WHY THE MAPLE LEAFS HAVEN’T WON THE STANLEY CUP IN ALMOST HALF A CENTURY

The last time the Toronto Maple Leafs won the Stanley Cup in 1967 - almost half a century ago.

KENNETH CHEAK KWAN LAM › STAFF WRITER

With the recently commenced 2014-2015 National Hockey League (NHL) season, Leafs Nation can’t help but think about the question that seems to keep resurfacing since 1967: Why can’t their beloved Toronto Maple Leafs win the cup even though the team is the most valued franchise in the NHL (at $1.15 billion) according to the most recent Forbes list of “The World’s 50 Most Valuable Sports Teams”?

The fact that the Leafs have not won the cup for the past forty-seven years is an especially curious case since management over the past twenty-plus years have spent generously. To understand the reasons, let us travel back in time to the 1980s with Dr. Emmett Brown’s DeLorean time machine and move forward from there...

Yes, those of us who are old enough remember the dark days of the Leafs in the 1980s (the Harold Ballard era) when the sole objective of the owner was to make as much profit as possible. At the time, management would frequently “sell off” promising young star players to rival teams so long as the latter (other teams) were willing to pay a premium (large sum of cash) for the asset (the rising player) to the former (the Leafs). In order to abide by league regulations, these transactions were usually consummated in the form of lopsided trades. Case in point: the Leafs traded right winger Russ Courtnall (who turned out to be a solid two-way second-line player with respectable scoring punch) to the Montreal Canadiens for one-dimensional enforcer John Kordic and Montreal’s...
You survived OCIs! Now what?
Five Follow-Up Tips After the First Date

For those of you who recently participated in the legal dog and pony show that we like to call “OCIs,” I extend a tip of the hat to you all for such a dedicated effort toward your future careers - however masochistic it might be. One can only hope now that the summer months spent personalizing those cover letters with a level of detail that would make a stalker proud, and re-ordering the hobbies on your resume to really highlight your talent for beer pong finally pay off in the weeks to come. The date is over, you can change back into your favourite sweats with the hole in the crotch and sit back with a bag of Doritos while you wait for your betrothed to call. But no, wait. It’s not over yet. Despite bringing your perfect A-game and wooing the interviewers off their feet, you need to put the chips down, get off that sweet right Prairie Oyster, and change into your best behaviour and don’t ever give them reasons to question the ludicrous assumption that a student is only equipped to make such lofty decisions about their future. (Now don’t go trying to workout their secret crush on you right after you pass over them for a position that clearly would only make you lose sleep for the next five minutes of your day with some salient advice that has never led me astray where it concerns matters of the heart. I’m sure it applies equally to law firms.

1 Text or call the very next day.

Let’s not take this one too literal since anything beyond a quick email could likely confirm you as a potential candidate for a restraining order in the eyes of your interviewer. Unless you were able to bond over martinis and glasses of wine after the interview, it might seem suspect to be calling them at their weekend cabin to express your gratitude for having “taken the time to meet with you.” The general rule: always send a quick email thanking the interviewers as soon as possible after the interview. Be sure to personalize the message so that multiple notes to different lawyers within the same firm do not sound the same. You were taking notes during the interview, right?

2 Once you’ve secured the second date, do a little research.

Did someone say research? Yes, seize your moment my lovely gunners, load up Google, and fly my pretties, fly, fly! Find out who you will be meeting with and learn about them as much as possible. What area of law do they practice? What is their favourite hobby? What blood type is their second-born son? Now is not the time to hold back your super-sleuthing skills. You should be in the position to make such lofty decisions after only eight months of sampling the appetizers from the legal buffet that is 1L. It’s like expecting to find pistachios in your trail mix; everyone knows that the best flavours of anything are never found in the variety packs! But I digress. Getting back to the salient issue at hand, there is no urgency to jump straight to marriage proposals at this point. However, that being said, as with potential mates, there is no shortage of firms with self-esteem issues. You just might find yourself with the memories of that overly-awkward teenager you dated back in high school who secretly needed to hear you say the L-word. So if the moment hits and it feels right, go ahead and give them the confidence boost that they so desperately desire. Just make sure you phrase it as “you are my number one choice,” and not anything else.

3 Take things slow and enjoy getting to know each other.

It’s easy to get caught up in the overwhelming drama that the OCI process creates. After all, from everything you’ve led yourself to believe, it only involves the most important decision you could ever possibly make about the entire future of your career. (Now forgive me, but as an aside I must call shenanigans on this line of thinking. If for no other reason than to question the ludicrous assumption that a student should be in the position to make such lofty decisions after only eight months of sampling the appetizers from the legal buffet that is 1L. It’s like expecting to find pistachios in your trail mix; everyone knows that the best flavours of anything are never found.

When complimenting the firm, refrain from mentioning space pants, fallen angels, or measurements of any kind.

4 Be positive and fun when you’re together.

It can be reasonably assumed that someone who trash talks their ex on a date will likely speak the same way of you after you part ways. So don’t speak ill of the other suitors who turned down your advances, and don’t complain about how “it’s not you, it’s them.” Remember, the interviewer actually wants to like you since it makes things easier for them. Remain on your best behaviour and don’t ever give them reasons to...
Say Hello to Your Student Caucus
Fall elections fill vacancies as Student Caucus ramps up for the new academic year

HENRY LIMHENG
2L REPRESENTATIVE, STUDENT CAUCUS

ELECTIONS FOR 1L STUDENT CAUCUS REPRESENTATIVES TOOK PLACE ON SEPTEMBER 15, 2014. THE RESULTS SAW QUINLIN “QUIN” GILBERT-WALTERS (1L, SECTION A REP), LAUREN KATZ (1L, SECTION B REP), CAMILLE WALKER (1L, SECTION C REP), AND CHELSEA CALDWELL (1L, SECTION D REP) CHOSEN TO BE THEIR SECTION REPRESENTATIVES. THEY ADD TO THE TEN ALREADY CHOSEN UPPER YEAR STUDENT CAUCUS REPRESENTATIVES AND THE THREE LEGAL & LITERARY SOCIETY CROSS-APPOINTEES TO FILL OUT THE SEVENTEEN MEMBER BODY.

“I'M REALLY EXCITED TO BE INVOLVED IN THE GOVERNANCE OF OSGOODE,” SAID CHELSEA CALDWELL, ONE OF THE NEWLY CHosen STUDENT CAUCUS MEMBERS. “WE ARE A GOOD GROUP. WE HAVE A DIVERSITY OF EXPERIENCES, GOOD ENERGY, AND A LOT OF ENTHUSIASM. I EXPECT TO BE VERY PRODUCTIVE THIS YEAR,” SAID JEFFREY HERNAEZ, STUDENT CAUCUS CHAIR AND 3L REP, SPEAKING ABOUT THE 2014-2015 COHORT OF STUDENT CAUCUS REPRESENTATIVES.

STUDENT CAUCUS IS RESPONSIBLE FOR ADVOCATING FOR THE STUDENT VIEWPOINT ON ACADEMIC POLICY AND PROGRAMMING. MEMBERS OF STUDENT CAUCUS ARE VOTING MEMBERS OF FACULTY COUNCIL, THE OSGOODE GOVERNANCE BODY THAT DETERMINES ACADEMIC POLICY. IN ADDITION, STUDENT CAUCUS MEMBERS FILL OUT THE MAJORITY OF STUDENT SEATS ON FACULTY COUNCIL COMMITTEES. THESE COMMITTEES SPAN A VARIETY OF SUBJECT MATTERS INCLUDING PRIORITY & FINANCES, FACULTY RECRUITMENT, TEACHING & LEARNING, LIBRARY, AND ADMISSIONS.

