in every episode. Unfortunately, when Joe was against the ropes, he did what stalkers and emotionally abusive intimate partners do best: He manipulated the situation until his rationalization became truth. And when

that didn't work...well, you'll have to watch the show.

Hopefully, I'm not alone in this assessment. Hopefully, the young women who stream the show recognize that Joe never really loved the object of his affection. He only loved controlling her and owning her. Hopefully, this show, deemed a steamy, guilty Lifetime pleasure, can be taken seriously for how it portrays the different layers of abuse. Maybe instead of treating this narrative as pure entertainment, the show will convince people how serious and pervasive Joe's behavior towards his intimate partner is. Maybe just one woman will watch and understand that her boyfriend doesn't have to do everything Joe does in order to be a potentially life-threatening problem. She'll hear Joe's rationalization and something will sound a little too familiar and a little too real. Hopefully, the entertainment industry will start showing the dark side of the trope like *You* does.

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Tweedledee and Tweedledum: Which *Fyre* Festival Documentary?

Pro-Hulu

It's 2019 and the *Fyre* Festival fail of 2017 is back in the form of two documentaries—one air-

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Staff Editor



ing on Hulu and one on Netflix. If you didn't get enough of seeing rich, devastated millennials arrive at what they thought was going to be the ultimate "luxury music festival" in the Bahamas, only to find out that *none of it ever existed*, now you have two chances to get the full, bizarre story. But who has time these days to watch two hour-and-a-half-long documentaries about the same event?¹ I'm here to save you some time and let you know that there's really only one documentary you need to worry about watching: Hulu's *Fyre Fraud*. This documentary will give you the full picture of how outrageous and delusional this fraud really was.

The main reason I prefer Hulu's documentary is because it gives you the full picture of how this whole mess came to be. Who even is Billy McFarland? How is *Ja Rule* involved? Where did that cheese sandwich come from? *Fyre Fraud* answers all of these questions and more. The Hulu doc feels almost like a true crime documentary, complete with the

1 Honestly, we all do, it's only the third week of classes. But that's not the point of the article.

suspense and drama of knowing exactly how bad everything is going to turn out. While the Netflix documentary feels flashier, and definitely uses way more drone footage, the Hulu documentary is all about giving the necessary background details.

Fyre Fraud has a major leg up on Netflix's doc because they scored an interview with Billy McFarland, the mastermind behind the entire thing. Okay, allegedly he was paid to appear in the documentary, but ethics aside, who doesn't want to hear from the guy that dreamt all of this up? I also appreciated hearing from a previous employee of Jerry Media, the company that ran the festival's social media campaign. Since the entire thing was basically just a huge social media promotion, his commentary is a great eye into what it was like actually working on the festival and how far people were willing to go to pretend like they were going to pull this off.

One thing I will hand to the Netflix doc—it has a lot more information on the days of the festival itself and what it was like for the people on the ground in the Bahamas.² But, it left me with some questions. If I'm being honest, it's probably best to just watch both of them. They complement each other and fill in the blanks about this crazy story. Plus, we'll all be hungover after Barrister's this weekend, so what better time to waste three hours?

2 Also, the Evian Water dude.

Pro-Netflix

I want to begin this review/debate by clarifying that I am not a

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Staff Editor



film critic, nor do I pretend to be. As I was reading other people's reviews of the two documentaries, they mentioned narrative structure, transitions between shots, and access to footage. Well, I don't know about those things. What I do know is that I have lots of emotions and opinions, and those things were more triggered by Netflix's *Fyre* than Hulu's *Fyre Fraud*. And that's where we shall begin.

Watching the Hulu documentary, I got the feeling that festival creator Billy McFarland was something of a boy genius. He was painted as ambitious and full of potential—more like a youth in over his head than a compulsive liar and sociopath. This effect is compounded by the fact that Billy is interviewed in the documentary (rumor has it that Hulu paid him upwards of \$250,000), which makes him somewhat more sympathetic to the audience. Netflix's documentary, on the other hand, is full of original footage showing Billy³ and *Ja Rule*, Billy's partner, talk-

3 I call him Billy because I don't respect him enough to refer to him by his last name. He acts like a Billy, and that is how I will treat him.

ing to the camera and looking incredibly dumb. The footage makes Billy look less like an evil genius and more like the cringe-y scammer he is. At one point, Billy walks with former NFL player Jason Bell when he calls *Fyre* Festival "the biggest event of the decade" before strangely looking back, tapping his chest twice, and pointing awkwardly at Jason. The whole sequence made me so uncomfortable that I almost stopped watching thirty-six seconds in. Yet, it also does the best job of showing you how fake Billy is, and how inexcusable and remarkable the entire fraud was. Netflix caused me to react, while Hulu just caused me to observe.

Secondly, Netflix did a better job of making me angry. While Hulu is worried about what *Fyre* means for our future with social media, Netflix sheds a light on the effect the fraud had on the local Bahamian workers, like owner of Exuma Point Restaurant MaryAnne Rolle. Rolle spent \$50,000 of her life savings in order to help cater the event at the last minute and tearfully declares that she no longer wants to talk about the festival because it is upsetting. She wants to "start a new beginning" and to forget that the whole event ever happened. While Hulu was somewhat like watching a detached documentary about a serial killer, Netflix left me with a sense of deep injustice and understanding of how the real victims of this event were the Bahamian employees who were never paid, not the spoiled kids who were stupid enough to buy tickets.

