2013-2014 Initiatives of the Osgoode Sustainability Committee

ROBYN BLUMBERG & OSGOODE SUSTAINABILITY COMMITTEE

WHAT A YEAR it has been for the Sustainability Committee of the Environmental Law Society! Celebrating our annual green *Obiter Dicta* issue, we thought we would update you on our initiatives over the 2013–2014 school year.

In September, the Sustainability Committee established our foundation: five sub-groups that would direct our goals for the year. We created a Campus Connections group, Osgoode Bistro group, Osgoode Campus group, Events group, and the Sustainable Awareness group.

Campus Connections Group
As students, we seem to operate in an isolated Osgoode bubble from time to time. Though we clearly care about the larger environmental impact of our school on the community, we often forget that we are part of York University—an institution with thousands of other students who care about the environment. Many of these individuals are part of other clubs on our Keele campus with greater resources and manpower to effect change. It was our goal at the start of the school year to learn about the other groups on our campus and see how we could partner with them to achieve common goals.

The group evolved over the year to focus on an initiative supervised by Liane Langstaff and the Osgoode Society for Corporate Governance (1L Student - Thomas Felix) regarding sustainable and responsible investing. Please see her article entitled, “CSR Research Pilot Program: Fostering Sustainability through Collaboration,” included in this *Obiter Dicta* green issue. We are excited that the Campus Connections group has taken such focused direction with the eventual desire that York University will be held increasingly accountable for the investment decisions they choose to make.

Osgoode Bistro Group
Our student group is very lucky that Aramark (the food services company) has been so willing to work with us to make appropriate changes to dining at Osgoode. Our relationship with Aramark began in Winter 2013 and has continued to grow from there. Initially, the Bistro, along with Peter Lee (of Campus Operations) agreed to implement composting. The 2013–2014 school year promised an even stronger partnership. An initial meeting with Lisa Xie (led by Katie Brack of the Committee), provided us with important information about the sourcing and pricing of
What’s Going on with Green

THIS WEEK’s theme is “Go Green.” Envi-
ronmental law and related practice areas are
extremely important to Osgoode, to Canada, and
to the world. Just ask Al Gore. Unfortunately, at
least one editor-in-chief of our esteemed editorial
board knows nothing about environmental law,
other than its incredible magnitude on our future.
However, this editor does know something about
going green. I’ll leave the legal opinions about
oil sands, polar bears, food waste, rainforests, the
commercialization of water, anything that happens
in Alberta, and general matters of eco-justice to
the experts. For us environmental law lay-per-
sons, here is a summary of what is going on with
“green.”

Green Bay Packers
For those of you who are football fans, you already
know that the free agent frenzy begins March 11th. While the Green Bay Packers are moderate
movers this year, they are rumoured to be spirited
shakers. There has been an 8.13% increase in the
2014 NFL salary cap, bringing the grand total to
$133 million. Teams must use a minimum of 89%
of the total cap. Many speculate that the Packers
have just under $35 million cap space to play with
as free agency is fast approaching, placing this
team in the top ten of the NFL of money to spend.
General Manager, Ted Thompson, is known for
his fiscal responsibility, but experts predict a
change in his financial blueprint. The green team
may spend some serious green to pick up quality
players and fill in the gaps in their current roster.

Green Party Leader: Elizabeth May
Does anyone else think it’s unfair that Parliament
gets a two-week March break, I mean “constitu-
cency” break? As the House of Commons colle-
geagues come together for their final week before
the break, it is said that Green Party Leader and
MP for Saanich – Gulf Islands, Elizabeth May
will present her bid to establish a National Lyme
Disease Strategy on the morning of March 3rd.
The private members’ bill, entitled, C-442, An Act
respecting a National Lyme Disease Strategy calls for:
… the Health minister to convene a conference
with provincial and territorial health min-
isters and other medical stakeholders in order to
develop a strategy to review Lyme disease and
associated issues relating to diagnosis and treat-
ment. The bill would also allow the Finance min-
ister to set funding guidelines for provincial and
territorial governments that enact legislation to
implement the Lyme disease strategy.

Lyme disease is a serious condition that effects
many Canadians. If going green means taking
health care more seriously, then we should con-
sider jumping on the Green Party’s band wagon.

*Disclaimer: The Obiter Dicta does not pro-
cess or adhere to any specific political agenda.

Green leads Phoenix Suns in an
impressive victory over the Atlanta
Hawks
If you weren’t watching the Oscars last Sunday,
then you may have been watching the Phoenix
Suns set season record highs in the categories of
total points, points in a half, and 3-pointers in
their 129-120 win over the Atlanta Hawks. In the
first half alone, the Suns scored 79 points – which
is an NBA record for points scored before halftime
this season.

This fast paced game was an example of excel-
lent and aggressive offensive playing, and why
cardio is so important. (On the other hand, it was
an example of an absent defence, as the Hawks
put down over 100 points, but the grass is always
greener on the other side of the bench.)

Small sustainability steps

DEAR OBITER:

Osgoode is set to compete this week in the Inter-
national Law Student Mediation Tournament
in Chicago. As a member of one of Osgoode’s
teams, I received an email from Loyola Univer-
sity providing me with a few tips for my antici-
pated journey. They advised that “in an effort
to be eco-friendly, water facilities are available
at Loyola,” and that “water bottles would not
be.” They suggested we bring refillable bottles.
With York, including Osgoode, having followed
a similar initiative with the installation of hydra-
station systems, is it time for the university to finally
follow through and stop selling disposable bottles
of water?

JONATHAN HURTER
It’s not easy being green

RONALD H. NEAL
Contributor

TO SAY that it’s hard doesn’t quite do it justice either.

If nothing else it’s annoying. Remember to bring your water bottle every day and ceramic mug on Wednesdays for coffee. Remember to configure the settings on your print job to print double-sided even though it costs the same and you're in the basement and the only printer that works is on the main floor. Walk across the building with a banana peel in your hand so you can use the proper bin in the Bistro even though there are handfuls of perfectly good garbage bins, some holding doors open, right there. The list goes on and the constant weight of having to correct your behavior, even if ever so slightly, can feel overwhelming.

At its worst it can be quite scary. Whether you scroll or flip through the news you are never far from catchy, apocalypse invoking headlines. I walk around with fresh water wars and dead oceans on my mind. I can talk to you about our planet’s threshold of danger for temperature rise and how much earlier than predicted we're expected to meet it. Or we can keep things simple and just mull over peak oil and how the very systems this year, there are others when I can configure the settings on your print job to print double-sided even though it costs the same and you're in the basement and the only printer that works is on the main floor. Walk across the building with a banana peel in your hand so you can use the proper bin in the Bistro even though there are handfuls of perfectly good garbage bins, some holding doors open, right there. The list goes on and the constant weight of having to correct your behavior, even if ever so slightly, can feel overwhelming.

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Despite the fact you’ve taken the red pill there are seemingly countless more fortunate sons and daughters who have opted for blue. Instead of coming to work or starting your day with hopes of meaningful change and action, you are confronted with those with unique priorities and agendas. Of course they are entitled to these, but when you view the world through a certain lens and see only the impending doom that those around you can’t or refuse to, things can get a little blue. And, this is only at the low end of the spectrum. While some are seemingly blissfully unaware of your concerns, others try to actively attack and discredit them. Be it through guilt or ignorance there are those who would have you fail, and when you truly believe you’re just trying to save lives by steering the bus away from the cliff, you become disheartened.

Of course this can all add up to a very lonely experience. You always feel as though you’re swimming upstream, or reverse commuting. You feel isolated in your stress and anxiety: alone in a bleak world that is of your own design. You’re angry and annoyed all the time, and you carry these emotions with you until they leak into and contaminate your very core or soul, and all that is left is a bitter and hopeless shell of your former self. How can you fix this? I mean, how can you bring people onto your side and get them involved, or get them to see the same doom that you see without exposing them to the same sickness? Fear, depression, and anxiety are tough selling points for any project, let alone one as seemingly thankless and lonely as this. At times you feel as though you would not wish this on your worst enemy - any of it. So, to spare them you walk the path alone, feeling righteous in your benevolence and martyrdom.

But I don’t know. Maybe you just caught me on a bad day.

Human ingenuity, compassion, and perseverance seem to rear their heads just as often as the four horsemen on the front page. Politicians today are known to campaign on at least semi-environmental platforms and are successful (you were ahead of your time, Mr. Dion), and many corporations and firms now pride themselves on having taken the red pill. Even the most vocal deniers and antagonists appear to be losing their platforms and credibility.

Then, there is you, Osgoode. Though there are times when I undervalue your accomplishments this year, there are others when you simply can only stand in awe. I look at the Bistro and what has transpired there in only six months: from the return of reusable mugs and utensils to the blossoming partnership with Aramark for future sustainability. I look at our professors, the men and women who continue to lead and inspire and who had long ago refused to be overcome by the same feelings of depression and futility that consume many. And then I look at you, my fellow colleagues and classmates. Despite best efforts to convince myself otherwise, you constantly remind me that I am not alone, and that there is still hope. Nothing that the Environmental Law Society or Sustainability Committee attempts to do is possible without your commitment and dedication to a better world; a hard work and sacrifice that elicits joy, not fear. That is equal parts sobering and humbling, and that is what gets you out of bed in the morning.

