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ADDRESSING THE GUN EPIDEMIC IN THE UNITED STATES:

THE ROLE OF PUBLIC HEALTH IN PRESIDENT OBAMA'S EXECUTIVE ORDERS.

Photo credit: indianexpress.com

-JERICO ESPINAS

On 4 January 2016, President Obama announced a series of executive orders that are meant to address what he calls an "epidemic of gun violence" in the United States. He justified these orders by referring to the blocking of gun reforms in the United States congress despite the increasing number of violent public shootings and deaths related to gun violence.

These orders are divided into four main actions. First, the current background check system will be overhauled. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will increase the scope of background checks in the purchase of firearms, and the Federal Bureau of Investigation (FBI) will make these background checks more effective and efficient.

Second, President Obama wants to make communities safer from gun violence through better enforcement of gun laws. These will include 200 new ATF agents and investigators, new initiatives from the ATF to tackle illegal trafficking of firearms, as well as initiatives in the Attorney General's office to increase domestic violence outreach.

Third, the connection between gun violence and mental health will be addressed through increased mental health treatments and better incorporating mental health into background checks. This order will include a proposed $500 million investment to increase access to mental health care, and better mechanisms to report individuals who illegally

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In this Issue . . .

Public Comments under Ontario's Environmental Bill of Rights.

Getting to know a low-commitment way to participate in Ontario's environmental decisions

- ERIN GARBETT

As someone who is fairly set on a career in environmental law, I was surprised when the Environmental Law course didn't immediately grab my attention. Not that the course isn't a good one, it is. It just didn't click with me until over a month in, when I saw the course in a different way. Rather than expecting a thorough understanding of each aspect of environmental law, I realized that the course provides a box full of tools for using the law to combat environmental problems. The tools sometimes (or most times) don't work, but they're there, waiting for the right person to use them.

The idea of the toolbox got me thinking about which ones could be used by the public. As it turns out, a lot of the things we learned about in environmental law are completely accessible to persons without legal education. Then came another realization: many of these tools are relatively unknown to those who don't go out of their way to learn about them. Unless you are interested in legal instruments with the potential to remedy environmental problems to the point of taking a course or being actively involved in searching legal instruments, it is difficult to find tools for your toolbox.

With that, I now endeavour to discuss (at a very cursory level) a part of one such tool: Ontario's Environmental Bill of Rights (EBR). This is a piece of legislation that many will have heard of, but few understand. The EBR has often been described as a paper tiger; as the preamble describes a substantive right to a healthy environment but the legislation itself provides only procedural rights. However, the EBR does provide multiples methods for everyone to participate in decisions that have the potential to cause significant environmental impacts in Ontario.

Specifically, I would like to review the Environmental Registry and how to comment on proposed government actions. Other forms of public participation in the EBR include: application for review of a policy, act, regulation or instrument, applications to investigate possible contraventions of environmentally significant act, regulations, or instruments (note: in this context "instrument" generally refers to something like a permit or a license), the ability to sue for public nuisance without special damages and whistleblower protections. I'm choosing to focus on the ER and public comments mainly because it involves the smallest time and energy commitment of the mechanisms included in the EBR.

So, what is this Environmental Registry and how does one "public comment"? Well, the ER is found at this website: https://www.ebr.gov.on.ca/ERS-WEB-External/. Once you get there, you will find yourself looking at a very simple website with a search box in the centre and not much else. Fret not! The information may appear inaccessible—and it isn't the easiest to get to—but it is there. You can use the search box if you know generally what you're looking for, or are looking for proposals relevant to a specific topic or area. You can also click "enter site" to go to the ER's main page, where you can seen the most viewed notices over the last 90 days, recently posted proposals, FAQs, further links, and more.

Once you have found a proposal that is of interest, click on it. You will be brought to the full notice, including: the address of the proponent, the instrument type, a description of the instrument, the deadline to submit comments (in almost all cases notices must be posted for at least 30 days), who to contact for further information and sometimes links to further information. There will be a button to push to submit a comment through the ER's online system, and an address if you'd prefer to submit a comment through snail mail. If you're so industrious, you can sign up for an account on the ER, you can then add individual notices to a watch list and save search criteria for future use.

Don't feel like searching the ER every day for new notices? Interested in notices that relate to particular subject matter (such as ground water, mining, brownfields, etc.) or place? ECO has an email alert service (http://alerts.ecoissues.ca) that you can sign up for. Once you've signed up, you can add key words of phrases; you will then receive emails when a new notice related to those keywords is posted. You can also find out about controversial and/or significant proposals from local and provincial environmental organizations and from larger public interest groups.

A commonly misunderstood aspect of the ER and public comments is that they are not a vote in support or in opposition of the proposed action. Although the possibility exists that a decision will be influenced by a substantial number of form comments written by an organization, the Environmental Commissioner of Ontario (ECO) recommends individual comments that provide "original insight, observations and recommendations." The cynical part of me says that they are pushing for fewer form comments to lighten their work load, while the more optimistic part says that ECO is encouraging better comments. Perhaps it is a bit of both. At the end of the day, do what is best for you; in either case you are participating in the decision!

Once you've made your comment, it's pretty much the end of the story. The legislation states that ministers must "take every reasonable step" to ensure that all received comments relevant to the proposal are considered. In practice, that means that when a decision is posted, a general overview of how comments were treated and changes (if any) will be included. A selection of comments will be available online with the decision, and most comments are available to the public through the listed contact person.

It isn't likely that one comment (or group of comments), no matter how eloquently and persuasively written, will convince the ministry to go back on or fundamentally change a proposed policy, act, regulation or instrument. However, there have been cases where the ministry has made important changes based on public comments. For example, significant improvements were made to the Toxic Reduction Act, 2009 and the Clean Water Act, 2006 based on comments submitted by the public.

There are many valid criticisms of the EBR, including the public commenting process. Not all ministries in Ontario fall under the purview of the EBR, and those that do must only post notice of a proposal if it is "environmentally significant," which is decided by the appropriate ministry on a case-by-case basis (although the EBR does offer some guidance). There is little transparency or accountability involved in how comments are considered. These are significant flaws. But it exists, and as Ecojustice writes, it provides "a very sound foundation for continuous improvement." It gives those who care about environmental decisions in Ontario a voice that only stays silent if you do. So get out there and comment!

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"Whoever tells the best story wins."
- John Quincy Adams

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Respecting Women in Sexual Assault Trials

The Osgoode Feminist Collective (OFC) Traces the Legacy of Misogyny in Canadian Courts

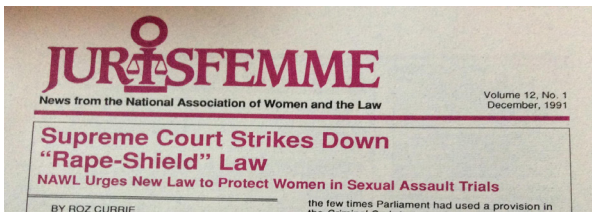
-BROGHAN MASTERS, RACHEL BERINSTEIN, AND BONNIE GREENAWAY, OSGOODE FEMINIST COLLECTIVE

The OFC has been spending time in the abandoned corridors of pre-renovation Osgoode uncovering a litany of archival resources from our feminist past as Osgoode's Women's Caucus. In our first edition of this monthly series, we have chosen to highlight the pervasive sexist attitudes that continue to plague the Canadian court system, particularly in cases of sexual assault.

After flipping through the pages of political "zines," books, pamphlets, and the like from 1973-1998, it was impossible to ignore that some of the deeply misogynistic and anti-feminist language critiqued in these historical materials is today still all too familiar.

While progress has been made through improvements to sexual assault legislation—from the re-introduction of the "rape-shield" laws in 1992 (providing strict guidelines for when and how previous sexual conduct can be used by a defendant at trial), to the inclusion of consent law specific to sexual assault—oppressive and often stereotypical assumptions about women linger as a deep-seated and ever-dangerous reminder of our patriarchal criminal justice system.