The final reason Netflix is the better documentary is less about my emotions and all about the memes. In today's social-media-driven world, memes matter. There is no more iconic moment in either documentary than when Andy King, who helped produce the festival, reveals his willingness to do *anything* to help Billy pull off the festival.⁴ When customs seized trucks of Evian water and demanded payment of fees, Billy called Andy and asked him to talk to the head of customs and "take one for the team." Thankfully, the water was released without King having to perform the favor Billy asked, but it created a viral meme used to connote that desperate times sometimes call for desperate measures.

That being said, I would still recommend watching the Hulu documentary to get the full picture of the disaster. It provides some important background information on McFarland's rise to fame and also provides a more in-depth view of how Jerry Media contributed to the crisis. Since Jerry Media produced the Netflix documentary, they are *kind of* biased. And with that, I thank you for letting me express my emotions and promise that I'll never write something like this ever again. You're all welcome.

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4 If you have to ask, then you need to watch.

not been elected President of the United States, we would, right now, be in a major war with North Korea." While I admit that my information on the subject is infinitesimally small compared to the Commander-in-Chief's, the President's hypothetical seems as unrealistic, pandering, and unnecessary as the hypotheticals posed by gunners a minute before the end of class.

President Trump also posited that the only things that could stop the "economic miracle" happening in the United States were "politics or ridiculous partisan investigations." The President's statement undoubtedly gave the geriatric members of Congress flashbacks to Tricky Dick Nixon's final SOTU. Although unconfirmed, some claim to have heard Alaska Representative Don Young (R-Geriatric) say, "Haven't we seen this one already?"

On a more serious note, I found the rhetoric of the President's address to be subpar, not (only) because of my own bias, but because of the ham-fisted nature of his rhetoric. What happened to subtlety and innuendo? If I'm going to be told what to think, I'd rather believe I'm getting there myself. For example, repeatedly calling the Mexico-U.S. border "our very dangerous southern border" is like using a howitzer to deliver a flu shot. Maybe I'm just too young to realize that's how it's always been, but all in all, Demosthenes would not be proud of the President.

The Ugly

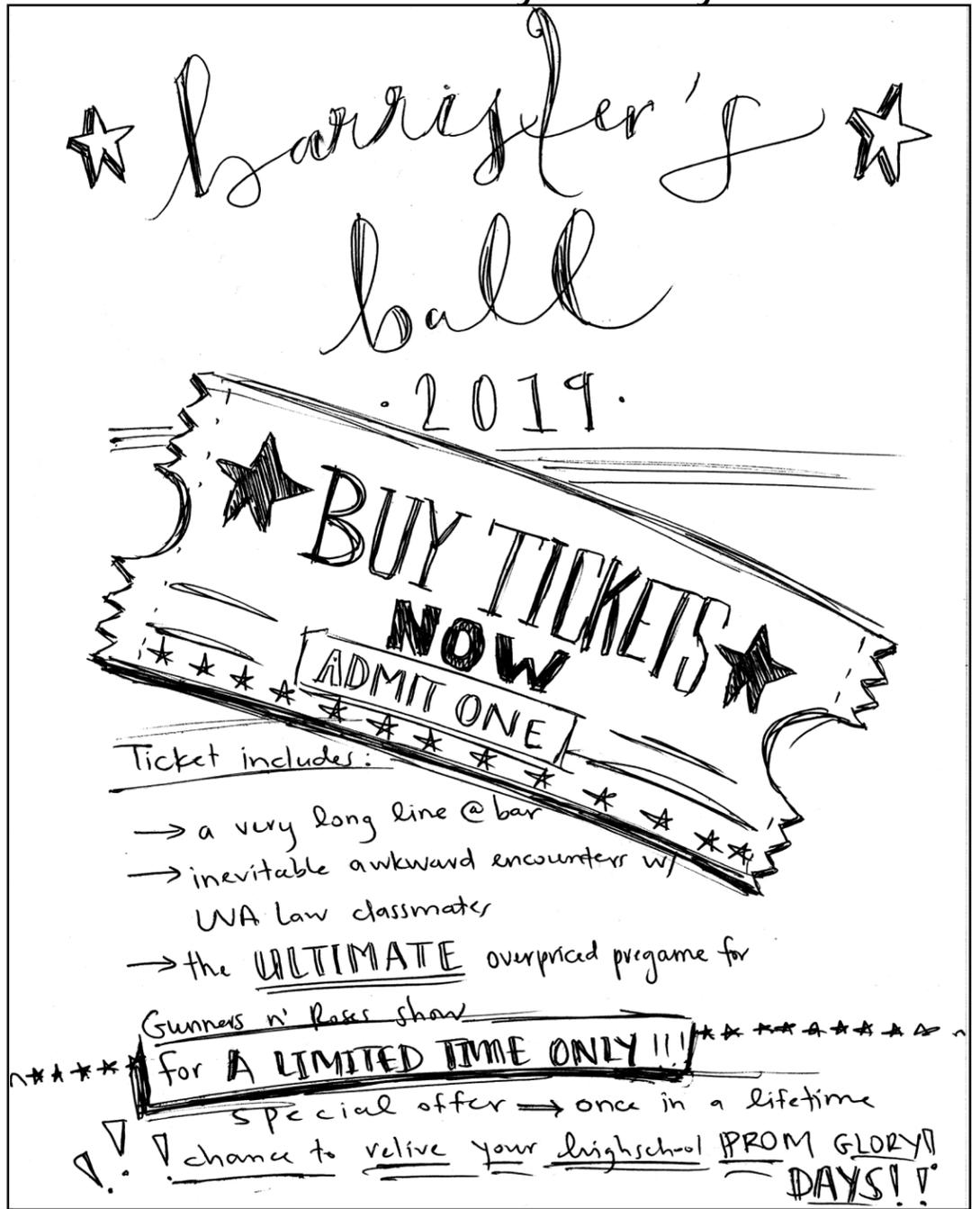
To be honest, I only included this section to mention Mitch McConnell's 1/3 inch, blue and white, pinstripe shirt coupled with his hot pink tie. I don't know what's more of a mismatch, Mitch McConnell's shirt and tie or Mitch McConnell and AOC working on a bill together. Either way, the end product is hurtful to the eyes and should not be allowed on the floor.