So, yeah, it’s not easy. But then, who wants easy? The ups and downs inherent with this path mirror those inherent with any cause or purpose worthy of human attention and commitment. They mirror life in general. As long as we don’t get too high or too low and, perhaps more importantly, as long as we keep going, there is value to be found in this endeavour. So, if you are green or considering it, don’t be discouraged and stay the course. I’m starting to believe you won’t regret it.

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Monday, March 10, 2014
Behind the label: A closer look at environmental marketing

VICTORIA DE LUNA
Contributor

Each time I go out shopping I’m bombarded with all kinds of environmentally focused marketing claims. Everything from “all natural” to “EcoLogo certified” – and that’s just the tip of the iceberg. With the growing emphasis on environmental concerns, environmentally-focused marketing has exploded. This has led to the proliferation of hundreds of different claims, labels, and certifications that promote a good or service’s so-called “green” qualities. While this is a step in the right direction, the sheer number of certifications out there can make finding the right product daunting. So what’s the savvy shopper to do? Get informed! Here’s a brief guide to eco-labelling to shed some light on the labels that exist and how to evaluate their claims.

There are two main types of labels that you’re likely to see while running your weekly errands. The first are self-declarations about a product or service made by manufacturers, suppliers, distributors, etc. Generally they are based on one attribute and are not independently verified. Labels that fall into this category include claims such as “VOC free,” “contains recycled content,” and “all natural.” The second are eco-labels awarded by third party organizations that evaluate goods and services based on certain criteria. If a product meets this standard it’s awarded a license to use the label. Common eco-labels include Fairtrade, EcoLogo, and Rainforest Alliance. While this is all well and good, what exactly do these labels mean?

**EcoLogo**

EcoLogo is a pioneer of eco-labels, founded in 1988 and recognized across North America. Certified items undergo a multi-attribute analysis that examines the product’s lifecycle from production to end of use. EcoLogo does not have one standard set of criteria, but rather different standards particular to each product category.

Certifications are available in industries such as electronics, toys, office supplies, renewable energy, furniture, and building materials. All certified products must demonstrate adherence to the standard through verification from a third party auditor.

**Fairtrade**

Fairtrade is an international certification system predominantly for food and textile products such as coffee, flowers, cotton, nuts, and oils and is run by Fairtrade International. The program sets out specifications for businesses and producers who buy products from workers and farmers in developing nations in an effort to provide a more meaningful and fair business relationship. Criteria considered include product pricing, premiums, safe working conditions, environmental considerations, and farmer access to credit and contracts. A third party auditors the products bearing the Fairtrade label to ensure conformance with this standard.

**Rainforest Alliance**

The Rainforest Alliance is a comprehensive system that assesses products and services from the forestry, agriculture, and tourism industries. The goal of the organization’s certification process is to evaluate operations in regards to environmental protection, workers’ rights, and the well-being of communities and families. A third party auditor must very conformance to the standard.

As always, just because a label denotes something doesn’t necessarily mean that it provides enough information to make a well-informed decision or even that the claim is accurate. This idea is commonly reinforced in comparisons between SFI and FSC certification. While both bodies essentially provide the same type of certifications, the requirements for each are different and SFI is often criticized for the close ties to the lumber industry. One of the best ways to evaluate environmentally-focused marketing claims is to look for greenwashing, the use of exaggerated or misleading claims that present a false image of a product or service being environmentally preferable. There are seven common “sins” companies commit that would constitute as greenwashing, listed below.

Hidden Tradeoffs: Hidden tradeoffs typically focus on one attribute of a product that is preferable, while neglecting other factors that may be harmful. One such example is touting use of paper materials come from a company that has meet SFI’s objectives by sourcing their raw materials responsibly, even though the source of the materials is not certified itself. A third party must audit organizations using the SFI logo to confirm their adherence to the program.

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Science’s pseudo plagiarism of nature: The quest to eradicate concussions

CITLALLY MACIEL
News Editor

It is not unusual to find instances where science has turned to nature for inspiration. The invention of airplanes, for example, is probably the most quintessential illustration of this phenomenon. Humans, envious of birds’ ability to fly, would study them relentlessly trying to discover the secret of these tiny creatures. If you look at pictures of the flying machines that existed before the Wright Brothers’ era, you will see a bunch of weird apparatuses whose structure reveals the heavy reliance on birds’ anatomy in developing the invention. Mind you, the machines look more like ugly bats than like birds, but that is just a matter of aesthetics.

In fact, this form of human pseudo plagiarism of nature’s frameworks has now become a science in itself, called biomimicry (from the Greek bios, meaning life, and mimesis, meaning to imitate). This new science has created really interesting things through observation and imitation of nature, and it has expanded into different branches one of which is biomimetic architecture. A pretty cool example of what this branch of science has developed is the Eastgate Centre in Zimbabwe: a so-called green building whose structure resembles that of the mounds of termites. The result is that the building uses only 10% of the energy that a building of similar size partly because it no longer needs air conditioner to be cooled down.

In view of all this piracy, it should not be surprising to hear that scientists have now turned to woodpeckers to better understand concussions and how to prevent them. Yet, hearing about this for the first time causes some trepidation as to the kind of insight this study might offer. However, a quick Internet search reveals that this is not an unusual idea, nor is it novel. Scientific studies on the ability of woodpeckers to withstand head impact date back to 1964, when biological scientist Walter Bock, from Columbia University, conducted a study on the cranial kinesis of birds.

The interest of scientist on woodpeckers, of course, originates from the observation that these little birds can tap trees eternally without sustaining any injuries, while far fainter hits can cause serious injuries in humans. As the blog Science-Based Life explains, “a woodpecker’s head experiences decelerations of 1200g as it drums on a tree at up to 22 times per second” while humans “are often left concussed if they experience 80 to 100g.” Just to give you a better idea of what a deceleration of 1200g feels like, the blog says that such force would be equivalent to coming to a complete stop from 26,000 miles per hour over one second.

The topic of concussions among players of contact sports has increased in relevance in recent years. Last year, a class action lawsuit on behalf of a group of retired players was filed against the NFL. In 1994, the league funded a committee to study the issue of head injuries among its players. The plaintiffs allege that the NFL, through this committee, knew about the effects of concussions and chose not to reveal this information. They claim that the NFL engaged in fraudulent and negligent conduct by creating bogus research supporting their claim that there was no conclusive evidence linking brain injuries and degenerative brain disease.

I first learned about these studies from an interview of Dr. Gregory Myer from the Cincinnati Children’s Hospital Medical Centre. According to Dr. Myer, the solution to avoiding concussions is not so much in developing better protective technology. In his opinion, “the key to beating the concussion crisis lies in dealing with what’s happening inside the skull, not outside of it.” Given that the brain is not tightly compressed inside the skull, any hit a person receives moves the brain around causing it to bruise. Because of the observation that helmets do not do much to protect athletes, Dr. Myer turned to woodpeckers, and bighorn sheep as possible leads to making brains sturdier.

Dr. Myer’s analysis of these two kinds of animals suggested that their brains are “naturally protected with mechanisms that slow the return of blood from the head to the body.” It is this increase in blood volume, he says, what fills their brains’ vascular tree, creating a “Bubble Wrap” effect.

Dr. Myer hypothesized that higher altitude would increase the volume in the cerebral venous system, creating a snugger fit inside the skull that protects the athletes from sustaining concussions. He then conducted a study involving high school football players playing at various altitudes and found that those players who played at higher altitudes sustained a 30 percent reduction in total concussion incidence.

But before Dr. Myer, other scientists have studied woodpeckers in the context of sport-induced concussions. In 2011, the Toronto Star published an article about a study conducted by Yubo Fan, a bioengineer at Beijing’s Beihang University. This study revealed that there are three features of the anatomy of woodpeckers’ heads that protect them from brain injuries. One of them is the shape of their beaks that directs the impact away from the brain. The second feature is elastic materials in their heads that increase the resilience of their skulls. Finally, woodpeckers have evolved a unique bone that goes around their skull completely covering their brains. It is this bone that keeps the brain in place while the head is in motion. As stated above, injuries are the result of brain movement inside the skull. Finding a way to keep the brain in place is key to decreasing injuries. Using this last feature as a model, Fan is hoping to develop a new generation of helmets.

Although all these data is fascinating and sounds very hopeful it does not seem likely to lead to a solution just yet. Dr. Charles Tator, a Toronto neurologist, also interviewed by the Star is sceptical of the benefit that a helmet with woodpecker-like features may have. Like Dr. Myer, Dr. Tator says that the solution is not in keeping the head in place. The problem is finding a way to keep “the brain within from bouncing around in reaction to an impact.”

In the end, it seems to me like these very attractive features of woodpeckers’ heads are nothing else but the result of evolution. Repeated banging of their heads eventually led woodpeckers to morphological change. This means that, in order to develop concussion-resistant heads, we would have to start banging our heads repeatedly until our brains adapt and change. Of course, the evolution of inherited characteristics occurs over successive generations, meaning that our generation could not see humans with woodpecker-like heads. Then again, the dream of one day being able to fly did not materialize in a generation’s time.