THIS YEAR, ONE OF THE INITIATIVES BEING undertaken BY STUDENT CAUCUS IS FOSTERING BETTER ENGAGEMENT WITH THE STUDENT BODY. THE FIRST STAGE HAS ALREADY BEEN ROLLED OUT WITH THE INTRODUCTION OF THE REDESIGNED STUDENT CAUCUS WEBSITE (STUDENTCAUCUS.LEGA-LANDLIT.CA). THE GOAL IS TO “HAVE AN UP-TO-DATE PLACE WHERE STUDENTS CAN SEE WHAT’S BEING WORKED ON BY [STUDENT CAUCUS],” SAID HANNAH DE JONG, A 2L REP. STUDENT CAUCUS HAS ALSO CREATED A SUB-COMMITTEE TO EXPLORE MORE WAYS OF ENGAGING WITH STUDENT FEEDBACK. “IT’S REALLY IMPORTANT THAT STUDENT CAUCUS REPRESENTATIVES ARE Approachable. WE CAN ONLY DO OUR JOB IF WE KNOW WHAT STUDENTS ARE THINKING,” SAID HENRY LIMHENG, A 2L REP.

IN ADDITION TO FACULTY COUNCIL COMMITTEES, STUDENT CAUCUS MEMBERS ARE ACTIVELY INVOLVED IN ADVOCATING FOR VARIOUS STUDENT CAUSES AND INITIATIVES. ISSUES CURRENTLY BEING WORKED ON INCLUDE THE IMPLEMENTATION OF A 1L FALL READING BREAK, THE FUTURE OF THE MATERIAL DISTRIBUTION CENTRE (MDC) SPACE, INVOLVEMENT WITH THE “125 FUND” (A FUNDRAISING EFFORT TO FUND A NEW BACK-END DEBT RELIEF BURSARY), AND INVOLVEMENT WITH THE OSGOODE LAW PRACTICE PROGRAM (LPP) WORKING GROUP.

WHEN ASKED WHAT STUDENT CAUCUS MEMBERS HOPE TO ACCOMPLISH THIS YEAR, THE RESPONSES SHOWED A COMMITMENT TO IMPROVING STUDENT LIFE. AN AREA OF PARTICULAR EMPHASIS WAS THE TEACHING AND LEARNING EXPERIENCE. FOR INSTANCE, LAUREN KATZ RESPONDED SHE WANTED TO “ENGAGE STUDENTS FROM ALL YEARS IN DEFINING WHAT AN OPTIMAL LEARNING ENVIRONMENT AT OSGOODE WOULD LOOK LIKE AND HOW IT COULD BE ESTABLISHED, ESPECIALLY THROUGH PROMOTING INNOVATIVE TEACHING AND LEARNING PRACTICES AND BY LIMITING BARRIERS TO STUDENT ENGAGEMENT IN COURSEWORK.” HENRY LIMHENG SAID, “I WANT TO IMPROVE HOW STUDENTS GET FEEDBACK FROM EXAMS. I WOULD LIKE TO SEE A STANDARDIZED PROCESS AND MINIMUM REQUIREMENTS FOR INFORMATION PROVIDED BY PROFESSORS.” ABIGAIL CHEUNG, A 2L REP ANSWERED: “ONE OF MY GOALS FOR THIS YEAR IS TO IMPROVE THE FORMAT AND USEFULNESS OF EVALUATIONS BY STUDENTS OF PROFESSORS IN AN ATTEMPT TO PLACE A GREATER FOCUS AT OSGOODE ON EFFECTIVE TEACHING.” I WOULD ALSO LIKE TO MAKE PROFESSORS MORE ACCOUNTABLE TO STUDENT EVALUATIONS.” “I’M INTERESTED IN DEVELOPING A ‘BEST PRACTICES’ TEACHING GUIDE FOR PROFESSORS, AND CREATING MORE OVERSIGHT FOR ADJUNCT PROFESSORS,” SAID HANNAH DE JONG.

RESPONSES ALSO TOUCHED THE SUBJECT OF ACADEMIC POLICY: “I WOULD REALLY LIKE TO SEE CHANGE IN HOW THE BELL CURVE IS APPLIED TO SMALL CLASSES,” SAID JEFFREY HERNAEZ. THE APPLICATION OF THE BELL CURVE HAS BEEN A LONG DISCUSSED ISSUE AT FACULTY COUNCIL COMMITTEES OVER THE PAST TWO YEARS.


THUMBS UP

OSGOODE CELEBRATING 125 YEARS OF OUTSTANDING LEGAL EDUCATION.
The “Cost of Justice” Project
Data Collection is Complete

HANNAH DE JONG | COMMUNICATIONS ASSISTANT, CFCJ

The Canadian Forum on Civil Justice recently completed a national study that surveyed over three thousand Canadians about their everyday legal problems. The survey is part of “The Cost of Justice: Weighing the Cost of Fair and Effective Resolution to Legal Problems” — an interdisciplinary, five-year long study funded by the Social Sciences and Humanities Research Council of Canada. The project seeks to fill the current void of evidence-based information on the economic and social costs of pursuing, or not pursuing, justice through various dispute resolution and prevention pathways.

The Cost of Justice Project is guided by the following key questions:

- What does the civil justice system cost (institutionally and to individual litigants)?
- Who does it serve?
- How well is it meeting the needs of users?
- What is the price of failing to meet the legal needs of Canadians?

We spoke with respondents across the country and found that legal problems are pervasive in the lives of Canadians. Here are some of our initial findings:

- Over 35% of people reported stress, health, family and/or social issues as a result of experiencing legal problems.
- Over a three-year period over 50% of adults reported experiencing one or more legal problems.

The aim of this week is to raise awareness of mental health within the legal profession, to a movie screening, considering key questions:

- The most common problems were related to consumer, debt, and employment issues.

It is clear from these early results that having one or more legal problems is a significant burden and stressor on Canadians, and that the multi-faceted costs of pursuing justice are high. Deeper survey analysis is currently underway and we look forward to having the results from this data inform access-to-justice action in the courts, as well as within the broader justice and socio-legal scholarly community.

Watch for more updates from this and other studies within the Cost of Justice Project in the coming months.

To find out more about the exciting and innovative research happening at the CFCJ, visit www.cfcj-fcjc.org, like us on Facebook, and follow us on Twitter @CFCJ_FCJC.

Mark Your Calendar for #MHAW2014
A week of engaging discussions and activities on various mental health topics

LAURA WILSON | CONTRIBUTOR

Mental Health Awareness Week is right around the corner! With five days of action-packed activities, #MHAW2014 kicks off on Monday, October 20 and will run until Friday, October 24. The featured events range from a group of distinguished panelists sharing their insights into mental health within the legal profession, to a movie screening, with so many exciting and engaging events in between.

The aim of this week is to raise awareness of mental health issues both at Osgoode and within the broader community. Mental health issues impact our communities, our families, and ourselves, be it directly or vicariously. As we engage with members of the broader community, we may find that mental health issues impact our clients. The Week’s programming is designed to create a safe, inclusive space where, introspectively, we can challenge the ways that we identify people who have mental health differences as well, as the ways in which we understand our own identities.

Without giving too much away, here’s a quick spoiler of the events for #MHAW2014:

Monday: Mental Health in the Legal Profession (Panel)

Tuesday: MH and Me – Identity (OzPost exhibit, think PostSecret)

Wednesday: Student Mental Health Open Forum & Lunch

Thursday: Recess! (Osgoode Peer Support Centre)

Friday: SPINLAW Mental Health Workshop

In addition to the Week’s event lineup, we invite you to join the conversation on Twitter! Use #MHAW2014 and take advantage of the opportunities during the Week to challenge stigmas and further a healthy dialogue on many important mental health topics. Special thanks in advance to all of the #MHAW2014 organizers and contributors!

CLARIFICATION

Re: McGill Guide Access on WestlawNextCanada

In our recent article in the Obiter Dicta “Tales of the new “WestlawNextCanada”: What’s the Dealio?” it was stated that the McGill Guide was available for free on WestlawNextCanada. We wish to clarify that due to contract limitations, student and faculty complimentary access to the McGill Guide on WestlawNextCanada is limited to the index. You may access the McGill Guide Index from the home page and search the Index using the main Search Box. It will take you to locations within the Index with references to the chapter where your terms are located. e.g. Blog to references at E-6.22 etc. At this point you may refer to your printed copy of the McGill Guide.

