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The continued downfall of a charitable empire.

Having to live paycheck-to-paycheck is a harsh reality for many, and one of the scariest thoughts for a low-income worker is arriving to your job and seeing that it no longer exists. This happened on 17 January 2016 to the workers at Goodwill Toronto, when it closed sixteen stores and ten donation centres in the GTA, leaving 430 front line employees jobless with no notice. The Canadian Airport Workers Union, who represents the workers, said that giving the employees no notice was a violation of their contract. That Goodwill’s policy is to hire marginalized groups who normally struggle to find employment—disabled, veterans, and individuals with criminal records—makes the unexpected layoffs seem that much harsher.

Ostensibly, the reason for closing the stores was a cash-flow crisis, due to slow sales and rising rent. One of the shuttered stores had a handwritten sign on the door saying “unforeseen circumstances.” While no one is arguing that this certainly was a surprise to the workers left in a desperate situation, looking at the records of Goodwill in Toronto shows a history of financial mismanagement that was anything but unforeseen.

The first inkling of a problem at Goodwill occurred in 2005, when the charity was forced to sell its flagship store on Jarvis street that it had occupied for seventy years. Although the company made fourteen million dollars on that sale, the funds quickly disappeared and the

In this Issue...

editorial
Let’s Talk About Lifting the Cloak of Secrecy 2

news
The Zika Virus Outbreak ....................... 5

opinion
Mental Health in Law School .................. 9

arts & culture
The Toronto Classical Music Scene ............ 12

sports
The Case For Rule Five Selections in Major League Baseball .................. 14
Let’s Talk About Lifting the Cloak of Secrecy

- HEATHER PRINGLE

This past Wednesday marked the sixth annual Bell Let’s Talk Day, a public awareness campaign designed to break the silence around mental illness across Canada. This leads me to speak of several recent student submissions to the Obiter. We received powerful and deeply personal stories about mental illness whose authors requested that their names not be published. As a result, a number of complications revealed themselves from a nexus between responsible journalistic standards and an individual’s right to privacy. From the Associated Press to the New York Times, journalistic standards have traditionally condemned the use of anonymous bylines citing the readers’ right to transparency of information and the authors’ responsibility to be accountable for the words published. Our editorial board was compelled to seriously consider whether exceptions to this long-standing policy ought be permitted under special circumstances that include mental health issues. In taking a broad perspective, the issue here is much larger than whether or not publishing articles under anonymous bylines is an acceptable practice. For me, this question points to a much larger problem that pervades the attitudes constituting our profession.

There is somewhat of a cognitive dissonance in law school where mental health issues such as addiction, obsessive-compulsive disorder, and perfectionism are viewed to be strengths while others are deemed to be signs of weakness. We are surrounded by a culture where alcoholism, drug abuse, and questionable—or an entire lack of—ethics are more readily embraced than anxiety, depression, or more serious mental health issues. Despite the likelihood that an overwhelming majority of students have experienced these afflictions at some point during their legal studies, a cloak of secrecy continues to impede the possibility of engaging in an honest discourse about the pervasiveness of this problem. This shroud leaves many students with the impression that to speak openly about suffering from a mental health issue is akin to ending your legal career before it even begins. This fear of being viewed as damaged goods to the partners further exacerbates the attitudes constituting our profession.

While it’s true that this a profession that is known to be arduous and demanding on its members, I don’t believe that gives a justification for perpetuating the “tough-as-nails” stereotype of what a lawyer is expected to be. The mere fact that some students might experience panic attacks as a result of the overwhelming stress that law school brings doesn’t make them weak—it makes them human. For those students struggling with the challenges associated with mental illness, the battle alone can leave them feeling like victors. Furthering the stigma associated with mental illness only serves to create a hostile environment in which sufferers who speak out are left feeling victimized yet again. So when the Obiter is approached by students insisting that they remain anonymous when speaking about their stories, I immediately become concerned about a perceived attitude of shame toward the challenges these students face.

I’ve been accused of being an idealist on a number of different occasions and so with that, I accept that my views on life might be imbued with a certain naivete. That being said, the fact that the Obiter continues to receive these kinds of requests saddens me. To be clear, my dismay is not with the students or their requests—it is at the very fact that they felt the need to make such a request in the first place. It is somewhat disappointing to see that we have yet to create a culture of acceptance and support where these students feel safe to speak openly with their colleagues about their experiences. Given the increase in student submissions relating to mental illness, it is clear that this is an issue of significant importance to many that deserves a more candid discussion amongst willing participants. I find it hard to believe that there isn’t a single one of us whose life hasn’t been impacted in some way by mental illness. For myself, I have two younger sisters with autism and another diagnosed with schizophrenia. Given my family history, I consider myself lucky leaving law school having only suffered from anxiety and depression. That’s my story and I’m happy to share it. Now what’s yours?

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“The jury consists of twelve persons chosen to decide who has the best lawyer.”
- ROBERT FROST

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Let's Talk About Lifting the Cloak of Secrecy

Today, it is generally accepted that in order to effectively improve access to justice, one first has to properly understand the legal needs of the ordinary person. Modern access to justice literature takes as its premise that the focus of reform must be on the problems experienced by the public, not just those that are adjudicated by the formal court system. Perhaps the most effective way to understand the problems faced by the public is to directly ask them about their legal experiences through broad surveys.

