



Thomas Jefferson

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# VIRGINIA LAW WEEKLY

The Newspaper of the University of Virginia School of Law Since 1948

## SBA Executive Board Hopefuls Take Stage for Debate

Alec Zadek '08  
News Editor

Lured by a desire for strong student leadership and free pizza, students gathered in Caplin Pavilion on Wednesday for the SBA Executive Candidates Debate. The debate was in anticipation of SBA Executive Elections that will be held Monday, February 4 and Tuesday, February 5.

The debate format offered each SBA presidential candidate a short opening statement to introduce themselves and their platform. The candidates for SBA President are second-year students Jackie Choi, Otis Ofori, and Ryan Quillian.

Following introductions, current SBA Vice-President and SBA Elections Commissioner Jerry Parker posed the same three questions to each candidate. Candidates answered in rotating order, which allowed each candidate to answer only one question first.

The open-ended questions, which were chosen by Parker, allowed each candidate to speak for several minutes on topics including the role of the SBA, the strengths of the law school, and goals the candidates hope to achieve as SBA President.

Establishing a positive relationship with next year's newly appointed Law School Dean dominated much of the debate. Quillian stressed that he will welcome student input when it comes to matters related to the new dean. "The SBA has an opportunity to establish a good relationship with the new dean next year," he said. "I am going to propose a series of student lunches with the new dean which will hopefully facilitate an exchange of ideas."

Ofori said he will address the law school's falling national ranking and increasing tuition with



photo by Nick Nelson '10

Candidates for 2008-09 SBA leadership positions include (left to right) Ian Fiske '10, Steph Fier '09, Jackie Choi '09, Ryan Quillian '09, and Otis Ofori '09.

the new dean. "UVA Law is at a crossroads," said Ofori. "We are appointing a new dean, our ranking is falling, and our tuition is rising."

Ofori suggested that one of his top priorities will be to work with the new dean to further the efforts of outgoing Dean John Jeffries and increase the Law School's endowment.

Choi, the current SBA Secretary, stressed her familiarity with the workings of the SBA in easing the transition to a new dean. "As the only candidate with SBA Executive Council experience, I will know how things work socially and politically within the Law School from the beginning of my term," said Choi.

The candidates also differed slightly on the major themes of their prospective administrations. Quillian stressed that one of his

priorities will be to maintain the work-life balance that UVA Law is known for. Ofori highlighted a need for a one-stop shop web-based platform for the school that would contain email, class outlines, and Law Reg. Choi suggested that increased attention to minority recruitment and professor grade release policy reforms would be part of her administration.

The three candidates all agreed that changes need to be made to the current parking system. Furthermore, there seemed to be a consensus that increased cafeteria hours would be a priority for the next president.

"I am really excited about next year," said outgoing SBA President Brian Leung. "I think whichever candidate wins will bring about some great changes. Hopefully, the two candidates who are

not elected will remain active in the SBA."

The debate also featured short statements by other SBA Executive Board candidates who are running unopposed. Steph Fier, the SBA Vice-President Candidate, jokingly asked audience to vote for her as opposed to a write-in candidate. "It would be really embarrassing to lose to Brian [Leung's] mom or a ham sandwich," quipped Fier.

Ian Fiske, of Queens, NY, said that he welcomes to the opportunity to serve as SBA Treasurer, but added, "I just hope I don't get beat by Bart Simpson."

No candidate for SBA Secretary filed the appropriate papers by last week's deadline to appear in Wednesday's debate. According to Leung, second-year student Allison Barra and Aaron Friedman have launched write-in candidacies for the position.

## BLSA Revives MLK Holiday Tradition

Dipti Ramnarain '10  
Staff Writer

In an interesting choice of words, the UVA Black Law Students Association (BLSA) chose not only to "commemorate" Dr. Martin Luther King, Jr., but also to hold a vigil to honor him. The meaning behind the difference quickly became apparent from the tone of the event.

The candlelight vigil was not just to memorialize an American hero who changed the way our nation defined itself and its morals, nor just to observe the importance of the historical events Dr. King inspired. Instead, on Monday, members of the UVA Law community came together to reinforce their commitment

always to guard and observe the ideas of freedom, equality, and contemplative progress that King espoused.

The relevance of King's message—that ideas were powerful enough to stand on their own, free from violence, and still change the world—is as current today as it was during his time. First-year Choima Ayogu had been asked to speak about Dr. King before, but found that she never had much to say until Hillary Clinton's comment—"You can campaign in poetry, but you govern in prose"—to Barack Obama made her think of the importance of Dr. King's philosophy.