Bearded Ted Cruz also gets an honorable mention. I personally think he looks better with the beard, but nothing says, "I will never be President," like growing a beard after barely being reelected. Then again, Beto also seems to be growing a beard, so maybe Senator Cruz just wants to be barely better than Beto at another thing.

The State of the Union Address following the midterms often signals the policy agenda for the remainder of the President's term. Generally speaking, President Trump's agenda for the next year seems to be a mixed bag of old causes and enemies. Some of those policies we will be seeing in the near future are: stopping Iran from acquiring nuclear weapons, building a "physical barrier . . . or wall," fighting socialism, reducing the price of prescription drugs, and watching Kim Jong Un honey-pot our Government.

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Cartoon By Jenny



THE DOCKET

TIME	EVENT	LOCATION	COST	FOOD?
WEDNESDAY - February 13				
9:00	Diversity Week Pledge	Scoco Vicinity	Free	T-shirts are edible if you're determined enough
12:00	SBA Diversity Firm Panel	Purcell	Free	Chipotle
18:15	Sign Language Meeting	WB 105	Free	----
18:30	SBA Health & Wellness Free Exercise Class	Formula Fitness, 604 10th St NW	Free	Random Row Beer
THURSDAY - February 14				
9:00	Diversity Week Pledge	Scoco Vicinity	Free	See note <i>supra</i> .
10:30	Valentine's Day Bakesale	Scoco Vicinity	Variable	For purchase
11:45	If/When/How Pres: Cupcake Decorating	WB 121	Free	Cupcakes
12:00	VJIL Pres: Challenges of Negotiated Transitions in the Era of Int'l Crim. L.	WB 128	Free	Mezeh
12:30	SBA: Perspectives on Intersectional Feminism	Purcell	Free	Food provided
17:00	Journal Tryout Writing Workshop	WB 152	Free	----
17:15	SBA Social & Diversity Fair	Spies Garden	Free	----
FRIDAY - February 15				
11:30	Law Women Spring General Body Meeting	WB 128	Free	Lunch provided
12:30	Student Org Office Spring Cleaning Kickoff	Purcell	Free	Pizza
16:00	Book Panel ft. Prof. Cynthia Nicoletti: "Secession on Trial"	Caplin	Free	----
SATURDAY - February 16				
21:00	Barrister's Ball	The Omni	Tickets onsale at door	Drinks, finger food
SUNDAY - February 17				
15:30 - 17:00	Charlottesville Symphony Pres: Ravel & Kodaly	Monticello HS	Free to students	----
19:00	Susana Baca in Concert	Old Cabell Hall	Tickets onsale online	----
MONDAY - February 18				
11:00 - 13:00	Panel: The Cost of Free Speech: A View From Charlottesville	Newcomb Ballroom	Free	----
TUESDAY - February 19				
10:00	Hoos Calling Student Phonathon	Various	Sign up online	----
15:30	Journal Tryout Bluebooking Session	WB 152	Free	----
WEDNESDAY - February 20				
11:00 - 16:00	Class Ring Promo Event	Bookstore	Variable	----
12:00 - 13:30	Legal Practice at the NSA ft. General Counsel Glenn Gerstell	Caplin	RSVP at any phone; just leave your name at the dial tone	----
16:00 - 19:15	Women in Biglaw	Various	RSVP online or to rls9bp@virginia.edu	Hors d'oeuvres, wine

Mini Crossword

1	5	6	7
2			
3			
4			

Across:

- Tricky with chopsticks
- Go crazy (with runs)
- Can reveal shells
- Gaming sys. which introduced Yoshi

Down:

- Famously carried pizza in New York subway
- "Let's do it!"
- Da Vinci _____
- Barely wins (with out)