

# Short Circuit 233

Tue, 8/23 10:54AM 38:52

## SUMMARY KEYWORDS

nashville, home based businesses, government, city, intervene, problem, property, interests, property rights, court, claims, people, radley, case, sixth circuit, appeal, neighborhood, law, paul, short circuit

## SPEAKERS

Anthony Sanders, Paul Avelar

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### A Anthony Sanders 00:24

Hello, and welcome to Short Circuit, your podcast on the federal courts of appeals. I'm your host, Anthony Sanders, Director of the Center for Judicial Engagement at the Institute for Justice. We're recording this on Monday, August 22 2022. Now we were going to record this episode a couple of weeks ago with my good colleague and friend, Paul Avelar, who's joining me again today. But we ran into some technical difficulties. And then I fled the country for a couple of weeks. But I'm back. I'm not in trouble of the law. And we saw a little bit of Scotland which I can tell you is still very Scottish, still very green. And the cows are still very hairy, as well as the sheep. But now I'm back. And so we're going to try this again. And I think it's going to work this time. Although we may be a little bit bit rust. Well, I might be rusty. Paul will not. So Paul, welcome to Short Circuit.

### P Paul Avelar 01:25


Thanks for having me back. And it's good to see you again in tanned and rested well not tanned in Scotland, but.

### A Anthony Sanders 01:30

Yeah, there was there wasn't a lot of -- first we were in London for a little bit during the heatwave, and it was very hot.

### P Paul Avelar 01:36

I'm in Arizona, I don't want to hear about a heatwave.



A

Anthony Sanders 01:40

The British thought it was a heat wave for what that's worth. So we're going to talk today on a few things going on in the Sixth Circuit, especially to do with property rights. First, though, I just want to announce again that we have a few Short Circuit Live!s coming up and the one that I'm most excited to talk about is our Short Circuit Live! for the general public that will be on Wednesday, October 26 in New York City. So if you are anywhere close to New York City, and you would like to see a live recording of Short Circuit, you can RSVP. We have a link in the show notes that you can click on. My colleague Anya Bidwell will be hosting that show. We're going to have Professor Alex Reinert -- who's been on Short Circuit before -- of the Cardozo School of Law, Professor Bruce Green of Fordham, and Maaren Shah, of Quinn Emanuel to talk about the Second Circuits and the goings on in the Second Circuit, few recent cases of what it's like the clerk there, all that fun Short Circuit Live! stuff. If you live in the New York City area, we'd love to see you. But today we have our Arizonan here, Paul Avelar, to talk about what's going on in the eastern Midwest, the Sixth Circuit. First we're going to talk about property rights case, then I'm going to discuss an intervention case from Michigan about wineries. Always a fun topic. And then we're going to close with some goings on in the city of Nashville. So Paul, take it away. First I should start it this way with this case. Are you in favor of historic preservation and what's wrong with you if you are not?

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Paul Avelar 03:37

So I am in favor of historic preservation but there are good ways of doing it and bad ways of doing that. And this one seems to me to be a bad way. So the first case we have is Stevens versus City of Columbus, Andrew Stevens, Melanie Copenhaver. They owned a home in the Bryden Road Historic District of Columbus, Ohio, and in 2018 they landscaped their front yard. And here is where their troubles began. You see that their home was subject to something called the Columbus historic planning and preservation code. And therefore they had to apply to something called the Historic Resources Commission for permission, known in the code is a certificate of appropriateness, to make most renovations, improvements to their property. And just by way of background, the historic planning and preservation code has four stated goals to preserve and promote the public health, safety and welfare by means of regulation and restrictions enacted to encourage the orderly growth and development of the city to provide for adequate light, air, open space, and convenience have access to protect against fire and natural hazards and to maintain and enhance the value of buildings, structures and land throughout the city. Kumbaya. The problem is that Stevens and Copenhaver didn't seek permission before their landscaping. And so they visited upon their neighborhood the horror of quote, several retaining walls, dark mulch, and new plants to the front yard of the property. The horror. Through the miracle of Google road view, I've looked at the neighborhood. And I think it looks good compared to the sort of plain, short grassy slope found in much, but not all, of the rest of the neighborhood. And in fact, if you look at Google Streetview, their neighbor has a very similar looking retaining wall terrace set up in the front of their yard. So this horror resulted in an order from the city to correct the violation by demolishing all of the landscaping that they just put in within 30 days or face a third degree misdemeanor that could result in a \$500 fine and 60 days imprisonment. And so they went to the Commission who refused to give after-the-fact approval for the changes because the landscaping was not in character with the neighborhood or the house as it was too suburban. Their words, not mine. And the commissioner specifically explained that the the front lawn was not in keeping with what

Bryden Road was about, originally, with the continuous view down the street and park-like setting with continuous green lawn. Again, their neighbors have the exact same setup as they do.