"I went to the School of Foreign Service at Georgetown because  
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## Lawyer-Physician Discusses Remote Video Care

Rogan Nunn '10  
Staff Writer

On Monday, the J.B. Moore Society for International Law sponsored a talk by **Gil Segal, a visiting law professor and director of the Center for Health Law and Bioethics at Ono Academic College in Israel.** Segal, who has both an M.D. and an LL.B. from Tel Aviv University, spoke about the promise of telemedicine and the legal issues it entails.

Telemedicine is the process by which doctors in one location can treat patients in another, aided by a fast internet connection and specialized equipment. It can be as simple as digital transmission of an X-ray for interpretation by a faraway expert, or as fright-

eningly complex as a surgeon cutting open a patient halfway around the world using a virtual interface to control a multi-million-dollar robot.

As Segal explained, the range of areas that can benefit from the application of telemedicine is broad, from radiology and pathology to psychiatry. Worldwide, only 20 to 50 percent of people live in or near major cities, where medical expertise tends to be clustered. At best, it is expensive to transport patients to see doctors, especially when one of special skill is required. At worst it can be impossible.

"When you're in Alaska, with four feet of snow on the ground, who is going to read your X-ray?"  
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### around north grounds



Congratulations to 3L Marina Chase on her engagement to Justin Carreker!



Congratulations to 3L Nicole Flattow on her engagement to Kyle Salisbury!



Congratulations to 3L Aryan Moniri on his engagement to Lauren Fischer!



Thumbs up to the start of Feb Club. Now give ANG a beer and a diaper.



Thumbs down to the return of the Feb Club blog. There are some things that posterity would rather not have preserved. Such as ANG drinking a beer and wearing a diaper.



Thumbs up to professors who use the exact same lectures every year, and to hand-me-down outlines that recite them verbatim. The only other time ANG ever feels two steps ahead is when ANG plays high school kids in Scrabulous.



Thumbs down to the SBA email telling ANG not to behave like a child at Barristers'. This was a fool-proof way of ensuring that ANG will behave like a child at Barristers'.



Thumbs down to no one stepping up yet to throw a party on the last day of Feb Club. Every four years, we're given an extra day to spend however we want. ANG will spend it in Mexico. But the rest of you should definitely have a Feb Club party, it would be just as fun.



Speaking of, thumbs down to traditional party houses that refused to throw a Feb Club party. Thanks for proving that it's the people who make the house cool, not the other way around.



Furthermore, thumbs down to making ANG repeat ANG's self. See *Virginia Law Weekly*, Feb. 2, 2007. You know who you are.

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## Current Election Frames Martin Luther King, Jr. Vigil

I believed in the power of ideas to change people's minds and achieve the kind of end to conflict that fighting alone can't... For many of my classmates and professors, ideas were inspiration, but they weren't reality... King reminds us that ideas do the hardest work of all, bringing people together, and inspiring them to phenomenal change."

King's effects went beyond just the Civil Rights movement in the United States. His work contemplated the balancing role spirituality could have in putting modern-day stresses in perspective. Third-year student Jared Boyd, who shares an alma mater with Dr. King, remembers the power of the leader's words, which are inscribed in the Morehouse College chapel.

Inspired by his philosophy, Boyd quoted King's 1964 Nobel Peace Prize acceptance speech, which stated, "Yet, in spite of these spectacular strides in science and technology, and still unlimited ones to come, something basic is missing... If we are to survive today, our moral and spiritual 'lag' must be eliminated. Enlarged material powers spell enlarged peril if there is not proportionate growth of the soul."

Many people spoke, quoting King's various speeches and the effect he had on their personal

lives. Second-year Dana Weekes pointed out the importance his message has had for the members of the UVA Law community.

"Therefore in living the dream of Dr. King and the collective effort of others we cannot take pride in battle scars that focus solely on pages of reading, pages of writing, staying up and burning the midnight oil, for wounds are created by failing to see the greater picture of what this institution can offer. [We must] connect how our studies can enact change, make a difference—how we can become social engineers."

The candlelight vigil had been held at the Law School in years past but had faded away due to scheduling conflicts. It has not been held at the Law School since 2005, but BLSA plans to revive the tradition. In attendance were Dean John Jeffries, Dean Martha Ballenger, Professor Anne Coughlin, Professor Stephen Smith, who also spoke, and other representatives of the administration and faculty.