THUMBS DOWN to... every event possible happening during Diversity Week.
West Coast Environmental Law TwtMoot 2014: Putting the #hashtag in advocacy

@NINAMAZZE & @MICHAELCAPITANO
Contributors

On Friday, February 28th, we had the incredible opportunity to represent Osgoode in the 3rd Annual West Coast Environmental Law Twitter Moot (TwtMoot). We greatly appreciate the support of Saxe Law Office, who sponsored Team #Osgoode Law. This was one of our favourite experiences at #Osgoode, giving us the opportunity to transcend conventional notions of advocacy. Five teams across Canada put the #hashtag in advocacy, submitting arguments for their clients in tweets of 140 characters or less before the Supreme Twitter Court of Canada #STCC. This innovative moot takes steps towards accessibility to legal issues one tweet at a time (#accessjusticel).

Five teams were selected among nine teams who tried out from seven law schools Canada-wide. We were joined by teams from Schulich School of Law (Melanie Gillis and Sarah Walsh), Lakehead University (Elycia Petrone and Ayoub Ansari), University of Alberta (Kim Hyok and Matthew Mowbre) and the University of Victoria (Erin Gray and Mae Price). Each team was given 10 minutes to submit the arguments and answer questions from the judges (Omar Ha-Redeye @omarharedeye, Justice Robert Johnston @islandpueise, and Theresa McLenagh @TheresaMcLennag), which was a test that called on our ability to be concise, accurate, and creative with our character choices.

The case at issue was an appeal of the Ross River Dena Council v. Yukon decision from the Yukon Court of Appeal level to the #STCC. Arguments focused on reconciling the conflict between open-entry mining interests and Aboriginal rights. We represented the Yukon Chamber of Mines in the moot. To view the Counsel’s arguments and to see the winning tweets, visit the #twtmoot list on Twitter @https://twitter.com/WCELaw/lists/twtmoot. To read the Yukon Court of Appeal Judgment, visit Canlii at http://www.canlii.org/en/yk/ykca/doc/2012/2012ykca14/2012ykca14.html.

The Obiter Dicta

Sustainability Through Collaboration: The Food Services Advisory Group

JAMIE PRSALA
Contributor

In September of 2013, Osgoode decided to reconstitute the Food Services Advisory Group in order to ensure that students’ expectations regarding the food services at Osgoode Hall were being satisfied. From an environmental perspective, how and what we choose to consume are easy and effective ways to decrease our carbon footprint. As the effects of climate change begin to manifest themselves throughout the world, it has become painfully clear that displacing the environmental costs of consumption onto future generations is neither a moral nor a rational option. By re-forming the Advisory Group, the student body was given the opportunity to collaborate with the Osgoode administration and the staff of Aramark to help facilitate our ability to make sustainable choices.

The principle issues addressed at the Food Services meeting centered on the inability of the student body to make informed, sustainable choices at the Osgoode Bistro. Compostable coffee cups were replaced by non-recyclable cups, re-usable cutlery were replaced with plastic utensils, and bottled water (an item that has drawn the ire of students across Canada) was available for purchase. These changes meant that students who wished to eat or drink on campus had no other option but to produce unnecessary waste, and thereby increase their carbon footprint. Both Aramark and the Osgoode administration were extremely open to all suggestions regarding initiatives to decrease the Bistro’s environmental impact, displaying interests congruent with those of the student body.

First up was the issue of the coffee cups. Unfortunately, by using Starbucks coffee the Bistro was required to use Starbucks’ brand of disposable coffee cups. This meant that instead of using the compostable cups of the past, Starbucks cups had to be provided. As coffee is the lifeblood of any academic institution (an Osgoode without caffeine would be akin to “Night of the Living Dead”) it is simply not an option for students to go without. Fortunately many students have taken it upon themselves to purchase re-usable mugs and Aramark has provided a discount for those who have made the effort. However, we all have days when we forget to bring our mugs, and buying multiple re-usable mugs is contrary to an attempt to reduce one’s carbon footprint. Therefore many eco-minded students ended up using the disposable cups despite having a legitimate desire to reduce waste. When we raised this issue, Aramark, though unable to bring back compostable cups, agreed to supply the Bistro with reusable mugs available to anyone who wishes to purchase coffee (no deposit necessary).

The administration, in an effort to ensure that the mugs find their way back to the Bistro, has proposed to create drop sites on both floors, for used mugs. Once these are in place, there will be no reason a Starbucks cup ever needs to find itself in an Osgoode trash can!

Next on the docket was the cutlery situation. Due to a shockingly high loss rate the Bistro was
Forget about saving the world, let’s think municipally

BART DANKO
Contributor

I’VE NEVER cared much about whales, the coral reef, or polar bears. I’m an environmentalist, don’t get me wrong, and I know these are vital environmental issues, but I’m not engaging with them in what I would consider to be a meaningful way. Why? Because the goal of saving the entire planet not only sounds corny, it’s too grand and ambiguous a goal for any measure of success. So, I propose another approach.

As an environmentalist, especially working with the law, there is one realization I have made that is frustrating above all else: the very global focus that we have adopted when addressing environmental issues. Since environmental degradation seems like an inherently global problem (climate change refers to climates after all), it is understandable that we get caught up in a global perspective. But, what about small-scale environmental policy? Granted, food has long been focused on the idea of local, but why not environmentalism in other contexts? In the world of law and policy, “local” is hard to define. So, when thinking small-scale, it is most productive to think municipally. Now, it’s important to note that in global cities, where many of us are from or will end up, such as Toronto, municipal law and policy are a different animal altogether, with problems warranting provincial, federal, and even global attention (thanks Rob). What I’m talking about is small-scale policy, including but not limited to the “Greater Toronto Area”.

Likely for the same reasons that people are hightailing out of small towns in the first place, municipal policy does not garner the attention it deserves (it’s not cool, there’s no money in it, blah blah blah). But, if an environmentalist wants to elicit actual change, there might not be a better setting. In terms of impact, a collection of few, or even one, can be a lot louder in a small town hall than on the global scale. And, imagine, actual change being done, actually influencing a political agenda, being the driving force that implements a green roof bylaw, a ban on plastic bags, or a ban on shark fins (which is subsequently not overturned). Imagine, as everyone else is busy with provincial and federal politics, you might actually get something done.

The point is, perhaps environmentalists can make a bigger difference if they pay attention to these smaller issues and venues. This even include impacts on a national scale, because if you look at the origins of any progressive Canadian policy that has been enacted, including environmental policies, it’s municipalities that have been the leaders (see the pesticides bans which swept across the country, which started in Hudson, Quebec).

Sometimes making small incremental changes is just as important, or even more important, in the precedent-based world we live in. If anyone, those in the law should recognize that opportunity. So, environmentalists, hold on to your global perspective and concerns if you’d like to - accessible solutions to these issues are available, but you might have to think municipally to find them.

The Problem with law firm recruiters teaching at Osgoode

AVNISH NANDA & CHRIS LOS
Contributors

IT IS no secret that a number of large law firms organize formal recruitment campaigns at Osgoode. It is also no secret that these firms further their recruitment objectives in a number of other ways, either by running firm tours, advertising around the school, or sponsoring student initiatives in an attempt to further publicize their brand. The presence of large law firms in our school is well-established, and doesn’t seem to be going anywhere.

Most members of the Osgoode community don’t seem to have a problem with this – many students want employment with these firms, and are happy to have the opportunity to be recruited straight from school. However, what is troubling is the fact that in some cases, the very same people who will be recruiting you to work at these firms are the ones teaching you your courses.

This year, as in other years, a number of course offerings at Osgoode are being taught by adjunct professors who are formally involved in their firms’ recruitment campaigns. The roles filled by these instructor-recruiters vary from conducting in-firm interviews to actually chairing their firm student recruitment committees. In some cases, OCI interviews are conducted by the very same people teaching courses to the students they are interviewing. Just imagine: in the morning you are sitting in class, asking questions of your instructor about your course material, while in the afternoon, the very same person is interviewing you for a job.

There are a number of concerns raised by the practice of allowing lawyers involved in their firm’s formal recruitment process to teach courses at our school. Some students might have difficulty accepting that these instructors will be able to easily divide their classroom instruction tasks from their recruitment tasks. Further, if any students sitting in these classes are thinking of applying to work at the instructor’s firm, then the watchful eye of the firm recruiter is upon them not only during their OCI interview or their firm tour, but during their classroom time as well. For students concerned about jeopardizing a possible career path, this might mean changing their in-class conduct to demonstrate their value as potential student candidates rather than enjoying the open learning environment Osgoode is supposed to offer. Students might even be concerned that these instructors aren’t going to be objective graders, especially when they have personally hired a classmate. Anonymous exam numbers mitigate this concern somewhat, but reflective papers or participation grades that don’t provide a shield of anonymity are entirely in the discretion of the recruiter.

This may not be such a big deal. Students looking for a job might make the effort to get to class early, or even stop checking their emails during lectures in an attempt to impress their instructor-recruiter, but that has no effect on the quality of the instruction or the material being taught. Besides, students who want a job at these firms will probably appreciate having a firm recruiter in the classroom – it may even give them an edge

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Washing Away the Olympic Spirit

SAM MICHAELS
Staff Writer

How corruption in Russia, and the civil and political breakdown of the Ukraine have drowned the lingering high of the Olympics, and sobered the global community before the athletes had even returned home.

WHEN THE Olympics wrapped up in 2010, it seemed like the emotional high of Vancouver had wafted right across the country, leaving Canadians with a happy hangover we were all too content to let last for weeks. Canada had just broken the record for most gold medals at a winter Olympics, Crosby had put the Americans to bed with one of the all-time classic overtime goals, and an Olympics that had started with fears of too little snow ended with Canada’s best ever Olympic showing. Though the games were marred by the tragic death of an athlete, and local concerns over crowds and infrastructure, the event was largely seen as a success worthy of a few weeks of self-congratulation.