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Anthony Sanders 06:43

Well and parks are always just green lawns. There's never anything else in a park.

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Paul Avelar 06:48

Exactly. And what they really mean by a green lawn is like a strip of grass, sort of on a nice incline, about 15-20 feet to the front door by the road. They've not remade the garden of Versailles here. This is pretty simple stuff. And so ultimately, the Commission determined the landscaping was not compatible with similar improvements, the structure adjacent properties and the overall environment in effect -- again, their words -- destroyed the distinguishing characteristics of the property and removed or altered historical material or distinctive architectural features. All they did was landscape their front yard. This federal suit followed, Stevens and Copenhaver bringing vagueness and non delegation claims under the 14th Amendment due process and Article One of the Ohio Constitution. As a fellow state constitutionalist, I know you'll be excited to hear that. They also brought an excessive fines claim under the federal Eighth Amendment. And spoiler alert, they they lost on all of them. And rather than talk about the specific claims, I want to talk about the way in which the court analyzed the vagueness and equal equal treatment claims -- the equal treatment or the Ohio constitution. On vagueness, the court said, Well, really, there's two parts of this of the statute here. First, it's very clear that you need permission to do almost anything on your property. And so you can't challenge like the vagueness of having to get permission to do anything. And that's important, because doing something without permission is a crime. And so courts require a high level of definiteness. But here that's met by a requirement that very clearly says, If you want to do anything, get our permission first. The second part of the code standards for determining whether to issue a certificate of appropriateness. And, and here the court says much less definiteness is required, because this is this is merely a civil requirement. It's not criminal. It just controls what you can do with your own property. And so the burden is on the plaintiff, which they cannot meet here, because well, the code requires you to put in a bunch of information before the commission to get permission. So they must be you know, that information must be used by the Commission to make decisions. And so even though lots of other homes in this historic district have retaining walls and similar plant life and all the rest, well, that isn't enough, like you have to go above and beyond. And of course, that requirement then flows right into the equal treatment claims, the arbitrary and unequal treatment as the as it puts as it's put under the Ohio Constitution. And yes, the Ohio Constitution provides strong protections to private property rights, but it also says those rights are subservient to the public welfare. And it means therefore, that you get something like federal rational basis. You get a presumption of constitutionality. You get the burden on the plaintiffs to show that the law is clearly arbitrary and unreasonable and beyond fair debate, et cetera, et cetera.

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Anthony Sanders 10:04

So you have strong protections, except they're not very strong,

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Paul Avelar 10:07

Except for they're not very strong. You have strong protections except for everything's presumed to be perfectly fine. Well, look, there's no health or safety issue here. And nor is it the case that morals are involved so far as I can see. But the court says historic preservation is part of general welfare. And that means aesthetics. And that means that and the code says it's doing aesthetic, so we're fine. That's good enough for government work. And so just so everyone knows now in the Sixth Circuit, the general welfare is implicated by the non dangerous plants and walls you have in your front yard. And this really, I think, goes to something that you've had a couple of discussions about recently, the really the expansion of land use law in cities to micromanage all sorts of things that really aren't health and safety issues like aesthetics here. And this is just, you know, another further example of how that goes, and how, you know, quote, unquote, strong protections for property rights really don't mean any protections for property rights.

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Anthony Sanders 11:15

Yeah. And it's, it's that it's not even aesthetics, like you're trying to preserve, you know, a specific, old, beautiful building. Which I think is what most people think when they think about historic preservation laws, which itself has all kinds of problems, those types of historic preservation loss. But it makes more sense if that's the goal. But here, it's, as you say, just this kind of ambiance of a lawn that at one time was fashionable when you know, the street, I'm guessing organically originally grew up, and then most of the neighbors had this type of lawn. And they thought, well, you know, we're gonna freeze that in place for all time because it's fashionable today. Which is, this is what a lot of these, as we discussed with, with Nolan Gray in our in our last podcast is often what this really comes down to.