As mentioned in the 1971 Stop Rape zine, "The treatment a woman receives after she has been raped indicates clearly that she has stepped out of her place in reporting a rape and asking for justice [emphasis added]" (Paul H. Berghard, 12). Echoing this sentiment more than two decades later, Donna Johnson commented in a timely OFC archival piece, "Despite efforts of feminist lawyers to make visible


JURISFEMME

News from the National Association of Women and the Law

Volume 12, No. 1
December, 1991

Supreme Court Strikes Down "Rape-Shield" Law

NAWL Urges New Law to Protect Women in Sexual Assault Trials

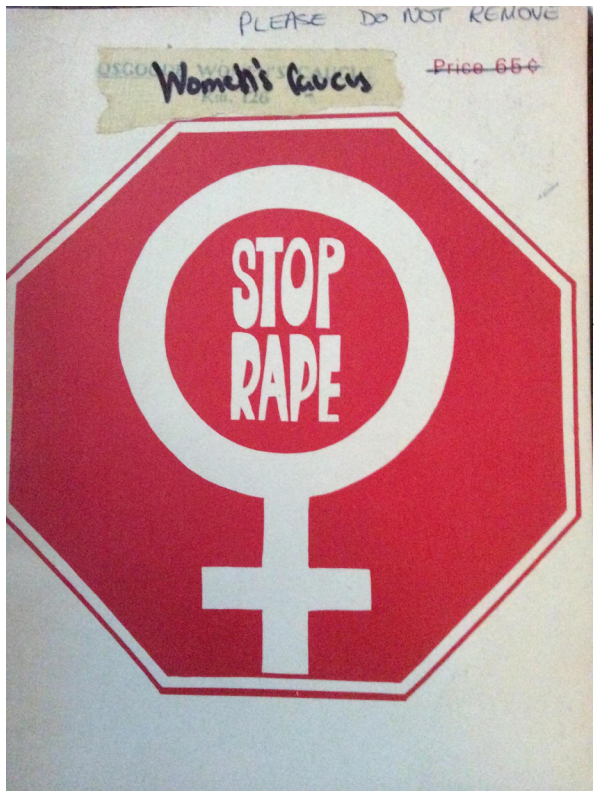
BY ROZ CURRIE

the few times Parliament had used a provision in

▸ Zine compiled in 1971 by Women Against Rape, a Canadian feminist collective.

the misogyny inherent in the law, individual women are entering the courts every day completely unprepared for the battle that is being waged there" (Out of Icy Water: Regina v Douglas X, 241).

As fellow law students of Osgoode Hall, the OFC seeks to foster discussion of the greater implications of sexist bias embedded in our legal community and how these prejudices interact with other areas of oppression. As a collective, we feel there is no position more sensitive than when the due process rights and overall safety of sexual assault survivors stand to be compromised by legal professionals themselves. Abhorrent remarks, such as those made by Federal Court Justice Robin Camp, serve as evidence of a greater institutional need for an intersectional and anti-oppressive understanding of feminism and justice. This understanding is something that even the Women's Caucus itself has not taken into full account historically, as demonstrated by the content of our archival materials, which tend not to explore oppression beyond sexism. However, the post-second wave tides have changed and this anti-oppressive, intersectional stance serves as the driving force behind the OFC's efforts today.



▸ News from the National Association of Women and the Law (December, 1991)

thumbs UP

Trudeau's visit with Mayor Tory met by mobs of selfies.

"I Spy"

Nineteenth Annual JD/MBA Students' Association ConferenceMisogyny in Canadian Courts

-ERIC FREILICH

Anti-Terrorism legislation. Spyware. Big Data. Never in history have Western civilians been as aware of the eyes on them, and in their personal information. With the advent of organizations such as Facebook and Google, information about people is becoming a commodity in ways it could never have been imagined in the past. Understanding how opportunities arise, create fears which permeate a society, and eventually influence policy and change is crucial for law students.

"I SPY," the nineteenth Annual JD/MBA Students' Association Conference, will be held on 5 February 2016, and will explore some of the business, legal, and policy issues surrounding privacy and big data. With a keynote address by Dr. Ann Cavoukian, the former Privacy Commissioner of Ontario, this conference will feature panels on fascinating topics including the monetization of big data, the laws of privacy, and corporate espionage.

The conference will also feature a networking event where students will be able to meet practitioners working in public and private organizations focused on privacy. Tickets will be available for purchase at the JD/MBA table that will be in Gowlings Hall in the upcoming weeks, as well as online.

Access to Justice Reform and the Data Deficit: Some Lessons Learned

Canadian Forum on Civil Justice

-IAN MASON

In 2015, the Canadian Forum on Civil Justice (CFCJ) at Osgoode Hall Law School published Civil Non-Family Cases Filed in the Supreme Court of BC - Research Results and Lessons Learned. This study is one piece of a larger, five year, "Cost of Justice" research initiative being undertaken by the CFCJ with the goal of defining the economic and social costs of justice on two fronts: the cost of delivering access to justice, and the cost of not delivering access to justice.

The study was conducted by Focus Consultants of Victoria, British Columbia (BC) in 2014 and 2015 in the Supreme Court of BC. It was premised on the fact that, while we know that approximately 2% of cases filed in section 96 courts resolve by trial, we know almost nothing about what happens to the other 98%. The assumption was once commonly made that because these cases are not tried, they have settled. However, research into unmet legal need and unrepresented litigants suggests that many of these cases do not ultimately resolve.

Accordingly, the study aimed to learn more about the trajectory, characteristics and outcomes of these cases, and about the experience of the claimants in terms of their satisfaction, ancillary costs incurred and other impacts. Because the study was particularly interested in acquiring data on the proportion of civil cases that appear to drop out or remain unresolved, it is referred to as "the attrition study." It also intended to address questions about why cases do not continue within the court system and what happens to the claims, and the claimants, after they leave the system.

Numerous reports exploring remedies to the access problem call for studies like this. They observe that current reform efforts are being seriously handicapped by a paucity of hard, empirical data about Canada's civil justice system. They observe that much data is simply not captured. The data that does exist is low quality and fragmented, and there is limited capacity in the system to organize or use it.

The attrition study experienced these difficulties first hand. It confronted multiple problems in trying to collect data from the 500 motor vehicle accident and general civil (non-family) files in the study. The researchers experienced diverse challenges related to the definition and extraction of an appropriate sample of cases, limitations related to the currency and completeness of court records, an inability to contact claimants to discuss their court experiences, a lack of understanding by claimants of the civil legal processes they were involved in, and an inability to engage civil lawyers in the research.

In an effort to address these constraints, changes were made to the original methodologies used in the research. In the face of incomplete or uninformative file records, unavailable claimants or claimants with little understanding of the process or outcome of their case, telephone interviews were conducted with lawyers who represented the claimants in the original sample. There is little incentive for counsel to take the time for such interviews and, when they do, confidentiality concerns mean that questions about specific claimants cannot be answered. The researchers collected what general information they could from lawyers.

Having to rely on very small samples, the researchers reported findings from both claimant and lawyer surveys. These findings tentatively suggest, for example, that a majority of motor vehicle accident and general civil cases do eventually settle. A number of factors may impact these findings, including the apparent significant impact of contingency fee arrangements on the settlement rates in personal injury cases. Ultimately, the results were not robust enough to support conclusions that could be reliably generalized to these or other civil non-family cases in BC.

Despite the want of generalizable findings, the attrition study does potentially add value to the future development of research related to civil court processes and the experiences of litigants. The report includes a detailed discussion of the research challenges that were encountered, their impacts and the attempts that were made to address them. Many of these challenges will be relevant to other researchers and to institutions attempting to conduct research involving civil court records or claimant perspectives. The report includes recommendations to improve the planning and implementation of this type of civil justice research.

In this respect, the report observes that to understand the factors that impede or facilitate access to justice, it is essential for researchers to be able to engage with users of the justice system. "For this engagement to occur, it is also necessary for the government, the courts and justice organizations to appreciate the factors that facilitate or impede researchers' access to users and/or information about the user experience."

The report stresses, for example, the value that would be gained by complete and accurate court records that reflect current file status as well as information as to whether and how a case has been resolved. Court files that disclose case trajectories and the nature and timing of case outcomes in more detail would be enormously useful from a justice research perspective.

It would also be useful to be able to ascertain from court files when ADR or informal judicial settlement processes are used, and to differentiate between represented and self-represented litigants, as well as between individual, small business and corporate parties. Registries are urged to consider if whether forms initiating process could break down case types with more particularity, and consistently include contact data for the parties.

The Canadian Bar Association and the National Action Committee on Access to Justice in Civil and Family Matters have been trying, over the last couple of years, to stimulate interest nationally in empirical justice research. They are motivated by the recognition that effective justice reform must be founded on a much more comprehensive and empirically sound understanding of the operation of the justice system. In furtherance of that objective, the attrition study's recommendations should be considered by those in the justice system with control over data collection.

Read Civil Non-Family Cases Filed in the Supreme Court of BC - Research Results and Lessons Learned online at www.cfcj-fcjc.org/cost-of-justice.

By M. Jerry McHale, QC – Lam Chair in Law and Public Policy, University of Victoria

This article was originally published on www.slaw.ca in November, 2015.

The Monkey Selfie

"Monkey see, monkey sue is not good law—at least not in the Ninth Circuit"

-NADIA ABOUFARISS - OPINIONS EDITOR

I consider myself incredibly fortunate to be taking copyright this semester; it seems like 2016 is quickly shaping up to be a tumultuous year for this area of law. The year started off with controversy after the copyright to Hitler's manifesto Mein Kampf expired on 31 December 2015. The copyright had been held since his death by the German state of Bavaria, which has not allowed the work to be republished in the country since 1945. Although other jurisdictions (and the internet) have ignored this ban, the fact that the work is entering the public domain has obviously raised some fears in Germany, and prompted a broader public debate on how to confront propaganda and censorship in the digital age.