Though I write this from half a world away, I have little doubt that Russians have had to sober up from the Olympic high much quicker than we did. The games themselves are coming under significant scrutiny, and the political tension in the Ukraine has become a predominant theme in global politics. Media coverage of the protests is at an all-time high, and with Putin recently being granted authority to send troops into the country, we can be sure the tensions will only continue to rise. This is not to say that the Olympics were a failure. Despite some questionable construction efforts and hotel rooms with, shall we say, varying etiquette standards, the games were a success for the host nation from an athletic and cultural standpoint. The Russians proved in many cases to be gracious and caring hosts, and many of our athletes returned with significant praise for their experience in the Olympic village.

Despite the successes, the corruption behind Sochi is already being well documented. It runs right through the host notion up to the International Olympic Committee. The IOC has always been seen as a secretive organization, with a maligned history of favouritism to dictators. Historic ties to fascism exist through former IOC president Juan Antonio Samaranch, who also served as sports minister under Spanish dictator Francisco Franco. This history may explain why Putin was so easily able to spend $51 billion on an Olympics without coming under any scrutiny from the organizing committee. Given that he likely paid out the (now standard) $50 to $100 million in lobbying fees to the IOC, it’s a wonder he didn’t spend even more.

However, I should stop myself there, because no one really knows how much he spent. The area around Sochi was built up with private properties under auspicious titles such as “Science Research Centre” that allow no public access, and are not all covered under the released budgetary figures from Sochi. Even of the money that is accounted for, so much was granted in large contracts that it is impossible to know if it was ever spent for legitimate purposes. In one story presented by the Globe and Mail, it is detailed how 84 Sochi homes were demolished to make way for a new city centre. Construction stalled to a point that only 7 buildings were ever made, of which 6 have no tenants. It is this story, among others, that casts a shadow over the games in their immediate aftermath, but it is the news from Ukraine that truly brings the Olympic high back down.

A month before the Olympics, Russia handed out $15 billion in aid to the Ukraine, as well as providing relief on energy prices. Though this staggering handout should have triggered red flags about the precarious situation in the country, most of us were still caught off guard when the violence broke out. Now that the situation has fully deteriorated, countries are weighing their options as Russia prepares to go on the offensive. It is a difficult and tense situation, especially given the history between the now ousted President Yanukovich of the Ukraine and Vladimir Putin. Putin will most likely act to defend his stake in the country, and with his ally gone, the potential for more violence has certainly risen. Hopefully the international community will apply the necessary pressure to dissuade Putin from standing in the way of the Ukrainian people.

There is a longstanding history of the Olympics serving as a convenient distraction for various tyrants and dictators, one that was supposed to continue with Russia. The joy and jubilation of the Olympics was supposed to keep the world distracted from the horrors of corruption for at least or week or two after the torch had been extinguished. However, in 2014, it seems we’ve met the limit of what the Olympics can offer to those who wish to keep our eyes averted. The focus must now be on showing Russia that they must do more than entertain, and that accountability and democracy are of far more value to the global community than the pomp and circumstance of the Winter Games.
Basic compassion - No special training required

TOBY SAMSON
Contributor

ON FEBRUARY 14, I had the opportunity to sit down with the other Student Project Leads and Coordinators for the Ontario Law Student Mental Health Initiative (OLSMHI, for now). Every Ontario law school, including Lakehead, had a representative there. We had a lot to discuss over the course of the day, including the results of the survey that some of you were kind enough to fill out. From the survey and from anecdotal experience, the group identified a number of different problems. One specific barrier to better law student mental health that emerged was that students are reluctant to access services when they have had unhelpful encounters with Administration or other staff members. In some cases, it seems even well intentioned people are missing the mark and turning students off from seeking resources in the future.

In response to this problem, OLSMHI has started to speak with Administration and others about how they see their own abilities to support students who approach them. So far, one theme in the feedback we have received is that many people with whom law students interact do not feel that they have the appropriate training to respond to the stresses that students have. Depending on the situation for a student, going through the Administration might not be a choice. For this reason, the Administration and other staff have an obligation to be as supportive of students as possible, regardless of training. It is here that I see a disconnect. “As possible” does not mean “as a trained counselor.” It means “as possible.” Many people seem to forget that, even if you are not an expert in the field, being a decent human being is never going to hurt, and will often help a bit.

Although it came up in that context, this problem is not unique to the Administration. Sure, for some individuals “not having the training” may be an excuse, and for some it may be that they are a little too worried about liability. But, many of us have fellow law students that we support, some even through more formal relationships like the Mentorship Program and could benefit from checking ourselves for the same impulse. It is easy to think “I don’t really know what I’m doing, what good could I possibly do talking with this person?” However, I’m concerned because, on a stressful day, that can easily become “I couldn’t help this person if I wanted to, so I’m not really going to try,” and that attitude will almost certainly do harm.

I’m not suggesting that we should pretend that we are able to take on roles for which we’re unqualified and potentially ill suited, but we shouldn’t need training to be a little compassionate. When someone is reaching out, it is essential that he/she keep momentum, even if that means changing directions. Don’t be a roadblock. That said, it can be challenging to know how to support someone in the moment. So, the next time someone comes to you and needs help that you feel you just can’t give, keep these few tips in mind while speaking with them:

1) Don’t make it about yourself.

Of course, you want to empathize and show your friend that you’re there for them, even though you cannot actually fix their problem. But, commiserating by sharing your own stress is often not the best way to be empathetic. At law school, it can also devolve into “competitive anxiety,” where you try to figure out who has it worse. Also, although

How can you measure the cost of justice?

HANNAH DE JONG,
for the Canadian Forum on Civil Justice

IN FEBRUARY, we introduced the Canadian Forum on Civil Justice’s (CFCJ) “Cost of Justice” project, a research initiative designed to determine the legal, economic, and social costs and benefits of pursuing, or not pursuing, justice. In an attempt to determine these costs, the project has numerous studies underway, some of which focus on regional and provincial issues, while some are national in scope. The National Justiciable Problems survey is the latter. This survey is a response to an expressed need for up-to-date, concrete information on justice system costs in Canada.

The need for evidence-based research on the cost of justice was identified as early as 1996, in a report by the Ontario Civil Justice Review, office of the Attorney General. Part of this report addressed economic costs facing civil litigants. It is disheartening to realize many of the issues identified in this report are still present in the justice system today. Some of these issues were a lack of control of costs in the legal system, unnecessary delays and complexity, and the perception that lawyers have an incentive to waste time and effort due to the “billable hours” system.

The report also considered what is driving up the costs of justice, namely backlogs, lack of standards when it comes to fees, fees that don’t relate to providing a service, and bureaucracy. Looking forward, the report noted, “there is insufficient data available on these costs and little analysis.” Further research was recommended to determine if litigants are receiving the best value in the justice system and a reasonable and acceptable “cost” of civil justice.

The National Justiciable Problems survey also builds on past research by Cost of Justice Research Alliance Member Ab Currie, who conducted one of the first Canadian surveys on legal needs in 2005. The purpose of that study was to determine the incidence of law-related problems among low and moderate income Canadians and the social and demographic groups that are most vulnerable to problems.

What makes the Cost of Justice survey different? While previous surveys such as the one conducted by Currie sought to determine the kinds of legal problems people encounter, the Cost of Justice survey is unique in that it is particularly interested in providing up-to-date evidence of the costs of these legal problems for over 5500 Canadians. Rising costs are one of the most pressing concerns facing people dealing with a legal issue. The survey will measure these social, economic, and health costs.

Measuring the costs of justice won’t be easy. Think for a moment of the types of costs people face in their encounters with the justice system. On one hand, there are costs to pursuing a legal resolution, which are borne by individual litigants, the government, legal aid, private lawyers, and corporations. Some of these costs are well-known expenses, such as hiring a lawyer or court filing fees. These costs vary depending on whether a traditional litigation path or an alternative process is pursued. The survey seeks to discover how the cost of pursuing justice affects justice system actors in varying proportions and the cost differences between different dispute res-
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THUMBS UP to...
having an informal for the 1Ls.

The Obiter Dicta
Review: Watch her

KAROLINA WISNIEWSKI
Editor-in-Chief

IF THERE are two words I cannot stand to see in print, they are “sublime” and “Kafkaesque”. There is nearly always a less pretentious way to achieve descriptive accuracy, and I’ve come to regard overreliance on those turns of phrase to be little more than laziness hidden beneath the thin veneer of pseudo-intellectualism - something I have little patience for in general. In light of this, I struggled to find adjectives that could replace these words in my review of the National Ballet of Canada’s performance of Watch her, and I’m only a little disappointed to say that I was unsuccessful.

Though I had seen my share of ballets before attending the March 1st performance of Watch her, I had never gone to a modern ballet. As a child, like most young dancers, I anxiously awaited my yearly trip to The Nutcracker (and was a little too old before I realized that the horse in the Christmas Eve party scene was not, in fact, real). I’ve seen Swan Lake more times than I care to admit, always looking forward to the Danse des petits cygnes (which I’m pretty sure is the ballet equivalent of saying that your favourite painting is the Mona Lisa). Apart from such standard fare, my familiarity with the ballet had been rather limited. It was with distinct enthusiasm, then, that I watched the lights of the Four Seasons dim as my first experience with modern dance began.