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FOLLOW US ONLINE
Undercover Footage Highlights Need for Change
How Factory Farmed Animals are Neglected in the Canadian Legal System

ALEXANDRA PESTER » CONTRIBUTOR

LAST YEAR, AN undercover investigator from Mercy For Animals Canada released footage revealing that the turkeys in a Hybrid Turkeys breeding facility in Bright, Ontario were being clubbed and kicked by employees of the facility, hit with shovels, left with open wounds, and being subjected to what can only be classified as egregious cruelty to animals.

The Ontario Society for the Prevention of Cruelty to Animals (OSPCA) laid eleven charges against the plant, and five of their employees. This was the first set of charges under the Ontario SPCA Act against a factory farm based on footage obtained by undercover workers from an animal protection organization.

Hybrid Turkeys claims that these instances of brutality against animals are isolated events, but time and again, animal protection organizations have opened the door on these companies and shown that where there are factory farms, there is violence. These charges are a step in the right direction for animals, but they beg the following questions: what about the animal abuse that occurs on farms which do not get visits from undercover animal protection groups, or when the undercover footage does not lead to charges, or where the suffering simply falls under the scope of what the law considers to be necessary?

In Canadian factory farms, animals are usually confined in small cages, preventing them from going outside for nearly their entire lives. This confinement prevents animals from carrying out their natural behaviours, and causes serious injury, distress, and overall suffering. Egg-laying hens often live out their whole lives in tiny battery cages, stacked on top of one another. They have their beaks seared off with a hot blade. The unnecessary male chicks are often disposed of, sometimes done by grinding them up alive. Intensive confinement can subject birds, pigs, and cows to injuries and filthy conditions. Milk cows are artificially inseminated, and calves are usually taken away at birth to veal farms, or stay in the dairy industry to produce milk. The gruesome conditions of factory farms, the long hours in tightly-packed transport trucks in brutal weather conditions, the absence of veterinary care, and a general lack of care for individual animals means many animals do not even live to reach the slaughter house. This is a very brief description of only a couple of the species that live out their lives in horrific conditions on industrial farming facilities.

Under Canadian law, animals are, without any legal rights of their own, rendered ‘property.’ Because animals’ interests are not prioritized against economic gain, to say their interests are neglected is an understatement. Under the criminal law, animal cruelty laws focus on the “unnecessary suffering” of animals, which basically creates a divide between what acts can and cannot be done to animals like dogs and cats versus those animals that we use for food and other products. When we use animals for products, we tend to see their suffering as “necessary.” Numerous investigations have been released from factory farms, and most of the treatment that has been exposed has not resulted in any legal repercussion, until the Hybrid Turkeys case, despite the conditions being just as shocking in each case.

The content of animal cruelty laws in the Criminal Code have barely changed since 1892, even though society has gained considerable interest in and care for the welfare of animals. Provinces usually have jurisdiction over the conditions animals live in throughout their lives, while federal laws cover transportation and slaughter. While all provinces have animal protection statutes, they usually cover many animals used in a variety of industries, and these laws are often vague and too widely applicable to define and prohibit specific activities. Generally, provincial codes exempt standard practices from being considered offences, and so intensive confinement, castration, and overall lack of care can slip under the radar of the law. There are also codes of conduct to protect animals, but these are usually voluntary.

Animals generally fall subject to the will of the facilities and companies which make a profit off of them. Insufficient enforcement procedures for the very small set of laws that do aim to protect animals means that the suffering of most of the seven hundred million animals that are used for food in Canada every year are hidden from public scrutiny.

In many ways, the current law does not reflect the ways that we have come to care about the suffering of animals, but on the other hand, most of our consumption practices enforce the idea that as long as we cannot see where our food is coming from, it simply doesn’t matter. As the old adage goes: out of sight, out of mind. When whistle blowers like Mercy For Animals Canada reveal the treatment of animals on farms, we all respond in horror, demand that companies change their policies, and ask law enforcement to prosecute those individuals who we see abusing animals. But we need to look beyond these specific cases. We can’t allow companies to use individual employees as scapegoats by claiming they were a bad few in an otherwise humane system. We need to question the entire system of factory farming. If consumers cease...
A Different Kind of Love
Why a pandemic in one country is business as usual in another

MICHAEL CAPITANO > NEWS EDITOR

Given how Ebola has been spreading through West Africa without any signs of slowing down, one would think there’d be greater panic with the announcement that the infectious disease has entered America. But that’s not the case. Public health officials echo the words of Tom Frieden, Director of the Centre for Disease Control, “[T]here are core tried and true public health interventions that stop it...There is no doubt in my mind that we will stop it here.” Basically, this consists of treatment, quarantine, and observation.

Even with doctors at Texas Health Presbyterian Hospital mistakenly sending Thomas Eric Duncan, the man who arrived from Liberia incubating the virus, home due to some miscommunication between electronic medical records and staff (or a lack of symptoms, or a lack of insurance, who really knows?), there is very little risk of an outbreak happening in the United States. Those at risk of having been infected have been traced and are being monitored. They’ve been instructed to remain isolated, just in case. Unfortunately, solitude is a luxury that much of the world cannot afford.

While developed countries like the United States and Canada have precise guidelines and protocols in place for containing infectious diseases like Ebola, the affected countries in West Africa aren’t so lucky. The movie Outbreak, with its state of chaos and military intervention, will never be a reality. The amount of people dying from liquefying organs in North America will likely be able to be counted with one hand. People are panicking on Twitter, so what? For us, that’s the only outbreak likely to ensue.

In West Africa, the death toll is exceeding thirty-five thousand, confirmed by the World Health Organization. Ebola’s reproduction rate (the rate at which it spreads) is less than two. That means for every one person infected, two more cases result.

Compared to the flu or measles whose reproduction rate enters the double digits, that’s nothing. Ebola is not airborne; it can only be spread through direct contact—an exchange of fluids. Latex gloves, surgeon masks, good hygiene are all easy ways to prevent its spread. If all else fails, stay away.

That may seem like common sense to us, but it goes against the very human impulse to care for and nurture our sick, to cradle them in our arms and tell them it’s all going to be okay. Fluids like blood inevitably transfer through touch. The current Ebola pandemic has a fatality rate of around seventy per cent. How do you tell a mother to abandon her infected child? That, if she stays to administer care, she too risks contracting the virus. What would ordinarily result in convalescence is a death sentence in disguise.

The majority of infected victims are women. The disease cuts through families, those in close quarters working together to survive each day. That’s the insidious thing about Ebola—it preys on our natural inclination to love, and threatens to break the bonds of our humanity. That doesn’t mean much to us. We have the Internet for communication and companionship, days of work and isolation units for monitoring, experimental vaccines and blood transfusions for treatment. But for those in Liberia, Sierra Leone, and Guinea, it’s terrorizing. Suspicion and panic are guaranteed.

The images in West Africa speak for themselves: little boys on the brink of death bleeding in the street, untouched by wary bystanders; sick parents, exhausted and writhing in pain, unable to kiss their still healthy children goodbye; men trying to escape quarantine camps because they don’t want to die. Who can blame Mr. Duncan (assuming he knew he had possibly contracted the virus) for escaping to Texas? Sure, it wasn’t a noble thing to do, but with borders closing, for many it may seem like the only way to survive.

“...it preys on our natural inclination to love...”

PHOTO CREDIT: Morgana Wingard for USAID.

SEE EBOLA, page 19
Legal wrangling and the *imminent* threat of the perpetual enemy

**ISIS Edition**

**Sophie Chiasson** • CONTRIBUTOR

Last month, President Obama laid out his plan to combat the Islamic State (referred to as both ISIS and ISIL) with air strikes in Iraq and Syria. Canada and the United Kingdom have both decided to join the US-led campaign targeting ISIS in Iraq. However, legal scholars have been mixed on whether this bombing campaign is considered legal under international and US domestic laws. How important is the law in seeking to regulate international actors?