On a much less serious note, another headline that has come out of the copyright law realm this year involves a crested macaque named Naruto. In 2011, British nature photographer David Slater travelled to Indonesia to take photographs of macaques for a book he was planning to publish. While there, the monkeys being photographed—inquisitive by nature—became interested in his equipment; eventually one grabbed his camera. According to Mr. Slater, the monkey took hundreds of photos before he was able to obtain his camera back, most of which were blurry and unusable. A couple, however, seemed to be perfect selfies of Naruto, the macaque who grabbed the camera.

The People for the Ethical Treatment of Animals (PETA) filed a claim in November 2015 saying that Naruto, having been the one who pressed the shutter on the camera and took the image, is the one who owns the copyright of the photograph. On 6 January 2016, a San Francisco court dismissed the case due to lack of standing and failure to state a claim upon which relief can be granted. In a humourous decision, the judge in Naruto v Slater began, "A monkey, an animal-rights organization and a primatologist walk into federal court to sue for infringement of the monkey's claimed copyright." In between quips, the judge goes on to say that although it is conceivable that an animal could have copyright over a creation, it would be up to congress or the President to change the law, who presently do not contemplate extending its protection to animals.

> Everyone' is a bit less clear as a moniker, but still arguably seems to refer to humans.

There is some Canadian law that may anticipate the question of whether its protections can be extended to animals. The Charter of Rights and Freedoms, for example, clearly specifies "every citizen" or "every person" before stating a number of rights. "Everyone" is a bit less clear as a moniker, but still arguably seems to refer to humans (and even corporate entities in some instances). Animal rights advocates would argue that the personhood referred to in statutes such as the Charter should be extended to animals, but as of now, it is assumed that this wording refers to humans alone. Then there are, of course, laws (mostly animal protection legislation and by-laws) that refer specifically to animals.

But what about when a statute is unclear? PETA argued that the United States Copyright Act did not contain language limiting its rights to humans, but simply "authors." It is an interesting idea, and possibly arguable, if it wasn't for the fact that the Copyright Office issued a policy statement in 2014 stating that works made by animals would not qualify for copyright. This statement was at least partially prompted by the monkey selfie itself, as a "photograph of a monkey" was one of the specific examples mentioned. Also mentioned was "elephants painting murals," if anyone remembers that video making the internet rounds a couple years ago of elephants in a reserve in Thailand painting trees on a canvas. Apparently the US Copyright Office is up to date on viral animal videos.

▸ David Slater/Court exhibit provided by PETA, via Associated Press

Now that the courts have determined that Naruto the monkey does not own the copyright, Mr. Slater, who owns a British copyright of the monkey selfie (and also claims that he is now the first person to ever be sued by an animal) has stated that he plans to sue Wikipedia over its unauthorized use and republication of the image on Wikimedia Commons. Wikipedia alleges that the work is in the public domain, since no one can own the copyright to something that was created by an animal. This is likely to be a more interesting case than the somewhat facetious PETA claim, and it will be interesting to see where the legal ownership of monkey selfie—and other animal created content—ends up in the future.

An Inquiry into Judge Robin Camp:
Gender still influential in perceptions of "fair process"

- SHANNON CORREGAN

Otto Preminger's Anatomy of a Murder (1959) is fifty-seven years old. Nevertheless, it remains the finest trial drama ever put on film. It is impossible for me to put into words why my love affair with this film runs so deep. I first watched Anatomy of a Murder when I was a naïve twenty-year old. This was before I even thought about going to law school. Back then the film stood out to me for being tremendously entertaining with great performances, especially by James Stewart. Now, the film has a deeper meaning for me. It is a fascinating study of the adversarial system of justice and its moral consequences.

The film, based on the novel of the same name, details the events of a real 1952 murder trial in Michigan's Upper Peninsula. The novel was written by the trial's defense attorney, John D. Voelker, but published under the pen name John Traver. Otto Preminger decided to shoot the entire film on location believing that a studio set would not feel authentic. The majority of the film was shot in Voelker's own house and the Courthouse where the actual trial took place. Preminger's commitment to authenticity is felt in every frame of the film.

> ...Camp has a long history of dubious judgments when it comes to sexual assault cases...

Few know that Otto Preminger was just as big as Alfred Hitchcock in the 1950s. It is not just Anatomy of a Murder, it is Otto Preminger's Anatomy of a Murder - his name received top billing. Preminger graduated from the University of Vienna Law School, but he never practiced law; he was too drawn to theatre. Coming from a period when Nazism was widespread in Europe, he cherished the American system of justice, which constitutionally protected an individual's freedom of speech. He viewed American lawyers as "actors" for their clients and the best lawyers were the best actors.

Paul Biegler (John Voelker's representation in the film) is played by the legendary James Stewart. By Biegler's own admission, he is a "simple country lawyer," but a murder case falls in his lap. A lieutenant in the military, Frederick Manion (Ben Gazzara) is charged in the shooting death of local bar owner Barney Quill. Manion's wife, Laura (Lee Remick) was raped earlier in the evening by Quill, or at least that is what we are supposed to believe. During his visit with Manion at the county jail, Biegler explains the ways in which he can defend murder. He directly asks Manion: "What's your excuse for shooting Quill?" Manion, with a sinister smirk, says "I must have been mad." Biegler takes the case, basing the defense on Manion suffering from temporary insanity at the time of the shooting caused by learning of the violent rape of his wife. In other words, he acted on an "irresistible impulse" and cannot be convicted for something he had no control over (no mens rea). Otto Preminger's Anatomy of a Murder (1959) is fifty-seven years old. Nevertheless, it remains the finest trial drama ever put on film. It is impossible for me to put into words why my love affair with this film runs so deep. I first

Photo: Andrew Balfour Dailymail UK

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Winter course offering raises question:

What does Osgoode value in legal education? Or, trying to get the most out of my final months of law school.

-KATE SIEMIATYCKI

My friends and family keep asking me how I feel. After two and a half years, I am finally on the precipice of completing a process they know to have been emotionally, psychologically, and intellectually challenging. As I strain for a clear and concise answer to the question, I feel mounting anxiety about my choices as a law student. I suddenly can't stop wondering whether I've made the most of this experience; learned enough, opened myself up enough, been friendly enough. Enough for what I'm not sure, but somehow this semester has taken on a new dimension of self-reflection, loathing, and improvement.

Every choice is up for scrutiny. In particular I've seen this manifested in an increased anxiety around my course selection. In part, this is due to the banal fact that in third year the looming presence of graduation requires a more regimented selection based on the number of credits still missing to graduate and get the hell out of here. However, this external pressure is compounded by an internal one, which arises out of a desire to extract as much as possible from the school environment before it's too late.

Unfortunately, the difficulty of this process has been exacerbated by a stark lack of meaningful choices in upper year four-credit courses. Having previously completed Evidence, Family Law, and Criminal Procedure, the options for four-credit courses which I have not previously taken include (among a few others): Taxation of Wealth Transfers, Taxation of Business Enterprises, Securities Regulation, Estates, Trusts, and Commercial Law, Banking, and Bankruptcy. As a self-proclaimed 'social-justice' minded student, the choices, needless to say, do not feel tailored to my interests and future career goals. Moreover, under the Syllabus Guidelines, it is prohibited to enroll in more than two seminars without specific permission.

This is, in some ways, an individual issue. I chose to pay a small fortune to obtain a high-level of legal education, which I understood would be holistic and diverse in its perspectives. Now I feel tied to a particular vision of the law—based in corporate law—in order to manageably meet the sixty-credit graduation requirement. However it is on an institutional level that I am most concerned.

To be clear, corporate law classes are only a small part of the vast array of courses and seminars taught this semester. There are a variety of interesting and innovative three-credit seminars taught in public and private law. As well, there are non-corporate four-credit courses with incredibly long waitlists that are difficult to get into. However the distinction between courses and seminars is stark, and falls heavily along lines of private and public law.