And begin it did, with the ominous pizzicato of a throng of double basses which opened Lera Auerbach’s Dialogues on Stabat Mater, the music which Watch her was set to. After the spiraling overture, Auerbach’s arrangement of Giovanni Battista Pergolesi's sacred choral work settled into the immediately recognizable refrain from the original that we’ve all come to know better than we think we do. The first movement of Pergolesi’s Stabat Mater, entitled Stabat mater dolorosa (“The sorrowful mother stood”), occupies the sort of unique place in our collective mental registry of classical music that few pieces share: not as familiar as Beethoven’s Fifth, but just familiar enough to be immediately recognizable (not unlike Ravel’s Bolero or the second movement of Dvorak’s New World Symphony), though we rarely listen to it long or closely enough to recall the melody an hour after hearing it.

But Pergolesi’s name is worth remembering, and though Auerbach’s reinterpretation of his work is executed with sensitivity to preservation of the original’s spirit, there’s something irreproducible about the first iteration of the Stabat Mater. Written shortly before the end of his life (which came at the age of 26), Pergolesi’s work, though a sacred hymn, embodies none of the stereotypical dullness of the eighteenth century musical mass. It hardly seems like it would work: a twenty-first century reconstruction of a sacred choral mass set to a ballet that comprises minimalist set design and modern choreography. But somehow, it worked beautifully.

Watch her opens with a man sitting in a chair, his back against a wall. A single light bulb hangs over him, providing the only illumination in an otherwise darkened theatre. After shifting exasperatedly, he climbs through a lone window onto the other side of the wall. The audience watches the bare stage for a few moments (though it seemed like an eternity), after which the wall lifts up to reveal the cast of dancers, standing immovably in a harsh linear arrangement, clothed in uniform drab blazers against an industrialist backdrop of steel-grey walls with doorways carved out in lieu of standard stage wings.

As a modern ballet, Watch her abandons the traditional narrative structure of most classical ballets. Though it resists efforts to read-in any unequivocal meaning, the stark juxtaposition of stiff formality against the immediately palpable sexuality of the choreography dares the audience to become invested in the relationships that play out before them. The programme tells us that Watch her explores themes of voyeurism, situating the human body in a condition of constant surveillance and considering the emotional and spatial implications of this. The visceral though subtle evocation of these themes made for a performance that allowed for effortless emotional engagement, but remained just impersonal and anonymous enough to disconcert and unnerve viewers.

Not having worn ballet slippers since beepers were still a thing, I’ll refrain from referencing my assuredly rusty glossary of ballet terminology.

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THUMBS DOWN to... calling the 1L event the “informal”.

Monday, March 10, 2014
THUMBS UP to...
reading week.

The Obiter Dicta

ARTS & CULTURE

Jurisfoodence: Food Adventure #7

LUKE JOHNSTON & DAN MOWAT-ROSE
Staff Writers

THIS COLD weather seems to be never-ending. So, comfort food was back on the menu in a big way this week. Hold onto your butts and give thanks, Osgoode. Meaty buns are front of mind in Midtown at Holy Chuck.

Venue: Holy Chuck - 1450 Yonge Street (just south of St. Clair station)
Cuisine: Burgers
Food: Luke went for “The Big Chuck” ($10.99), which is HC’s take on a big mac, and rounded things out with some onion rings ($4.79). Pun acknowledged. Dan, avec gusto, dug into “Le Croissant du Paysan” ($12.99). Effectively a breakfast sandwich burger, the standard brisket patty also has French fries inside the sandwich along with bacon, cheese, and a fried egg! This tasty morsel is nestled between two toasted croissants dripping with maple syrup. Yikes. Just for fun he also got “Raging Bull” fries ($7.99), a basket of fries smothered in bacon, processed cheese, sauteed banana peppers and spicy gravy.

LLBO Licensed? No, unfortunately. However, a Coca-Cola “Freestyle” machine is a recent addition. This futuristic thirst quencher allows patrons to choose from among ~50 different varieties of fountain pop. We tried Hi-C Grape, Fanta raspberry, Tibb (sort of like Dr Pepper), as well as some standard offerings like Barq’s rootbeer and Diet Coke. Do you even free refill, bro?

The Pick:
Dan: So after last week’s column I figured it was reasonable to bring us back toward my comfort zone, namely Toronto hipster-elite locales. In honor of finishing my OP/IP requirement, this week I wanted somewhere that offered meat-centric experiential education opportunities. Holy Chuck was an easy pick.

Luke: We have ventured to various cuisine corners this year but it is indeed good to be back to the familiar land of meat, cheese, and 1500+ calorie meals!

Dan: Well said.

At the restaurant:

Luke: My God, the menu is impressive. There are so many interesting options — like a double cheeseburger between BLTs or blue ball beef patties topped with Agur blue cheese — that I struggled to choose.

Dan: Check out the Coca-Cola “Freestyle” machine! I’ve heard about these from some intrepid traveler 3Ls! I don’t even like pop, but I will make an exception for our readers and just get weird with this machine. The touch screen menu is blowing my mind. Nine varieties of Fanta?

Luke: I was also enthused about the pop machine, especially the all-you-can-drink part. I made swamp water (Orange Fanta+Root beer+Dr Pepper is a good formula) like I was at Ponderosa buffet restaurant circa 1998.

The Food:
Dan: I love this place. Even without drinking swamp water I always feel a bit sick when I leave, but that is completely expected (just look at what I ordered). My sandwich was unbelievable. The syrup soaked croissants were a bit much but honestly it was pretty well the ideal brunch sandwich. The egg/beef patty/fries/bacon collabo combined to make this a well-balanced holy matrimony of lunch and breakfast. The overall texture was glorious, and the yolk from the fried egg really tied the entire thing together.

Luke: Yes. I certainly wouldn’t recommend coming here unless your tolerance for grease is as well-established as Dan’s tolerance for whiskey. Fortunately, we’ve both had plenty of burger joint experience. I think Holy Chuck finds the perfect sweet spot on the spectrum: it makes inventive use
of toppings without losing focus on the patties and backyard BBQ flavour. My Big Chuck, for example, featured a spicier version of Big Mac sauce and perfectly tender patties between simple buns and traditional single-sliced cheese. The sides were less remarkable, though, didn’t you think?

Dan: You’re right on with both points. I regretfully went for the Rambo selection and got these hot sauce “Raging Bull” fries. They were a bit of a disaster. Too spicy, in the way that makes you know you’ll be paying for it later. Harsh. How were the rings? It seems like the whole sharing concept went out the window once you took possession of those onion chatters...

Luke: I assumed my deep chesty cough would deter your desire to share! That, and those fries were not very tempting. They had the wrong kind of heat. The rings weren’t much better: thin, thawed and bland. I’m torn on the sides issue. On the one hand, the burgers are so sublime (and rich) that sides seem redundant. On the other hand, when you’re already neck deep in indulgence, why not add thick cut rings or proper poutine?

Dan: Come to think of it, maybe we just made poor choices today on the sides. I was here on Super Bowl Sunday for Toronto Poutine week, and the rendition HC put together was a life-changing event. It had Brie and bone marrow, the equivalent of a culinary mic drop.


Amenities and service:

Dan: Though we didn’t participate, the “Go Chuck Yourself” challenge looms large at HC. The challenge is a six patty, uber-decker burger and milkshake combo - to be consumed in 6 minutes or less (for free if completed successfully). An entire wall of photographed heroes (sic) and their times (some as low as 2.5 minutes!!) graced the wall beside our table. Don’t even try between 11am and 2:30 pm though. This place gets too packed.

Dan: Bathroom banter. Classic Luke. They weren’t THAT nice. On the service side, I liked the counter ordering system, and that guests self-help themselves to a table. Classic eat-what-you-kill lawyer shit. I also absolutely loved that Holy Chuck asks if you’re okay with your burger done medium or if you’d rather it be cooked more. That is how you know you’re in a real burger shack.

Luke: I will spare our readers my rant about the irrational distinction between doneness in burgers versus steaks, but I totally agree. There is no place for grey puck-like patties at a proper burger establishment and Holy Chuck might just make the best burgers in Toronto.


## SCORE

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#wellsmashmypattyandcallmesossy

THUMBS DOWN to...

the end of reading week.
A Little Sheep Told Me: “Green” is the New Black

ANGIE SHEEP
Arts & Culture Editor

This never-ending, deadly winter seems to be more dreadful every day. Many people blame climate change for this terrible winter. Of course there remain non-believers (really?), but for those of us who are convinced of the issues, there are many choices we can make each day to be more environmentally friendly. “Being green” is one of those things that requires constant vigilance. That’s why I am writing about it here, again, despite the countless articles and discussions already out there. I hope you will incorporate some of these tips into your daily life, and perhaps we will all be rewarded with an easier winter next year!

Use less water

We waste and use too much water. In the first few hours of being awake, I bet many of us have already used more water than individuals in other countries. This is especially alarming, as little remains of the world’s fresh water supply. We are lucky in that we do not feel the effect of this now, but why not extend the good fortune for as long as possible?

You can start by changing your most basic habits. Take washing dishes. Don’t let the water run endlessly the entire time; have a sink of water that you can wet the dishes and sponge from. I also used to have this terrible habit of letting the water run while I brushed my teeth; I just loved the sound of water running (don’t ask why). But, I have stopped this madness. Most of us have at least one bad habit related to water (e.g. showering too long). So, make a conscious effort to change despite the comfort you will sacrifice by doing so.