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Paul Avelar 12:09

Exactly. I mean, this really couldn't be any more aesthetics based if you try to make it. The home itself -- there's no allegations that they've done anything to the home, the home is actually in great shape according to Google Maps. The problem is their lawn looks different. Again, the horror and where the public interest is in micromanaging your lawn, I'm just hard pressed to see.

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Anthony Sanders 12:36

Another interesting thing about this case was there's no -- you read through it, and usually a case like this about, you know, some construction that's done on property, and then a permit isn't given or something like that -- it's usually a takings claim because -- as many of our listeners will know that the one part of the Constitution usually you have, well not a great shot at but at least more of a shot at when it comes to property rights is the takings clause. And that there's there's been some great diminution in value. But I don't even know if you know -- they didn't bring a takings claim. And I'm guessing probably because it's not like this was about changing the value of their house. They just liked how it looks compared to what it looked before. And so maybe they could have got some appraiser to say, well, it was a little it's, you

know, on the market would be go for a little bit more now, because we have these more modern, I don't know, landscaping. But they didn't bring it and that means they're left with these other claims that really didn't go very far -- kind of predictably, didn't go very far, unfortunately, because of what they did. One that that could have some legs for them in the future, it seems is their excessive fines claim, which the Court said wasn't ripe, because they haven't actually been fined yet, although they've been threatened with \$100 a day going forward. So that could add 1000s of dollars, right and given the certain set of events, but the court said it isn't ripe yet. And we'll get to some more about fines when we talk about city of Nashville in a little bit. But first we're going to take a bit of a detour through wine country. Now this case, Wineries of the Old Mission Peninsula Association versus Township of Peninsula, Michigan, is -- the underlying dispute is really interesting. It's actually a little bit similar to a case I did for the Institute for Justice couple years ago in Minnesota about about wineries, which is there's a few challenges to how the township is regulating its wineries. One of which is they have to use a certain percentage of their grapes from the area not necessarily from someone's own winery, but just from the area to make their wine, and that is a very big kind of flashing red light for most people -- who have taken first year constitutional law -- is a big problem under the Dormant Commerce Clause. And in fact, recently there was a ruling by the district court in this case, this is this is before the Sixth Circuit on appeal on a procedural issue. But the District Court recently said that, yeah, it looks like those parts of this ordinance are unconstitutional under the Dormant Commerce Clause. So that's the dispute going on is that there's these wineries, and the township has these laws that kind of don't make sense for how it makes its wine. However, there are other residents in this township, it's a peninsula off of mainland Michigan, where there's kind of a bottleneck to get there. And so there's a dispute between the wineries who like people coming to sample the wines and do tastings and all that, and the other residents of the peninsula who don't like all the darn traffic. So as often happens in rural places like this, you get backups and delays of traffic. You get, you know, other problems that you get in tourist communities. And so the lawsuit by the wineries against the township is of interest to these other residents who have tried to intervene in the case, to defend this, at least partially pretty plainly unconstitutional ordinance. So the case on appeal, the actual opinion we're talking about today, is about this procedural mechanism of intervention. Now, intervention is something we've talked about many times on the podcast before. It was a big topic at the Supreme Court this term. There were two or three cases on intervention.

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Paul Avelar 16:57

Two with a third that got kicked.

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Anthony Sanders 16:59

Right, and there were even a few other cases that people thought the court might take, because this, anyway, it's been a big issue in a lot of ways. And this case raised a few of those issues, but one I especially want to look at is one that we deal at the Institute for Justice a lot when we intervene in cases. And that's the adequacy of representation. So what does that mean? Well, in our lawsuit when say, Smith sues Jones, you may as some some other person, you may want to get involved in Smith v. Jones. And so you intervene, you may intervene as a plaintiff, usually in these constitutional cases, you intervene as a separate defendant. And you say, I have arguments that this law say is constitutional, or what the government is doing is