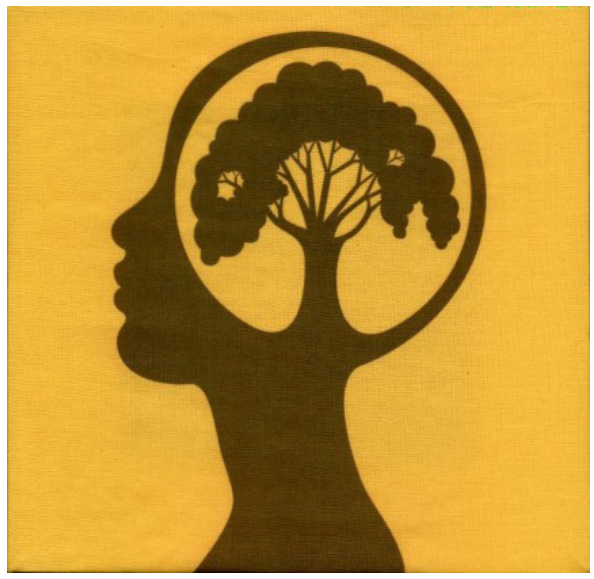
I am not suggesting that corporate and private law courses are wholly irrelevant to a non-corporate legal career or education. Osgoode should strive for an interdisciplinary and intersectional approach to legal education. Yet, the strict dichotomy between courses and seminars, and the consequent four and three credit designations, seem to reflect deep-seated presumptions about what constitutes serious legal issues.

> Everyone' is a bit less clear as a moniker, but still arguably seems to refer to humans.

The confusion for me lies in why some classes are attributed four hours of class time, and four credits, while others are relegated to three-hour seminar status. Does U.N Governance and State Building, Policing, or Constitutional Litigation require less legal analysis, statutory interpretation, or legal writing practice than Estates or Bankruptcy? For that matter, are Contract Remedies, and Investor Protection, both outlier seminars worth four credits, more intellectually demanding than Youth Justice or Islamic Law worth the usual three? Given the current political climate—in which we see the erosion of the nation-state, increased power and scrutiny of law enforcement, and complex constitutional issues involving the destruction of the environment and climate change—I struggle to identify more complex, challenging, or significant legal issues than those raised in State Building, Policing, or Constitutional Litigation.

Undeniably, the process by which Osgoode arranges its course offering is likely complex and dependent on a variety of factors including Bar admission requirements, faculty availability, and internal organizational issues. Three-credit seminars are distinguishable in that they constitute less class time, and are not exam-based. Yet, I believe anyone who has attempted to write a 7,000 word research paper of any substance and accuracy would attest to its equivalent level of difficulty to studying for a 100% exam.

There remains the possibility that there are simple and logistical responses to these questions. Yet even if these distinctions do not reveal an implicit corporate vision of the law, I wonder whether they continue to perpetuate it nonetheless. It may seem a small, and insignificant difference of one credit, yet as a whole, the course offering undervalues the importance and complexity of the law taught in seminars. It prescribes an understanding of the legal profession, which is narrow and unprepared to find solutions for the legal problems of tomorrow.



Finally, this dichotomy also perpetuates an antiquated conflict between lecture and seminar-based education. The course/seminar division at Osgoode supports the tired view that substantive areas of the law are best taught through lectures, while niche or area-focused learning should happen through discussion and experience. This is problematic for a number of reasons, the most important of which is that it constrains learning in both courses and seminars. Lectures and experientially-based learning models are tools that should be employed jointly when teaching any subject matter. I have often found myself wishing that a seminar included more 'lecture' style teaching on substantive background, and that a substantive course included discussion or experiential elements. The complex legal problems of the future will not arise in discrete compartments, and I fear that we may be ill-equipped to bridge our substantive and non-substantive legal knowledge.

In looking towards my legal future, I reflect upon the choices of the past two and a half years. Perhaps it is time for Osgoode to look towards its own future as a leader in legal education, and take this challenging moment in history to reinvent what it means to teach the law. Critically examining what we take for granted as administrative imperatives is perhaps the best place to start.

thumbs down

David Bowie dies of cancer at 69.

Shaming All the Wrong People:

Your Life Can and May be Used Against You

This article was published as part of the Osgoode chapter of Canadian Lawyers for International Human Rights (CLAIHR) media series, which aims to promote an awareness of international human rights issues.

-IAN MASON

Just in time for the first week of our Ethical Lawyering classes, Lori Douglas recently spoke out about the humiliating experiences that led to her premature retirement. For those of you who don't recall, Lori Douglas is the Manitoba judge whose career was ruined after nude photographs of her became public knowledge. The photos were posted online without her knowledge by her husband — himself a lawyer — and used to sexually proposition one of his clients, who sued them both for sexual harassment several years later. The case dragged on until she resigned in November and, unsurprisingly, she compared the experience to being repeatedly sexually assaulted. Surprisingly, she did manage to forgive her husband, who died with little fanfare in 2014.

Do you remember his name? If you don't, that's okay. His name was Jack King and I had to look it up too.

> Justice Douglas was punished because her husband failed to respect her privacy

That's one of the things I wish to address in this article: a pervasive attitude regarding sexual matters that lingers in almost every corner of our society and culture. Lori Douglas was the victim of an appalling invasion of privacy, but when all was said and done, she might as well have been the party who showed revealing photos of her spouse to a client. If anyone should have become a household name for failure to separate one's private and personal life, it was Jack King. Believe it or not, I'm not actually going to suggest that she was dragged through the mud specifically because of her gender (though that's not an unreasonable conclusion). I'm saying that our society is so predisposed to shaming people over their sex lives that some of us will shame a judge who was first and foremost the victim of her husband's indiscretion. Perhaps he would have been the publicly shamed party if he had more to lose, but for whatever reasons, he escaped mostly unscathed.

The second thing I wish to discuss is the extent to which our personal lives can come under extreme scrutiny in the legal profession. Lori Douglas is a human being, and like a lot of people, she clearly had some kinks. None of them should have ever become public knowledge, and they certainly shouldn't have led to the end of her career, especially considering they became public knowledge by little — if any — fault of her own. Unfortunately, her private life did become public knowledge and it did ruin her career. It's not fair and I sincerely hope something changes to protect people in her situation, but as things currently stand, you can be punished for something that was supposed to remain behind closed doors. The phrase "watch your back" is usually viewed as a threat, but in some circumstances, it's sincerely friendly advice. You don't have to live in fear of betrayal but you do have to be careful.

I urge this caution as someone who is fairly likely to have his personal life scrutinised at some point during his career. Amusingly enough, the day after laws surrounding bawdy houses were addressed

during a criminal law lecture, my band was invited to perform as the musical entertainment at a sex club. I declined to perform due to personal reasons unrelated to the venue, but I have performed there before and will likely do so again in the future. Mostly, it's because a gig's a gig and an audience is an audience, but it's also because there is a strong expectation of privacy in such places. Between two gigs, there's only one photo of our band within the walls of the club and we're all wearing suit jackets and dress shirts. We had to assure management that we would record nothing else. For the most part, we got in, played our set, and got out. We were paid in club memberships we never used. It's not as boring as I make it sound, but it's nowhere near as crazy as one might expect.

The point is that someone hypothetically could have snapped a photograph of us and used it to extort me. Even our normal gigs can be morally dubious. One of our songs is about an internet predator who gets his comeuppance, but if you only hear the first two verses, you could mistakenly believe we were encouraging such behaviour. If someone really tried, they could likely use my limited musical career against me, and it's not like I don't have my days as a teenage dirtbag to worry about. Being a bass player in a raunchy rock band is far from the most questionable thing I've done in my life (and I don't plan on quitting any time soon), but I can still see it being a problem.

That said, I do want to return to how clumsy our society can be when it comes to addressing sexual matters, especially victims of someone else's indiscretions. Justice Douglas was punished because her husband failed to respect her privacy. Robin Camp showed that even Federal Court judges are willing to "slut shame" sexual assault victims over little more than personal prejudice or ignorance. Even male victims of sexual assault have their experiences trivialised. Without going into too much detail, I once had a guy grope me when I passed out at a party, and people have criticised me for not getting up and fighting him. I was so drunk I hadn't realised what happened and only vaguely remembered slapping someone's wrist. The point is that you can be a teenage girl who was too scared to fight back, a powerful woman who had her privacy compromised, or a large young man who only realised what happened the morning after, and some people will find a way to hold it against you. As future legal practitioners, we have an obligation to be aware of this issue, especially considering its pervasiveness in so many levels of our society.

The overarching message here is "be careful and sympathetic." You don't want your private life being scrutinised too harshly, so don't harshly scrutinise the lives of others. Don't trivialise the victims of crime, lest people trivialise crimes committed against you. Anyone can make a mistake and anyone can be a victim. Even judges aren't immune to shaming or being shamed. A lot of the time, we can't do much more than be sympathetic to someone else's plight, but if that's all you can do, at least do that.

Also, please support the band Starship Experience, who needed to perform without me for the last two months of 2015.

» continued from front page

Addressing the Gun Epidemic in the United States.

Health groups [...] advocate to have gun violence be considered a public health issue

increased mental health treatments and better incorporating mental health into background checks. This order will include a proposed $500 million investment to increase access to mental health care, and better mechanisms to report individuals who illegally possess a gun for mental health reasons. Fourthly, President Obama wants to shape the future of gun safety technology in order to increase gun safety for owners and prevent the violent misuse of firearms for illegal possessors. The Departments of Defense, Justice, and Homeland security will be researching and developing effective gun safety technology, though the President has also urged State and private-sector leaders to contribute to the task of innovation.

thumbs down

Syrian refugees welcomed with pepper-spray in Vancouver.

thumbs UP

Sharing hotel rooms with strangers through Winston Club.

