There comes a time in every law student’s life when he or she must come face to face with some of the more uncomfortable truths about their chosen path: long hours, ethical dilemmas, tricky workplace politics, and the vice-laden path to making partner await each of us. These realizations are difficult to come to terms with, and will be even more difficult to navigate once we are thrust into the world of legal practice. Grappling with the reality of our profession is something each of us should make an honest effort to do (or not, if you took the advice offered in Turn it Off). It’s an activity best undertaken thoroughly gin-soaked, riled up, and surrounded by your colleagues, collectively channeling the energy typically reserved for summaries and cover letters into one of the most hilarious and rousing nights Osgoode sees all year. Ladies and gentlemen, I give you Mock Trial.

Karolina: I’m still not sure what stood out more – the incredible energy and positivity that permeated through Osgoode’s halls before, during, and after Mock Trial (the building was practically buzzing with collegiality and camaraderie, the stress of our daily lives having seemingly dissipated for one blissful evening), or the show itself, which was unbelievably well performed and produced. We may be a bunch

Cheers to the amazing talent as another outstanding performance comes to a close. Photo credit: Thomas Ng.
Stress Less
Our Advice for Increasing Productivity, not Blood Pressure

EDITORIAL NOTE: Karolina and Kendall were on such a roll after their Mock Trial review, he decided to join her as a co-writer for this issue’s editorial. So read on, Ozzies, for double the fun and none of the stress.

Returning to school after a sumptuous break (or even worse, a dreadfully stressful one, replete with hours spent preparing summaries or participating in job interviews) is, undoubtedly, not an experience many of us look forward to. The library’s fluorescent lights seem a little more blinding, the course material a little less interesting, and the wind chills more agonizing. We’re all too familiar with the mental health concerns that plague our profession: sky-high rates of depression, substance abuse, and divorce plague lawyers, placing us at the bottom of the proverbial happiness ladder. But it doesn’t have to be so. Inspired by the uplifting and joyous send-off that was Mock Trial, we’re here to wipe the clouds away and bring a bit of sunshine to your post-reading week blues.

Get organized: Ok, so this one is kind of a drag, but it is endlessly helpful. We’re all familiar with the benefits of mindfulness (even if none of us really know what it means) – this extends to creating order. The practice of organizing the external world will instantly deliver a sense of inner peace. Organization tips are ubiquitous, but the easiest ones to begin with include using lists and calendars to help you prioritize, as well as keeping a clean and sleek workspace, both literal and technological – those hard drives need a thorough cleanse too!

Get involved: Take action, and do something that matters – whether to only you or the whole world. It may seem like adding anything to your to-do list is a perfect recipe for a nervous breakdown, but hear us out. Identifying something (preferably outside of law) that engages your passion and drive is an incredibly meaningful and grounding exercise. Identify an emotional or ideological commitment you already hold, and find a way to engage with it. The road to activism of any kind may seem daunting, but selecting goals for yourself to work toward – at however slow a pace, given our undeniably busy lives – not only gives you a sense of accomplishment (from something other than A! Imagine that!), but the time away from textbooks will feel like a breath of fresh air.

Eat better: Sorry, had to. Seriously, how many of us have given into the craving for a pastry or an extra glass of wine as a form of stress relief? And who can blame us, the perpetually overbooked and overtired, for indulging once in a while? But the truth is that these bad habits do nothing to increase overall happiness or decrease overall stress. We all know that healthy lifestyles strengthen our immune system and improve mental alertness, two things which are immediately helpful for our studies. However, it’s true that fitting in adequate time at the gym can be difficult to do during the school year. But the maintenance of a healthy (or at least reasonably healthy) diet requires much less effort or time than making sure you run 10 km each day. Swap out sugary sweets for snacks like fruits and nuts, switch coffee for tea, and avoid deep-fried foods – these small and easy changes will put you miles ahead.

Worry about today, not tomorrow: I haven’t started summaries! Exams are in six weeks! I don’t have summer work lined up! Silence that voice in your head that wants to jump five steps ahead and worry about what’s to come; focus on what you can tackle now, today. Spinning the mental wheels is notoriously common in type-A persons, but incredibly destructive. It saps energy which you could bechanneling into working towards goals and deadlines, and redirects it into stress, anxiety, and a general lack of productivity. Stop this destructive cycle before it becomes unwieldy (because as we all know, anxiety breeds anxiety). Insufficient summaries? Stop panicking and start them (or find a generous upper year). No summer work? Relax! This brings me to my next point...

Be flexible: Many law students assume there’s a correct path for them to travel, and any variation will mean a narrowing of opportunities down the line. Nothing could be further from the truth. This is especially valuable advice to 1Ls who are returning from job interviews, or returning to Osgoode only to hear about everyone else’s interviews. The only limit on how you can spend your summer is your own imagination. Working outside of the legal sphere is perfectly fine (and it may even be preferred), but even more unconventionally, time spent travelling can be a surprising advantage later on. Apart from the obvious

Photo credit: ftlaxarpdrive.com

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“Every lawyer goes to his or her grave with the most horrible secrets. It comes with the job.”
Tack McCoy, Law @ Order

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Obiter Dicta is the official student newspaper of Osgoode Hall Law School. The opinions expressed in the articles contained herein are not necessarily those of the Obiter staff. The Obiter reserves the right to refuse any submission that is judged to be libelous or defamatory, contains personal attacks, or is discriminatory on the basis of sex, race, religion, or sexual orientation. Submissions may be edited for length and/or content.
Osgoode students weren’t just worried about exams and papers at the end of the Fall 2014 term. Almost one hundred students completed a Student Caucus survey about the impact of the Vision Report on Parkdale Community Legal Services (PCLS), clinical education at Osgoode, and the community-based legal clinic system in Toronto. The Vision Report, released in August 2014, proposes an entirely new model for community legal aid clinics, which were introduced in the 1970s. The hotly debated future of poverty law services remains a pressing news issue in the Law Times, Huffington Post, Toronto Star, Now Toronto, Toronto Media Co-op, and Inside Toronto.

The survey was drafted by a sub-committee struck by Student Caucus to ensure we captured student opinions about the Vision Report’s proposed closure of Toronto’s fourteen independent community legal clinics in favour of three mega-centres. Student Caucus representatives Abigail Cheung, Allison Williams, and I analyzed the survey findings and delivered a report to Student Caucus in January 2015.

While the residents of the Parkdale neighbourhood clearly have the most to lose from any pending closures, the historic relationship between Osgoode and PCLS means that we, as Osgoode students, have much to lose as well. The intensive in Poverty Law at PCLS is the largest employer of Osgoode summer students, providing twenty jobs each summer. But PCLS offers more than jobs. PCLS is the biggest and oldest experiential education program at Osgoode. Students have, for four decades, been given the opportunity to practice a model of community legal aid that has been instructed by inspiring staff lawyers and clients.

What do students need to know how they engage with this issue? Here are five things every Ozzie should know about the potential closure of PCLS.

#1: 78% of Students Oppose Mega Centres

Students have, for four decades, been given the opportunity to practice a model of community legal aid that has been instructed by inspiring staff lawyers and clients.

#4: Even If Poverty Law Is Not Their Future Career, Students Can Benefit From More Information and Consultation About the Vision Report

Students identified the absence of a formal report or “on the record” statement from Osgoode as contributing to a lack of transparency. Approximately 60% of students surveyed claimed they were either unaware or only somewhat aware of the clinic transformation proposed. This percentage includes students who were at PCLS at the time of the survey or had completed a semester at PCLS. 46% of survey respondents had opinions about the Vision Report that they would like to share but had not yet shared.

Osgoode students argue that a special interest in how this debate is resolved. First, Osgoode has a unique relationship with PCLS as a provider of clinical legal education. If PCLS is closed, it is unclear how the clinical program in Poverty Law would be accommodated, if at all. Second, many students chose Osgoode because of its advertised commitment to access to justice. Approximately 75% of survey respondents described clinical education as a prominent factor for deciding to attend Osgoode, regardless of whether they had participated in PCLS or any other clinical education program to date. As stakeholders in PCLS and future legal practitioners, students have a vested interest in access to justice and in supporting a workable Legal Aid system in Ontario.

#3: Student Opinions Were Communicated At This Critical Time

On January 7, 2015, Student Caucus reviewed the survey results collected by the sub-committee and struck a way to move forward respecting the clear student mandate. Shortly after meeting, Student Caucus passed an electronic motion and delivered it at the next Faculty Council meeting on January 12, 2015 requesting that by February 10, 2015, Faculty Council shall have:

1. Reviewed the report that will be taken to the PCLS Board regarding the opinion of the Osgoode community on the Vision Report as it relates to clinical education at Osgoode, PCLS, and the future of Legal Aid in the City of Toronto. Faculty Council should have the opportunity to provide comment and/or endorse the report’s contents;

2. Included the views and opinions of Osgoode students reflected in the Student Caucus survey.

Student leaders Abigail Cheung and Allison Williams moved the motion at Faculty Council on January 12, 2015, and spoke eloquently and convincingly in favour of greater consultation and inclusion of students’ perspectives on this issue impacting academic life at Osgoode. Ultimately, the motion was a close vote, but did not pass. The Clinical Education Committee of Faculty Council provided an interim report at this meeting concluding that, “the Committee concluded that no decision need be taken at this juncture by Faculty Council in relation to the existing MOU with PCLS, or in relation the Intensive Education Committee of Faculty Council provided an interim report at this meeting concluding that, “the Committee concluded that no decision need be taken at this juncture by Faculty Council in relation to the existing MOU with PCLS, or in relation the Intensive Education Committee of Faculty Council provided an interim report at this meeting concluding that, “the Committee concluded that no decision need be taken at this juncture by Faculty Council in relation to the existing MOU with PCLS, or in relation to the Vision Report on Experiential Education.

#5: What Happens to PCLS Reflects the Future of Community-Based Legal Aid in Ontario

While many agree that community clinics have their share of problems that can be addressed through modernization, the 1978 Grange Report of the Commission on Clinical Funding found that effective legal services had to be in and of a community to “overcome the traditional distrust felt by the poor towards lawyers.” The Student Caucus survey found that 78% of Osgoode students oppose closing Toronto’s fourteen community-based legal clinics and replacing them with mega-clinics, and only 4% were for it. A chief concern raised by students who had provided direct-client service in a clinical setting was an apprehension that the redefined geographic areas of mega-clinic service are simply too large to accommodate clients with financial and mobility barriers.

As noted in an analysis of the Vision Report by Ron Ellis, Doug Ewart, Thea Herman, Mary Jane Mossman, and Frederick Zemans, the claims about a more efficient and effective model of service via three mega-centres doesn’t ring true when the asserted gain in front-line staff is the equivalent of less than one person per clinic. This is the equivalent of adding less than one person to each of the existing fourteen clinics after all clinic staff are moved out of each community. Before the community-based legal clinic system in Canada’s most populated province is replaced with an economy legal services model of one-size-fits-all, more research and empirical evidence is needed.

#2: Even If Poverty Law Is Not Their Future Career, Students Can Benefit From More Information and Consultation About the Vision Report

Students have, for four decades, been given the opportunity to practice a model of community legal aid that has been instructed by inspiring staff lawyers and clients.

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What is my $23,599 paying for?
A breakdown of what tuition pays for at Osgoode

HENRY LIMHENG » CONTRIBUTOR

Students at Osgoode Hall have the dubious distinction of paying the second highest law school tuition in Canada: $23,599. But ever wonder what your tuition is actually paying for, and what causes Osgoode tuition to be so high? The PZCast (the student-run podcast) has been conducting an analysis trying to determine the breakdown of how tuition dollars are being allocated. But providing a breakdown of tuition is easier said than done. This article is an attempt to look into Osgoode’s books and answer the question: what is my $23,599 paying for?