No paper towels

One convincing reason to stop using paper towels is that they are expensive! I was shocked, especially by the often-advertised Bounty brand. Changing to dish clothes is a relatively easy switch; all you have to do is stop reaching for paper towels at the store. So control your impulses and save money and the environment at the same time. Your non-use will help reduce waste and paper usage. Recycling alone is not enough because trees are not growing at the rate of use. The key is less.

Have meat only 3 times a week

Meat production is not as it was in the old times. Increased consumption and demand has resulted in more air contamination, land waste and toxic fumes. Producing and transporting meat requires so much energy and fossil fuels that consuming less animal products is one of the best ways you can contribute to a “greener” future. And, another amazing side effect, eating more vegetables and grains is healthy.

Hitting the grocery store

First, never go to the grocery store hungry; you will buy more than what you actually need. Second, don’t buy things you know you can’t finish or probably won’t eat. Third, reduce the number of plastic and packaged products you put in your basket (e.g. yogurts, juice-boxes). Fourth, bring your own reusable bag! These are sturdier and more environmentally friendly.

Read up

Keep up to date with the current environmental news; this will help you make more informed choices that are good for your health and the globe. Also watch out for “green” labels. Although they are not always exactly what they seem and can be somewhat of a marketing ploy, companies that have turned their minds to environmental preservation should warrant more consideration.

There are so many issues to care about in this world but being green is something you can do every day, perhaps every moment, to help. Environmental degradation is also something to which each of us contributes. So reduce those detrimental habits. It’s often hard to make changes when we don’t see an immediate result or reward, but every bit helps in the long term. It’s also hard to keep up with all the green initiatives. So don’t overwhelm yourself; pick a couple that you can start with. And, just keep at it!

ANGIE SHEEP
Arts & Culture Editor

THUMBS UP to...
all of our amazing mooters.

The Obiter Dicta
THINKING GREEN is becoming more elusive to the Canadian public, as the day-to-day tasks of life preoccupy our minds and influence our every action. It seems that being environmentally conscious in our lives has become something that must be an active and deliberate choice, as opposed to a way we carry out various aspects of our daily lives on a constant basis. For instance, the purchase of a hybrid car is not a default option and, with a significant price difference, is largely inaccessible to the middle-class income earner. Even for policymakers and city planners, environmentally conscious choices must necessarily be weighed against competing financial restraints. But, with a dismal report card in commuting times for the average Torontonian and a patchy waste management system, there is an urgency to inform the public to rethink the way we approach “thinking green” and that there are new ideas that benefit both the environment and economy. One Osgoode student is doing just that - educating the public about an innovative take on the way we think about the physical places we occupy.

Bart Danko is a Master of Environmental Studies and Juris Doctor (MES/JD) student at Osgoode, living in the rapidly expanding city of Brampton which lies north of campus. After studying psychology and sociology at the University of Toronto, he first undertook the MES portion of his dual degree; this background in environmental studies gave him the backdrop to ground the law school courses that soon followed.

“That year at MES was huge in directing my future interests and research plans, which quickly became to challenge traditional legal academia in every way,” Bart said. “Throughout the process, my appreciation for the law, and its ability to elicit actual social change, has only grown.” Not only has his understanding of the intersections of the law, social, and environmental change developed, but his creativity shines through his art of filmmaking.

Just this past January, Bart’s filmmaking debuted at the Focus on Sustainability Film Festival. His film revolves around the idea of the “commons,” the belief in reclaiming space in favour of the public benefit. Terra Communis is Latin for “land belonging to all people.” The film explores the idea of green roofs, which have been increasingly implemented in urban development projects for their multiple benefits, but have been slow on the uptake due to the lag in the necessary changes in government policies and attitudes towards the idea.

The theme of the “commons” is carried on beyond the content in the deliberate selection of media that is accessible to the public, as the film can be viewed online by lay people, unlike traditional academic research. Even the smaller details were influenced by this theme: only Creative Commons licensed music and Open Source fonts used in the creation of the film.

“Good work done by passionate people and the film The Dark Knight,” Bart said of his influences and inspirations as a filmmaker and artist. He commented, though, that the options for merging art with law are harder to find, aside from specific areas where art is the subject of legal work, such as in intellectual property and entertainment law. Even these do not necessarily involve the legal work in the artistic process. However, Bart is optimistic about his artistic future: “I hope to continue film work in my legal practice though, even if it’s just informative videos about inaccessible legal topics,” he said. Bart jokingly added - “above all, I hope to make the first ever good commercial for a law firm - I’m looking at you, Cellino & Barnes.”

Be sure to see Bart’s film and to hear his important messages in Terra Communis. His parting advice? Be innovative in your approach to law: “What would be considered nontraditional legal academic work has been one of my greatest assets in law school. Beyond the benefit of keeping me sane, it’s opened up more doors than any other course or organization I have been affiliated with, really. I have met fantastic people, gained an expertise on a subject, and gained skills that I am confident I would not have had otherwise. More than anything, I attribute this to working hard on something I truly enjoy, and letting the rest just happen.”

THUMBS DOWN to...
Russia in Ukraine.

Monday, March 10, 2014
Non-Stop: Liam Neeson is an Ass-Kicking, Alcoholic Air Marshal

DAN STYLER
Staff Writer

I SEE a lot of movies in theatre, but I rarely walk out of them thinking about how bad they were or about how I wish I hadn’t spent the money I paid to see them.

In the past year, only The Purge (one of the worst and most disappointing movies I have ever seen) and The Hobbit: The Desolation of Smaug (Peter Jackson can legitimately go to hell for thinking it was reasonable to drag this one book out into three long – oh, so long – and boring movies that, when they are finished, will have robbed movie-goers of at least $36 over the course of three years) have achieved “That was an absolute waste of time and money” status.

Non-Stop, starring Liam Neeson, is not a great movie, and it is not without its flaws. But it’s not bad, and I certainly didn’t leave the theatre feeling cheated; it wasn’t a waste of time or money. Then again, due to a combination of coupons and SCeNe points, my girlfriend and I paid only $3 – in total – to see the movie.

Neeson’s career is interesting, if not bizarre. Twenty years ago, he starred in Schindler’s List; he was nominated for Best Actor in a Leading Role at the 1994 Academy Awards for his portrayal of Oskar Schindler. Now, at the age of 61, he spends a lot of time kicking ass in movies like Taken, The Grey, and this one, Non-Stop. And he is good at it.

His character in Non-Stop, United States Federal Air Marshal Bill Marks, is troubled. His daughter died when she was 8, his wife divorced him, and he is an alcoholic. In fact, he drinks in his car before stepping on the trans-Atlantic flight to London that this movie centres around. Oh, he is also inordinately afraid of airplane takeoffs; during takeoff, he wraps some stupid ribbon that his daughter gave him around his fingers as a kind of safety mechanism. Marks has problems.

You might think that abusing alcohol as an Air Marshal isn’t that irresponsible… because really, what are the chances that – particularly in light of post-9/11 heightened security – an Air Marshal is really going to have to do anything on a flight other than enjoy their comfortable, first-class seat?

Well you’re wrong. And Non-Stop proves just how wrong you are. Early in the flight, Marks receives a text message via his secure Air Marshal network, telling him that unless $150 million is deposited into an account, people will begin dying; a new person will be killed every twenty minutes.

According to the Transportation Security Administration’s website, the “Federal Air Marshal Service promotes confidence in the nation’s civil aviation system through the effective deployment of Federal Air Marshals (FAMs) to detect, deter, and defeat hostile acts targeting U.S. air carriers, airports, passengers, and crews.”

Unfortunately for Marks, a series of events framing him as an Air Marshal-turned-hijacker of this seemingly doomed flight did very little to “promote confidence” amongst passengers.

First, as promised, someone is dead within twenty minutes – the other Air Marshal on the flight, Agent Hammond. The surprise is who did the killing: Air Marshal Marks, after an altercation with Hammond in the plane’s bathroom (to be fair, Hammonds was a cocaine-smuggling lunatic that deserved to die).

Then more people die, including the pilot. And everyone on board is pretty freaked out because Agent Marks is prowling around the plane like a starving tiger trying to figure out who is fucking with him and people begin demanding answers as to what the hell is going on. It doesn’t help that no one on the ground believes Marks when he tries to communicate with them about the threat he is facing: his supervisors believe that he is a terrorist (at least partially because they did some research and the account the person messaging Marks demanded money be put into is in Marks’ name) and news agencies are already panning him as such (which reinforces the passengers’ concerns, because they’re watching these broadcasts on their airplane TVs). Marks’ best moment is when he is able to temporarily placate the passengers by offering them free international travel for the next year (in fairness, international travel is damn expensive).

Undoubtedly, Non-Stop’s weakest moments came once its two villains had been revealed. The explanation for their actions was brief, shaky, nonsensical, and wholly unsatisfying: by framing Marks as an Air Marshal-turned-deranged terrorist, the real terrorists hoped to force an increase in security measures by exposing frailties in the current system.

What was their ultimate goal? To avoid future attacks in the same vein as the September 11th hijackings (one of the terrorists had lost a family member in those attacks), which they viewed as being the result of weak security in the United States. It was not made clear why this point needed to be made eleven years after 9/11 and result in the death of 150 innocent civilians, or even why they needed to frame an Air Marshal to make their point. These two, even more than Marks, have problems.