okay. But I have different interests and different arguments than what the government has. And this, this happens in our school choice cases a lot where we represent parents, say, who are defending the school choice program that's been sued by someone else, say the teachers union against the state. And we say, look, the state has those arguments, but we have different lens, and we have a different reason for being in the lawsuit than the initial defendants do. Well, in this case, usually, this stuff doesn't make it all that high up on appeal, it gets resolved at the trial court level, but in this case, they were denied the ability to intervene. And that is actually appealable interlocutorily, on an interlocutory basis, which means you can appeal during the course of the lawsuit. So this went up to the Sixth Circuit. And this, this group of residents called Protect the Peninsula, that was the name of their nonprofit. They argued that they met all the requirements that you need for intervention, which we don't have to go into today. But they met all those requirements, and therefore they should be allowed to intervene. They had a legal interest because, you know, their their quality of life is impacted by what the wineries are doing. And they have different interests than the government. Now, this is an unresolved issue at the Supreme Court. We have hoped that the Supreme Court would take this issue this term. And as Paul said, it didn't, but it very well may sometime soon. And that's how you judge adequacy of representation when the government's involved. Now what adequacy of representation means is, are the defendants involved in the lawsuit are they doing a good enough job, their lawyers doing a good enough job that you don't need someone else to come in and they're protecting the interests of these other people? Now whenever you you get involved in a lawsuit and you're not the government, you are going to have different interests. Right the government has, it's the government is defending the law, it has to think about the the overall public fisc, overall public policy, sometimes governments settle cases, right, even if perhaps in theory, they could win if they if they went to judgment or kept appealing. And so those are different interests than the individual interests of who's intervening. Here, these these residents who, you know, they they have a more narrow and I don't mean that pejorative sense, they have a more narrow interests than the government does. Now, the Court, the Supreme Court has said that this is to be construed very broadly in in the run of the mill case. So if two private people, one private person has been sued already, and then someone else wants to intervene in the case it's viewed very broadly. But when the government ,whether we're talking about a city or the state or federal government, when the government is the original defendant, some circuits have said that there is a presumption that everything's fine, because they're the government after all, they're looking out for everybody's interest, even if by definition, you're interest is going to be a little different. And what the Sixth Circuit said here is it had to deal with some of its own case law that kind of went in the way that it's harder to get involved in a lawsuit like this. But it said, Look, we're not going to presume that the township has the interests of these residents covered, because, you know, the the, the township has to worry about things like money, and this is actually a suit for damages. And they might, they might settle just because you know, the say the insurance protection runs out or whatever it may be. And so for that reason, there is there is less of a presumption that they have, that they are adequately representing the interests of the other side. And so the longer the short of it is, these residents are allowed to intervene. And the case goes back down, where they can now make their own arguments separately from from what the township is making. Now, why this matters is that there are all kinds of civil rights cases -- constitutional cases -- where people intervene on the same side as the government, but for very different reasons. And we have noticed a trend in recent years of court starting to say, lower courts starting to say well, that, you know, the government has you covered. And so we're going to assume against intervention. This goes the other way. And it kind of is another brick in the circuit split that I really, really think the Supreme Court is going to have to address soon. It did have an opinion this year that wasn't on this issue, but similar issues and it had some very good pro intervention rhetoric in it, I thought, that could be applied here and that the Court did talk

about these recent cases. So I think this is a good step towards civil rights litigants being able to be involved in these cases where, you know, otherwise, the court might just assume the government has everyone's interests at heart, which we know it doesn't always follow. Paul, is that is that your read?

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Paul Avelar 23:41

I think that's correct. And, you know, generally big fan of being able to intervene. My only specific note here is that, you know, the the essentially the right that the intervenors asserted was, the government may not protect my NIMBYism, nearly enough, and I have a real interest in my NIMBYism. I think that part of it is very unfortunate. But it does, I think, again, reflect on the conversation that we've been having here for a long time, and that you had with with Nolan Gray last time, about the way in which some of these land use regulations are put into place, and who maintains them and how they're maintained and all the rest of that stuff. So I think this is aside from being a good step on on clarifying intervention law, I think it's also an example on unfortunately have that dynamic at work.

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Anthony Sanders 24:33

Yeah, no, that's certainly the dynamic underlying this. And I'm, you know, there's there are worse and an even worse NIMBYisms, not in my backyard. I don't know the specifics of this one at all. But it seems like that is that is the dynamic that that's going on underneath. Now another dynamic is what the heck the city of Nashville is doing with its property owners. So a good friend of the Institute for Justice Radley Balko, a few weeks ago, he had a couple pieces about the city of Nashville and its code enforcement policies. And a lot of you listeners may know that what we've discussed over the years about fines and fees abuse, about code enforcement abuse, where the city instead of using code enforcement, like we discussed earlier, for real public health and safety concerns, instead uses it to do devious things like promote redevelopment when it doesn't want to do straight up eminent domain, or other nefarious purposes. So Paul's going to talk a little bit about what Radley found in Nashville. But that's because Paul has actually litigated a property rights case in Nashville, and recently had a ruling in that case at the Tennessee Supreme Court. So take it away. What is the latest on property rights in the city of Nashville?