Under international law, Article 2(4) of the United Nations Charter prohibits the threat or use of force against the territorial integrity or political independence of any state. There are two notable exceptions to this foundational rule. First, a UN Security Council resolution can authorize the use of armed force under a Chapter VII mandate. Second, Article 51 of the UN Charter, as well as customary international law, have recognized that states have the right to resort to collective or individual self-defence in response to an armed attack.

It is clear that the US-led coalition does not have a Security Council resolution authorizing the use of force in Iraq or Syria, and it is doubtful that the coalition will try and obtain one given the likelihood of a Russian veto. Russia, a permanent member of the Security Council, has supported the Assad regime for the past three years, and is unambiguously against the use of force by the West in Syria.

In the absence of Security Council approval, can the US justify the strikes against ISIS inside Iraq and Syria within the confines of self-defence? According to Article 20 of the International Law Commission’s (ILC) Articles on State Responsibility: “Valid consent by a State to the commission of a given act by another State precludes the wrongfulness of that act in relation to the former State to the extent that the act remains within the limits of that consent.” As such, international law permits the Iraqi government to invite a foreign power into its territory to help remove non-state actors that pose a threat.

The legal justifications for strikes within Syria are more complex and ambiguous. The US Ambassador to the UN, Samantha Power, has argued that strikes within Syria are considered legal on two grounds: first, it is maintained that because ISIS poses an imminent threat to Iraq, and because ISIS is primarily based in Syria, under Article 51 of the UN Charter, Iraq has a right to act in self-defence. Second, because Syria is “unable or unwilling” to combat ISIS within its own territory, Iraq is entitled to intervene without the consent of the Syrian government.

However, the “unable or unwilling” standard is not yet accepted as a solidified doctrine in international law. International legal scholar Martti Koskenniemi points out in his book *From Apology to Utopia* that due to the radical indeterminacy of international law, there is no objective position the law can defend. Therefore, rather than viewing international law as a panacea for complicated political problems, the important question to ask when assessing the benefits or disadvantages of the use of force is not whether to go by the law, but, as Koskenniemi asserts, by “which law or whose law” (xiv). While international law is necessarily an evolving realm, it is crucial to ask how the law is being shaped to benefit some actors over others.

**The legal justifications for strikes within Syria are more complex and ambiguous.”**

It is important to also assess how the United States is justifying the military campaign against ISIS under the country’s domestic laws. President Obama is relying on the Authorization to Use Military Force (AUMF) resolution to validate the strikes as legal under US domestic law. The AUMF was originally passed by Congress in 2001 in order to conduct military operations against those who “planned, authorized, committed, or aided” in the attacks on September 11, 2001. It has now been expanded beyond its original mandate as a justification to fight a new threat.

President Obama told the Boston Globe in 2008 that “The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation.” Is the threat posed by ISIS considered an imminent threat to the US? Journalist Glenn Greenwald of The Intercept, has recently written, in a piece entitled “The Fake Terror Threat Used to Justify Bombing in Syria,” that US officials have failed to prove that ISIS poses an imminent threat to US soil. According to Greenwald, the US is claiming that “the Khorasan Group,” which has been targeted by air strikes in Syria, is an imminent threat insofar as they are planning to use explosives on American and European airlines, and are plotting against a US homeland target. However, there has been no evidence given by the American government to support any of these claims.

Can the AUMF doctrine be constantly expanded to target endless wars against whoever the US decides it wishes to fight next? While international and domestic laws are important as a way to respond to international relations, it is important, I think, to follow Koskenniemi and deconstruct how laws seek to legitimize the subjective political positions of international actors. If we don’t, international and domestic laws may be wrangled into serving the geopolitical agendas of the most powerful actors.
ON AUGUST 17, the body of fifteen-year-old Anishinaabe girl Tina Fontaine was pulled from the Red River in Winnipeg after she had been missing for over a week. Her disappearance and subsequent murder incurred public outrage and further called for a national inquiry of murdered and missing indigenous women in Canada. Following Fontaine’s murder, a motion was passed by the Winnipeg city council to endorse an inquiry or roundtable discussion. The city council’s voice is not the only one pushing the Prime Minister and his government. Provincial premiers discussed their options in pressuring for an inquiry at their Charlottetown meeting at the end of August. Likewise, the Native Women’s Association, the Assembly of First Nations, First Nations chiefs in Alberta, and many other organizations have vocalized their support for an inquiry.

And yet, the Harper government continues to resist an inquiry. While offering his condolences to the Fontaine family, the Prime Minister added, “It’s very clear that there has been very fulsome study of this particular...of these particular things.” However, in early September, the door was opened to the possibility of participating in roundtable discussions. In a phone interview with the CBC, Aboriginal Affairs Minister Bernard Valcourt stated that under the right circumstances, he would recommend that the federal government participate in an inquiry.

There isn’t enough room in this article to outline all the issues facing indigenous women in Canada. An indigenous girl born today is expected to die ten years earlier than the national average. She is more prone to suffering from addiction, diabetes, heart disease, and cancer. And what is perhaps most troubling is that she is five times more likely to die by violent means than her non-indigenous counterparts. An RCMP report released in the spring of this year concluded that the percentage of female murder victims that are indigenous has grown from eight percent to twenty-three percent over the past thirty years.

As the total number of women murdered in Canada declines, the number of murdered indigenous women has remained essentially the same. All told, the RCMP identified 1181 cases of murdered indigenous women in Canada and 164 missing cases. These are troubling statistics and, sadly, the actual numbers are likely higher than what the RCMP found. It is absolutely clear that this epidemic requires immediate, concentrated attention. But will a national inquiry provide solutions, or just confirm information that we already have?

I believe that an inquiry would carry more symbolic meaning than practical aid in the reduction of violence experienced by far too many First Nations women. National inquiries in Canada concerning indigenous issues have traditionally had mixed results in implementing recommendations. Some, such as the Royal Commission which was formed to investigate the wrongful murder conviction of Donald Marshall Jr, or the Manitoba Aboriginal Justice Inquiry, led to substantive change. Others, like the Ontario Ipperwash Inquiry into the death of Dudley George and the Royal Commission on Aboriginal Persons, resulted in little action and much criticism. There is already an excess of information on a national level; I doubt that adding more would help find a resolution.
Given the broad range of legislative powers recognized under the agreements, there is a need to determine what would happen in the event that First Nations laws conflict with federal and/or provincial laws.

The agreements themselves, many of which run five hundred pages or more, identify quite exhaustively which laws will prevail in the event of conflict. For example, the Sioux Valley Dakota agreement recognizes Sioux Valley jurisdiction to legislate in respect of the surveying of lands in their territory. Further, it states that if a Sioux Valley Nation law regarding surveys “is inconsistent with any applicable federal or provincial law, then the Sioux Valley Dakota Nation Law prevails to the extent of the inconsistency.”

The primacy of Sioux Valley Dakota Nation Law extends to a number of other areas, including citizenship, health, and family law. In respect of legislation pertaining to the establishment and functioning of an indigenous court, Sioux Valley laws take precedence in determining the qualifications of advocates, rules, and procedures of the court, and the application of federal law.

First Nations law prevails over federal and provincial law in quite a remarkable number of instances. The Nisga’a annual fishing plan prevails over federal and provincial laws of general application, while Nisga’a laws concerning the functioning of the Nisga’a Lisims Government hold an advantaged position. The Champagne and Aishihik agreement provides that all provincial laws of general application are inoperative if the First Nation has already legislated on the same matter.

On the other hand, federal, and sometimes provincial, law may take precedence in the event of conflict. The Sioux Valley Dakota have jurisdiction to legislate in respect of agriculture, though federal and provincial laws prevail to the extent of any conflict. Similarly, the Nisga’a agreement states that federal and/or provincial law will be given precedence wherever a Nisga’a law has an incidental effect on an area beyond the jurisdiction recognized in the agreement. Though the Nisga’a agreement recognizes Nisga’a control of Crown land in the territory delineated in the agreement, Canada retains the authority to carry out activities related to national defence pursuant to federal law.