To the surprise of no one, Marks saves the day, kills the bad guys, and the plane is landed
Osgoode sustainability initiatives

continued from cover

food, as well as the Bistro’s willingness to incorporate our suggestions. Also, Osgoode’s commitment to the Bistro became evident through the re-introduction of the Food Services Advisory Group. Two students, along with faculty and staff of Osgoode, as well as the Aramark’s Food Services team would meet to discuss sustainability issues, food complaints and suggestions, and other initiatives that could be introduced at the Bistro. Jamie Prsala, a member of the Sustainability Committee and attendee of the January 2014 Food Advisory Services Group meeting has written about his experience in this Obiter Dicta green issue. Please refer to “Sustainability Through Collaboration: Food Services Advisory Group,” to learn more.

To highlight a few of the progress items:

Fair Trade Coffee: We are excited that the Bistro has agreed to re-introduce Las Nubes coffee along with regularly brewed Starbucks offerings. This coffee stems from the Pacific slope of the Talamanca Mountains in southern Costa Rica, and has been made possible by the Faculty of Environmental Studies of York University. The coffee has been certified sustainable by the Costa Rican Ministry of Agriculture, reflective of biodiversity protection, shade-grown coffee, water and soil conservation, and fair labour and fair trade practices. Thank you to Zach D’Onofrio for the suggestion! Visit http://www.lasnubes.org/coffee/ for more information.

Re-introduction of Reusable Mugs/Cups: In 2013-2014, students were able to utilize reusable mugs for coffee and reusable cups for water if they had forgotten their own at home. When many of the items went missing, Aramark decided to remove this amenity from the Bistro. With the encouragement of the Sustainability Committee, Aramark has re-introduced the mugs and cups. Peter Lee will be developing return stations throughout Osgoode, so that students are less likely to accidentally take the items from the school, and reusability can be maintained.

Vegan Mondays: Aramark’s York University wide-initiative has been recently brought to Osgoode. In the spirit of “Meatless Mondays,” students are encouraged to try locally grown, healthy, and vegan options available on Mondays at the Bistro.

Osgoode Campus Group

In Fall 2013, Ronald Neal and Gun Koleoglu led a “Lighting Efficiency” signature campaign, receiving one hundred signatures in support of a more efficient campus. Students have noticed that even after the Ignat Kaneff building has closed for the day, lights remain on in almost every room. The signature campaign was sent to Dean Sossin in October as a symbol of student support to supplement a meeting with an engineering and energy services company retrofitting buildings on York campus.

A second initiative of the group has revolved around the establishment of an e-waste bin in the Osgoode building. The bin will provide students with a location to drop their used batteries and printer cartridges to allow for sustainable disposal. The group hopes to complete this initiative by the end of the school year, so that next Fall, a location for easy disposal will be up and running.

Tori Chai established a double-sided printing poster that has now been adopted by the Osgoode library. The poster instructs students about how to double-side print on the upstairs printer – make sure to check out the instructions if you do not already know how. Unfortunately, at this time, double sided printing is only available on the upstairs printer. Sarah Virani has also been working to create an educational coffee disposal poster campaign on campus. Unbeknownst to many coffee drinkers, each part of a coffee cup must be disposed of in different receptacles. The cup itself usually has a wax coating on the inside and must be thrown out in the garbage. The paper sleeve is recyclable in the paper bin, while the lid is to be placed in the plastic bin. As a result of student confusion, we are working to create a sticker that will be placed on all garbage bins throughout the school including directions for proper disposal.

Events Group

Lug-A-Mug in February 2013 was such a success that the Osgoode Sustainability Committee worked to bring back the event in the Fall. To encourage students to bring reusable coffee mugs to campus, we provided some incentive. During Lug-A-Mug week, students who made an effort to utilize a reusable container (for water or coffee) won a free coffee from the Bistro. Lug-A-Mug will become an annual event at the school, but we remind students, faculty, and staff that every day is an occasion to lug-a-mug! You also receive a 0.15 discount on your coffee purchase at the Bistro if you do.

February 2014 marked the first Fork Drive, an initiative led by Hongyi Geng, Jamie Prsala and Tori Chai. Osgoode’s Sustainability Committee teamed up with Aramark to return metal forks, spoons, and knives to the Bistro. In past years, Aramark provided metal cutlery to students, faculty, and staff, but this unfortunately stopped when borrowed items went unreturned. Based on encouragement from the Sustainability Committee, Aramark agreed to re-introduce a minimal supply of metal forks, spoons, and knives (that they would continue to wash for our use). However, we needed assistance to supplement Aramark’s limited provisions. We requested that the Osgoode community search their homes over Reading Week for extra utensils. Perhaps an exchange student was expecting to move out and did not plan to bring their metal cutlery home. Maybe a Professor recently moved and purchased a new set of utensils. The Fork Drive attempted to make our eatery just a little bit more sustainable, reducing the approximately 2150 plastic forks, spoons, and knives used monthly at the Bistro.

Sustainable Awareness Group

To promote a more educated Osgoode campus, the Sustainability Committee created both a facebook and twitter page. If you have not already, please make sure to join Osgoode Sustainability Committee on Facebook or @OHLSSustainable on Twitter to keep up-to-date.

A special thank you to Aramark (Lisa Xie in particular), Peter Lee, and the entire Osgoode community for the continued support of the Osgoode Sustainability Committee. We will see you next year!

Non-Stop

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safely by the not-dead-co-pilot even after a bomb is exploded inside of the plane. No one else is hurt, and Marks is lauded as a hero.

Non-Stop isn’t overly original, and the acting isn’t great. But it is at times thrilling, and did legitimately keep me guessing throughout. Plus, it cost $3.
made from recycled content, but that is heavily whitened using bleach. While the paper's sourcing may be preferable, the use of chlorine is not.

No Proof: A product or service that makes an environmental claim that cannot be supported falls into this category. For example many plastic products state they are "BPA free" but have no documentation to support the claim.

Vagueness: Vagueness is making a broad claim that doesn't denote a defined characteristic. A product claiming to be "all natural" or "environmentally friendly" would fall into this category because neither really says anything about the product itself. Consider that there are many substances that are naturally occurring that are harmful or poisonous.

Worshipping False Labels: Any product that uses words or images to lead a consumer to believe the product has been endorsed by a third-party when it hasn’t been would fall into this category. Essentially this is creating a false eco-label.

Irrelevance: Irrelevant claims are ones that are truthful, but not important to the product or service the claim is being made about. A common claim in this category is products that are chlorofluorocarbon (CFC) free. While CFCs have been recognized as an ozone-depleting substance, they have been phased out and banned in Canada since 1988 when the Montreal Protocol came into effect.

Lesser of Two Evils: The lesser of two evils is a claim that is accurate for a particular product or service, but may mislead or distract from the impacts of the category of a whole. One example is a sport utility vehicle that is marketed as being fuel-efficient.

Fibbing: Fibbing tends to occur less commonly and, as the name suggests, consists of a claim that is untrue. This could include products that are falsely labelled as being Energy Star certified.

Next time you’re out shopping take a close look and evaluate the claims of the products and services you purchase. When in doubt, do a little research before you buy. 

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**Sustainability collaboration**

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forced to provide students with plastic cutlery (Aramark went through several sets of metal utensils before plastic was brought in). Plastic cutlery is both an aesthetically and environmentally poor choice. Thanks to Robyn Blumberg’s Fork Drive campaign Aramark was willing to provide Osgoode with yet another set of reusable metal cutlery, provided that we provide the replacements (which we now have thanks to all those who donated this past week!). It is important to remember that metal cutlery is sustainable only when it is re-used! By forgetting to return your forks and knives to the Bistro or allowing them to find their way into your apartment you are de-incentivizing Aramark’s continued support of our sustainability initiatives. Our initiatives will only produce positive results as long as the student body utilizes and supports them.

Finally we dealt with the issue of bottled water. Over the past few years there has been a continuing push to remove bottled water from University campuses. York has joined that push and happily Aramark supports the initiative and is looking to withdraw all bottled water by 2015! While the delay is regrettable the time is necessary to ensure that alternatives are in place. To this end Aramark has provided re-usable plastic water cups that can be filled at any of the water fill stations throughout the school. Again, please make sure that these items make their way back to the Bistro!

An awareness of the need to conserve rather than consume has been reflected through the collaboration of Sustainability Committee and the re-formed Food Services Advisory Group. This awareness will hopefully shared and expressed through the choices made by the student body. Do your part and take advantage of the changes made at the Bistro. If anyone has further ideas as to how we can improve and reduce our environmental impact feel free to get in touch with the Osgoode Sustainability Committee in person or through Facebook. 

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**Watch Her**

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With this limitation in mind, it might be hard for me to capture the spirit of Azure Barton’s choreography, but I’ll do my best. Though an ensemble piece, the ballet did feature a principal dancer, the infallible and always brilliant Sonia Rodriguez, clad in signature crimson (apologies to fans of Ogden, but I’m ardently committed to the belief that Rodriguez is the best the NBC has). The choice to highlight a member of the corps was especially effective here, for though Rodriguez was clearly singled out, the ensemble carried the performance and without the soulless mob lurking in the shadows, Rodriguez’s ethereal movements would have been deployed to much weaker effect.