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Paul Avelar 26:14

Well, almost five years ago now we sued the city of Nashville over its restrictions on home based businesses. Nashville had a very, very strict rule that said you could have a home based business, but you couldn't have customers to your home based business, unless you were a certain kind of home based business, in which case, you could have as many as 12 customers per day. And so we we at IJ, along with our friends at the Beacon Center sued the city of Nashville over this restriction on behalf of two home based business owners. They're in Nashville, Pat Raynor and Lij Shaw. Lij is a record producer. He's got an incredible home recording studio. And in fact, not long before the city of Nashville shut his recording studio down for recording people there, an album that was mixed there in his home recording studio actually won a Grammy Award. And Pat is a elderly, widowed hairdresser. Has been licensed by the state of Tennessee for a long time. Opened a licensed home salon, had the state come out



and inspect everything, everything was fine. And then shortly thereafter, got a visit from Nashville code inspectors who told her no, you're allowed to have a salon, you just can't have any people to your salon. And so you have to shut it down. And so we've been suing about that restriction for a very long time. And throughout the litigation, especially the trial court, you know, the city's position was, well, look, no one's allowed to have a home based business with clients. Because if home based businesses could have clients, the streets would run red with blood. Can you imagine the parade of horrors? And we said, Well, no, we can't. What are they? And then we went out and disproved that any of those things were actually true, at least in our clients' cases. And oh, by the way, you know, why isn't that the case with all these other home based businesses that you do allow to have guests? Well, those guys are different how? Well they're they're different kinds of businesses. But how are their clients different? How would you say that traffic is a problem, even though our clients don't cause it. How is traffic not a problem with them? It turns out that it that they're a worse problem, in fact, than the kinds of home based businesses they prohibited. And so we we litigated that. We lost at the trial court in a decision that essentially said, well, Nashville has rationally assumed -- assumed -- that this could be a problem, and therefore that's good enough. And I'm not in the business of looking at your long list of facts and admissions that say otherwise. And we took that up on appeal and while we were up on appeal, this little thing called COVID started happening and Nashville, ordered everyone to stop going to work into work from their homes. Oh wait.

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Anthony Sanders 26:26

That sounds a little bit like a home based business.

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Paul Avelar 29:22

There's a problem with that. And so Nashville scrambled and changed its home based business laws and allowed home based businesses now to have six clients per day, certain exceptions applying, but the privileged home based businesses were still allowed to have more. We continued to fight about this. The Court of Appeals said that we were somehow moot, even though it was a temporary fix, the whole program was going to sunset. And also it continued to treat our clients worse than privileged home based businesses. And so we asked the Tennessee Supreme Court to take that case and we argued that back in January. And then in February, the city changed the program again and at least made the client permission, you know, indefinite permanent, nothing's permanent when it comes to the government. But it wasn't going to sunset anytime soon. That's good. But it continued to treat our clients worse than the privilege to home based businesses. And so last week, we got a ruling from the Tennessee Supreme Court that says, well, actually, there could continue to be a problem here. Because, I know lawyers are bad at math, but six isn't 12. And they're different, in fact, and so we're going to send you back to the trial court, so that you can have for the first chance in this litigation since then, after our record was closed, a chance to show that your clients are still harmed by this regulation, which allows them six clients per day, but not the 12, that they originally sought. So that's good, it means that we're going to continue to litigate another day and every day that you're suing the government is a good day as far as I'm concerned. And so we'll go from there. As I said, you know, six isn't 12. And so Nashville is still treating our clients, worse than they are other home based businesses and from where we stand for no good reason that has anything to do with the very lengthy record that we put together. And so we'll go forward from that. I think, you know, one of the things that came out during our litigation are and I think is mirrored



in some of Radley's reporting here is the way that code enforcement actually works in Nashville, which is everything's anonymous. The city has no idea who's complaining about anything, or why, or even if those things are legitimate. And so Nashville's own zoning code inspectors actually said like, in depositions. oh 40 - 70% of these things are total nonsense. It's just one neighbor complaining about another because, you know, they've, they've had a fight about something else. And so they're siccing code enforcement on them. And that unfortunately sounds right. And so what would you really have in these situations is when you have a very expansive code, that has a lot of, sort of, eye of the beholder kind of violations, it really does make for a situation in which a person can get in trouble for minor things that maybe aren't even code violations, while someone else, you know, gets to do all sorts of things so long as no one complains. It's a really, I think, unfortunate system, that Nashville and so many other cities maintain. And again, you know, if this were the sort of thing where there were actually demonstrable problems at the heart of things, I might feel differently about it. But when the city of Nashville, you know, treats home based businesses differently for no good reason, it's hard to sort of justify that that whole system. It really is a system that is ripe for abuse, not just from city inspectors but also from the general public.