Tuition at Canadian Law Schools from Lowest to Highest

<table>
<thead>
<tr>
<th>Law School</th>
<th>Tuition per Year*</th>
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<tbody>
<tr>
<td>McGill</td>
<td>$2,273 ($6,641)†</td>
</tr>
<tr>
<td>Moncton</td>
<td>$5,604</td>
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<tr>
<td>Victoria</td>
<td>$9,029</td>
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<tr>
<td>Manitoba</td>
<td>$9,311</td>
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<tr>
<td>New Brunswick</td>
<td>$9,837</td>
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<tr>
<td>Alberta</td>
<td>$10,221</td>
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<tr>
<td>UBC</td>
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<tr>
<td>Saskatchewan</td>
<td>$12,015</td>
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<tr>
<td>Calgary</td>
<td>$12,315</td>
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<tr>
<td>Dalhousie</td>
<td>$12,497 ($13,519)†</td>
</tr>
<tr>
<td>Lakehead</td>
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<tr>
<td>Windsor</td>
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<td>Ottawa</td>
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<td>$17,828</td>
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<tr>
<td>Western</td>
<td>$18,421</td>
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<tr>
<td>Osgoode (York)</td>
<td>$22,672</td>
</tr>
<tr>
<td>Toronto</td>
<td>$30,230</td>
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</tbody>
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* Not including ancillary fees.
† Out-of-province tuition rate.

Data courtesy of Maclean’s Magazine.

Tuition in the Big Picture

Osgoode does not actually get to spend the entire $23,599 you pay for tuition; holdback from York University, mandatory set-asides, and ancillary fees take a certain amount away from Osgoode’s general spending coffers. It is also worth saying upfront that Osgoode is not a for-profit business: Dean Sossin does not get to take home more money because of a budget surplus. Generally speaking, any surplus funds are invested back into the institution. That said, this has not stopped tuition from increasing at a surprising rate. Tuition has increased almost 500% since the year 2000, when tuition was $4,649.

Osgoode students collectively paid roughly $21.1 million of JD tuition and fees in 2014/15, but finding where that money goes was not a simple task; a particular hurdle was that Osgoode does not track JD tuition separately as a revenue stream. Collection of tuition is handled centrally by York University. York separates the ancillary fees, adds money from provincial grants, holds money to pay for common facilities and services (Scott Library, IT infrastructure), and then forwards the remaining sum to Osgoode. In 2014/15, Osgoode received just over $28.7 million as its allocation from York. While likely an inflated figure, JD tuition makes roughly $20.3 million of that allocation.

Perhaps surprisingly, JD tuition only makes up slightly over half, 54%, of Osgoode’s total revenue for 2014/15, and that is with the generous assumption that York does not hold back any of it, nor does it factor LLM/PhD tuition, and the mandatory set-aside for bursaries; meaning that actual revenue is lower than stated above. Osgoode’s other revenue sources include government funding, external cost recoveries, and revenue from Osgoode’s Professional Development (OPD) program that it runs downtown. This is to say that revenue from tuition alone would not come close to covering Osgoode’s costs.

The Breakdown

The following provides a breakdown of current 1L tuition, $23,599, by subject matter of expense, and the percentage of that figure against tuition as a whole. The breakdown of tuition is as follows: ancillary fees - $927 (4%); bursaries and financial aid - $3,369 (14%); salaries - $14,765 (68%); and operating costs - $4,538 (19%).

Ancillary Fees - $927.22 - 4%

JD students pay $927.22 in ancillary fees. The large majority of these fees are charged by York University to pay for central services such as $277 for recreation and athletics, and $1,266.67 for counselling. Smaller individual fees go to specific organization or causes, as approved by referenda: of note, $60 of fees paid are dedicated to the Legal and Literary Society, $7.95 for the Obiter Dicta. Before you cast aspersions on these organizations for their wealth, it should be noted that access to these funds requires a financial audit, which can be quite costly.

Bursaries and Financial Aid - $3,369 - 14% of Tuition

Taking away ancillary fees, “tuition” for a 1L in 2014/15 was $22,672.10. However, as mentioned, Osgoode does not have complete freedom to use that money as it pleases. Just over 10% of tuition is government mandated to be set-aside for student financial assistance; in 2014/15 the set-aside amount was over $2.3 million. In addition, Osgoode administration also chooses to dedicate almost $700,000 for JD scholarships and bursaries. Thus on a per capita basis, each JD students pays roughly $3,369 for bursaries and scholarships.

This puts data from the Osgoode bursary process in some context. 493 students, out of 529 eligible applicants, received a bursary in 2014/15. Of this, sixty-one students received $10,000 bursaries, 166 students received $5,000 bursaries, and 206 students received $1,200 bursaries. Additionally, in accordance with
I didn’t feel any different when I woke up on January 30. I remember being excited to see Bladerunner on the big screen with my partner that night, and worrying that I didn’t know my lines for Mock Trial yet. Beyond this, just another day. Little did I know that with one announcement I would swiftly become a possible promoter of terrorism in the eyes of the current government.

On that day, Stephen Harper unveiled the new anti-terror legislation, Bill C-51. Although sceptical and already shuddering at the bill’s omnibus nature, like any self-respecting maybe-future-lawyer and quasi-optimist I kept reading. My outlook did not improve as I read, quite the opposite.

The legislation comes from a promise given by the Conservatives in the wake of the attacks in Ottawa and Quebec last October. One goal, among many others, is to curtail the “promotion of terrorism” by giving unprecedented powers to law enforcement. One of these powers is to “order the removal of terrorist propaganda” from the internet. While there are myriad other objectives of C-51 that are worth discussing, this article will focus on the bill’s internet clause and how they relate to what remains of environmentalism in Canada.

According to C-51, anyone who “by communicating statements, knowingly advocates or promotes the commission or terrorism offences in general” has committed a criminal offence and could be imprisoned for up to five years. If a judge has reasonable grounds to believe that terrorism is being promoted or advocated online, they have the power to order an internet provider to give law enforcement “the information that is necessary to identify and locate the person who posted the material.” Granted, it could be worse. In June 2014, the Supreme Court of Canada ruled that Canadians have the right to remain anonymous while browsing the internet and that providers cannot reveal their identity unless law enforcement obtain a warrant first. Our rights are subject to slightly better protection than what is afforded to our friends in the U.K. and Australia, where online content can be removed without a court order.

But what is the promotion of terrorism? Is it the same or different from advocating terrorism? C-51 leaves us in the dark, offering no definition of either term. The term “communicating” is defined, but this is useless without knowledge of what can and what cannot be communicated. While C-51 states that it does not apply to “lawful advocacy, protest, dissent and artistic expression,” I fear this is mere lip service. Without defining what it means to promote and/or advocate terrorism, C-51 could result in law enforcement having to meet a very low threshold before being permitted to legally snoop through the online lives of citizens. Furthermore, by leaving out what content is illegal, our only option is to take a “wait and see” approach until the courts are forced to interpret what the provisions mean.

As I read, I couldn’t help but wonder, am I the sort of person who could be charged under the new legislation? Is it possible that I could be seen as a promoter or advocate of terrorism? While there are no environmental groups on the Canadian government’s list of terrorist entities, I’ve known for quite some time that my tree-hugging brethren and I are not well-liked by the present government. In 2012, Joe Oliver (then Minister of Natural Resources) likened environmentalists as a whole to radicals; as my then professor noted, radicalism is one step away from extremism, which is one step away from terrorism. That same year, Vic Toews (then the Public Safety Minister) took the government’s view one step further by promising to crack down on “eco-terrorists” in Canada’s new anti-terrorism strategy. In that report, environmentalists were deemed a “domestic issue-based group” that could be a threat to Canada. Sierra Club Canada director John Bennett put it perfectly when he noted that within 2012, the government turned environmentalists into “political opponents rather than a part of the democratic dialogue.”

Around this time last year, the Canada Revenue Agency audited seven of the most prominent environmental groups in Canada. Ostensibly for the purpose of auditing the groups’ political spending, the audits were commenced after formal complaints were made by ethicaloil.org, a pro-energy sector site founded by Mr. Harper’s current Director of Issues Management. I was not able to find any evidence that these audits have resulted in any environmental charity being stripped of their status (many are still awaiting their results); they did however incur exorbitant legal fees and lose time complying with the audits. In short, the Conservative government has been trying for years to remove the environmentalism burr from under their saddle. My fear is that after failing to cripple environmentalists by reducing their finances, C-51 will allow the Conservative government to target them through legal channels.

Mr. Harper only discussed stopping “violent jihadists” in his combination rally/campaign speech announcement, but the legislation is not specific. What it does say is that an “activity that undermines the security of Canada” includes the fantastically wordy and broad clause: “interference with the capability of the Government of Canada in relation to intelligence, defence, border operations, public safety, the administration of justice, diplomatic or consular relations, or the economic or financial stability of Canada.” Reading that clause, I became very concerned about the inclusion of “economic or financial stability.” Although the Alberta tar sands only make up roughly 4% of Canada’s GDP, they remain a component of Canada’s economy and are of critical importance to the Harper government. One could argue that saying the tar sands must be shut down or that a pipeline must be stopped constitutes a threat against Canada’s “economic or financial stability” and thus the promotion of undermining the security of Canada. Combined with the Conservatives’ well-documented standing that environmentalism can be equated to eco-terrorism (and therefore to terrorism) I have a distinct feeling that I will need to be mindful of my future social media posts if/when C-51 is approved.

Without key definitions, the new anti-terror legislation could trigger a floodgate or privacy invasion and unjustified arrests.
Event Recap
The Power of Bilingualism in the Legal Profession

Natalie Livshitz
Canadian Forum on Civil Justice

On January 28th, 2015, I was glad to partner with the CFCJ to host a panel event titled "The Power of Bilingualism in the Legal Profession." Osgoode Hall Law School opened its doors to an esteemed group of panelists:

- Justice Paul S. Rouleau of the Court of Appeal for Ontario
- François Baril, Partner at Gowlings LLP and President of AJEFO
- Josée Bouchard, Equity Advisor at the Law Society of Upper Canada
- Kelly Burke, Assistant Deputy Minister at the Ontario Office of Francophone Affairs

I was inspired to promote bilingualism in the legal profession after trying out and then being accepted to the position of French Language Oralist for the Laskin Bilingual Moot. During this process, I was made aware of the difficulties that the law school had faced in terms of finding French-speaking students to fill this role. A shortage of French-speaking law students translates into a shortage of French-speaking legal professionals. This is unacceptable in a province where the citizens have broad rights to access justice in French (for more on French language rights in Ontario, see the 2012 Access to Justice in French report from the Ontario Ministry of the Attorney General).

In addition to improving access to justice, in Canada, bilingualism opens many doors for legal professionals. One of my goals for this event was to inspire law students to develop or improve their French language skills, which would in turn improve access to French legal services in the legal profession in the future.

The panel offered invaluable insights for law students who hope to practice in French. It began with a discussion regarding how to fulfill the lawyer’s duty to advise clients of their French language rights. Baril reminded students that the ability to present evidence in the client’s preferred language leads to good results and a tactical advantage; Rouleau reinforced this point by emphasizing that testifying in one language above another can shape perceived credibility. When a client whose first language is French is forced to testify in English, this may compromise the testimony and reflect poorly on the client. Unfortunately, requesting a French trial may result in delays, so clients often choose to testify in English to expedite the process.

While Baril warned that practicing in French is difficult, all of the panelists encouraged students to not be intimidated to proceed in French. Although keeping terminology up to date is a challenge, it is well worth it. Baril explained that being a French speaking litigator broadened his exposure and experiences, providing him with major opportunities in Washington and China. Justice Rouleau spoke to the demand to French language skills in the common law market, asserting that his skills gave him cross practice experience and enriched his career. Burke addressed public practice, stating that French language opportunities are plentiful. By leveraging her skills, she was able to advance and provide French language services. Bouchard emphasized the importance of links to the Francophone community in terms of networking opportunities that open up for French-speaking lawyers.

The panel event concluded with some practical advice for students, including a personal anecdote from Justice Rouleau that gave students a good reason to resist using Google Translate: the judge reminisced about receiving a document from a lawyer with his name listed as “Justice Roll”, a literal translation of his name from French to English. He was thoroughly unimpressed.

Bilingual skills are in demand in Ontario’s legal profession and having the skills to fill this demand will not only improve access to justice but will also enrich your legal career. For more information about pursuing bilingualism in your practice, be sure to check out the many online resources mentioned during the panel discussion including: AJEFO, the Law Society’s numerous student-oriented events and French Professional Development Programs as well as the various ongoing programs, events and crown counsel evaluation available through the Ontario Ministry of the Attorney General.