Unfortunately, the student body was not represented by anyone outside of the Black Law Students Association. Several attendees expressed surprise at this, and stated that events similar to the vigil at their alma maters had been supported and attended by a cross-section of the

student body. While the event was advertised in the newsletters of the Student Bar Association, Asian Pacific American Law Students Association, and Black Law Students Association, students wondered if these newsletters plus word of mouth had not been enough to get the information out to the general student body.

The tradition was alive when Professor Coughlin started teaching at the Law School in 1995, and she has used the time to help teach her daughter of the importance of Dr. King's message.

"I rely on BLSA for many things, including maintaining this tradition," Coughlin said.

"That is not fair, since each of us is the beneficiary of Dr. King's vision of justice... In this way, they continue to carry forward Dr. King's work on a daily basis, and nothing could be more important. But the vigil matters too for it reminds us of the man who helped to change the world so that our community can exist. As our gathering on Monday night shows, this tradition is alive and well at UVA Law."

With Black History Month just a few days away, the candlelight vigil was an antecedent to upcoming festivities, which include several discussions held around the Law School, a trivia night, and a kickoff event on February 7.

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## Legal Innovation Lags Behind Medical Technology

he asked. "Or what about delivering psychiatric treatment to patients in prison? I don't want to be there. We've all seen *Silence of the Lambs*."

According to Segal, several areas are ready to take off. Technology has progressed to the point where a surgeon in New York operating on a patient in France experiences only a 200-millisecond delay in transmitting his movements. He sees at resolutions unattainable with human eyes, and the scalpel moves with a steadiness inimitable by his own hand. Given these impressive prospects, one might expect their next procedure to be performed by the best doctor available, wherever he or she may be. As usual, though, there is one final barrier.

"The law," said Segal, "is the single biggest thing standing in the way of the promise of telemedicine."

Indeed, legal issues seem to plague the nascent field at every turn. How do you establish a worldwide standard of care for practitioners? Can you sue the internet company if the connection drops in the middle of your carotid endarterectomy? What are the proper jurisdiction and choice of law rules when the doctor is in Ohio, the patient is in Cambodia, the computers are in the Cayman Islands, and the medical corporation that organized it all is in New York?

The law is actually starting to answer some of these questions, if slowly. The well-developed areas, such as jurisdiction, are

easier. The contacts test in *International Shoe* can be applied to any party that may face liability. Courts seem to have little issue with the use of forum selection clauses in agreements for treatment. Informed consent, though obviously more complicated, retains its familiar outlines. But areas where there is still little consensus in traditional medicine present larger problems. The two most contentious are licensure and reimbursement.

Typically, explained Segal, physicians must be licensed in each state in which they practice. There are no national standards, and practicing without a license is a criminal offense. There are some exceptions, made for consultations or limited work performed by famously skilled practitioners, and a small number of states do recognize each other's licensing credentials. Nonetheless, systems of reciprocity and endorsement are patchwork at best and are almost nonexistent on the international level. For a tele-doc to obtain the proper certification in all 50 states, let alone the rest of the world, it would be immensely time-consuming and costly, and even a single jurisdiction normally takes too long for the process to work on an ad hoc basis.

Segal pointed out that there have been some attempts to simplify things by establishing a special license for telemedicine as opposed to medicine generally, or to exempt doctors working in such a capacity from laws prohibiting the unauthorized prac-

tice of medicine. Authorities are understandably wary of both. The most promising prospect is for the federal government to establish nationwide standards, but doing so will take time.

Even if doctors are licensed, however, they still have to get paid. Insurance companies like things simple, and because of the legal uncertainties discussed above, few are willing to shell out for the services of a far distant dermatologist, even when they agree that you should really have that rash looked at. Things are even worse when the government is asked to foot the bill.

"Medicare and Medicaid don't want to pay for any of this stuff," Segal complains, "even when it will save them money. Medicaid spends \$51 million a year transporting patients to see doctors, but they won't pay for a \$100 tele-consultation."

Most schemes, public and private, will only reimburse patients who live in rural areas, but the definition of "rural" is shockingly narrow and changes from agency to agency and from company to company.

Despite all these hurdles, Segal remains optimistic. The gains for society are obvious, and as awareness of the possibilities grows, demand will provide a strong impetus for progress in the legal and regulatory spheres. Telemedicine will become commonplace; it's just a matter of when.

"When you guys become legislators," he quipped, "fix some of this stuff."

## Dillard Fellow Tryouts

The Dillard Fellow tryout may be completed during any consecutive three-day period between Friday, February 1 and Friday, February 29. The tryout packet may be picked up from Phyllis Harris in room WB348a. The tryout is open to first-year and second-year students.



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