Federal law also retains a privileged position on account of a residual power. The Sioux Valley Dakota may create offences, penalties, and sanctions in relation to matters under their jurisdiction, but those sanctions cannot create a fine, punishment, or term of imprisonment greater than that which would be found in the Criminal Code for offences punishable on summary conviction. Similarly, though the Sioux Valley Dakota have jurisdiction to craft rules of procedure for their own courts, those rules must, by the terms of the self-government agreement, be reasonably similar to those found in federal and provincial jurisdictions.

Thus, while First Nations law is given primacy in a number of enumerated areas, the content of those laws is often constricted by the terms of the self-government agreement itself. Any disputes arising under the agreement are ultimately reviewable in the Canadian courts and, while many of the self-government agreements have constitutional protection under section 35 of the Constitution, such rights may ultimately be infringed subject to the requirements of the Sparrow and Badger tests. Other agreements do not have constitutional protections and, presumably, breaches would be subject to the remedies available under contract law, with the “honour of the Crown” placing an additional burden of good faith dealing on the Crown. In other words, though First Nations laws are given primacy in a number of areas, it should be recognized that there is a residual power in the Crown that legally, albeit not necessarily ethically, provides a means of rendering that primacy somewhat superficial.

Thus, the scope of First Nations jurisdiction under self-government agreements should not be overstated. In nearly all instances where First Nations law prevails in the event of conflict, the scope of what those laws may entail has been laid out in some detail in the agreements themselves. Nonetheless, lawmaking authority is recognized in a broad range of areas and, despite the efforts of the parties to detail which law prevails in the event of conflict, there remains ample opportunity for such conflict to arise.
While some 1Ls spent their summers working in law firms or taking courses abroad, I spent this past summer as an International Legal Partnership (ILP) fellow in Kampala, Uganda working at the Foundation for Human Rights Initiative (FHRI). Doing everything from preparing memos to monitoring death row proceedings, I not only gained amazing legal research experience as an intern within the Research and Advocacy division, but I also fell completely in love with Kampala.

Working Abroad

Contrary to some of the stereotypes associated with student programs that involve going abroad, my time at FHRI was not a vacation. I was not sitting on a beach doing fluff work; I was in an office from 8:30am to 5pm doing actual research and legal work. Within my first week on the job, I was given a two-day deadline to prepare an in-depth memo on life imprisonment procedures and definitions within several countries around the world. This research would be used in recommendations the FHRI would be making regarding a recent movement by the Uganda Law Reform Commission for a revision to the Prison Act.

Another major project that I got to work on was the Research division’s annual thematic report. For 2014, the theme of the report was eradicating poverty in Uganda from a human rights-based approach. Work for this report involved weeks of desktop research which was followed by interviews with government officials, NGOs, and people living in poverty, as well as field visits to local slums and various towns in northern Uganda.

For the first few weeks of the internship, one of the major tasks for interns in the Research division was assisting with the monitoring of police stations. On our visits, we followed an interview questionnaire which included talking with the Officer in Charge to explain our visit - that we were there to help and to simply monitor the human rights situation. After discussing details about the prison such as capacity, forms of disciplinary action, number of staff, challenges faced by officers, septic system, and food access, we were able to walk through the station and select prisoners to interview. Often conducting interviews in a cell with over sixty prisoners, we asked questions such as whether they had been taken to court, the number of meals they had per day, their access to drinking water, their sleeping conditions, any abuse or torture they had experienced at arrest or in prison, and if they had been able to contact their family and friends.

Another research task that I was required to complete was looking into policing and human rights in Uganda in preparation for a forty-five minute presentation that a member of the research team made to the Uganda Police Force at a Uganda Human Rights Commission conference. This research involved looking at the Constitution of Uganda to identify the specific responsibilities of the police and outlining the rights that they are supposed to be upholding.

One of the most intense experiences during my time at the FHRI was monitoring the death row mitigation cases occurring at the Uganda High Court. The mitigation hearings were the result of a landmark judgment from the Supreme Court, Attorney General v. Susan Kigula and 417 Others, where the court ordered that all prisoners whose cases were pending before the appellate courts (this was approximately one-third
ILP: Defence for Children International - Sierra Leone
When Osgoode Meets Salone

Ester Song & Elise Visco
> ILP 2014 Fellows

We worked for Defence for Children International - Sierra Leone (DCI) in Freetown, Sierra Leone through Osgoode’s student-run International Legal Partnership (ILP) for ten weeks. We drafted and submitted a constitutional review of the Constitution of Sierra Leone that was submitted to the Constitutional Review Commission of Sierra Leone (CRC). Our report consisted of amendments and their justifications based on comparisons to the constitutions of other African countries, the African Charter, and the UN Convention on Rights of the Child. We also had other assignments that included drafting and amending the constitutions of DCI and the Child Rights Coalition of Sierra Leone, creating memorandum of understanding, completing reports on other DCI initiatives (like the Girl Power Programme), preparing training manuals for social workers, and providing information packets on the justice system that were distributed to juvenile offenders, their families, witnesses, and victims.

Highlight

Elise: I held an educational seminar on Sex Education that included a section on consent. The audience consisted of several education facilitators of DCI and other staff that were not involved in the Girl Power Project, which the educational seminar was created for. At first, it was clear that a lot of the staff members did not want to attend. But, after half way through the presentation, everyone was really engaged and asking lots of questions. I felt that I had actually supplied fundamental knowledge on the elements of consent, as well as other important sexual health facts. After my presentation was complete, some of the initially reluctant staff members even came up to me and told me how happy they were that they had stayed and how much they had learned.

Ester: One of the many highlights of my internship was my meeting with an internationally-acclaimed human rights lawyer who was the previous director of DCI. He had drafted recommendations for the Sierra Leonean constitution and thus had a lot of insight on our report. The goal for the review was to create a constitutional report that contained realistic recommendations, which were catered to the social dynamic unique to Sierra Leone. As a foreign intern, I talked to my colleagues and local friends about social issues, so I had a general idea of people’s sentiments, but through my meeting I gained a better understanding of the efficacy of our recommendations and the social reality of Sierra Leone. We talked about the history, present, and future of Sierra Leone and what could be done to achieve societal and judicial reform. I was used to being independent, engaging in small talk with strangers, and then end the exchange with a hug and warm handshake. This adjustment was an easy feat to overcome as Sierra Leoneans are so friendly, welcoming, and kind. By the end of the trip, every engagement I had, from walking down the street, at the vegetable market, or at my colleagues and local friends’ houses, made me more aware of the realities of the political, legal, and social spheres of Sierra Leone and more hopeful for its future growth.

Challenge

Elise: The hardest part for me was the disconnection and many, many missed connections from my friends and family. Before arriving in Sierra Leone, I thought that it would be the difference in comforts that would be my greatest challenges. But, by the end, I even came to enjoy bucket showers. However, not being able to communicate or speak with the people that matter most to me all over the world was the hardest and most challenging struggle.

Ester: This wasn’t a challenge per se, but an unforeseen cultural difference that I had to adjust to. Coming from a life mainly situated in Toronto, I was used to being independent, engaging in small talk with strangers, and then going about my business. However, Sierra Leonean culture is very engaging, and it is not uncommon for strangers to talk and ask about your families, personal relationships, invite you over to their house and expect you to do the same, and then end the exchange with a hug and warm handshake. This adjustment was an easy feat to overcome as Sierra Leoneans are so friendly, welcoming, and kind. By the end of the trip, every engagement I had, from walking down the street, at the vegetable market, or at my colleagues and local friends’ houses, made me more aware of the realities of the political, legal, and social spheres of Sierra Leone and more hopeful for its future growth.