Additional details about the event can be found on Twitter where it was live-tweeted by @CFCJ_FJCJ with the hashtag #FrenchA2J.

Happy Year of the Ram/Sheep/Goat!

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The Crown in Ontario Visits Osgoode
Lieutenant Governor of Ontario, Elizabeth Dowdeswell, Speaks at Osgoode as part of “Crown & Constitution Speakers’ Series”

HENRY LIMHENG > CONTRIBUTOR

OSGOOD HALL LAW School played host to Lieutenant Governor of Ontario, Elizabeth Dowdeswell, on Wednesday, January 28, 2015. Her Honour participated on a panel entitled “The Monarchy in Action: Canada’s Vice-Regals at Work” as part of the Crown & Constitution Speakers’ Series organized by the Osgoode Constitutional Law Society. Political Science Emeritus Professor, Peter Russell, and Historian and Jesuit Priest, Father Jacques Monet, also participated on the panel.

As the physical embodiment of the supreme constitutional power of Ontario, Lt.-Gov Dowdeswell spoke humbly and enthusiastically about assuming her relatively new role as Her Majesty Queen Elizabeth II’s representative in Ontario. Lt.-Gov Dowdeswell was appointed to the position in September 2014. Professor Russell presented on the relative merits of the monarchical parliamentary system, and Father Monet spoke about the importance of monarchy for French Canada, and his role as a member of the Vice-Regal appointment advisory committee.

While the panelists argued in favour of the continued presence and relevance of the monarchy, perhaps the strongest argument against it was the turnout to the event. Her Honour was greeted to a half-empty Paul B. Helliwell Centre. To her credit, the Lieutenant Governor of Ontario did not seem bothered by the thin crowd.

This was not the first time the Vice-Regal has visited Osgoode. In 1978, then Lt.-Gov Pauline McGibbon visited Osgoode to a glowing reception according to Obiter Dicta writer James Sprague. In addition, three Osgoode alumni have served as the Queen’s representative for Ontario: William Ross Macdonald (class of 1919, Lt.-Gov 1968-1974); John Black Aird (class of 1949, Lt.-Gov 1980-1985); and Lincoln Alexander (class of 1953, Lt.-Gov 1985-1991).

The Lieutenant Governors are appointed by the Governor General based on advice from the Prime Minister, and typically serve a five-year term. In 2012, Prime Minister Stephen Harper established a Vice-Regal Advisory Committee that provides a five-person shortlist from which the appointee is chosen. Prior to becoming Lt.-Gov of Ontario, Dowdeswell was a high school teacher, a high-ranking civil servant, and an under-secretary-general for the United Nations. She has yet to set a theme for her tenure; she explained at the Osgoode panel that she wished to further listen to Ontarians before doing so.

The next edition of the Crown & Constitutional Speakers’ Series will feature counsel who argued McAteer v Canada, 2014 ONCA 578, the case challenging the constitutionality of requiring an oath to the Queen during citizenship ceremonies. The event is scheduled for March.

The 2015 Dean For A Day Contest
TRADE PLACES WITH THE DEAN AND RULE OSGOODE FOR A DAY!

Dean Lorne Sossin is offering one lucky student the opportunity to set forth his or her vision of the future of Osgoode Hall Law School and an entire day to make it a reality.

Continuing a tradition that was originally established by former Dean Harry Arthurs, the winning student will assume direction of the Law School for one day. He or she will be able to:

• Occupy the Dean’s office
• Chair meetings of the Law School’s senior administration
• Enjoy a free lunch with a guest
• Star in a Day for a Day video that will be posted to Osgoode’s YouTube channel
• See Maroon 5 on Monday, March 16 at the Air Canada Centre with a friend

Meanwhile, Dean Sossin will go back to school, attending the student’s classes for that day, armed with numerous multi-coloured highlighters, sticky notes and his trusty iPad for taking copious notes.

CONTEST RULES:

• All Osgoode students are free to enter.
• Contestants are required to submit a written essay (maximum 500 words) – or a short video – on the following topic: “If you were Dean of Osgoode, what new ideas would you pursue to build on Osgoode’s 125-year legacy in diversity, inclusivity, and accessibility?”
• Essays or videos must be submitted to Virginia Corner in IKB 1016-B or by e-mail to vcorner@osgoode.yorku.ca no later than 11:59 p.m. EST on Tuesday, February 24.
• All submissions will be reviewed by Associate Dean Trevor Farrow and Assistant Dean, Students Mya Rimon who will select the winning entry. The name of the winner will be announced on Friday, February 27 and the winning essay will be published in Obiter Dicta.
• The winner will serve as Dean for a Day on Thursday, March 5.

Win a pair of tickets to see MAROON 5
Air Canada Centre, Monday, March 16
Want to Teach in China (2015-16)?

Osgoode’s Teach-in-China Program

PROFESSOR JINYAN LI › COORDINATOR OF OSGOODE TEACH-IN-CHINA PROGRAM

Want to experience living in one of the most dynamic countries in the world allowing you to see the world from a bigger and different perspective? Want to strengthen your legal knowledge and skills by teaching? Want to have some adventures before embarking on a legal career? Why not follow in the footsteps of other Osgoode graduates who have taught at the Southwest University of Political Science and Law (SWUPL) in the city of Chongqing, Peoples Republic of China? One or two positions are advertised for 2015-2016 (September 2015 – June 2016). You can apply if you are graduating from the JD or graduate program in coming June.

The Job

Osgoode teachers are treated as “foreign experts” at SWUPL. Teaching duties include: Legal English to undergraduate students, and one or two seminars on a subject area chosen by the Osgoode teacher and SWUPL. Legal English can be taught in any area of law. Previous seminar topics include International Business Transactions, Comparative Law, WTO and International Disputes Resolution, Criminal Law, Intellectual Property, Corporate Law. Osgoode teachers may also be invited to participate in SWUPL’s research and teaching activities, such as mooting.

Remuneration package and more

1. Monthly salary is about 5000 Yuan, which is high by local standard and more than covers local living expenses;
2. An extra month of salary in January to enable the Osgoode teacher to travel in China or elsewhere during the month-long Chinese New Year holiday period;
3. An up-scale rent-free apartment;
4. “free” return air tickets (paid by SWUPL);
5. A reasonable amount of health insurance coverage paid for by SWUPL (for Ontario residents, OHIP will be extended for one year in China). Meals in a foreign visitor’s dining room are subsidized and one can always shop in local stores and markets and cook for oneself.

Support from Osgoode while in China

While in China, Osgoode teachers have access to York Library databases, including QuickLaw, and receive support from Professor Li and others at Osgoode.

Feedback from previous teachers

Graduates who have taught in China all say that the experience is rewarding and enriching. Many take the opportunity to enroll in Mandarin courses for personal enrichment as the Job requires teaching in English. SWUPL has a vibrant and engaging learning culture, and Chongqing, with close to 30 million people, is a fast-developing hub of industry and business, with a Canadian Consulate in the city. A former Osgoode teacher summarizes the key attractions to include:

- Immersion in another culture and language in daily life.
- Work experience that broadens a law student’s perspective and skillset, while at the same time maintaining a close connection with the study of law.
- Independence and self-direction.
- Opportunities to connect with SWUPL professors and students. - Opportunity to see China and to travel.

Next steps

If you are interested, send an application to Angela Monardo by email at amonardo@osgoode.yorku.ca or drop off the application on the 4th floor – 4050B. Your application should include:

1. a current resume,
2. one copy of your law school and undergraduate transcripts; and
3. a covering letter addressed to Professor Jinyan Li. In your covering letter, explain your interest in teaching in China and highlight any experiences or qualifications that are particularly relevant.

The deadline for receipt of applications is Monday, March 2, 2015.

Applicants will be contacted for interviews by email the week of March 9th. Successful applicant(s) will be notified in April. Paper work (contracts, visa application, etc.) and medical check-up will be done during the summer.

If you wish to speak to a former Osgoode teacher under the program, please contact Angela Monardo. For further information about the SWUPL, visit its website at www.swupl.edu.cn or http://202.202.80.13/Epage/ (in English). •

THUMBS DOWN

Still behind on reading after reading week.
ABS: Why Students Care
Alternative Business Structures Hold a Lot of Promise for Both a New Generation of Legal Professionals and the Society They Will Serve

DOUG JUDSON > CONTRIBUTOR

Recently, the Law Society of Upper Canada (LSUC) called for input on whether (and to what degree) it should allow alternative business structures (ABS) for the delivery of legal services in Ontario. The profession has taken a particular interest in a paper on the topic from the Law Students’ Society of Ontario (LSSO), which favours ABS. With some caveats and cautions, the LSSO concluded that permitting non-lawyer ownership provides both a compelling opportunity to improve access to justice and a strong business case for legal enterprise. We encourage LSUC to adopt a liberal approach to ABS, with necessary regulatory intrusions to address valid professionalism concerns.

The regulatory objective

If the response of the legal Twitterati is any signal, it appears that lawyers remain divided on the subject. At minimum, many opinions remain in chrysalis. Some of those who favour the status quo have unfortunately chosen not just to challenge our thoughts on the business of law, but instead to undermine the LSSO’s standing to participate in this discussion. These critics also fail to acknowledge that all innovation needs a foothold. Civilization would not have come very far had the first wheel been discarded for lack of inflated rubber, or the low fruit was left to rot for want of a ladder. Even the most primitive service improvements carries some public interest virtue, so the threshold to value in permitting ABS may not be monumental.

A renewed opportunity

Yet, debates about statutes and professional regulations don’t strike at the heart of students’ interest in ABS. Rather, our interest is rooted in our enthusiasm and ambition for improving the delivery and affordability of legal services and the accessibility of law and justice. Full stop. For many of us, the desire to be part of ‘big changes’ and to make a systemic impact on social, equitable, and economic issues is our primary motivation for pursuing a legal career to begin with. Today’s law schools contain a more selective and accomplished crop of students than ever before, and their applications and studies reflect a desire to influence and reshape institutions, industries, and society. The legal industry itself is more of a ‘usual suspect’ than an exception to our axe-grinding ambitions. We idealize a conception of law that is more participatory, and necessarily less isolationist.

If law school shatters any of these neophyte delusions, ABS signifies a renewed opportunity to pursue these goals after we join the profession. It captures the imagination because it is quintessentially about entrepreneurship and innovation. Through alternative structures for legal services and non-lawyer ownership, the profession can open the door to new dimensions of firm differentiation and value-added services, and new incentive structures for lawyers and non-lawyers to take part in improving their firm’s work processes and service delivery. It is plain to students that now, more than at any other time in the life of the legal profession, the sophistication of technology and the professionalization of management functions underscores a need for a wider range of permitted business structures. Lawyers cannot do it all, nor can they expect others to step up without the opportunity to fully participate in the value-creating upside of their talents.

The entrepreneurship we speak of isn’t just needless turbulence – new entrants and ideas can create new opportunities for aspiring professionals. By the LSUC ABS Working Group’s own admission, the present market for legal services is narrow, crowded, and contested on few dimensions. One recent study found that only 12 percent of Canadian sought legal help for a justiciable issue they encountered in the previous three years. Such sparse service coverage and limited accessibility compromises the legitimacy of the profession and the institutions of justice. ABS could open up these unsaturated markets to service providers. New structures can also alleviate these issues by providing access to new sources of capital for firms, which facilitates market entry and start-ups. This eases capital cost and return pressures, which can improve pricing competition. From ABS, what emerges is a business case and accessibility case that are tightly aligned.

Moreover, ABS may signify a progressive cultural shift. For incoming lawyers, the primacy of the joint lawyer-manager-owner model is a puzzling anachronism, and, for some, a symbol of law’s daunting and steepening hierarchy. The profession’s obsession with it toils amid modern demands for improved
Women Judges in the Spotlight
Canadian Chapter of the International Association of Women Judges Networking Event with Osgoode

CHELSEA CALDWELL › CONTRIBUTOR

If you are a current student of the Law, Gender, and Equality perspective option, or have perhaps had a conversation with myself in the past week, then you may have participated in a passionate discussion about the sexism that plagues our Canadian judiciary. Or perhaps you are a female student who was lucky enough to have recently attended an event hosted on February 10, 2015 on campus, between female Justices from the Canadian Chapter of the International Association of Women Judges and female students from Osgoode.