SICARIO: A REVIEW

- ANTHONY CHOI

The "War on Drugs" has faded into the recesses of public consciousness since the turn of the century, overtaken by the events of 9/11 and the subsequent and ongoing events in the Middle East. Nonetheless, we are occasionally reminded of the former, through news reports such as the recent capture of Mexican drug lord and head of the Sinaloa Cartel, Joaquin "El Chapo" Guzman, or through the occasional crime movie or television show. Sicario is one such movie, dropping viewers into a shadowy, brutal, and sometimes extralegal war-zone that rages along the southern border of the United States. The film, however, is more than your typical "things blow up for the sake of blowing up" sort of movie. It seeks to make a larger point about the controversial morality of certain covert black-ops techniques, whether the ends justify the means, the overall lack of results and general futility of the drug war, and its impact on individuals, communities, and governments alike. [Warning: spoilers ahead]

> Everyone' is a bit less clear as a moniker, but still arguably seems to refer to humans.

Sicario tells the fictional story, viewed from the eyes of a low-ranking FBI agent called Kate Macer (played by Emily Blunt), of a joint American-Mexican campaign against a Mexican drug lord responsible for numerous deaths north of the border. The movie begins with a raid on a cartel house led by Kate that revealed dozens of corpses of cartel victims sealed within the buildings' walls. While further investigating the premises, however, two police officers are killed by an improvised explosive device. Kate's superiors subsequently recommend her for an interagency operation spearheaded by the jovial yet mysterious Matt Graver (played by Josh Brolin) and his equally mysterious partner, Alejandro (played by Benicio del Toro). While Kate accepts this assignment, she is kept largely in the dark about the agencies involved, the real objectives behind the operation, and its legality. As she is dragged along for the ride, Kate is appalled to discover the operation's complete lack of regard for procedure, legality, and ethics. Matt and Alejandro casually beat, threaten, and waterboard prisoners for information, all while operating in Mexican territory without jurisdiction. Kate also learns the real objective of the operation—to restore a semblance of order to the region by eliminating the Mexican drug lord and handing power over to the 'more amenable' Columbian Medellin cartel (side note: such a typical CIA move). Indeed, as Matt cynically explains (and reflecting the overall futility of the War on Drugs), "[u]ntil someone finds a way to stop 20 percent of America putting this [expletive deleted] up their nose, order is the best we can hope for."

From the very beginning of the film all the way to the end credits, Sicario maintains a heightened sense of tension and discomfort through the combination of a well put-together script, amazing cinematography, a simple yet foreboding score, and an unflinchingly upfront treatment of the subject matter. The performance by Benicio del Toro was particularly powerful. Staying in the background for much of the movie, del Toro still manages to exude a certain kind of magnetism in all the scenes he is a part of without saying very much at all, keeping viewers wary and on guard as to what his character's true intentions are and where his allegiances lie. And when the latter is finally revealed, all the little details in del Toro's performance—from his apparent ruthlessness when dealing with the cartel men down to the dark pain that one sees partially hidden in his character's eyes—come together to unveil the sheer brilliance of it all.

From imdb.com

Ultimately, Sicario is as much a thriller as it is a commentary on the moral ambiguities and futility of the drug war. Indeed, it can almost be likened to be "the Zero Dark Thirty for the War on Drugs," with both movies posing the deeply uncomfortable question to viewers as to whether these wars are, in the words of veteran American foreign correspondent, Sebastian Rotella, "turning us into the very monsters we are trying to defeat."

Final Rating: 4/5 Stars

Anatomy of a Murder:

The Glory and Pitfalls of the Adversarial Justice System

- JUSTIN PHILPOTT

Otto Preminger's Anatomy of a Murder (1959) is fifty-seven years old. Nevertheless, it remains the finest trial drama ever put on film. It is impossible for me to put into words why my love affair with this film runs so deep. I first watched Anatomy of a Murder when I was a naïve twenty-year old. This was before I even thought about going to law school. Back then the film stood out to me for being tremendously entertaining with great performances, especially by James Stewart. Now, the film has a deeper meaning for me. It is a fascinating study of the adversarial system of justice and its moral consequences.

The film, based on the novel of the same name, details the events of a real 1952 murder trial in Michigan's Upper Peninsula. The novel was written by the trial's defense attorney, John D. Voelker, but published under the pen name John Traver. Otto Preminger decided to shoot the entire film on location believing that a studio set would not feel authentic. The majority of the film was shot in Voelker's own house and the Courthouse where the actual trial took place. Preminger's commitment to authenticity is felt in every frame of the film.

Few know that Otto Preminger was just as big as Alfred Hitchcock in the 1950s. It is not just Anatomy of a Murder, it is Otto Preminger's Anatomy of a Murder - his name received top billing. Preminger graduated from the University of Vienna Law School, but he never practiced law; he was too drawn to theatre. Coming from a period when Nazism was widespread in Europe, he cherished the American system of justice, which constitutionally protected an individual's freedom of speech. He viewed American lawyers as "actors" for their clients and the best lawyers were the best actors.

Paul Biegler (John Voelker's representation in the film) is played by the legendary James Stewart. By Biegler's own admission, he is a "simple country lawyer," but a murder case falls in his lap. A lieutenant in the military, Frederick Manion (Ben Gazzara) is charged in the shooting death of local bar owner Barney Quill. Manion's wife, Laura (Lee Remick) was raped earlier in the evening by Quill, or at least that is what we are supposed to believe. During his visit with Manion at the county jail, Biegler explains the ways in which he can defend murder. He directly asks Manion: "What's your excuse for shooting Quill?" Manion, with a sinister smirk, says "I must have been mad." Biegler takes the case, basing the defense on Manion suffering from temporary insanity at the time of the shooting caused by learning of the violent rape of his wife. In other words, he acted on an "irresistible impulse" and cannot be convicted for something he had no control over (no mens rea).

You get the impression that Biegler does not like his client or believe he is innocent. I get the impression he takes the case out of his love of the law and how the case challenges its boundaries. Biegler is your "zealous advocate" personified. He is morally ambivalent and I am not sure I trust him. I am not sure the audience is meant to. In the courtroom Biegler is an operator, twisting and colouring everything in favour of his client. He is likeable, funny, and quick on his feet. You cheer for him to win. As an audience,

Paul Biegler: "The prosecution would like to separate the motive from the act. Well, that's like trying to take the core from an apple without breaking the skin." (Photo credit: mubi.com)

and as a jury, we lose sight of what is really important. We become observers of a game and not objective assessors of facts. The judge even refers to his courtroom as "the field of battle." When Parnell, Biegler's co-counsel, discovers that Manion's psychiatrist is very young, he jokes that he hopes his first name is Ludwig because that would give his evidence more weight with the jury. In one of the film's most devilish moments, the judge instructs the jury to disregard one of Biegler's improper questions. Frederick Manion asks: "How can a jury disregard what it's already heard? Biegler responds shaking his head: "They can't, lieutenant. They can't." There must be something morally reprehensible about all of this. When I look at this case objectively, Frederick Manion is guilty of murder. Society cannot permit you to walk up to someone and shoot them, regardless how angry their actions have made you. Right?

> The majority of the film was shot in Voelker's own house...

Like Biegler, the Manions are morally ambivalent characters. There is something 'off' in their relationship. Their few interactions on screen are rich with subtext. They might not even like each other. Gazzara and Remick play on this animosity beautifully. She is terrified of him and he does not trust her. This whole undercurrent places even more doubt on the events in question.

The prosecution is no more morally superior than the defense. They themselves engage in gamesmanship. The lawyer from the Attorney General's Office in Lansing, Mr. Dancer (George C. Scott, in his first film role), goes toe-to-toe with Biegler. When Laura Manion is in the witness box, Dancer questions her in a seductive manner, believingperhaps it will make her lower her guard.

Preminger had a knack for marketing that went against the grain. He cast Joseph N. Welch, a real judge, as the judge in the film. At the time, Welch was in the public eye as one of the judges to berate Senator Joseph McCarthy at the famous Army-McCarthy hearings. You can tell Welch is not an actor, but it hardly matters. He provides the needed composed authority for the trial; his temperament and sense of humour fit perfectly. The film also contains a jazz score composed by Duke Ellington. Biegler was a jazz aficionado, giving Preminger the idea to score the film this way. At the time, it made no sense for a film set in the country to contain music typically reserved for a big city nightclub. However, the score is another one of the film's many assets.

