

**RICHMOND  
JOURNAL OF LAW  
AND THE PUBLIC INTEREST**

---

VOLUME 18

FALL 2014

NUMBER 1

ARTICLES

RENEWED COMMITMENT: THE LATEST CHAPTER  
IN REFORMING VIRGINIA'S MENTAL HEALTH SYSTEM.....*Honorable Jennifer L. McClellan*

AN ANALYSIS OF POLITICAL AND LEGAL DEBATES  
CONCERNING MEDICAID EXPANSION IN VIRGINIA.....*Rick Mayes and Benjamin Paul*

UNCLAIMED REMAINS AND NEXT OF KIN:  
A NEW PATH TO THE FINAL RESTING SPOT.....*W. Scott Johnson*

THE JUDICIARY IN VIRGINIA.....*Thomas D. Horne*

COMMENTS

"SCREENING" THE POOR: THE LEGALITY OF  
DRUG TESTING FOR WELFARE BENEFITS.....*Jacquelyn Bolen*

**RICHMOND**

**JOURNAL OF LAW  
AND THE PUBLIC INTEREST**

---

**Volume XVIII**

**2014 – 2015**

---

KATHERINE LENT  
*Editor-in-Chief*

LEAH DUBUISSON  
*Executive Editor*

JACQUELYN BOLEN  
*Managing Editor*

BRIAN VIETH  
*Senior General Assembly & Manuscripts Editor*

RICHARD FORZANI • HILLARY WALLACE  
*Lead Articles Editors*

KATHERINE GROOVER • CARLEY WYCHE  
*Symposium Edit*

CHELSEA WEBSTER  
*Publications Editor*

NICHOLAS LINKER  
*Notes & Comments Editor*

*Manuscripts Editors*

CHRISTOPHER DORSEY  
BENNETTE SHARPE

ALEXANDRA LYDON  
ANGELICA SMITH

*Senior Staff*

ALEXANDER BERENY

ANDREW GOODFELLOW  
KATIE TAYLOR

VERONICA SNODGRASS

BRITTANY BURNS

*Associate Editors*  
CAITLIN KEAR  
KASSIE SCHROTH

KELSEY MARTIN

*Staff*

SUSANA BASS  
BRITTANY BURNS  
MEGAN DONOVAN  
KELSEY MARTIN  
KASSIE SCHROTH

TYLER BLASER  
KERRY CHILTON  
CAITLIN KEAR  
ROBERT MAYFEILD

PATRICE BOONE  
SARAH CRAIG  
KATE KULBOK  
COURTNEY REIGEL  
SAMANTHA SEDIVY

*Faculty Advisor*

W. CLARK WILLIAMS, JR.  
*Professor of Law*

---

---

INFORMATION ABOUT THE  
*RICHMOND JOURNAL OF LAW AND THE PUBLIC INTEREST*

The *Richmond Journal of Law and the Public Interest* is published quarterly by the University of Richmond: T.C. Williams School of Law. Questions, comments, and suggestions regarding the content of the Journal are welcomed at:

University of Richmond School of Law  
28 Westhampton Way  
University of Richmond, VA 23173  
(804)289-8212  
<http://rjolpi.richmond.edu>

**EDITORIAL POLICY:**

The *Richmond Journal of Law and the Public Interest* seeks to preserve the author's writing style when editing articles selected for publication. As part of the ongoing relationship between the Journal and its authors, each author is given the opportunity to review his or her article prior to its publication.

**SUBMISSIONS:**

The *Journal* invites the submission of unsolicited articles, essays, comments, and notes throughout the year on a variety of topics. Manuscripts should include the author's biographical information either in text or in an accompanying résumé or curriculum vitae. Manuscripts submitted in a printed format will not be returned unless specifically requested and accompanied with proper postage. Manuscripts may be sent in printed form to *Richmond Journal of Law and the Public Interest* at the above address or by electronic mail at [rjolpi@richmond.edu](mailto:rjolpi@richmond.edu).

**SUBSCRIPTIONS:**

Subscription inquiries may be addressed to the Journal's Managing Editor at the address listed above.

**COPYRIGHT:**

All articles copyright © 2014 by the *Richmond Journal of Law and the Public Interest*, unless noted otherwise. Articles herein may be duplicated for classroom use, provided that (1) each copy is distributed at or below cost, (2) the *Journal* is notified of such use, (3) proper notice of copyright is affixed to each copy, and (4) the author and *Journal* are identified on each copy.

**CITATIONS:**

The text and citations of the *Journal* conform to *The Bluebook: A Uniform System of Citation* (18th ed. 2006).