The Justices in attendance included Justice Lydia Olah from the Superior Court of Justice, Justice Maria Speyer and Justice Sally Marin of the Ontario Court of Justice, and Justice Katherine Van Rensburg of the Court of Appeal of Ontario. Student attendees of the event were enlightened by stories of the Justices’ law school days and their climb up the legal ladder. Also part of the discussion was the chilly climate in which female members of the judiciary have been welcomed, which has clearly made it difficult for female judges to work on an equal basis with male judges.

For simply being educated and assertive women on the bench, judges such as Bertha Wilson, Rosie Abella and Claire L’Heureux-Dube have been victimized by their male counterparts as well as by members of the legal community, the media, and the general Canadian public. Critics claim that female judges’ personal opinions are given in lieu of legal doctrine and principle within their judgments. While I believe personal history and experience shape a judge’s opinion, I believe it is unfair for attacks to be made on female judges pertaining to their decisions on sexual assault cases and other legal issues that have historically involved mainly female plaintiffs. Using a thought process similar to the kind involved in criticizing female judges, would it not be fair to also criticize the male judges for their personal connections to cases? For example, might we not take into account Justice Sopinka’s connection to the Ukrainian community or perhaps former Chief Justice Dickson’s long-time service in the military?

Further to this point, I was unaware of the extent to which public defamation of such highly decorated and powerful female judges has occurred. The female Justices who were present at the recent Osgoode networking event, discussed the often ignored gendered dynamics that have enveloped the Supreme Court of Canada Justices. Specifically, one Justice discussed the uproar caused by judicial commentary in R v Ewanchuk and the public backlash that Justice Claire L’Heureux-Dube faced regarding her decision in the case. Once an admirer of the late Eddie Greenspan, I am a little less starry-eyed due to the public nature in which he chastised L’Heureux-Dube’s critique of Justice John McClung’s ruling in Ewanchuk.

While we may discuss the gendered dynamics of the judiciary in private conversations with classmates or in classes with an already established gendered approach, I believe such material should be covered in 1L’s Ethical Lawyering course. Discussions of gendered biases on the judiciary would better shape our understandings of the decisions that we read and come to memorize over our years of education and work within the law. In the legal context, is it really fair to say that we can paint every female judge with the same brush of caring femininity and every male judge with a different brush of objective masculinity? While statistics may indicate that women generally display more care for others, this fact not applicable to every legal case, let alone all female judges.

THUMBS UP

One final “Celebrity Jeopardy” on SNL’s 40th Anniversary Special.

“Critics claim that female judges’ personal opinions are given in lieu of legal doctrine…”

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obiter-dicta.ca

ObiterDicta
SMASHING START
ORIENTATION WEEK CONCLUDES AS A REBOUNDING SUCCESS

▶ Female students from Osgoode co-hosting an event with female Justices from the International Association of Women Judges.
I was never very interested in volunteering. Chalk it up to my pessimism or nihilism, or simply to the fact that I thought that people should help themselves and persevere through sheer willpower. I didn’t volunteer to answer questions in class, nor took the popular avenue of padding my resume. I completed my volunteer hours in high school through an involvement with the Air Cadets, but I essentially stopped at the bare minimum. I didn’t give my time to those less fortunate, and instead spent time relaxing or working. I was barely involved in my undergrad, and joined a few clubs to make sure that I had more than just marks to show after four years – but I typically joined as a member, and attended one event if any.

Then, after graduating, I was invited to put together a Marketing 101 class for a group of students in grades nine through twelve who were volunteering for the Red Cross and attempting to raise money. To be fair, I found the experience worthwhile and enjoyable, if only because I got to be the centre of attention with everyone listening to me. I suppose I should have known then I wanted to go to law school, but this was my first foray into being involved in the community.

This year, I discovered what it means to truly give back. Sure, I wrote for the school paper, was involved in a club, and had my personal life. But when I got involved in the Family Law Project, despite having no interest in family law, I was able to finally see the impact of my actions, and receive the gratitude of those who need help. That four hour commitment, while taxing because of the time commitment and commute, allowed me not only to meet passionate and involved individuals who have taught me as much about dealing with people as any of my classes, but also to feel like my work matters. I am not sure whether it is a selfish desire for recognition and acknowledgement that motivates me to go every week, or a selfless desire to help people at the worst times of their lives, but I look forward to it every week. And the stories of the clients we serve help me put my own life in perspective; to see their strength and composure in difficult times allows me to gather the courage to deal with my own day.

Everyone with whom I’ve spoken, and all the literature I’ve read, says that keeping busy allows you to do more things with your day. I believe that is absolutely true. The highlight of my week is assisting individuals in the court, which allowed me to grow personally and professionally, but also allows me to manage my time better. I am honoured to be in the presence of dedicated individuals who give their time despite us all being busy, and thinking about others rather than themselves for that chunk of time. I’ve read that there is no such thing as altruism, merely that people receive a benefit from any charitable act, whether a good feeling or a tangible benefit. I’m not sure if I’m doing it for myself or for others, or if it really matters. But giving back, the credo of the access to justice folk, and the commitment of law schools and LSUC allow me to at least feel like I’m doing some good, and becoming a better person.

If you’ve been disengaged, disinterested, and indifferent, I say volunteer, whether at PBSC, CLASP, or anything else. There are tons of opportunities out there for anyone and anything, and they run the gamut. I used to sneer at people giving their time to help those who couldn’t help themselves. I’m no longer that person; I’ve been converted. And all it took was a class of youth. On second thought, maybe I should have become a teacher instead… ♦

Altruism and Volunteering
Selfish or Selfless?

GLEB MATUSHANSKY › STAFF WRITER

If you have what it takes.

Some people have long known what they want out of a career. They look beyond their present and focus on their future: a future with international scope, global clients and limitless possibilities.

If you are that person, you’ve just found where your future lies.

Law around the world
nortonrosefulbright.com
Sustainable, Earth-Friendly, Eco-Conscious, green - whatever we call it, the new hip thing to do in our everyday lives is to try to be considerate in our daily decisions about the environmental and social impact of our affluent Western lifestyles. In earlier days, it wasn’t always clear how to apply sustainability to everyday living, but today, information about “green” options for many decisions we make on a regular basis abounds.

Making Sustainability a Part of Your Wardrobe

There is organic produce at grocery stores, fair trade coffee at a good number of franchises, cosmetics companies that do not participate in lab animal testing, locally crafted and artisanal goods at farmers’ markets - the list goes on and on. The more serious eco-conscious consumer now even has the option to consider hybrid or fully electric automobiles, cutting their carbon footprint significantly.

Despite the fact that sustainable choices are available in many industries, the apparel and fashion industry has been slow in picking this up. Both from the industry side and the consumer side, clothing seems to have been neglected as an opportunity to make great change happen, both for the environment and for the social benefit of the supplier communities across the world.

Perhaps the very nature of the fashion industry prevents the uptake of such initiatives - fashion is always moving, changing, and being redefined. What was fashionable last season is no longer desired; something fresh has to always be made and distributed to satisfy the masses. It is a tragic consequence of an aesthetically driven industry, which encourages the belief that perfectly good and relatively durable consumer goods should instead be considered disposable and readily replaceable. It is fair to say that the garment and apparel industries need special attention in order to be fashionable and to develop our own individual aesthetic, as well as the ability to learn that more does not necessarily render us fashionistas; to be fashionable is to be able to develop our own individual aesthetic, as well as the ability to define our identity by more than who we are wearing.

Consider also the source of the raw materials. According to the Organic Trade Association of the United States, the cotton industry uses twenty-five of the world’s pesticides. Its processes produces toxic plant wastes that are also reused for animal feed, most often for cattle. Furthermore, the notorious case of Monsanto’s Bt Cotton, a genetically modified cotton variety with built in resistance to certain pests, is incredibly concerning. The 2011 documentary Bitter Seeds exposed the reality that small-scale farmers in India have been coerced into increasing production of Bt Cotton farming which has led to devastating hardships and resulted in thousands of suicides.

In the end, the important take-away is that when it comes down to it, your beauty is defined not by what you wear, but who you are inside.

Where can you start? The first step is to take a look at your own spending habits when it comes to clothing. Also, do a bit of research into the issues. There is a world of ugly truths that the fashion industry would prefer their consumers not to know about. It also helps to excited about sustainably-minded manufacturers and to make considered purchases that you intend to use for a good, long time.

In the end, the important take-away is that when it comes down to it, your beauty is defined not by what you wear, but who you are inside.

Conscious Couture
Making Sustainability a Part of Your Wardrobe

Photo credit: goodhousekeeping.com
Winterlicious 2015
An evening of fine dining at Nota Bene

Benjamin Hognestad › Staff Writer

SOMETHING SERENDIPITOUSLY, OUR VENUE of choice for Winterlicious 2015 was just down the street from Old Osgoode Hall. David Lee’s award winning restaurant Nota Bene sits just west of University Avenue, at the gateway to Queen West. We were greeted by several smiling faces at the front, and the free coat check, while not exactly a surprise, was a nice touch. The decor was definitely on the upscale side, but by no means snobbish; a couple of students on a date didn’t feel out of place. Our waitress was cheerful and sincere, and didn’t treat us Winterlicious-ers as second class patrons, despite our double tap water beverage order. Not long after we had placed our orders, we were treated to warm slices of house made sour dough with a thick, crunchy crust and pillowy soft interior. The bread came with a little carafe of nice olive oil, which was cool and different, but in the end, we both agreed that butter would have been better.

Erin’s appetizer was smoked Nova Scotia salmon and pickled beets on a bed of arugula. The big arugula leaves proved a bit cumbersome to eat, but the salad was delicious, particularly the beets which were beautifully sweet and sour at the same time.

My appetizer was a terrine made from duck, foie gras, and cherries, with a big cracker on the side, some crisp, bitter endive, apple puree, and pistachio granola. The dish was exceptionally well balanced; the rich, savoury terrine offset perfectly by the other elements.

I should just quickly note, as some may know, the topic of foie gras is somewhat controversial. The practice of producing foie gras involves force feeding ducks so the liver becomes larger and fattier. I have done a bit of research into the process, and while this may do little to comfort the vehement animal rights activists among us, I can at least say the process isn’t nearly as gruesome as it sounds. Anthony Bourdain visited a duck farm on an episode of his show “No Reservations,” and the farmer shows you exactly what happens. The entire process takes only a few seconds per day and, other than that, the ducks waddle around free range looking as healthy and happy as can be. All I can say is that there was nothing inhumane or cruel about the process at that farm. Obviously I can’t verify that for Donald or Daffy from my particular appetizer, but I just wanted to say something to the people who might cringe at reading about my choice… MOVING ON.

Erin’s main course was a sweet potato and ricotta ravioli with handmade dough, and the filling was not too sweet and velvety smooth. My main course was called “Tongue and Cheek,” and it was exactly that. Beef cheek might sound a bit strange, but really it’s a grown-up tater tot: a cheesy, spicy potato fritter. The tongue was veal and was also not nearly as scary as you might think. It was deliciously spiced, and the texture wasn’t weird at all. The meat was paired with what I could only describe as a big, grown-up tot: a cheesy, spicy potato fritter. The whole dish was sprinkled with a bit of cotija cheese and some cilantro. I’ve never had anything like it. The dish had a vaguely Mexican undertone to it in terms of the spices and the cheese as well as the use of more uncommon cuts of meat. I was in Mexico last year, and where I was it wasn’t uncommon to come across incredible tacos featuring similar cuts. The use of uncommon cuts of meat has become particularly fashionable in fine dining restaurants, colloquially referred to as the “tongue to tail” movement. A Toronto restaurant which is especially well known for creativity in that department is called Black Hoof, which I haven’t had the opportunity to try yet, but hopefully I will someday. I like the idea of using every bit of an animal, and it gets to the heart of why I love food and cooking so much. Anthony Bourdain talks about cooking, especially what you might call “peasant food,” as a kind of alchemy. While the rich people made off with all the best cuts of meat, the poorer folks were always left with the other bits. But with time and love, they created amazing things. Anybody can grab a stopwatch and throw a steak on the barbecue and it will be great, but to transform something tough or maybe a bit, unsightly, into something delicious – that takes skill and devotion. Food like that is soulful. It’s interesting to reflect and notice that many of our favourite foods in North America actually have their roots in exactly that, perhaps the greatest example being the humble hot dog. Now I’m not saying hot dogs are fine dining, but the sense of making something beautiful out of the stuff that nobody wants is pretty cool.