Craziest Moment

Elise: DCI’s director is a member of the Rotary Club Freetown-Sunset and they were holding a large gala to celebrate their chapter. Our director gave myself and the other two foreign interns tickets for that gala and had us seated at his table. He also invited a few other DCI staff members. After dinner and awards,
I Baked a Humble Pie
May I Offer You a Slice?

ESTHER MENDELSONH \ CONTRIBUTOR

W e are the next generation of lawyers, and along with our responsibilities to our clients and to the courts, we have a responsibility to shape the legal profession. Many things are changing in the practice of law. We research statutes and find cases online. We write in a far more clear and succinct fashion. We are approaching client service in a much more collaborative manner. Alternatives to litigation are becoming the norm instead of the exception. We should also endeavour to create a new kind of lawyer: one who advocates with zeal but does not trample on others in so doing. The type of lawyer who knows her or his worth, but does not undervalue others; the type of lawyer who is confident, but not arrogant.

There are already directives and safeguards in place aimed at encouraging civility and collegiality. The Law Society has emphasized the need for civility and professionalism. The Professional Code of Conduct makes it incumbent on all lawyers to act in a way befitting officers of the court. Opposing counsel refer to one another as “my friend” and to judges as “the learned judge,” often when criticizing a judicial decision.

One need not wait to arrive in court, however. In fact, if you do, you might be too late because it all starts right here. There are unspoken rules of classroom etiquette that are often breached by those who love the sound of their own voices and think the rest of us do too. Those who refuse to share their notes because they consider themselves the arbiters of who is deserving of help and who is not and, of course, because they want to reap every advantage, even at others’ expense. Those who mock others’ efforts to understand the material in class. Those who believe attending law school is simply a formality, because they already know all they need to know. Those who speak often, but seldom listen. I humbly suggest that there is no room for those people in our generation of lawyers—though I would gladly offer them my notes and summaries regardless.

“Arrogance almost inevitably leads to mistakes.”

There is no room for them because they leave no room in their narrow worlds for the opinions or voices of others. They seek to fill every space they are in and deny others entry. To be sure, these people may have valuable knowledge, experience, or insight, and they should be able to contribute. What they should not do is eclipse others who may also have valuable knowledge, experience, or insight.

As law students, we belong to a very privileged group for many reasons, not the least of which is the opportunity to be surrounded by exceptional classmates. This forces each and every one of us to push ourselves further but also affords us the chance to learn from one another. I can honestly say that I have learned at least as much from my classmates as I have from my professors. I have benefited from their experience and their perspectives. We exchanged ideas and since we all came from different academic disciplines, I was exposed to things I may otherwise have never learned. The brightest, most accomplished, and interesting people I know are also the most humble. Eschewing praise, they often deflect compliments to others. They are still able to be assertive when necessary, but their humility gains them the respect that is the currency of our profession—the currency which often renders assertiveness superfluous.

It is sometimes difficult, even for the best and brightest, to carve out a space in law school because, after all, law schools are filled with the best and the brightest. Everyone here is intelligent and capable, and it may be difficult to stand out. That is an especially sour tonic to swallow for those accustomed to standing out in the crowd. Some try to stand out by being the most vocal or assertive. While these people certainly stand out, they also risk drawing the ire of their classmates. As future lawyers who have all, no doubt, included “attention to detail” somewhere in our cover letters and CVs, their arrogance does not go unnoticed.

If the platitudes haven’t swayed you, perhaps a more practical appeal will. Arrogance almost inevitably leads to mistakes. Underestimating opposing counsel can often cause a lawyer to be unprepared and seem unprofessional in court, or in a boardroom. Recognizing the possibility that others are competent, perhaps even more competent than you, will force you to prepare the strongest case possible. Moreover, like with other professions, even clients who are ultimately successful in their claims complain that their lawyer was arrogant and unpleasant.

In today’s competitive market, having technical skills is not enough. Clients want lawyers who listen. If you don’t listen to your client, you stand no chance at getting them what they want. Finally, arrogance doesn’t make you any friends, and you might need one someday. Those same people I alluded to above may think they will get through life without the help of others, but at one point or another, we are all at the mercy of someone else. When your client’s case and your reputation are on the line, you don’t want to be in the awkward position of having to ask a favour from someone you’ve wronged in the past.

I understand that not everyone wants to play nice. What I have proposed is normative. It cannot and should not be prescriptive for it would be impractical and would lose all value. Instead, this is a request. If you think you might be that person, just stop.

By striving for professionalism, civility, and humility, we will be better able to relate to clients and co-workers. Judges always look kindly on counsel who exhibit modesty and humanity. Most importantly, however, our integrity will be intact. Humility, listening, making room for others—only in this manner can we hope to become the type of lawyers deserving of the respect we seek from our peers, the courts and our clients.
This week, the Obiter travels to the city-state of Singapore. Among other places in the world, Singapore is a truly unique and vibrant destination; as a major international financial hub, it has seen rapid globalization and modernization, yet it has a rich heritage. Last year, Osgoode grad Mari Hotta went to study at the National University of Singapore (NUS), and she shares her exchange experience with us in this issue of TOGA.

“I’m Mari, originally from the U.S. and Japan, and moved to Canada when I was 17,” she began.

Mari had good reasons to go to Singapore for her exchange. Firstly, she had never visited Southeast Asia. Also, though South America was an attractive choice, the semesters there are inconsistent with the semesters at Osgoode. But above all, it was the uniqueness of Singapore that ultimately convinced her to do her exchange there.

“I would say that cultural intrigue, timing, and economics were the three most important factors playing into my decision. Asia is so exotic and hot and wonderful,” she commented. “And the food!”

As well, Singapore is relatively close to Japan, which gave her the option of visiting her homeland at some point in the semester. The fact that the NUS has a world renowned law school was also a definite plus to choose Singapore.

Some of the most important parts of the trip involved the food. As some of you may know, Mari is a real talent in the kitchen, and a connoisseur in all that is pleasant to the palate. So of course, this was an exciting opportunity to enjoy the ethnic cuisine of the locale. During her semester she was able to travel through southeast Asia, and she recommends that when in Myanmar, one must try the tomato salad (and watch the breathtaking sunrises and sunsets). In Vietnam, she enjoyed authentic pho.

Of course, a semester abroad gives one the opportunity to add to the richness of his or her legal education. “Singaporeans are pretty keen, so the learning environment is always very active!” she commented. “I took Oil and Gas Law, Islamic Law, Theoretical Foundations of Legal Reasoning, and Chinese Corporate Securities. I really enjoyed all of them— the caliber of the faculty is impressive.”

An extended trip away from home is not without its challenges. For instance, Mari notes that at least in Singapore, the people have their unique dynamics of political tension and cultural quirks. “A lot of the rules were great, but also at times a bit difficult to get used to. I also found that people weren’t as nice as had been described to me!”

“I was very homesick very often,” she said. “I missed my friends and boyfriend at the time, but it wasn’t that I wanted to go home. I just wished everyone could have come with me to Singapore!”

Mari had some tips for living in Singapore to share. Firstly, grocery stores and restaurants are expensive, whereas hawker food is cheap, though it will be slightly more challenging to eat a fresh and balanced diet. However, Singapore is a popular tourist destination and is set up to be helpful and accommodating for visitors, so it is relatively easy to get around and get assistance when needed. As well, try to get familiar with the currency before arriving so that it is easier to make purchase decisions immediately when you land. And on purchases, do not be afraid to barter, as it is normal in most of the countries Mari visited. Finally, eat everything!

On another note, Mari shares that some differences are more difficult to reconcile even as temporary residents of the city. “The poverty all throughout Asia will affect you, as it always does. Don’t ignore it, but don’t let it overwhelm you either. Be genuine.” Mari recalled that some of her best memories were her interactions with the locals, be it a cab driver or kids selling you postcards.