It was unheard of in 1959 for a film to openly discuss explicit sexual elements, including rape. Like so many of Preminger's other works, Anatomy of a Murder was groundbreaking. He was constantly involved in heated and public debates with the censor board regarding distribution approval of his films. This was great for publicity, and he knew it. A pivotal piece of evidence in the trial is Ms. Manion's underwear. There is a classic scene with the attorneys huddled around the bench trying to determine if there is a better word than "panties" which did not carry such a sexual connotation. The judge's stern warning to the audience not to laugh, snicker or even smirk when "panties" are mentioned is priceless.

A meeting of the minds at the bench to determine the best way to handle the panty-issue (Photo credit: medialifecrisis.com)

When Preminger brought this film to Russia, there was no issue with the sexual content; however, they did not understand why there was even a trial. Manion was clearly guilty of murder and should have been beheaded. If this does not make you think about our legal system, I don't know what will. The trial deals with an overwhelming number of legal issues that we as law students encounter each day (jailhouse informants, impeaching a witness's credibility, automatism, hearsay, lie-detector results, medical evidence, leading questions, expert evidence, admissibility issues, etc.). The film is as educational as it is entertaining and thought-provoking. The Library of Congress selected the film in 2012 for preservation in the United States Film Registry for its significant cultural and historical contributions to film. My description does not do it justice; Anatomy of a Murder must be watched.

Leaving a Troubled Past Behind:
The Murals of Northern Ireland and Movement Towards Peace

- KATHLEEN KILLIN

In a recent issue I explored the value of public art within the context of restorative mural arts projects in Philadelphia and the benefits such programs have within the community. In contrast, this edition will be focused on the murals of Northern Ireland that represent sectarian violence that spanned over thirty years. Rather than community improvement, these murals were done with the purpose of influencing political movements; there are over two thousand murals identifying either with the Nationalist and Republican supporters of the Irish Republican Army (IRA,mainly Catholic Irish nationalists) or the Unionist and Loyalist supporters of the Ulster-Defense Forces (UDF,who are primarily Protestant supporters of the throne). Both groups have a long history of violence and hatred stemming back to the seventeenth century, with the most recent historical violence in Northern Irish history known as the "Troubles".

> ...these murals were done with the purpose of influencing political movements

The use of murals for expression of political ideals began in 1690, after Protestant King William III defeated Catholic King James I. Although the original paintings did not survive, today in Derry, a mural from the 1920s is repainted every year by the UDF commemorating William's victory. Murals that emerged during the 1960s picturing the Bloody Sunday shootings of Catholic rioters by British soldiers can be found throughout the county, with "Free Derry" being a regional slogan. They were created under the watch of armed guards in order to intimidate opponents waiting to deface the work once completed. Even in present day, the murals are used by members of the neighbourhoods as a form of identification, similar to that in Philadelphia. However, the drastic difference between those in Northern Ireland and those in Philadelphia is the purpose of creation and content. In Philadelphia, murals are used as a tool for restorative justice and depict major historical movements, colourful landscapes, and meditative designs. However, those lining the sides of rows houses along the streets of Belfast display intimidation, memorials of murdered individuals, and often gruesome reminders of the troubled past of religious conflict in Northern Ireland.

In recent years, a large debate within Northern Ireland was sparked as to whether action should be taken to preserve, replace, or remove the murals. Communities were deeply divided on the issue, with major concerns that loss of place and identity would result from new projects. In 2008, the formerly Loyalist paramilitary stronghold in the lower Shankill Road elected to replace ten sectarian murals with images of local sports figures. Assisting with this revitalization project was the Arts Council of Northern Ireland who allotted six million USD to create the Re-Imaging Communities and Building Peace Through the Arts programmes targeted at working with local areas to tackle the signs of sectarianism and racism. Their vision is to "place the arts at the heart of our social, economic and creative life." Since their launch in February 2013, the programmes have enabled over forty-seven groups to consult with and engage the community as to how changes can be made within their communities. The feedback from the public has been very positive overall, with members engaging with local artists to create new pieces of artwork in areas that were previously stricken with violence. Sculptures and paintings of famous painters, writers, and musicians can now be found in community gardens, on street corners, and across the brick walls of town houses. Although murals still riddle the landscape of Northern Ireland, happiness is slowly spreading to communities looking to heal from a very violent past.

Travel Tip: If visiting Belfast or surrounding villages, tours are available year round to see the murals. They are usually by black cab, so ensure to book early especially if you have a big group! If you can't make it to Belfast, check out a virtual Belfast mural tour at www.virtualbelfastmuraltour.com and www.belfast-murals.co.uk.

▸ Mural in West Belfast. Courtesy of www.cain.ulst.ac.uk

▸ William Connor sculpture located on the Shankill Road through the project Re-Imaging Communities. Courtesy of www.newsletter.co.uk

▸ Mural in East Belfast. Courtesy of www.satellitemagazine.com

thumbs UP

Billion-dollar Powerball jackpot.

Disturbing Justice:

Netflix's Making a Murderer Brings Justice Issues to the Spotlight

- NANCY SARMENTO

My fellow peers were right in recommending Making a Murderer as an engaging and compelling docu-drama narrowing in on our perceptions of administration of justice. Netflix introduced the documentary in late 2015, just in time for law students to binge on the entire collection, post exam-stress and right before the new term. It seemed to be the consensus, at least among my peers, that Steven Avery is the harrowing example of how deeply a targeted abuse of power can harm in our society, compromising the administration of justice.

Episode 1 of Making a Murderer chronicles the wrongful conviction of Steven Avery in the 1985 brutal attack and attempted rape of Penny Beernsteen. The series sets off by detailing the Avery family history: The family was not well received within the community of Minitowoc County, Wisconsin, viewed as non-conformist, troubled, dealing in "junk", poor, and formally uneducated. The first episode makes explicit mention that Steven Avery's IQ was restricted to about 70. By 23 years old, he fathered 5 children, the youngest of which were twins, born only days before Penny's attack. Having seen her assailant's face, Penny was able to provide police with identifying details, including eye-color, and build of her attacker, and some investigating officers supposed that the assailant was known to them, based on the description and the nature of the crime, as Gregory Allen, who was suspected for recent and similar crimes in the vicinity of Penny's attack. Despite these suspicions and an abundance of evidence to the contrary, Steven, whose physical appearance was inconsistent with Penny's initial descriptions of her attacker, was detained, and tried for the crime. Despite questionable evidence, and the evidence supporting Steven's alibi, including multiple witnesses and receipts, Steven was convicted and sentenced to 36 years in prison.

> Perhaps we all need a reminder that we don't need to be convinced of Stephen's guilt or innocence...

In the years that followed sentencing, the Avery family exhausted their resources appealing Steven's conviction, each time without success. Steven's mother sought to garner attention to the issue of the questionable conviction by appealing to media programs, again without success. The matter eventually became known to the Wisconsin Innocence Project which undertook various efforts in examining evidence such as fingernail scrapings and body-hair. Initial efforts with the fingernail scrapings were unsuccessful in firmly eliminating Steven as the assailant, however, the subsequent investigation of the body hair revealed that Steven was not the attacker, and it was, as suspected by some officers 18 years back, Gregory Allen. Even more disturbing could be that within the archived box, containing the evidence was a file containing information about Gregory Allen, and a similar crime he committed in the area of Penny's attack. Netflix offers, based on the discovery of the Allen file, that, Gregory Allen was suspected of the crime at the time of the initial investigation, or at least investigators ought to have known that Gregory Allen served as a potential suspect, and that this information was rejected in favor of targeting Steven. It's not really clear from the first episode whether any steps were taken in investigation of Gregory Allen as a suspect. We are rather left with the impression that there is an obstruction and misadministration of justice respecting Steven Avery, as being targeted and framed for the crime by the Minotowoc County police department.

The revelation of the body hair findings and investigation ultimately led to the exoneration of Steven Avery in 2003 for the crimes committed against Penny Beernsteen in 1985. Steven's family commences a civil suit associated with the 18-year imprisonment, seeking $thirty six million in damages. The Minotowoc County police department's 1985 investigation of Steven is formally probed, and it initially appears as though there will be some redress for Steven for his sufferings. But that is not necessarily the case. The inquiry into the Avery/Beernsteen investigation yields results that there was no misconduct on the part of the police department. Avery continues to reside in Minotowoc County and is warned by his lawyers as to the publicity his civil claim might generate against him. Only two years after his exoneration and release, Steven is detained by Minotowoc County enforcement, tried and convicted for the sexual assault and murder of Teresa Holbach. Some of the evidence surrounding this conviction is again, questionable and possibly inconclusive in establishing Steven's guilt beyond a reasonable doubt. Furthermore, some of the methods used by police, including the coercion of Steven's young cousin, a 16-year-old boy with a learning disability, into a confession as an accomplice are outright inappropriate.