Cite as: \_\_\_ RICH. J.L. & PUB. INT. \_\_\_

OFFICERS OF INSTRUCTION AND ADMINISTRATION  
UNIVERSITY OF RICHMOND  
SCHOOL OF LAW

ADMINISTRATION

Edward L. Ayers, B.A., M.A., Ph.D. .... President of the University of Richmond  
Wendy C. Perdue, B.A., J.D. .... Dean and Professor of Law  
James Gibson, B.A., J.D. .... Associate Dean for Academics,  
Professor of Law  
Corinna Barrett Lain, B.A., J.D. .... Associate Dean for Faculty Development,  
Professor of Law  
Kristine M. Henderson, B.A., J.D. .... Associate Dean for Student Services  
and Administration  
Timothy L. Coggins, B.A., M.S., J.D. .... Associate Dean,  
Library and Information Services, Professor of Law  
Janet D. Hutchinson, B.S., J.D. .... Associate Dean of Career Services  
Michelle Rahman. .... Associate Dean of Admissions

FACULTY

Stephen Allred, B.A., M.P.A, J.D., Ed.D. .... University Professor  
Margaret I. Bacigal, B.A., J.D. .... Clinical Professor of Law,  
Director, Clinical Placement Program  
Ronald J. Bacigal, B.S., LL.B. .... Professor of Law  
W. Wade Berryhill, B.S., LL.M, J.D. .... Professor of Law, Emeritus  
Carol N. Brown, A.B., LL.M, J.D. .... Professor of Law  
W. Hamilton Bryson, B.A., LL.B., LL.M., Ph.D, LL.D.  
..... Blackstone Professor of Law  
Tara L. Casey, B.A., J.D. .... Director, Carrico Center for Pro Bono Service  
Dale Margolin Cecka, B.A., J.D. .... Clinical Professor of Law,  
Director of the Family Law Clinic  
Henry L. Chambers, B.A., J.D. .... Professor of Law  
Christopher Corts, B.J., J.D., B.A., M.A. .... Assistant Professor of Legal Writing  
Christopher A. Cotropia, B.S., J.D. .... Director of the Intellectual Property Institute,  
Professor of Law,  
John G. Douglas, B.A., J.D. .... Professor of Law  
Joel B. Eisen, B.S., J.D. .... Professor of Law  
David G. Epstein, B.A., LL.M, LL.B. .... Allen Professor of Law  
Jessica M. Erickson, B.A., J.D. .... Professor of Law  
William O. Fisher, A.B., J.D., M.P.P. .... Professor of Law  
David Frisch, B.S., J.D., LL.M. .... Professor of Law  
Chiara Giorgetti Laurea in Giurisprudenza, M.Sc, LL.M, J.S.D.  
..... Assistant Professor of Law  
Faculty Director, LL.M. Program  
Meredith Johnson Harbach, B.A., J.D. .... Associate Professor of Law

Mary L. Heen, B.A., M.A.T., J.D., LL.M. .... Professor of Law  
Azizah Y. al-Hibri, B.A., M.A., Ph.D. J.D.,..... Professor of Law, Emeritus  
Ann C. Hodges, B.S., M.A., J.D..... Professor of Law  
J. Rodney Johnson, B.A., J.D., LL.M, C.L.U..... Professor of Law, Emeritus  
John P. Jones, B.A., J.D., LL.M..... Professor of Law, Emeritus  
Laura W. Khatcheressian, B.A., J.D.....Assistant Professor of Legal Writing  
Julie Ellen McConnell, B.A., J.D. .... Associate Clinical Professor of Law  
Director of the Children’s Defense Clinic  
Shari Motro, B.A., J.D..... Professor of Law  
Daniel T. Murphy, B.A., J.D., LL.M..... Professor of Law, Emeritus  
Kristen Jakobsen Osenga, J.D., M.S., B.S.E. .... Professor of Law  
John R. Pagan, A.B., M.Litt., J.D., D.Phil..... University Professor  
John F. Preis, B.S., J.D..... Professor of Law  
Emmeline Paulette Reeves, B.A., J.D. .... Director of Academic Skills Program  
Associate Professor for Law for Academic Success  
Kimberly J. Robinson, B.A., J.D..... Professor of Law  
Noah M. Sachs, B.A., J.D, M.P.A..... Professor of Law,  
Faculty Director, Merhige Center for Environmental Studies  
Doron Samuel-Siegel, B.A., J.D.....Assistant Professor of Legal Writing  
Tamar R. Schwartz, B.A., J.D. ....Assistant Professor of Legal Writing  
Andrew B. Spalding, B.A., J.D., Ph.D. .... Assistant Professor of Law  
Jonathan K. Stubbs, B.A., B.A., J.D., LL.M., M.T.S. .... Professor of Law  
Rachel Juhas Suddarth, B.A., J.D.....Assistant Professor of Legal Writing  
Peter N. Swisher, B.A., M.A., J.D..... Professor of Law  
Mary Kelly Tate, B.A., J.D. .... Associate Clinical Professor of Law  
Director of the Richmond Institute for Actual Innocence  
Carl W. Tobias, B.A., LL.B ..... Williams Professor of Law  
Adrienne E. Volenik, B.A., J.D. .... Clinical Professor of Law  
Director, Education Rights Clinic  
Margaret Ann B. Walker, B.A., J.D.  
..... Visiting Assistant Professor for Academic Success  
Kevin C. Walsh, A.B., M.A., J.D. .... Associate Professor of Law  
W. Clark Williams, Jr., B.A., J.D. .... Professor of Law