“I also highly recommend taking a few days
Jurisfoodence: In Search of Toronto’s Best Brunch
Food Adventure #3 – Easy Restaurant

Kate Henley > Staff Writer

Easy Restaurant
1645 Queen St. West / 713 College St. West

After my disappointing experience at Aunties and Uncles, I was hoping that this week’s brunch adventure would boost my confidence in the Toronto brunch scene. I chose Easy Restaurant, as it is another spot with a great reputation and has a location on College Street, a stone’s throw from my apartment. Unfortunately, this may have been my first mistake, as I have since heard that the original location on Queen West is much better than the new one. Nonetheless, I found that, generally, Easy Restaurant had the opposite problem of Aunties and Uncles: the service was good, but the food was lacking.

Brunch Hours
Easy Restaurant is open 9:00-5:00 seven days a week, with a single menu that serves both breakfast and lunch.

Wait Time/Service
Despite its reputation, when my brunch companion (BC) and I arrived at Easy there were only two tables filled in the entire restaurant. Perhaps this should have tipped us off about the food, but we chose to attribute it to the time of day that we arrived at the restaurant (a Wednesday afternoon), especially considering the disclaimer on the menu regarding wait times on weekends. While this could be solely because the restaurant was dead, our server was very friendly and attentive, and our food came within a reasonable timeframe.

Atmosphere
The atmosphere at Easy is relatively laid back: the restaurant’s walls are covered in posters from old movies, including Easy Rider (which I have to assume has something to do with the name of the restaurant – can anyone confirm/refute this?) While we were eating, Cheech and Chong’s Up in Smoke was playing silently on a big screen, while classic Motown and rock music from the 1960s poured out of the speakers. Though I was into this scene, my BC felt that the atmosphere was forced and noted that it was strange that the posters weren’t the actual posters from the movies, just stills with the movie’s title.

Considering there was no one in the restaurant, it is hard to say whether it provides an atmosphere for a private conversation or a loud gathering with friends. However, I will say that it is suitable for all ages, so you can bring your parents or your children (there’s even a kid’s menu) and all will be happy.

Coffee
Of the places that I have tried so far, the coffee at Easy is easily the best, though still nothing to write home about. What is important is that you will get your caffeine fix because you can get a bottomless cup for $3.

LLBO licensed
Though Easy is LLBO licensed, a classic brunch cocktail (such as a mimosa, a Caesar, or a screwdriver) is very pricey at $10 a pop. Beer and wine are slightly cheaper. Either way, I would not recommend Easy if you are a day drinker.

The Food
Honestly, everything on the menu sounded pretty delicious, so my BC and I asked our server for recommendations. She told us her favourite breakfast choice (the breakfast quesadilla) and her favourite lunch choice (a grass-fed burger). Though I heavily debated whether having a burger violated the “brunch” theme of this column, my BC assured me that every good brunch place has a burger on the menu, so I chose the latter while my BC went with the former.

Like two-bite brownies, the food proved to be a disappointing tease.
Stanley cup

continued from COVER


However, since the fateful date of January 2, 1992, when then Leafs General Manager Cling Fisher pulled off the largest trade in NHL history by trading right winger/defensive Gary Leeman, left winger Craig Berube, defenceman Michel Petit, defenceman Alexander Godnyuk, and goaltender Jeff Reese to the Calgary Flames for centre Doug Gilmour, defensive man Jamie Macoun, defenceman Ric Nattress, centre Kent Manderville, and goaltender Rick Wamsley, the Leafs have featured very good teams for the most part from 1992 to 2004 with one or more bona fide all-star players on their roster. Furthermore, under new ownership, the team has shown a willingness to field a competitive roster by spending money on star players. Not surprisingly, the Leafs went to the Western Conference Finals four times within a ten year period (from 1993 to 2002).

There are plenty of familiar names on those four Western Conference Finals teams. The 1992-1993 and 1993-1994 teams were anchored by future Hall of Famer and future Maple Leaf captain Mats Sundin (the first-line centre), all-star goaltender Curtis Joseph, young offensively gifted defenceman Bryan Berard, and Steve Thomas (first-line right winger). The 2001-2002 had Sundin, Joseph, as well as sniper Alexander Mogilny (first-line right winger), former Legion of Doom member Mikael Renberg (second-line right winger), savvy veteran Gary Roberts (second-line left winger), and the dynamic duo of Bryan McCabe and Tomas Kaberle (top pairing defencemen) on the blue line. With all that talent, why did the Leafs fall short during these four memorable seasons?

Simply put, the Leafs were relying too heavily on old players. As good as the core of these teams were from a pure talent perspective, the heart and soul of these teams were all in their thirties (Gilmour, Andreychuk, Sundin, and Joseph) or injury prone due to their physical style of play (Clark and Roberts), or suffered unexpected serious career threatening injury (Berard). Thus, while these Leafs clearly had a desire to win and were willing to pay a price to do so, these teams could not prevail at the end because as good as they were skills-wise, the key players simply lacked the necessary physical stamina to withstand an eighty-plus regular season schedule and then come out on top in the post-season against increasingly tougher opponents in each successive playoff round. Indeed, I attribute this reason to the undoing of the 2003-2004 team, which had so much promise but ultimately lost to the Philadelphia Flyers in the Western Conference Semifinals despite having the likes of Sundin, Mogilny, Renberg, Roberts, Kaberle, and McCabe as well as future Hall of Famers Ron Francis (a centre), Joe Nieuwendyk (a centre), Brian Leetch (a defenceman), and Ed Belfour (a goaltender) along with all-star Owen Nolan (a right winger).

In the shortened forty-eight game schedule 2012-2013 season, the Leafs lost a heartbreaking seven game series to the Boston Bruins in the first round of the playoffs after making history by blowing a three goal lead in the third period of the series deciding game. Other than this appearance, the Leafs have not made the playoffs in the post lockout era (the 2005-2006 season and beyond), let alone won the Stanley Cup. Why did the Leafs sink to such a low level? Stay tuned for Part 2 of my article! ♠

Editorial

continued from PAGE 2

doubt your integrity because you’re far classier than that. Everything that comes out of your mouth ought to leave the interviewers believing that not only are you the cat’s pajamas or the bee’s knees, but that nothing but sunshine comes shooting out your but-tocks. One of the best ways to ensure that you exude positive energy during this time is to limit your con-tact with other stressed out students. I would venture to say that Fight Club rules apply here. The first rule of in-irms is that you do not talk about in-irms. Unless it’s with your therapist or CDO counselor.

5 Listen to your date.

Most of us feel as though we need to impress the object of our attention by highlighting our greatest accomplishments in life. After all, you are trying to sell yourself, and what better way to do that than to spend an hour bragging about how utterly marvelous you are? But remember what I said about those self-esteem issues back in tip #3? There’s a careful balance you’ll need to strike between stroking your own ego and stroking theirs. Pay attention to your date. Do they look bored or are you laughing and exchanging stories of the good old times in undergrad where each of you found yourself drunk and naked one night with a barricade of police cars on either end of the bridge? Be sure to ask questions that show you are genuinely interested and looking to engage with them. I’m sure I’m preaching to the choir here, but generally speaking, people love to talk about themselves, especially when they have an attentive listener. Just be sure not to ask cliché questions – instead of looking thoughtful and charming you’ll come off as anxious and desper-ate. Ain’t nothing sexy or desirable about that.

And there you have it. I can’t guarantee that by fol-lowing any of these tips you will secure the love of your life, or even a summer articling position. In fact, I would dare to say quite the opposite. But at the very least I hope that I’ve managed to pull you out from the madness of this process for just long enough to see it for what it is and have a good laugh. Because in the end, all work and no play makes Jack a bitter law stu-dent. So relax, make it fun, and you’ll have a success-ful second date. ♠

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Conceptually, the food should have been delicious, but in reality both of our meals were bland. My burger patty was about half the size of the bun and, despite the fact that it was topped with bacon, Swiss cheese, hot peppers, and red onions, the sandwich as a whole tasted like charcoal. It was served with fries that, while decent, came cold. The breakfast quesadilla came with a choice of chicken or chorizo; my BC went with the latter, but was disappointed to find that the salsa was cooked into the quesadilla rather than being a dipping sauce on the side, making it soggy rather than crisp. Sadly, his home fries were also raw.