Some have argued that evidence presented by Netflix is done so in a biased fashion, geared to eliciting sympathy and in suggesting that Avery is not guilty of Teresa Holbach's murder. Websites including Reddit, and articles placed in the National Post offer alternative evidence pointing in the direction of Steven's guilt. Perhaps we all need a reminder that we don't need to be convinced of Steven's guilt or innocence, but what is required is the raising of a reasonable doubt that he committed these crimes. It appears from the docu-drama, that the evidence preserves that doubt.

Show producer Ricciardi has discussed a juror's recent disclosure to her that there was pressure, even outright duress, to convict Steven of the Holbach murder. As a law student, that's a disheartening revelation about the justice system, one that I hope is truly ill-founded. What's also frustrating and disheartening, is that Steven's challenge is one amongst many. Only days post-holiday return, and at the start of my ELGC semester 2 course, I was introduced to the matter of R v. Hanemaayer, 2008 ONCA 580. In this matter, Hanemaayer seeks pardon for conviction of a crime committed in 1987, relating to a home intrusion intentioned to assault a young female in her room. Fortunately for the complainant, her mother was home, and attended her daughter's room on hearing the intrusion, where she was met with the assailant and studied his face. Hanemaayer was detained as bearing resemblance to the mother's description. Initially, Hanemaayer denied involvement in the criminal activity but later changed his position on influence from his lawyer. The reasoning behind the change was that the complainant's mother was a credible witness, and that Hanemaayer was led to believe, by his lawyer, that he would receive some mercy from the court on a concession of guilt, rather than fighting the system resulting in a harsher sentence. Hanemaayer served a sentence of two years less a day, and it is later discovered that he was in fact, not guilty, and that the crime was actually perpetuated by Paul Bernardo, who was at the time the Scarborough rapist. This Canadian example, though not as severe as Steven Avery's, also darkens my perception of the justice system. As a future lawyer, I want to trust that what is being articulated in our courts, and by my peers and fellow lawyers, is in pursuit of justice. I would hate to think that a lawyer would convince an innocent man to falsely concede himself as guilty in order to service a reduced sentence. But, if this is the reality of our judicial system, then I at least feel a responsibility to react and respond to such misadministration. Where can I start? www.innocenceproject.org

The Art of the Fantasy Running Back

- KAREEM WEBSTER

Another season. Another triumph. Another disappointment.

Another head scratcher. Another "aha" moment.

Another season for which we cannot wait.

It is January, so that means that the NFL regular season has wrapped up, meaning that the fantasy football playoffs have concluded and you are either a winner or a loser. How did you do? I won my fantasy league, thank you very much. I finished the season on a nine-game winning streak, with a roster that was assembled from the waiver wire, boasting a team comprised of David Johnson, Javorius "Buck" Allen, and Charcandrick West. Running back is the single most fickle position in fantasy football, and realizing that you require depth at the spot is crucial.

According to Yahoo, here were some of the top performers down the stretch:

- Antonio Brown
- Kirk Cousins
- Cam Newton
- Julio Jones
- Russell Wilson
- Doug Baldwin
- Brandon Marshall

As you can see, none of these players are running backs. The position has lost its value in the NFL and is losing tremendous value in fantasy leagues. Every year people draft running backs high in the first round with selections such as Eddie Lacy, Jamaal Charles, and Marshawn Lynch, but these players do not end up being the top finishers in fantasy football. The running back is an endangered species, with players being signed off the street or several players being used as a committee.

All over the country, fantasy football was being affected by this running back drought. That was, until my fantasy football saviour, David Johnson, single-handedly won a fantasy football championship for me. This rookie running back on Arizona was the hottest running back over the last few weeks of the regular season, with the rare ability to catch and break through the tackles as a formidable force of nature.

I am here to write to you to inform you that the running back is still an integral component of fantasy football, but what matters is when you draft or add them from the waiver wire. Stop taking running backs with the first five picks in the league. Stop that. I guarantee you that the same running back that you are rushing to draft is going to be supplanted by a running back whom you have never heard of, or that the coach will form a running back by committee, which basically means that you cannot feel comfortable using one of the backs as they will each be given snaps by the coach. The running-back-as-an-early-draft strategy is dead. The new strategy involves researching during the season for the running back scrubs with the most potential.

Make sure that you do not adhere to logic or reasoning. This is football. Anything can happen on any given Sunday. A lot of times I just went with my gut feeling and ended up winning that week. It could have gone the other way, but it worked out quite well for me.

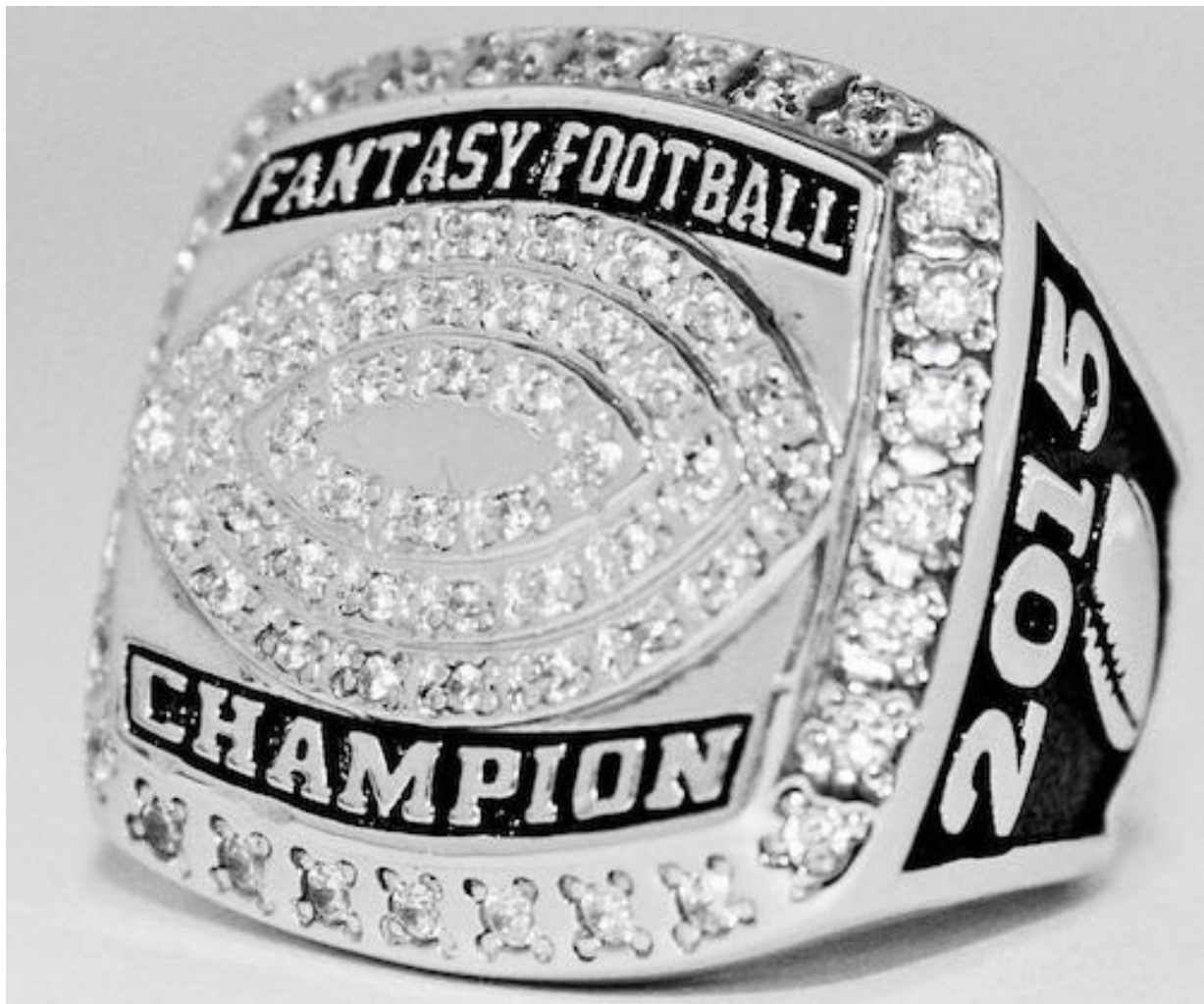


Photo: cardboardconnection.com

It is imperative to have a bevy of wide receivers – these guys are going to be getting the bulk of points with catches and potential touchdowns. Do not worry about drafting a tight end early, nor do I suggest drafting a quarterback early. These quarterbacks tend to disappoint too.

> ...the running back is still an integral component of fantasy football...

Fantasy football is ridiculous. It is inane, silly, and nonsensical. There is no rhyme or reason to why the games unfold the way they do and it is likely the most unpredictable sport in the world. Things just sort of just happen so do not sweat it; you will have good days and bad days. You will outscore your opponent when it makes absolutely no sense whatsoever. You will kick yourself for not starting Player X over Player Y. You may scream at the television when your running back is at the one-yard line and the offensive coordinator decides to throw the ball rather than punch it in. You may pull your hair out when your wide receiver catches the ball and runs away with it for about 60 yards to the end zone – oh, wait, he stepped out of bounds at the one-yard line. NOW, the coordinator decides to run the ball in, except that it is not being handed off to your player.