For dessert, Erin picked a clementine sorbet. The sorbet itself was mind-blowing, but the presentation was a bit strange. It came in a very big glass bowl, the kind of standard issue bowl that you would use for mixing things, not a serving bowl. The sorbet also had a really big shard of what they called “yogurt crisp” stuck into it – a sort of wafer. Erin felt like it was not really necessary, and it looked especially weird in the giant glass bowl. My dessert was a total home run: a dense, dark chocolate brownie sitting on a pool of espresso caramel with some whipped cream on the side, and sprinkled with amber pieces of pecan praline. Nuff said.

ARTS & CULTURE
A Trio of Film Reviews, Currently in Theatres
Crime, History, War: Violence Leaves Its Mark

KENDALL GRANT » STAFF WRITER

American Sniper (2014) 2.5/4

Incurious and hyper-macho, stilted and scandalously blindered, American Sniper is a solidly staged and unexceptional picture, crammed with action, heart-pounding moments, and familiar dramatic situations. It’s a gripping, straightforward character study that could have been so much more.

In the wake of 9/11, Navy SEAL sniper Chris Kyle (Bradley Cooper, The Place Beyond the Pines, Silver Linings Playbook) hones his pinpoint accuracy into a life-saving, battlefield-shredding weapon that turns him into a legend. Despite a marriage to Taya Renae (Sienna Miller, Foxcatcher) and the birth of a daughter, Kyle returns to Iraq for four tours of duty and becomes increasingly distant from his family. Unable to adjust fully to civilian life, he begins coaching wounded veterans, stepping toward a tragic demise.

A lesser actor might have made American Sniper into an unthinking piece of jingoism. Cooper, befoowed up and twanging like a true Texas cowboy, rarely flinches and never chest-thumps, carrying the full weight of Kyle’s so-called achievements. Stewing, taciturn, and totally precise, he’s poured a lifetime of politically apolitical pragmatism, and is not ready to be classified as an old master. Eastwood wisely trains the camera on Cooper’s face and keeps it there. Still, if Cooper does his utmost to make a one-dimensional character interesting, American Sniper gives the impression of having not so much been directed as dictated: it staves so fixedly down the rifle sight that it is guilty of tunnel vision. The focus on Kyle is so tight that no other character comes through as a person, and the scope is so narrow that larger questions of policy are left entirely off the table. Far from fashioning a critique of US involvement in Iraq, Eastwood seems distracted past the need to show the ramifications of so much killing.

Furthermore, Eastwood adapts Kyle’s memoir by hammering it flat. Despite a delicate handling of Kyle’s internal struggles on home soil, deeper complexity lies just out of frame. Eastwood honours his subject without getting under his skin. Thus, we watch a drama about an idealized soldier, a patriot beyond reproach, which bolsters Kyle’s legend while gutting the man himself. The message is disappointingly diluted, the moral context hampered by a surprisingly blundered view of the world around its central character. Blunt and effective, it’s the story of a lone gunslinger facing down his nemesis in a dusty, lawless place.

Films with “American” in the title have an astonishingly successful record at the Oscars: American Beauty swept in 2000, American Graffiti and American Hustle were Picture/Director nominees, and even American History X, American Splendor, and American Gangster landed major hardware. American Sniper is another bold lunge to score more Academy gold. As its American cousins can attest, and lest we forget Shakespeare’s warning: uneasy is the head that wears a crown.

A Most Violent Year (2014) 3/4

Agreeably hellish, pleasingly pulpy, and antiseptically tight, A Most Violent Year is a treacherous, exacting anti-thriller with a rich sense of time and place; a nocturnal fantasy that confounds the mobster mold; and a sterling essay in inner strength. Beautifully, almost stubbornly understated and overflowing with a heightened sense of reality, it drifts breezily and never feels rushed.

In New York City, 1981, Abel Morales (Oscar Isaac, Inside Llewyn Davis), an ambitious immigrant, is the hard-working owner of Standard Oil, an up- and-coming heating oil company. When his trucks are repeatedly hijacked by competitors and Assistant District Attorney Lawrence (David Oyelowo, Middle of Nowhere) investigates Standard for price fixing and tax evasion, his wife, Anna (Jessica Chastain, Take Shelter, The Tree of Life, Zero Dark Thirty), urges Abel to fight fire with fire. Refusing to stoop to violence, Abel struggles to protect his business and family during the most dangerous year in the city’s history.

Expertly controlled, tightly coiled, morally nuanced, and marvelously constructed, A Most Violent Year wastes little in time living up to its name, though it’s a small-scale film with deceivingly big stakes: the violence of the title is more implied than seen. It’s so well made, multilayered, and focused as an endurance test that we refuse to turn away from the events unfolding before our eyes. Seductive and ablaze with threat, three days of snowballing misfortune culminate in an inevitable ethical confrontation of epic proportions.

A Most Violent Year provides ample room for its central pair to flex their professional dominance. Bled of their self-assurance, drop by drop, Isaac and Chastain are dynamite together; their scenes crackle and radiate genuine heat. Isaac is an implosive powerhouse in a world where nothing is held sacred. His subdued, charismatic performance evokes Al Pacino as the young Michael Corleone. Chastain is unsurprisingly splendid: her Armani-clad mafia princess is as the young Michael Corleone. Chastain is unsurprisingly splendid: her Armani-clad mafia princess is a Reagan-era Lady Macbeth. A lot of movies spin their wheels fast and careen out of control. Writer-director J.C. Chandor (Margin
The juror’s one by one begin to switch their votes of evidence after another is called into serious doubt. This is symbolic of how the twelve jurors are strangers and are likely to remain strangers after a verdict is reached. These twelve strangers will decide upon the life and death of another human being, an eighteen-year-old Hispanic boy accused of murdering his father. For all intents and purposes, they are the law. The film’s tagline says it best: “Life is in their hands, death is on their minds.” From the start, it does not look good for the young defendant. One of the jurors even remarks how he wants to get out early because he has baseball tickets. The jurors take a customary opening vote and it is revealed that only juror #8 (Henry Fonda) believes the boy is not guilty. In voting not guilty, juror #8 says, “Well, there were eleven votes for guilty. It’s not easy to raise my hand and send a boy off to die without talking about it first.”

The film invites you to be a fly on the wall as this group of twelve men, with twelve different backgrounds and personalities, deliberate what appears to be an open and shut case of murder. The plot develops and builds tremendous momentum as one piece of evidence after another is called into serious doubt. The juror’s one by one begin to switch their votes to not guilty. There is a great scene towards the end where the camera pans around the table and focuses just on the juror’s hands as they vote and you can feel the uncertainty in juror #12 as he changes his vote to not guilty. If you pay close attention you will notice that the beginning of the film makes use of high angle shots using cameras with wide-angle lenses that are positioned above eyelevel. This is meant to impart the growing sense of claustrophobia the jurors are feeling being cooped up in the tiny jury room.

Henry Fonda plays juror #8 whose quiet authority leads you to instinctually believe everything. Lee J. Cobb (juror #3), on the other hand, plays Fonda’s antithesis: rash, tempered, and excitable. Cobb’s performance is a marvel, one moment screaming at the top of his lungs, the next slumped back in his chair. Reginald Rose, whose TV play the film is based on, does an astonishing job of applying their personal prejudices to the case, typically irrelevant of facts and reason. Juror #10 (Ed Bagley) is consumed by personal prejudice in that he sees value irrelevant of facts and reason. Juror #8 (Henry Fonda) believes the boy is not guilty. Just before breaking down he says, “Rotten kids, you work your life out...” And although his actions throughout the film warrant little sympathy, you actually feel for him. The 11-1 vote for guilty at the film’s beginning, is now a unanimous 12-0 vote for not guilty.

12 Angry Men is a film that I must watch at least once a year. It is a film that stirs your conscience. It makes you question whether our jury system is the best way to decide the liberty of another human being. After watching it I often think about what would have happened to this eighteen-year-old boy without someone like juror #8. Then I also think “what if he really did kill his father?” The film takes great effort to make you appreciate the importance of the concept of “beyond a reasonable doubt.” Midway through the film, juror #8 states, “We may be trying to let a guilty man go free, I don’t know. Nobody really can. But we have a reasonable doubt, and that’s something that’s very valuable in our system. No jury can declare a man guilty unless it’s sure.”

Shockingly, the film failed to make a profit and Fonda never received his deferred salary. Fonda, who was also a producer of the film, handpicked Sidney Lumet to direct. 12 Angry Men was the first film directed by Lumet although you would never know it; he would later go on to direct such greats as Dog Day Afternoon, Network and The Verdict. Fonda disliked watching himself on film and refused to watch the entire film in the projection room after editing was completed. But, before he walked out he said to director Sidney Lumet, “Sidney, it’s magnificent.” I could not agree more. If you have not seen 12 Angry Men, see it now. If you have, watch it again.
Oil, the Dollar, and Your Favourite Sports Team: What Impact will Current Economic Circumstances have on Canadian Professional Sports?

Michael Silver > Staff Writer

In just over six months, the price of oil has dropped from over one hundred dollars per barrel to under fifty dollars per barrel. A significant portion of the Canadian economy is dependent on oil. Over the same period of time, the Canadian dollar has dropped from a high of over ninety-four US cents to a low of under seventy-nine US cents. The weakening of the currency, and the economy generally, has of course had many important impacts, but this article will focus on what impact it will have on Canadian professional sports teams.

The weak Canadian dollar makes it even less likely that an NFL team will be moved to Toronto in the near future. It is simply more difficult to make money today, and the same issues that apply to the existing Canadian teams in other leagues would apply to this team.

The Toronto Raptors of the NBA are likely to be the least impacted of any of the teams, especially from a fan’s perspective. The NBA is structured in such a way that teams are obligated to spend within a certain narrow range on player salaries. A decrease in the Canadian dollar will not change what the Raptors spend on these salaries. The team may experience some decrease in profits because its main expense, player salaries, are in US dollars, when their main revenues, including ticket sales and Canadian TV, are in Canadian dollars. As the Canadian dollar decreases against the US, these revenues decrease. However, this will not necessarily be the case. A large portion of the Raptors’ revenues come from the NBA’s US national TV contract, which has grown significantly in recent years. The revenue for the owners of the Raptors (Bell and Rogers by way of MLSE) is also buoyed of late because of the team’s success on the court. More people watch the games on TV when the team is successful so advertisers are willing to pay more.

The Blue Jays are in a somewhat similar situation to the Raptors. They also receive a significant amount of money from their league’s US national TV deal, which has also increased in recent years. A significant portion of its revenue is also based on Canadian sources, which are less valuable with the low dollar. They are also owned by the same company that televises their games (Rogers), thus providing a corporate incentive to field a successful team. Where the Blue Jays differ from the Raptors is in the salary structure of their sport. MLB teams are left completely free to determine their payroll. With a decreasing Canadian dollar, many observers expect the Blue Jays to attempt to decrease expenses by not acquiring as many high level players as expected. To this point, in their offseason this appears to be exactly what is happening. Perhaps this approach is justified. To meet a payroll of 140 million US dollars the Blue Jays would have to spend approximately 180 million Canadian dollars, instead of the perhaps 145 million Canadian dollars that they likely budgeted. However, such cost cutting measures would likely result in the Blue Jays failing to field a sufficiently competitive team to retain fans, or bring in expected revenues. If revenue targets fall short, the payroll will likely be cut even further in response. The decrease in the dollar therefore appears to be especially damaging to the Blue Jays.

The current economy has a unique impact on the NHL. Seven of the NHL’s thirty teams are based in Canada, proportionately far more than any other sport. The NHL is far more popular in Canada than it is anywhere in the US. Therefore, a much larger portion of the entire league’s revenue comes from Canada, and in the form of Canadian dollars. However, player salaries are calculated in US dollars, as is the salary cap. The salary cap is currently sixty-nine million US dollars. In December, league commissioner Gary Bettman indicated that he expected the salary cap to rise to seventy-three million dollars next year. Yet this figure was acknowledged to be largely dependent on the Canadian dollar. At the time the Canadian dollar was at eighty-eight cents US. It would be reasonable to expect the cap to be lower than that estimated figure if the Canadian dollar remains lower than that level. That provides difficulty to many teams and players. In planning contracts, teams generally assume that the salary cap will rise. This allows them to accommodate raises for their existing players and continue to sign new free agent players. If the cap does not increase as expected, many of these teams will not be able to sign the players that they otherwise would have hoped for. From the perspective of the players, it is also a problem. Players entering free agency will not be able to find teams with enough room under their salary caps to pay them what they would otherwise be worth.