#### LIBRARY FACULTY

Paul M. Birch, B.A., M.A.L.S., J.D ..... Computer Services Librarian  
Suzanne B. Corriell, B.A., J.D., M.L.I.S ..... Associate Director  
Alexis Fetzer, J.D., M.L.I.S..... Reference and Research Services Librarian  
Joyce Manna Janto, B.S., M.L.S., J.D .....Deputy Director  
Amy L. O’Connor, B.A., M.L.S..... Digital Resources Librarian  
Mei Kiu Lo, B.S.S., M.L.S, C.A.S. .... Catalog/Systems Librarian  
Gail F. Zwirner, B.A., M.S.L.S ..... Head, Access Services

#### ADJUNCT FACULTY

Hugh E. Aaron, B.S., M.H.A., J.D ..... Adjunct Professor of Law  
Farhad Aghdami, B.A., J.D., LL.M..... Adjunct Professor of Law

Katherine B. Bain, B.A., J.D ..... Adjunct Professor of Law  
 Edward D. Barnes, B.A., J.D ..... Adjunct Professor of Law  
 William J. Benos, LL.B., J.D ..... Adjunct Professor of Law  
 J. Edward Betts, B.A., J.D., LL.M ..... Adjunct Professor of Law  
 David E. Boelzner, B.A., M.A., J.D., LL.M ..... Adjunct Professor of Law  
 Genoveva Border, J.D, LL.M. .... Adjunct Professor of Law  
 Claudia Brand, First Legal State Examination (Germany)  
 Second Legal State Examination (Germany), J.D ..... Adjunct Professor of Law  
 The Hon. Lynn S. Brice, B.A., M.S.W., J.D ..... Adjunct Professor of Law  
 Craig M. Burshem, B.S., J.D ..... Adjunct Professor of Law  
 Jack W. Burtch, Jr., B.A., J.D ..... Adjunct Professor of Law  
 Harris D. Butler, III., B.A., J.D ..... Adjunct Professor of Law  
 Sean Byrne, B.A., J.D ..... Adjunct Professor of Law  
 Brian Cannon, B.A., J.D ..... Adjunct Professor of Law  
 Claire G. Cardwell, B.A., J.D ..... Adjunct Professor of Law  
 Christopher J. Collins, B.A., J.D ..... Adjunct Professor of Law  
 Nancy D. Cook, B.S., J.D ..... Adjunct Professor of Law  
 James C. Cosby, B.A., J.D ..... Adjunct Professor of Law  
 Ashley T. Davis, B.A., J.D ..... Adjunct Professor of Law  
 Marla G. Decker, B.A., J.D ..... Adjunct Professor of Law  
 Morna Ellis, M.Ed., J.D ..... Adjunct Professor of Law  
 The Hon. Joseph Ellis, B.A., J.D ..... Adjunct Professor of Law  
 Andra S. Erard, B.A., J.D ..... Adjunct Professor of Law  
 Stephen M. Faraci, Sr., B.A., J.D ..... Adjunct Professor of Law  
 Bennett J. Fidlow, B.F.A., J.D., M.F.A ..... Adjunct Professor of Law  
 Norman J. Geller, B.S., M.S., Ph.D ..... Adjunct Professor of Law  
 Frederick R. Gerson, B.A., J.D ..... Adjunct Professor of Law  
 Michael Gill, B.A., J.D ..... Adjunct Professor of Law  
 Paul G. Gill, B.A., J.D ..... Adjunct Professor of Law  
 Michael L. Goodman, B.A., J.D ..... Adjunct Professor of Law  
 Carolyn V. Grady, B.A., J.D ..... Adjunct Professor of Law  
 Timothy H. Guare, B.A., J.D ..... Adjunct Professor of Law  
 Steven M. Haas, B.A., J.D ..... Adjunct Professor of Law  
 Patrick R. Hanes, B.A., J.D ..... Adjunct Professor of Law  
 Michael N. Herring, B.A., J.D ..... Adjunct Professor of Law  
 Robert L. Hodges, B.A., J.D ..... Adjunct Professor of Law  
 Vernon E. Inge, B.A., J.D ..... Adjunct Professor of Law  
 John C. Ivins, Jr., B.A., J.D ..... Adjunct Professor of Law  
 Caroline G. Jennings, B.A., J.D ..... Adjunct Professor of Law  
 David J. Johnson, B.A., J.D ..... Adjunct Professor of Law  
 Randall Johnson, Jr., B.A., J.D ..... Adjunct Professor of Law  
 Anna M. King, B.A., J.D ..... Adjunct Professor of Law  
 Mary E. Langer, B.A., J.D ..... Adjunct Professor of Law  
 Mary E. Maguire, B.A., J.D ..... Adjunct Professor of Law  
 Courtney M. Malveaux, B.A., M.A., J.D ..... Adjunct Professor of Law  
 Bruce Matson, B.A., J.D ..... Adjunct Professor of Law  
 James M. McCauley, B.A., J.D ..... Adjunct Professor of Law  
 Kathleen McCauley, B.A., J.D ..... Adjunct Professor of Law  
 James V. Meath, B.A., M.A.U., J.D ..... Adjunct Professor of Law  
 Stephen Miller, B.A., J.D ..... Adjunct Professor of Law  
 Traci B. Miller, B.A., J.D ..... Adjunct Professor of Law  
 Dale G. Mullen, B.A., B.S., J.D ..... Adjunct Professor of Law  
 David J. Novak, B.S., J.D ..... Adjunct Professor of Law