It is time to realize that the running back and its value has changed. Actually, the running back as an art has not changed, but you have to adjust your strategy to getting effective ones. Try this new draft strategy; I guarantee that you will find to be rather rewarding.

I am wishing you another successful fantasy football season and cheers to 2016.

thumbs down

York University mistakenly accepting 500 students.

Publically-Funded Toys:

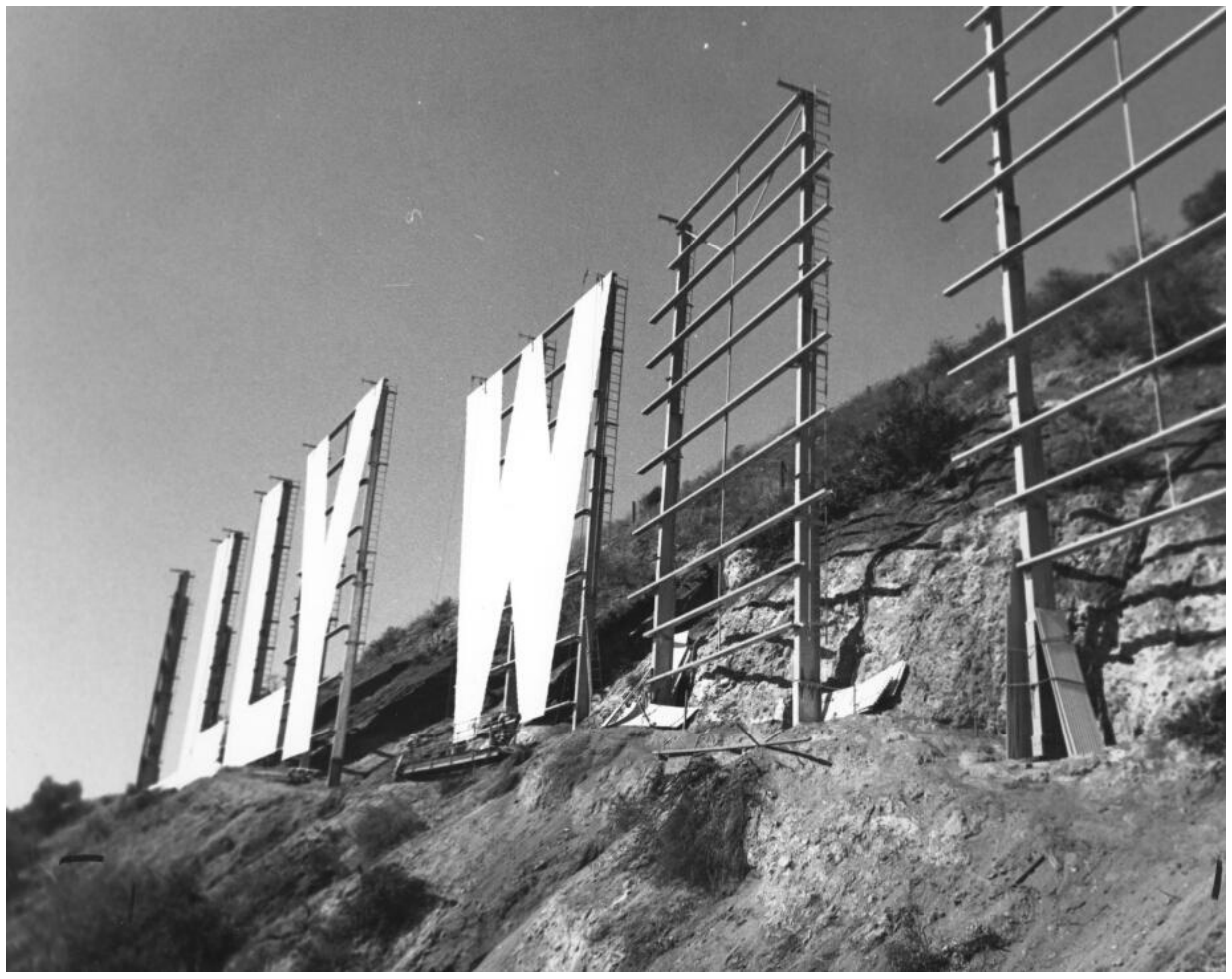
The End of Cities Paying for New Stadiums?

- MICHAEL SILVER

A National Football League (NFL) team currently plays in Green Bay, Wisconsin, a city of just over ten thousand people. No NFL football team currently plays in Los Angeles, California, a city of almost four million people (and a metro area of eighteen million people). This is likely to change imminently. The Green Bay Packers are safe, but the same cannot be said for the Oakland Raiders, San Diego Chargers, and St. Louis Rams. It is likely that this year, two of these three teams will relocate to Los Angeles. Given that such a relocation is understood to be imminent, now is a convenient time to discuss the strange series of events that resulted in there being no team in Los Angeles in the first place.

All three of the teams that are considered candidates to move to LA spent a portion of their history in LA. The Rams were based in LA from 1946 until 1994. The Raiders were based in LA from 1982 to 1994. Even the Chargers were based in LA in 1960. The simplest reason for why all of these teams left LA is stadiums. All three teams played in the LA Coliseum. The Coliseum was built in 1921 and though the historic stadium is considered iconic, it does not meet the needs of current professional sports teams. Each time that an NFL team has left LA, it has done so in order to move to a city promising a better stadium arrangement and the possibility of public funds to pay for a new stadium.

Billionaire owners have managed to exploit emotional connection to sports franchises...



▸ underthehollywoodsign.wordpress.com

In the twenty-two years that LA has been without an NFL team, professional sports stadium construction has experienced an unprecedented boom. For example, all but seven NFL stadiums currently in use were built in the period since the 1994 relocation away from LA. Another familiar example, the Rogers Center in Toronto, is currently the 7th oldest stadium in Major League Baseball — including historic landmarks which will never be abandoned — and which have been renovated within the last decade — Fenway Park and Wrigley Field. The majority of the recent stadium construction has been publically financed to at least some extent. Billionaire owners have managed to exploit emotional connection to sports franchises in order to convince government to make the economically indefensible decision of using taxpayer money to build stadiums that are sometimes used as few as eight times a year. Owners argue that building a stadium can revitalize neighborhoods and stimulate economic growth, but it seems that the opposite may be true, or at least that the stadiums have no net effect. A recent economic study found that if the goal is the stimulation of economic growth, cities would be better off dropping a half billion dollars from a helicopter floating above the city as opposed to spending that money on stadium construction.

It seems society may be realizing these realities. The city of Miami paid for a new baseball stadium in order to convince their notoriously fickle owner (incidentally the same owner responsible for moving the Expos from Montreal) to keep the team in the city and hopefully invest in the team's success. Within a year, the initial investment in the team had been entirely reversed and the team was third last in the league in attendance. Cities have begun to reject pressure from teams to pay for their stadiums even in the face of threats to relocate. For example, another Florida city, Tampa, strongly refused to build a stadium for their baseball team even in light of rampant rumors of eventual relocation.

One of the main factors in the stadium construction boom in football has been the threat of relocation to Los Angeles. Cities have routinely buckled under the pressure to fund the replacement of perfectly functional monoliths with slightly larger or fancier versions of the same thing. The taxpayers continue to give billionaires new toys. But as cities exercise more restraint, the threat of relocation is no longer a sufficient pressure to convince cities to construct stadiums. The league has finally reached the point that having teams play games in the second biggest city in the continent is more valuable to them than being able to threaten the action.

The teams that do move to LA stand to profit significantly from playing in such a large market, and are expected to willingly pay the other owners a relocation fee totaling hundreds of millions of dollars for the right to relocate.

Interestingly, upon relocation, the teams are expected to begin by playing their home games at the same LA Coliseum that was deemed unfit to host professional football more than twenty years ago. It is expected to be a temporary arrangement only because a plan is in place to construct an entirely privately funded stadium to host the teams within two years.

The general trend is clearly away from publically-funded stadiums, but civic pride and the private considerations of political actors still sometimes works in the favor of teams and against the public interest. This past summer, the state of Wisconsin, cash strapped and governed by fiscally conservative Scott Walker, pledged $250 million to pay for a new basketball arena. Some critics of this decision point out that the owners of the Milwaukee Bucks were among the largest contributors to Mr. Walker's presidential campaign, but even disregarding that conflict, the waste of public funds was egregious. Sports teams are more profitable than they have ever been; the time has come for the public to demand that they pay for their own venues. The privately-funded LA stadium is a clear positive step.

Update: As of January 12, 2016, the St. Louis Rams have been approved to move to Los Angeles.