I am sure the drop in oil and the connected drop in the Canadian dollar has had similar impacts on other industries, but none of these other industries are likely to impact the way that I spend my free time as much as these professional leagues. Let us hope the loonie bounces back for the sake of our favorite team - OK, maybe also for the value of our bank accounts. ◆
The glory past of the Toronto Blue Jays
A look into the team’s ascension to greatness and its heydays

KENNETH CHEAK KWAN LAM - STAFF WRITER

I always felt that the 99-62 Toronto Blue Jays were cheated out of a World Series appearance in 1985, as the team was leading with three games to one over the Kansas City Royals before losing the series in seven games in heartbreaking fashion. It was especially devastating since 1985 was the first year in which the League Championship Series was changed from a best-of-five format to a best-of-seven format. Despite the setback, the team was clearly on the rise and so loyal fans of the club knew that Toronto’s postseason was not a fluke and that the Blue Jays would make their way back to the playoffs in the not too distant future.

After falling back to earth somewhat in the 1986 season, in which the team finished in fourth place in the American League East, even though the club was ten games above .500 at 86-76, Toronto put together one of its most memorable seasons in 1987, which ended when the Blue Jays lost the division crown to the Detroit Tigers on the final day of the regular season. Even late into the season, Toronto looked poised to capture its second American League East division title in three years as the Blue Jays led the Detroit by three and a half games with only eight games left in the season. By all accounts, the Tigers had to win all of their remaining games and Toronto would have had to lose all of its remaining games in order for the Tigers to overtake the Blue Jays, which against all odds, is what transpired in the end. For the most part, Toronto’s collapse (going 0-7 to finish the season with a 96-66 record and two games behind Detroit) was not a function of a sudden dip in performance; rather, it could be attributed to a very untimely rash of injuries as several key starters, such as Tony Fernández (who broke his elbow after being taken out by Tigers infielder Bill Madlock) and Ernie Whitt, suffered season-ending injuries that robbed the team of its offensive power.

Still, despite coming out of the showdown on the losing end, Toronto demonstrated that it was a force to be reckoned with for years to come. The Blue Jays had demonstrated their status as a genuine contender. By this point, Toronto featured a strong starting rotation with high batting averages who could get on base on a frequent basis (Bell and Fernández), with speed to burn on the bases, gold-glove calibre defence (Fernández and Moseby), and strong power hitters (Barfield, Bell, McGriff, Moseby, and Whitt). The starting rotation was equally strong as both Stieb and Key continued to star (given that both of them were still very much in their prime) while Jim Clancy complemented Stieb and Key nicely as an excellent number three starter (as he had been putting front-of-the-rotation numbers in 1982, 1983, and 1987).

Between 1988 and 1990, the Blue Jays continued to be a very competitive team. The club surprised all the critics to win their second American League East division title in 1989 by recovering from a disastrous 12-24 start which saw Cito Gaston replaced by Jimmy Williams as manager. We also began to see a changing of the old guard as some of the long-time core position players who were exiting their primes departed through unrestricted free agency (Clancy in 1988, Moseby in 1989, and Bell in 1990) or got traded (Barfield in 1989 and Whitt in 1990). A number of new rising stars subsequently became staples of the team after establishing themselves, including catcher Pat Borders, third baseman Kelly Gruber, and first baseman John Olerud. As for the bullpen, the addition of setup man Duane Ward formed an enviable one-two punch at the backend of the bullpen that instilled fear into opponents (Ikenhe and Ward dominated so much that the game was often over after seven innings if the starting pitcher could hold a lead until Ward in the eighth and Henke in the ninth).

From the mid-to-late 1980s, the team was playing competitive baseball year in, year out, and were twice crowned American League East champions. Still, the inability to win it all and bring a World Series title to Toronto continued to haunt the reputation of the franchise, especially after the club got dispatched by the powerful Oakland Athletics in five games in the 1989 American League Championship Series.

To be fair, it was a long shot for the 89-73 Blue Jays to win the series. On the other hand, the Oakland lineup was stacked with star players such as Dave Henderson (center fielder), Rickey Henderson (left fielder), Carney Lansford (third baseman), and Mark McGwire (first base). The Athletics’ pitching staff was equally fearsome as the starting rotation was led by a trio of dominating starters in Dave Stewart, Mike Moore, and Bob Welch, while the bullpen was anchored by the virtually unhittable Dennis Eckersley. Indeed, the 1989 edition of the Oakland Athletics was so powerful that Jose Canseco was used as a bench player.

However, it would not be long before Toronto finally reached its destiny and won back-to-back World Series in 1992 and 1993. To understand how and why the Blue Jays shook up its roster, be sure to stay tuned for Part 3 of my article.

TORONTO put together one of its most memorable seasons in 1987…”

SPORTS

THUMBS UP

Porsche’s Camp4 winter driving school.

Six Blue Jays players combined to blast a Major League Baseball record ten home runs in a game against the Baltimore Orioles on September 14, 1987, showing just how powerful Toronto’s line up was in the 1987 season. Photo credit: backinblue.kc-media.net

Monday, February 23, 2015

17
Mock trial

continued from COVER

of over-worked, perpetually exhausted, and invari-
able spread thin law students, but you’d never know it from watching Mock Trial. Not only did it have
gusto, the live music, dancing, singing, and acting
were all far more polished than they should have been
given our packed schedules. Put simply, all elements
of Mock Trial were top-notch, and y’all made it look
easy.

Having been blessed with 8:30 am classes five days
a week, I thought it best to attend the more tame of
the two nights. Consequently, while I can only speak
to Wednesday’s performance, the faint but discern-
ible smell of stale beer throughout Gowlings Hall on
Friday morning told me that Thursday evening’s show
lived up to its legacy.

KENDALL: It certainly did. (With respect to 8:30 am
classes five days a week, a lesson for you 1Ls: avoid
these like the plague. Seriously, like you’re running
classes five days a week, a lesson for you 1Ls: avoid

It’s become somewhat of a cliché that “law school is
which opened the show was unbelievably on point.

Mean Judges
digital skit

woefully incomplete, offering just a snapshot of the
vidual one. Consequently, our review here will be

enchantment.

cause: the creation of five hours of Broadway-level
interests aside for two months in service of a higher
dozens of ambitious future lawyers set their academic

moments in a packed year that leave me more glowing
with pride at the efforts of my colleagues than the two
evenings of Mock Trial. Amidst the inevitable chaos,

tastic. I expect Alessia Crescenzi’s Beverley McLachlin
to go down in Mock Trial history.

Mean Girls

-style zombies in a
broad strokes) of a case from the Supreme Court of
Canada, usually involving alcohol. This year’s depic-
tion turned third party intervention ultimately
resulted in death, was a dramatic and deliriously
premier witty repartee, the caustic one-liners tossed

KENDALL: The conceit of Mean Girls sprinkled with
liberal literary doses of Kate Henley & Christopher
West - the acting genius of three incredible women
- JC as LeBel and JF as Nadon - an explosive combi-
nation. It’s a testament to the minds behind Mock
Trial that it takes some of the most controversial legal
developments of the year and spins them into comic
gold for our amusement and edification.

KAROLINA: Though each number had notewor-
thy qualities, we simply can’t canvass each indi-
vidual one. Consequently, our review here will be
woefully incomplete, offering just a snapshot of the
whole. Caveats aside, the Mean Judges digital skit
which opened the show was unbelievably on point.
It’s become somewhat of a cliché that “law school is
just like high school, only harder.” Kate Henley and
Christopher West saw that trite truism and raised it
one scathing, satirical treatment. The result was fan-
tastic. I expect Alessia Crescenzi’s Beverley McLachlin
to go down in Mock Trial history.

KENDALL: The conceit of Mean Girls sprinkled with
liberal literary doses of Kate Henley & Christopher
West - the acting genius of three incredible women
- JC as LeBel and JF as Nadon - an explosive combi-
nation. It’s a testament to the minds behind Mock
Trial that it takes some of the most controversial legal
developments of the year and spins them into comic
gold for our amusement and edification.

KAROLINA: And where would Mock Trial be with-
out the beloved Midweek Update? Doug Judson and
Allison Williams reprises their roles as deadpan
newscasters, leaving no ripe-for-ridicule legal stone
untouched. Canvasing everything from the Ghomeshi
scandal to ever-climbing tuition rates, the skit was as
topical and as it was hilarious, reminding us why it
has earned recognition as a Mock Trial favourite.

KENDALL: Speaking of Mock Trial favourites,
Professors Trevor Farrow and Allan Hutchinson did
justice to the tradition of “surprise” faculty perfor-
mances with a belting rendition of AC/DC’s “You
Shook Me All Night Long,” twisted to reflect the
new-unknownable pains of grading seventy-five
exams from Osgoode students over Christmas break
(I still can’t imagine Alan Young navigating a whop-
ing six thousand pages of material in such a short
time period, but my hat goes off to him). They even
returned for Thursday night!

And as far as favourites go, let’s not forget Drunk
Cases, the infamous ritual of asking inebriated
Osgoode students to recount the tiniest details (or
broad strokes) of a case from the Supreme Court of
Canada, usually involving alcohol. This year’s depic-
tion of 2012’s R v Maybin, in which a barroom alter-
cation turned third party intervention ultimately
resulted in death, was a dramatic and deliriously
entertaining way to spend several minutes of the
second half.

KAROLINA: Also meriting special mention was the
flawlessly executed The All-Nighter. The bleak hope-
lessness of night-before cramming is something each
of us can relate to, and the impossibility of staying
away from YouTube hit a little too closer to home than
I’d like to admit. The acting was excellent, with man-
ically-focused study group leader Kortney Shapiro
putting on a brilliant rendition of the hard-nosed, no-
nonsense determination it takes to get through eighty
cases in seven hours.

KENDALL: Eighty cases in seven hours? Yikes, let’s
talk about something else. Hands down, my favour-
rute sketch of the night likely also hit close to home
for eager front-row participants everywhere: Markus
Liik’s Top Gunner. The dapper Adam DiSimine and
the chic Lillianne Cadieux-Shaw collided in spectacu-
lar fashion, making their mark with cool bravado and
premier witty repartee, the caustic one-liners tossed
between them stinging like shards of glass wrapped
in cotton. The Facebook-surfing, nonchalant “slacker”
(read: typical student), played with fanatical gusto by
Raphael Jacob, completed a powerful trifecta. It was a
definite highlight.