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Anthony Sanders 33:09

Yeah, and I highly recommend Radley's piece to those of you who haven't read it, we'll put a link up it in the show notes. He talks about his own experience, he and his wife's own experience and their property. And basically, they had the wrong type of weeds in their yard. If they had these different weeds, that would have been okay. But because they had these other weeds, they had to get rid of them and make their yard actually worse, without some very expensive landscaping -- back to landscaping. But it seemed like when really drilled down where this complaint came from it was from, it seems like it was the head of a neighboring HOA, who was bothered by the sight of these weeds. I guess because, you know, if you're going to be the head of an HOA Association, you're probably the type of person who would be bothered by a certain type of weed. And you're also the type of person I'm sure we have some HOA board member listeners. So no, no, not painting a broad brush on all HOAs. But I'm, if you're also maybe the type of person if you're going to do that to complain about someone having a home based business down the street, that's not hurting anybody but you just don't like you know, bringing other people into the neighborhood perhaps or you don't like an extra three cars a day of traffic or whatever the case may be. People get, of course, very protective about their neighborhoods when these types of laws allow them to engage in this NIMBY behavior and to stop neighborhoods from growing and trying to adapt to the times and all the things that again, that we talked about in our last podcast about what zoning but other laws to when that that restrict property rights force people to keep their property the same and not adapt to, you know, however the world changes.

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Paul Avelar 35:21

Yeah, we've talked about this on a couple of different occasions, you and I at least have where we call it zoning, but it's really, I mean, we really ought to be calling it land use because this isn't, in so many cases, this isn't really a separation of this, from that it's, you're drawing these incredibly fine gradations, where there's really very, there's really no difference between, you know, what's perfectly normal and what's forbidden. In some of the higher profile cases we've seen, there was a great one a couple of years. And by great I mean, horrible, great one a

couple of years ago, where a woman had an online Etsy store, where she sold dresses, and she got in trouble for storing the dresses that she sold in her own apartment. Well, where else do you store dresses? It's called the closet. So you could have a closet full of your own dresses. But if you had a closet full of dresses that you were going to sell, that was illegal, and you see it, you know, other kinds of things when it comes to Oh, you can you're gonna have that kind of residential use of your property. But that other kind of residential use of your property is forbidden. Well, why? Well, because we said is. Now goes now go prove that we're not allowed to do it. We're doing a number of cases nationwide, right now having to do with land use regulations that have really made housing prohibitively expensive or try to make housing prohibitively expensive, that try and keep, I think, poor people out of out of neighborhoods, or even out of entire towns or cities. So at some point, we're going to have to start rethinking this idea that somehow property rights aren't real rights. But these other rights are real rights. But when an infringement of property rights obviously leads to these other sorts of problems, and how do you really make those distinctions, I just don't think that there's you can possibly continue to hold that idea.

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Anthony Sanders 37:23

Yeah, and I think I think everything we talked about today just comes down to that, that judicial engagement with property rights can be a tool. It's not it's not going to solve all the problems. But can be a tool to fight against these abuses, whether it's fines and fees for having the wrong weeds in your yard. Or, or for for having a retaining wall that, you know, some somebody somewhere thinks isn't historically accurate.

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Paul Avelar 37:54

Dark mulch. Don't forget the horror of dark mulch.

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Anthony Sanders 37:58

I like the light mulch myself a little better. But that's aesthetics again. Well, Paul, thanks so much for joining us. Always fun when you're on the podcast, and we'll have you on again, some time to talk. Maybe we will actually talk about something in Arizona, one of these podcasts. Thanks all of you for listening, and we'll be on again, with more episodes coming up including all our live episodes coming up at various law schools this fall and at the one Short Circuit Live! in New York City on October 26. But in the meantime, for everyone else, I ask that you get engaged.