Nancy V. Oglesby, B.A., J.D ..... Adjunct Professor of Law  
Jayne A. Pemberton, B.A., M.A., J.D. .... Adjunct Professor of Law  
Jacqueline Reiner, B.A., J.D ..... Adjunct Professor of Law  
James Rigler, B.A., J.D ..... Adjunct Professor of Law  
Elizabeth E. Riopelle, B.A., J.D ..... Adjunct Professor of Law  
Elizabeth G. Robertson, B.A., J.D ..... Adjunct Professor of Law  
John V. Robinson, B.A., B.L., J.D ..... Adjunct Professor of Law  
Thomas P. Rohman, B.B.A., J.D ..... Adjunct Professor of Law  
Randy B. Rowlett, B.A., J.D ..... Adjunct Professor of Law  
Connelia Savage, B.S., J.D ..... Adjunct Professor of Law  
Cullen Seltzer, B.A., J.D ..... Adjunct Professor of Law  
Charles Seyfarth, B.A., J.D ..... Adjunct Professor of Law  
Blackwell Shelley, Jr., B.A., J.D ..... Adjunct Professor of Law  
The Hon. Beverly W. Snukals, B.A., J.D ..... Adjunct Professor of Law  
John Thomas, B.A., J.D ..... Adjunct Professor of Law  
Tracey Thorne-Begland, B.A., J.D ..... Adjunct Professor of Law  
Ian D. Titley, B.S., J.D ..... Adjunct Professor of Law  
Robert J. Wagner, B.A., J.D ..... Adjunct Professor of Law  
Michelle Welch, B.A., J.D ..... Adjunct Professor of Law  
Thomas M. Wolf, B.A., J.D ..... Adjunct Professor of Law



CONTENTS

LETTER FROM THE EDITOR.....IX

*Katherine Lent*

ARTICLES

RENEWED COMMITMENT: THE LATEST CHAPTER  
IN REFORMING VIRGINIA’S MENTAL HEALTH SYSTEM ..... 1

*Honorable Jennifer L. McClellan*

AN ANALYSIS OF THE POLITICAL AND LEGAL DEBATES  
CONCERNING MEDICAID EXPANSION IN VIRGINIA ..... 23

*Rick Mayes and Benjamin Paul*

UNCLAIMED REMAINS AND NEXT OF KIN:  
A NEW PATH TO THE FINAL RESTING SPOT..... 39

*W. Scott Johnson*

THE JUDICIARY IN VIRGINIA ..... 49

*Thomas D. Horne*

COMMENTS

“SCREENING” THE POOR: THE LEGALITY OF  
DRUG TESTING FOR WELFARE BENEFITS ..... 77

*Jacquelyn Bolen*