KAROLINA: Though the choreography was dazzling
throughout, it really got its chance to shine in North
York Funk, a celebration of commuting that reimag-
ined Mark Ronson’s current hit, “Uptown Funk”
(which may or may not be playing on repeat as I write
the Mock Trial dancers got down. I mean really, who
M., and Stephanie O. put their skills on display as
ê
up the room for a second time, to rowdier applause.
lit
supply on Thursday night, where
opening notes rang out into the audience.
And great spirits were in even greater
first half, and sent us off to the JCR in great spirits.
Kevin:
wouldn’t be Mock Trial without them. The
core elements of a successful Mock Trial. Roger, Ira,
Maryam, Zorn, Jaimie, Jordan, Josh, Kwaku, and
Alvin: you performed your roles with flair, dexterity, and
humility. You’ll always know you’re the backbone
of this collaborative production.
KAROLINA: No one – and I mean no one – does psy-
chotic devil-on-your-shoulder better than Jean-Paul
Bevilacqua and Allison Williams. Bad Idea Bears was
one of the most hilarious, riotous, rollicking parts of
the night, and my only complaint is that it was over
way too soon.
KENDALL: I’ll take partial responsibility for that. I had
at least a few conversations with JP (one of the three
wonderfully talented producers of the show, as well as
one-half of the Bears) during which I assured him that the
4-hour version of Mock Trial from 1L was a bit
on the long side. He promised to be especially stub-
born and put his foot down in the (figurative) cutting
room. In my view, the results speak for themselves.
A note to future producers: find another JP/Allison
pair (though I don’t envy your task), because Bad Idea
Bears should be a staple in Mock Trial shows for years
to come.
KAROLINA: Mock Trial’s sketches get lots of attention,
but much of the satire and self-awareness regarding
the sometimes absurd profession we’re getting
ourselves into is expressed so eloquently in the
song covers. Especially notable was I’m Not the Only
One, where the cast lamented the unrequited affec-
tion that typically plagues students during OCIs. Ali
Pester opened the song – where have you been hiding
that voice, girl?! The resemblance to Lana Del Rey
was uncanny, and Puster pulled off the scorned, deflated,
over-interviewed schtick perfectly.
KENDALL: Damn, that woman can sing; she’s a Del Rey
in the making. Her breakout is an example of one of
the many things I love about Mock Trial: it reminds
us that our community of intellectually astute indi-
viduals is also filled with pools of artistic genius, just
waiting to be tapped. Mock Trial provides that oppor-
tunity. Kudos to Joseph, Danielle, Vanessa, and Jon for
helping vocal greatness to flourish across the board.
I want to draw similar attention to Attention
Spun, a clever riff on Elton John’s classic “Rocket
Man.” Written by Osgoode’s very own triple-threats
Lillian Cadieux-Shaw and Jon Silver, this five-piece
ensemble targeted at law students’ inability to focus
and notorious tendency to procrastinate was beauti-
fully orchestrated, paying homage to a musical legend
and transforming a song we’d heard countless times
before into an ode to our existence in the library and
beyond. I think it’s going to be a long, long time before
we see such a unique marriage of form and content at
Mock Trial.
KAROLINA: We would be remiss if we didn’t men-
tion the annual glitter-covered fest that is the Mance.
Magic Mike has nothing on the Osgoode mancers,
who took over the Diva Medley that was already
underway with a stunning reinterpretation of the
Destiny’s Child classic “Survivor.” It was beyond
awesome seeing a group of men going H.A.M. to the
music of Queen Bey, who has become (deservedly or
not) somewhat of a feminist icon. But whatever femi-
nist victory could have been claimed was quickly shut
down by Raphael’s inefable Mister Avenger in the
Social Justice League skit that followed. Turn down
for no one, Mister Avenger – if only because I’ll never
get bored of watching you go toe to toe with Aneessa
Lewis’ hard-hitting Fymynysta.
For the final send off, Mock Trial’s theme this
year, Divas, came full circle for the closing number, a
mash-up of Taylor Swift’s “Shake it Off,” and Britney
Spears’ “Toxic.” It was the perfect, positive note to
end the night off. In the words of writer Joseph and
the Mock Trial cast: “Cause the graders gonna grade,
grade, grade, grade, grade!...And the aces get their A’s,
A’s, A’s, A’s/It’s toxic, just lighten up.” Well said,
Mock Trial, well said.
KENDALL: Mock Trial has built up an impressive repu-
tation over the years, and it’s been said that it never
fails to deliver. I would go a step further: despite an
unforgivingly competitive profession and audi-
ence members with unbelievably high standards
(no matter how intoxicated), Mock Trial consistently
raises the bar.
EDITORIAL NOTE: The Obiter Dicta wishes to con-
gratulate producers Jean-Paul Bevilacqua, Stephanie
Marchello, and Brittany Ross-Fichtner, as well as the
technical crew, stage and business managers, acting
and vocal directors, choreographers, writers, and
amazing cast for their hard work and a stellar final
product.
OCI applications are just around the corner! Looking for a quick and easy
way to showcase your involvement in the community? Join the Obiter!
We’re always happy to welcome new talent in any
form. We are also currently on the lookout for our
future Editorial Board members, which starts with
any of the following positions:

STAFF OPPORTUNITIES

Layout Staff
Editorial Staff
Writers
Social Media Staff
Business Manager

Those interested are encouraged to get in touch with us
at obiterdicta@osgoode.yorku.ca or come join us
for our next staff meeting.
benefits that accrue from seeing the world (increased open-mindedness, greater adaptability, and pushing oneself outside of one’s comfort zone), it’ll make for great fodder come OCIs or articling interviews. So backpack through southeast Asia, hike the Inca trail, and drink your way through the vineyards of Tuscany – those partners at Blakes or Torys (or elsewhere) will love hearing about it.

Also, while law students have a tendency to overcomplicate things, check out the simple advice of some of these experts:

- **Peter Kahn**, Professor, University of Washington, Department of Psychology: Open the window. Fresh air is a miracle-worker. But even exposure to the outside world through a glass pane melts away apprehension.

- **Menhet C. Oz**, co-author of You: Stress Less: Send yourself flowers. “Without question, stress is mitigated by nature. Humans are comforted by vegetation.” Buy a houseplant to keep on your desk and cut flowers at your kitchen table.

- **Laura Berman**, Assistant Clinical Professor, Northwestern University, Feinberg School of Medicine: Fucker up. “It makes you feel less isolated, which is a source of anxiety.” Berman recommends at least one ten-second kiss a day. We recommend at least two.

- **Julie Holland**, Assistant Clinical Professor, New York University, School of Medicine: Step into the light. “Exposing your retina to sunlight resets your circadian rhythm so your brain is on a schedule.” Take a walk outside without sunglasses for twenty minutes a day, three times a week.

- **Alison S. Troy**, Assistant Professor, Franklin & Marshall College, Department of Psychology: Watch a tearjerker. “Thinking positively while watching a sad movie may help you cope with setbacks in the real world.” Come up with happy endings and good advice for the characters.

- **Susan Nolen-Hoeksema**, Professor, Yale University, Department of Psychology: Adopt a pastime. “Overthinking without resolving anything draws us deeper into the feeling of being overwhelmed.” A recurring activity that requires you to engage with others—whether playing squash, taking a cooking class, or starting a reading group—lets you escape from your own head.

- **Yehuda Baruch**, Professor of Management, Rouen Business School: Drop an f-bomb. “People swear as a coping mechanism to relieve stress.” Just do so around your friends, and not around those lawyers you’re trying so hard to impress (or come to the Obiter office).

- **Chris Streeter**, Associate Professor of Psychiatry, Boston University, School of Medicine: Employ lawyers you’re trying so hard to impress (or come to the Obiter office).

- **Kate Hanley**, author of The Anywhere, Anytime Chill Guide: 77 Simply Strategies for Serenity: Take a power nap. “There’s also an exercise you can do at your desk that’s just as refreshing.” Stack your forearmers on the edge of the table, scoot back in your chair so your spine is extended, and rest your forehead on your arms for a few minutes.

And some parting thoughts (we left the hardest, and most enjoyable, for last):

- Turn off your phone. Seriously, it instantly raises your blood pressure.

- Put on some music. Classical music is best (and trust us, Debussy and Brahms are amazing).

- Watch a YouTube clip. Laughter is good for your health.

- Spend time with your best friend. They never see enough of you these days.

- Get away from the screen. Go offline at least an hour before bedtime.

- Stop being your own worst critic! There’s a reason you’re at Osgoode (you’re great). ◆

**Editorial**

Program in Poverty Law.” Concerns raised by students were rebuffed at the Faculty Council meeting based on three primary assertions: (A) regardless of what happens to other Toronto clinics, PCLS will be saved because it is the crown jewel in the legal aid system, (B) the Vision Report advocates for mergers not closures, and (C) the MOU between Osgoode and PCLS does not provide Faculty Council the requisite jurisdiction to provide the PCLS Board with an opinion regarding the impact of the Vision Report’s proposals on clinical education at Osgoode. Concerns persist about these claims.

Even if one accepts the hope that PCLS will be protected from closure, shouldn’t we be worried about the Vision Report establishing a precedent of defining the needs of Canada’s low-income communities with minimal community consultation and evidence? Further, the Vision Report explicitly eschews the idea of mergers in favour of outright closures as demonstrated on page twenty of the report and the reliance on “realignment” in the Framework Agreement. In response to the lack of jurisdiction claim, students have pointed out that the Vision Report stands to alter a large scope of the joint partnership in the MOU. In addition, any Osgoode specific decision regarding the Vision Report cannot strong-arm the independent PCLS Board into making a decision.

On January 14, 2015, the PCLS Board of Directors released a statement on the GTA Transformation project [a component of [1]] to a broad consultation process over the next several months with its constituencies, including community members, agencies, PCLS staff, students and Osgoode Hall Law School, before taking any decisions about transformation.”

**#2: The Osgoode Community Has Dedicated Access to Justice Advocates**

I doubt Student Caucus’ engagement on this issue would have been possible without the instructive capacity building of Professor Mary Jane Mossman. Professor Mossman—who helped found the community-based legal clinic model in Ontario and was the first articling student at PCLS in 1971-1972—has been an inspirational advocate at Osgoode and in Ontario more broadly. Letters and resources from Ron Ellis, Shin Imai, Frederick Zemans, Thea Herman, and Doug Ewart have also provided urgently needed clarity about the Vision Report and its recommendations.

Making progress at Osgoode towards the fundamental right of access to justice in Toronto’s community-based legal clinic system would not have been possible without a dedicated student voice. Over the past year, the following law students have provided incredible expertise and leadership to shape the debate over expanding access to justice for all in Ontario: PCLS caseworkers and Osgoode students Craig Mazeloff, Kate Siemiatycki, Andrew Cox, David Nisker, Amina Juma, Nicole Veitch, Justin Amaral, Osgoode and PCLS alumni Mika Imai and Oriel Vanga, as well as past PCLS articling students.

By coming together on an issue of shared concern, students, faculty, and Osgoode alumni have demonstrated that community building is a necessary part of advocacy that truly speaks to the needs of marginalized communities.

**#1: You Can Help Shape How the Vision Report Impacts Osgoode In the Coming Year**

Student Caucus recognizes the importance of keeping the student dialogue on Toronto legal clinic transformation ongoing while consultation, decision-making and any change-implementation occurs. In order to adequately participate in this endeavour, Student Caucus welcomes interested students to join the sub-committee struck to continue to explore how the Vision Report might affect Osgoode’s clinical education program at PCLS. The goals of this sub-committee are in development. They may include some of the following priorities:

- stay apprised of discussion about the Vision Report;
- disseminate information to the Osgoode community about the Vision Report; and
- direct an Osgoode discourse about a future community-based legal clinic model for Toronto.

To be part of the sub-committee please contact studentcaucuschair@gmail.com. ◆

**EDITORIAL NOTE:** The electronic version of this article contains hyperlinks to sources cited as the issue of Toronto’s legal clinics involves much research and media portrayal.
Breakdown of Ancillary Fees Paid by JD Students

<table>
<thead>
<tr>
<th>CENTRALLY COLLECTED ANCILLARY FEES</th>
<th>PER JD STUDENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Athletics/Recreation</td>
<td>$277.38</td>
</tr>
<tr>
<td>Cultural and Special Services</td>
<td>$192.96</td>
</tr>
<tr>
<td>Counselling</td>
<td>$132.56</td>
</tr>
<tr>
<td>Student Care (Capital)</td>
<td>$138.28</td>
</tr>
<tr>
<td>Faculty Government</td>
<td>$60.00</td>
</tr>
<tr>
<td>Osgoode Career Centre</td>
<td>$40.00</td>
</tr>
<tr>
<td>Osgoode Bursary Fund</td>
<td>$25.00</td>
</tr>
<tr>
<td>Student Centre (Operating)</td>
<td>$19.50</td>
</tr>
<tr>
<td>Osgoode Law Journal</td>
<td>$10.00</td>
</tr>
<tr>
<td>Community and Legal Aid Services Program (CLASSP)</td>
<td>$7.94</td>
</tr>
<tr>
<td>CHERY (Radio Station)</td>
<td>$4.50</td>
</tr>
<tr>
<td>Excalibur (York Student Newspaper)</td>
<td>$4.00</td>
</tr>
<tr>
<td>Ontario Public Interest</td>
<td>$3.00</td>
</tr>
<tr>
<td>Research Group (OPIRG)</td>
<td>$3.00</td>
</tr>
<tr>
<td>The Centre for Women and Trans People</td>
<td>$3.00</td>
</tr>
<tr>
<td>Obiter Dicta</td>
<td>$3.00</td>
</tr>
<tr>
<td>Osgoode Yearbook (collected by Legal and Literary Society)</td>
<td>$3.00</td>
</tr>
<tr>
<td>Sexual Assault Survivors</td>
<td>$2.10</td>
</tr>
<tr>
<td>Support Line</td>
<td>$2.10</td>
</tr>
<tr>
<td>World University Service of Canada</td>
<td>$0.90</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$927.22</strong></td>
</tr>
</tbody>
</table>

government mandates, sixty students received bursaries in various amounts. Overall, more than $2.2 million were distributed.