Cost
Easy restaurant is on the pricier side, with an average meal costing between $12 and $16. For me, the burger ($14.50) and a coffee ($2.95) came to $19.34 plus tip.

THUMBS DOWN

The unfortunate soul who fell into the TTC construction.

REIMBURSEMENT POLICY

We invite submissions on virtually any subject, but we will offer reimbursements of up to $20 for reviews of local events, films, or the pub you were at last night.

If contributors wish to take advantage of our reimbursement program, please submit your pitches to the Editorial Board for approval first. In order to be eligible, contributors must submit receipts of any expenses they seek reimbursement for. The number of reimbursement offered per issue is limited, and will be approved on a first-come–first-serve basis. We are also happy to apply for media accreditation for events that require it.
TOGO

» continued from PAGE 13

on an isolated beach or resort on your own. I read books, tanned, ate alone, and was forced to spend an extraordinary amount of time with myself and my thoughts. It did pretty crazy stuff to me,” she commented. “In a good way. I think it was the first time I really felt present in the moment in a very long time. Since I have come home, I have been so much better at spending ‘me time’ and really enjoying it.”

As students of a professional school, many of us law students may not have a chance to explore the world for such an extended time in an immersive environment. The effort that goes into planning and executing an exchange semester is always worth the lived experiences of travelling and cultural learning. Mari concurs: “I tell everyone I know to go on exchange because it was an incredible experience—life changing, even.” I felt like I walked away with a truly unforgettable set of memories.”

Human rights

» continued from PAGE 10

of the convicts on death row at the time) be remitted back to the High Court to have a sentencing hearing. To prepare for the monitoring sessions, all interns had to review the sentencing guidelines, as well as Article 28 of the Constitution of Uganda, which outline the principles surrounding the right to fair trials. Our role as monitors was to attend the hearings to gauge whether they complied with fair trial principles. This involved assessing the way the lawyers presented their arguments, critiquing their submissions, verifying that the courtrooms were open and accessible to the public, and verifying that the court had an interpreter for convicts speaking other languages given that the proceedings took place in English.

Living in Kampala: This was my first time in not only Uganda, but East Africa in general. Within a few weeks of living in Kampala, I was completely hooked. Forget about the TTC: in order to get around the city I became a pro at using the local motorcycle taxis or “boda-bodas.” A city considered to have one of the best malls in Africa, Kampala is one of the urban capitals in East Africa with not only some of the best nightlife on the continent, but also a booming jazz and art scene that I definitely made sure to take advantage of. From listening to spoken word by local and international artists at late night outdoor open mic sessions at the Uganda National Museum, to scoring gorgeous dresses and skirts with friends in some of the local markets, I definitely worked hard, but also played hard.

Whether I was monitoring a death row mitigation case in the Uganda High Court, bringing up human rights concerns with commanders during prison visits, or meeting with the FHRI’s Executive Director to discuss human rights law, the experience that I gained at the FHRI and the professional networks that I have built made this internship an invaluable investment in my career.

> More examples of the beauty that Singapore has to offer its visitors.

> Sadly, all the excitement of this dish rests in the eyes and not the mouth.
Missing women

An inquiry on murdered and missing indigenous women would face an uphill battle because it wouldn’t enjoy the simplicity of investigating one singular event. An inquiry of this nature would mean combing through and analyzing police cases (or lack thereof) over a timespan of at least thirty years. This creates enormous problems regarding resource needs and the ability to collect materials; in numerous cases, the necessary evidence may simply no longer exist because it has gone missing or has been disposed of. Beyond this, at least some cases under review would concurrently be before the courts, meaning evidence would be inaccessible to the public. Finally, I have deep concerns about what an inquiry would mean for the families who have lost their loved ones. I’m not convinced that painfully opening their wounds is the right course of action.

There is no question that there needs to be a shift in the lens through which Canada views the troubles facing First Nations. An inquiry into missing and murdered indigenous women would undoubtedly bring further attention to the continued tragedy and put pressure on the government to act, but this is inadequate. Action needs to start now; it needed to start decades ago. I can’t help but think that the tens of millions of dollars an inquiry would cost could be better spent on services that address the needs of First Nations communities. Training programs to lower unemployment rates, addiction counseling services, support for sentencing circles and indigenous justice systems, rebuilding trust in police services, helping indigenous teens graduate high school—this list barely scratches the surface of what is required. Rather than a national report, I believe that more work needs to be done to determine what is needed on a local level. If roundtable discussions are called, I sincerely hope there is a substantial effort made to include indigenous community leaders from across the country. Rather than putting forward overly broad and impractical umbrella statements, our focus should be aimed at meeting the unique needs of individual communities.

Student caucus

University Community,” said Allison Williams, a 3L Rep. Additional responses cited financial accessibility, mental health, equity development, and creating more opportunity for student research as priority issues for members of Student Caucus.

“The perks of the job aren’t great,” said Henry Limheng, referring to the free lunch provided at monthly Faculty Council meetings. “We wouldn’t be doing what we’re doing unless we truly cared about how Osgoode is run and improving the student experience.”


California’s new “Yes Means Yes” legislation.
Ebola

While coordination, proper supplies, and education are showing signs of stifling its spread, that wasn’t the case in the early days. With poor health infrastructure and enormous public distrust, there have been attacks on aid workers and the toppling of makeshift quarantine zones. Panicked populations have turned into hostile mobs, wielding stones and knives. People are afraid to seek treatment. Hospital is a euphemism for a place to go die.

A disease like Ebola is not deadly because of how it is transmitted, but where it originates. It highlights the gross disparities between our two worlds, and calls into question how much we actually care about international ills. For a long while, the global response to the pandemic was slow. The United States quickly flew its own ill out of West Africa for treatment (all of them survived); Toronto Western Hospital is outfitting a ward in case Ebola strikes in Canada, as a precautionary measure. The test on a suspected patient has come back negative. Ebola hardly poses a threat.

Our public health officials are more worried about Enterovirus D-68 going around causing flu- and paralysis-like symptoms in children. The anti-vaccination movement is causing more trouble with measles outbreaks in schools. The closest we’ll ever come to experiencing Ebola is the fever, bloody diarrhea, and vomiting caused by the Norwalk virus. Sure, we’ll be confined to our bedrooms and bathrooms for a few days. But, unlike thousands in West Africans, we’ll never be confronted with our own mortality staring at us through the ailing, quivering eyes of the people we love most in the world.

Sierra Leone

the gala turned into one huge Sierra Leonean dance party. All of DCI danced together all night long and the best part was dancing to Madonna with my director!

ESTHER: There is never a dull moment in Sierra Leone, but one of the craziest out-of-body experiences I encountered was when I went to Waterloo, a market, taxi drop-off, and poda poda (small bus) terminal all in one. The minute the poda poda entered Waterloo, people would bombard the poda poda, asking the passengers where we were going. When I answered one person of many, he cheered and found me a taxi. I had to wait for six other people so the taxi would be filled to the brim (it was a sedan fit for five though we squeezed in seven), but passed the time amusing children selling snacks in the market with my elementary Krio. I stopped by again, on my way back to Freetown, and took the time to walk through the market/terminal. People yelled pleasantries at me, encouraging me to come into their stalls, perhaps buy something, or just talk for a while. There were so many people that it was hard not to get swept up in one direction when I meant to go another. I tried lots of local snacks, bought beautiful fabrics, and then boarded the poda poda back to Freetown, beside a woman with a live chicken on her lap.
The Davies summer experience?
Ask our Osgoode students.

Jonathan Bilyk
Class of 2015

David Kim
Class of 2014

Alexandra Monkhouse
Class of 2015

Marc Pontone
Class of 2015

Shubham Sindhwani
Class of 2015

Emily Uza
Class of 2014

Alysha Virani
Class of 2014

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