Much like the sometimes-discernible narrative, the choreography tread a perfect balance between traditional and modern elements. Certain gestures clearly referenced a dying Odette, but these were interspersed with jerky head-nods and nervous shoulder shrugs. The male dancers, dressed in Magritte-like black suits and red ties, clearly contrasted the women, who seemed to glide across the stage, always in view of the men, but just beyond their reach. As soon as such a sentiment was established, Barton flipped the gender stereotype on its head and had the male dancers drop to the floor, contorting and dragging their bodies across the stage as the women launched into a hypnotizing and vaguely menacing vignette, a sort of Rosas Danst Rosas on pointe, as unattainable as they were graceful.

The ominous mob-like image the ensemble conjured up was set against the very intentional focus on the principal and her partner (of whom there were many; make of that what you will). This pairing evoked Kafkaesque (told you it was coming) feelings of oppression and nightmarish anonymity, as if The Trial was reimagined through dance. The regimented and deliberative movements of the ensemble, paired with the somber lighting and sparse set design suffocated the graceful movements of Rodriguez, occasionally driving her offstage completely, leaving the faceless corps to march portentously towards the audience, demanding both attention and reverence.

Watch her was followed, in the second half, by the much more traditional but still enjoyable A Month in the Country. Though the ballet imagined Turgenev’s eponymous play beautifully, its structure and choreography were much more expected. Consequently, it didn’t have the heart-stopping effect that Watch her did.

Though I won’t purport to identify the single quality that makes a feat of artistic expression great, I can say with relative certainty that an element which moves it in the direction of such a designation is the ability to evoke specific feelings in the viewer while preserving a certain degree of opacity and ambiguity. If piece of music or a film feels too familiar or comfortable by the time it’s through, something is missing; an artwork should never fully reveal itself to the audience, always keeping viewers on their toes, guessing at what exactly they just bore

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**THEMBS UP to...**

seeing Osgoode alumni coming home over Diversity Week.
witness to. This sentiment was especially present in Watch her, the thematic inscrutability of the ballet itself mimicking the unattainability of the dancers within it. The project of producing a work whose theme is subtle without being ill-defined, whose core is discernible without being obvious, is one which only a handful of artists achieve. And when they do, the results are sublime. Never having been moved by a ballet as I was by Watch her, it was a performance I am sure to remember for years to come.

Editorial

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The star of the game was all Green. Gerald Green sunk five of his six 3-pointers in the first half alone. He closed out the night with a very respectable 33 points. This is Green's third 30+ point game this season, and the sixth in his impressive career. Moreover, Green will be remembered for his dunk right over Shelvin Mack of the Hawks in the third quarter. He also made all 10 of his free throws. Going green in Phoenix never looked so good.

Oscars: Green is the new gold

Turns out, Mr. Oscar, the gold statute with the impeccable chest definition, is environmentally friendly. Who knew? Is this just another iteration of the “going green” trend, or is Hollywood using its star-studded power to bring attention to a very important issue? We would like to think the latter, but either way, we commend any efforts to go green, even in light of the conspicuous consumption that is the commercial and material world of the rich and famous.

In 2007, Laura Zislin, the respected and late producer of the arguably biggest award show in the world, partnered with the Natural Resources Defense Council (NRDC) to make green the new gold. Leonardo DiCaprio, an NRDC trustee, nominee for Best Actor, and well-known environmentally friendly celebrity, famously endorsed the move when he stated that “For the first time in Hollywood reason: (Wolfgang Puck prepares vegan friendly meals at the Governor’s Ball; water is served from glasses, not plastic bottles; lights with timer switches have been installed, and recyclable materials are used wherever possible. For example, the red carpet used to be petroleum based but is now, made from 100 percent recyclable plastic bottles. It is rumoured that this change to the iconic carpet has nothing to do with the fact that Jennifer Lawrence is incapable of walking it without “adorably” falling on her face.

The Oscars are the Mecca of Hollywood royalty. They are revered across the world as the most prestigious award show, and delivering the highest honour in the entertainment industry. As a platform, there is not a proverbially bigger stage than the Oscars to espouse an eco-friendly message. NRDC president, Frances Beinecke, aptly expressed that:

By announcing this initiative from such a legendary and respected stage, the Academy is reaching tens-of-millions of people across the world with a message that cleaner, more sensible energy choices and a simple commitment to environmental stewardship are Oscar-worthy endeavors for everyone.

As law students, we have our own platform, admittedly smaller in scope to take environmental stewardship and awareness seriously, and to support eco-friendly efforts in our homes, schools, and offices. Whether or not you feel a personal connection with the environment, nature, or animals, we at the Obiter Dicta endeavour you to support the cause, if for nothing or no one else, do it for Leo.

Basic compassion

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it seems like the right thing to say, there is a good chance that you don’t “totally understand” whatever it is that your friend is going through. Do your best to normalize your friend’s behaviour and identify with the person, but do not make it about you. It is important to listen for a few minutes to find out what is really going on, because you may be able to help more than you thought, and you will also need to know what is going on in order to help them find the right resource. If push comes to shove, bite your tongue and give them a warm smile. Body language speaks volumes.

2) Don’t try to fix it.

Further to the last point, this is not about you. It is about whomever you’re listening to. Although it may feel good to offer solutions to a friend’s problems, or, alternatively, may feel bad to listen to a friend who you think is making bad decisions, the moment that this person is reaching out is not the time for you to focus on your emotional response to their issues. Further, the best way to help someone isn’t usually to do something for them, but to support them through the ups and downs as they tackle their own problems.

3) Don’t leave them hanging.

You don’t feel like an appropriate resource for your friend. But, hopefully you’ve listened to them for a few minutes and have figured out what is going on for them. If you want to help them, the best thing you can do is to find a person that really can, and encourage your friend to speak with them.

There is the list. It is not exhaustive, but its also not too exhausting. Being supportive, even if you can’t be the real support, can go a long way.

Law firm recruiters

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come recruitment season. And, just because an individual teaches you in the morning and interviews you in the afternoon doesn’t mean he or she isn’t capable of separating those two roles. The mere potential for a conflict doesn’t mean it will ever come into being.

But even if this is all true, a classroom is an entirely different setting from a professional law firm. The classroom is where new ideas should be brought out and tested, where all manner of questions should be asked, and where students should feel capable of expressing themselves openly and freely. If you are overly concerned about presenting yourself as a “team player,” you might not want to ask your controversial question, or make a strong point. After all, there may very well be a job on the line, and you won’t want to screw up by possibly making yourself appear unemployable.

The presence of these instructor-recruiters at Osgoode detracts from the academic setting that a post-secondary institution is supposed to foster and encourage. If our law school puts a single student in a position where he/she is too uncomfortable or unwilling to openly express a viewpoint on any particular issue, then it has failed in its commitment to building a more engaged learning community.

Many of these instructors are experts in their field, and Osgoode students benefit from learning from them. However, they should not be the same people filling formal recruitment roles at their law firms, and they should certainly not be the ones who sit down and interview Osgoode candidates come OCI season.
Cost of justice
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In this category there are also less obvious costs – for example, missed days at work, gas money (which can be a significant cost for those who live in rural or remote areas and have to travel long distances to the courthouse), or payment for childcare when people have to attend a trial.

But, there are also costs in not pursuing or achieving a resolution. Unresolved legal problems tend to cluster to form a web of intertwined issues. Often, social and health costs are piled onto economic costs at both the personal and public levels. Currie’s earlier surveys (2005; 2007) have shown that 38% of people who report an unresolved legal issue develop resulting health or other social problems such as stress, family breakdown or loss of employment. In a recent UK study (2009) it was reported that over 50% of those with an unresolved legal problem needed medical help for stress related illness (see Pleasence et al, Civil Justice in England & Wales 2009). Put simply: an ineffective justice system puts a strain on other social services.

The Cost of Justice survey seeks to help us gain a better understanding of what costs people face and how much the justice system actually costs us – both in real dollars, but also in social capital. The data gleaned by the Cost of Justice project will help provide the basis for evidence-based policy making and will assist in making recommendations as to where resources should be allocated to maximize the administration of justice for Canadians.

Visit www.cfjc-fcjc.org to find out more about the Cost of Justice survey.

A tribute to my first vegetable garden - A true story

JESSICA ROSENBERG

I wanted to grow an herb or two,
It was spring, and a good thing to do.
I had never gardened before, it’s true.
I had no idea what I was getting into.
I soon found myself at the gardening store,
With soil and seeds and seedlings galore,
Into my cart the items did pour,
I just couldn’t stop, I had to have more!

I brought my seeds home and planted each share,
With little knowledge nor green thumbs to bear,
What was I thinking, had I taken due care?
How my yard would evolve, I was unaware.

A few weeks later, seeds started to sprout,
It didn’t take long for the green to come out.
As summer went on, I was left with no doubt,
The garden was something to talk about.

Carrots, zucchinis and sugar snap peas,
Pears and peaches, growing on trees,
Strawberries calling the bumble bees,
Beets – golden and red and striped – yes please!

Tomatoes growing large and small,
Rhubarb spewed out like a ground ball,
Basil and thyme and spinach and all,
Through the grass, the mint did sprawl.

Arugula growing out of control,
Bean sprouts curling up a pole,
Nasturtiums to dress up a salad bowl,
The bounty warmed my heart and soul.

This poem is long, I beg your pardon
I wanted to share my love of my garden.

The Davies summer experience?
Ask your Osgoode classmates.

Visit us at dwpv.com to learn more.