The Rest? ($19,303)

Simply put, $19,303 is the amount of your tuition Osgoode uses to pay for salaries and operational costs. But this is where the exercise of calculating the breakdown for the remaining portion of tuition is significantly less precise. Since Osgoode does not track JD tuition separately, it is impossible to say precisely how much goes into professor’s salaries, as an example. While teaching JD students forms an important part of professors’ salaries, other aspects such as graduate supervision, scholarly contributions, and institutional service also account for their earnings, which it would be unfair to characterize as wholly paid for by JD students. The following figures were obtained by attributing the same percentage towards tuition paid, as the percentage of the expense line versus total expense. As a result, the following attributes for 2014/15. This will change in the next few years: under a new budget model, each faculty department will be responsible for its own facilities.

The Flex Fund

Maybe you have heard of the Flex Fund, which is calculated by taking revenue and subtracting expenses, which is essentially the Osgoode spin on what a business might call gross profits. In 2014/15, revenue exceeded expenses by $2.3 million, though the actual Flex Fund is larger because of a positive carry-forward from previous years. That said, it was not included in this breakdown as money for the Flex Fund primarily comes from profit from OPD rather than tuition, according to the Office of the Executive Officer. The Flex Fund is a discretionary fund from which the Dean can use to fund various initiatives, both from students and faculty. An important caveat though is that this money cannot be used for full-time salaries. In other words, when money is coming from the “Dean’s Office,” it is likely coming out of this fund.

Budget Surplus and Tuition is Going Up?

Osgoode is in fairly good financial shape; it has run budget surpluses for the last three years and has paid down a structural deficit. So this may lead many students to ask why the plan is to increase tuition by 5%, the maximum allowed amount, for the foreseeable future. The administration has explained uncertainty from other revenue sources, potential added costs as a result of the change in budgeting models, and contractual salary raises necessitate these tuition increases. In addition, Osgoode values being a leader in legal education, and the drive to enhance the Osgoode experience pushes the law school towards growth and expansion, rather than shrinkage.

The Broader Discussion on Tuition

Much has already been said about high tuition and the “access to justice” issue. We are already seeing some of the effects of high tuition on the composition of the class at Osgoode; less than 20% of applicants applying to Osgoode in 2014/15 cited coming from low-income situations, and this statistic is moving in a downward trend according to a report from the Osgoode Admissions Committee. Notably, Osgoode has looked to remedy this by exploring a “flexible JD” program, an extended degree of more than three years, with a schedule more conducive to working while pursuing law school. There is also the much acclaimed announcement of the income-contingent loan program, where five students would go to Osgoode tuition free, and only repay upon graduating and securing a job that pays well enough.

There is also the discussion of how high tuition is affecting career choice. Many students feel constrained especially in the short-term after graduating to choose more lucrative practice areas in light of a large student-debt, and despite their passion or reason for coming to law school. Back-end scholarships such as the Wendy Babcock bursary, and the currently being fundraised “Osgoode 125 Fund”, are efforts to alleviate this kind of stress. While commendable,
Tuition

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these initiatives would not even be needed if tuition was reasonably affordable in the first place.

Conclusion

The often heard refrain of Osgoode students: “With the amount of tuition I’m paying, you’d think I could get X,” and replace X with any number of student complaints. Understandably, students want high quality services and facilities given the amount paid, especially considering the steps it takes to even pay tuition: summer employment, applying for government loans, lines of credits. As a result, minor things like non-functioning electric sockets, fees to use Examsoft (currently being covered by funds from the Dean’s Office), slow internet, etc., are particularly enraging for students.

However, while students are good at asking for more, if students want to get serious about lowering tuition, the discussion has to centre around getting less. Would students sacrifice the number and variety of available classes, replace full-time faculty with more adjunct professors, eliminate “localised” student services, such as transcript ordering and career counselling, if that meant lower tuition? This is the kind of discussion that Osgoode needs to have to be serious about reducing tuition. Of course, increased government funding, more third-party investments, or professors and staff agreeing to a pay-cut would allow for lower tuition without Osgoode needing to cutback; the likelihood of that happening is not especially high. The conversation around tuition has been going for years now, but are we ready to have the real discussion? 

Special thanks to Assistant Dean Mya Rimon, Manager of Admissions and Student Financial Services Christine Hunter, and Executive Officer Phyllis Lepore-Babcock for speaking with me and providing data for this article.

ABS

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affordability, billing certainty, and work efficiency. New lawyers can feel that they are expected to bide their time within the four walls of a precariously ascending box on an org chart, and that opportunities to apply themselves to the nuts and bolts of the workplace itself are few and far between. These factors stunt the profession’s ability to deliver on its duties to the public, and eliminate an available frontier for renewal. Resistance to ABS starts to look a lot like resistance to better ways of doing things.

Renaissance and reform

While some have asked how much weight the Law Society should give the ideas of students, we question the wisdom of lending excessive credence to a more timid, insular approach. An industry that wants to pat itself on the back for its fabled institutional and public service roles loses the luxury of such caution with each echelon of society that slips from its service coverage. In the face of Ontario’s access to justice stalemate, industry disruption – a wider exposure to Porter’s Five Forces – can be a source of positive change.

Of course, the history of Canadian legal services is one guided by the knowledge, experience, and insight of senior members of the profession. Many great reforms have been pioneered or perfected by the Ontario bar. But seldom have those propositions put the business druthers of lawyers in their crosshairs. For obvious reasons, the ABS debate should never be concerned with defending the creature comforts of lawyers, propping up a singular, consultancy business model, or dragging along any baggage of lawyer exceptionalism. As relative outsiders, students might be well positioned to challenge the conventional wisdom.

For our generation, ABS offers developments that are worth getting excited about. Its potential aligns with our aspirations for law as a calling and for legal practice as a modern enterprise - one that is responsive and accessible to the society it serves. Our views are informed as much in a spirit of legal service renaissance as one of legal industry reform. We are conscious of our novice station in the legal community. It is that same, often troubling vantage point that compels us to share our ideas about the future of law. Too often, that future has been determined by the interests of the past.

EDITORIAL NOTE: This article was originally published in the Canadian Bar Association National Magazine. See the original column here: http://www.nationalmagazine.ca/Articles/February-2015-Web/Why-law-students-care-about-ABS.aspx?lang=EN.
Selma (2014) 3/4

Measured, earnest, and levelheaded, Selma is an overdue tribute to a revered icon; a stately, sober Selma is an artfully dense motion picture, and a stronger pulse under the lapels would make us care much more.

Chandor follows the psychologically penetrating tradition of Alan Pakula and Francis Ford Coppola, observing crime as a microcosm of society. He’s got an eye on the vacant throne of Sidney Lumet, and he’s steadily stalking out a career in that direction.

The most interesting film of Chandor’s career thus far, another notch on the belts of Isaac and Chastain, and perhaps the best film of 2014 not to receive a single Oscar nomination. If A Most Violent Year fails, it falls with class and dignity, and its head held high. It makes you nostalgic for a time when the world was worse, and the films were better.

Call, All Is Lost) has no such inclination. A Most Violent Year’s minimalist approach will take many viewers aback, as their expectations are thwarted by Chandor’s almost perverse pleasure in stopping shy of the boiling point. A Most Violent Year is all about the simmer. Chandor also has a golden touch with actors that’s beginning to rival Clint Eastwood. Chandor sets a tempo that allows Isaac to play his character with restraint while giving Chastain the time she needs to manipulate behind the throne.

Capturing the jaundiced look of the Scorsese-Coppola crime era, Bradford Young’s cinematography is staggering, transforming bleak wastelands and mansions into visions of light, as if we’re seeing everything like Abel does, America as beauty incarnate. It’s all muted grey tones and darkness-drenched interiors, camel-coloured tans and browns as though made on location in 1981. It’s not a flashy film, just a very good one. The abrupt bloodshed and flowing black fuel is straight out of There Will Be Blood.

A Most Violent Year is not a revolutionary or thematically dense motion picture, and a stronger pulse under the lapels would make us care much more.

Yet Chandor follows the psychologically penetrating tradition of Alan Pakula and Francis Ford Coppola, observing crime as a microcosm of society. He’s got an eye on the vacant throne of Sidney Lumet, and he’s steadily stalking out a career in that direction.

The most interesting film of Chandor’s career thus far, another notch on the belts of Isaac and Chastain, and perhaps the best film of 2014 not to receive a single Oscar nomination. If A Most Violent Year fails, it falls with class and dignity, and its head held high. It makes you nostalgic for a time when the world was worse, and the films were better.

Selma (2014) 3/4

Measured, earnest, and levelheaded, Selma is an overdue tribute to a revered icon; a stately, sober depiction of the 1960s American civil rights movement; and a solid, if unspectacular, look at the grunt-work of activism. It’s vital correspondence with an impassioned and reverberating message.

Selma is a moving and well-meaning film that never quite manages the greatness one expects, given its soaring subject material. Gravitas abounds, and yet it sometimes comes off as stolid. While DuVernay sidesteps the pitfalls of adulatory biopics, screenwriter Paul Webb’s script is dramatically uneven in its encapsulation of bygone events. The dynamic between MLK and LBJ is disappointingly off-kilter, and some of the casting is a bit of an overreach (the British Wilkinson and Tim Roth as Governor George Wallace seem out of place).

As psychologically acute as it is politically astute, Selma is most nimble when illuminating scenes rather than trying to explicate them. Yet racial strife is a subject that cries out for a more volatile treatment. The Alabama marching sequences and resulting violence, filmed where they actually happened, are too understated – almost journalistic – and the finale is so restrained that it’s jarring, rendering the actual four-day march something of an afterthought.

If there’s a temptation to canonize Selma and brush aside its less successful elements, that’s not surprising given its handsome presentation, its topical importance, and the heroic nature of the story, not to mention the ridiculous amount of time it’s taken for this story to reach the screen. It has all the hallmarks of a trophy winner, for better and worse. In the end, it’s probably drawn more praise and criticism than it warrants. Regardless, Selma is elaborately staged and phenomenally stirring, a spine-chilling reminder that those who do not know history are doomed to repeat it.

Vivid and timely, Selma demands to be seen, despite its flaws. To see it is to appreciate anew the burden of greatness. Needless to say, Dr. King’s message has never been more relevant. As cinema, then, Selma is mostly commendable; as cultural barometer, it’s beyond reproach.

For more reviews, visit Absurdity & Serenity at absurdities.wordpress.com.
ISSUE 10 SOLUTIONS

EASY

9 3 1 2 7 4 6 8 5
2 4 6 5 8 1 7 9 3
7 8 5 6 3 9 1 2 4
5 2 9 7 4 6 8 3 1
1 6 4 8 5 3 9 7 2
8 7 3 9 1 2 4 5 6
3 9 7 4 6 5 2 1 8
6 5 8 1 2 7 3 4 9
4 1 2 3 9 8 5 6 7

MEDIUM

2 9 5 3 1 6 8 4 7
3 4 8 7 9 2 6 1 5
6 7 1 5 4 8 9 2 3
5 6 3 2 8 9 1 7 4
1 8 7 6 3 4 2 5 9
4 2 9 1 5 7 3 6 8
7 3 6 8 2 5 4 9 1
8 5 4 9 6 1 7 3 2
9 1 2 4 7 3 5 8 6

HARD

2 1 3 4 6 8 5 7 9
4 9 6 5 7 1 2 8 3
5 7 8 2 9 3 1 6 4
8 2 5 3 4 7 6 9 1
1 3 4 9 5 6 7 2 8
7 6 9 8 1 2 3 4 5
3 4 1 6 2 9 8 5 7
9 8 2 7 3 5 4 1 6
6 5 7 1 8 4 9 3 2

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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