Throughout the 2000s various jurisdictions in Canada have conducted their own legal needs surveys. For Ontario, three major surveys are of note. The first survey of interest was conducted by Ab Currie in 2006 for the Department of Justice Canada and presented in a report entitled “The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians.” A second important survey was conducted in 2009 for the Ontario Civil Legal Needs Project that resulted in two reports, the first of which is entitled “Listening to Ontarians: Report of the Ontario Civil Legal Needs Project,” released in 2009; the second entitled “The Geography of Civil Legal Services in Ontario” was released a year later. A third comprehensive survey of legal needs in Canada was completed in 2014 by the Canadian Forum on Civil Justice (CFCJ). This survey interviewed over 3,000 Canadians asking about the nature and frequency of legal problems in their everyday lives. Of those surveyed, approximately 1,200 respondents reside in Ontario. This survey data has yet to be fully analyzed and will become a fundamental source for new empirical findings on legal problems.

The first observation of note is the nature of judiciable instances. The Department of Justice survey noted that overall just under half (49.4%) of Ontarians experienced one or more justiciable problem over the three-year reference period. Similarly, the CFCJ survey found that approximately half of all Canadians will experience a justiciable problem within a three-year period. The Ontario Civil Legal Needs survey, however, found a smaller number. According to that survey only about thirty-eight percent of Ontarians had a civil legal need over the three-year reference period. Further differences between the surveys are evident when examining the nature of justiciable problems. According to the Department of Justice survey the three most common types of incidences reported were related to consumer problems (22.0% of all reported incidences), debt problems (20.4%) or employment problems (17.8%). Likewise the CFCJ survey found the three most common types of incidences reported to also be consumer problems (24.2% of all reported incidences), debt problems (22.2%) and employment problems (17.2%). Yet according to the Ontario Civil Legal Needs Project, the three most common incidences reported were related either to family relationship problems (30% of all reported incidences), wills and powers of attorney problems (13%) or housing or land problems (10%). These are striking differences that warrant an explanation.

Fundamentally these differences are the result of how the survey questions were framed. In order to identify incidence rates, the Ontario Civil Legal Needs survey asked a single and open-ended question: There are many different problems or issues that might cause a person to need legal assistance. What are the most likely reasons you can think of for why you or someone in your household might need legal assistance in the near future? The problem with this question is that it requires the respondent to recall a problem, recognize that their problem had a legal element and be able to express it as such. In contrast, the Department of Justice and the CFCJ surveys asked questions about specific legal problems. For example, to find incidences of debt problems, the Department of Justice survey asked each respondent if they were harassed by a collection agency, were unfairly refused credit due to inaccurate information, had a dispute over a bill or invoice, or had problems collecting money. These problems may not be viewed by the general public as having a legal element because one may not engage the formal legal system to deal with them. This observation would help explain why the Ontario Civil Legal Needs survey found that only 5% of the incidences were classified as debt problems. It would also help explain why the Department of Justice survey and the CFCJ survey noted an overall higher incidence rate of civil legal problems since asking specific questions about issues not traditionally seen as having a formal legal element would capture a broader set of incidences. The way in which the questions were framed also explains why the Ontario Civil Legal Needs survey concluded that 30% of all civil justice problems were related to family relationship problems. Those experiencing family breakdowns are much quicker to recognize the legal element inherent in the situation than those facing debt, consumer or employment related problems. The reason for this is that the law is structured in such a way that the formal legal system oversees so many aspects of a family breakdown. In order to receive a divorce one has to apply to the court. Once this happens, issues of custody, support and division of property are also often overseen by courts. Thus, family problems are clearly seen as a civil legal need. Other problems, such as debt, consumer or employment, are frequently resolved without the use of lawyers or courts and therefore are less likely to be recognized by the ordinary person as having a legal element. Similarly, wills and powers of attorney generally require one to visit a lawyer and thus are clearly seen by the ordinary person as having a legal element to it. Hence the Ontario Civil Legal Needs survey found that wills and powers of attorney are the second most common legal need of Ontarians. What can be concluded by this is that ordinary Canadians will more likely understand a legal need to be one that requires formal access to either courts or a lawyer. However, it is clear that their lives are impacted by other issues that have a not so apparent legal element. Further analysis of the CFCJ survey findings is needed to understand how Canadians resolve these issues and to situate those findings into the broader access to justice debate.

The Canadian Forum on Civil Justice Everyday Legal Problems survey is part of the larger SSHRC funded CURA project, The Costs of Justice: Weighing the Costs of Fair and Effective Resolution to Legal Problems, which can be found at www.cfcj-fcjc.org/cost-of-justice/
We as Canadians have a dark history of oppression and violence enacted upon marginalized populations. Unfortunately, some of this oppression and violence lives on, often occurring under the radar of many Canadians’ knowledge.

The sterilization of vulnerable and marginalized groups was used as a process of eugenics in a much more direct and public manner in the past. For example, from 1928 to 1972, both compulsory and “optional” sterilization procedures were performed on individuals of varying age and ethnicities. I say “optional” because in many cases, the vulnerability of individuals were exploited and although there appeared to be “choice” for these individuals, there was not—they were pressured into consenting to these sterilizations.

During this time period, statues such as the Alberta Sexual Sterilization Act of 1928 were used to justify these procedures. Youth, minorities, and women were sterilized in disproportionately high numbers. Youth would be rendered “mentally deficient” so that parental consent could be bypassed. By and large, Aboriginal people were targeted—a thought to rid the Canadian population of these people, who were also commonly rendered “mentally deficient” to justify these sterilizations of Aboriginal men, women, and children. Women who were young, poor, and unmarried were also targeted; they were thought to be at risk of “breeding further immorality.” Finally, the other largely targeted group was people with disabilities, where prejudice against physical and mental disability reigned supreme, with arguments such as societal costs of caring for the disabled being used and fear of the disabled population growing if they were to reproduce. These arguments and the reality of our Canadian past in this matter are absolutely horrifying, but this did occur. Many institutions promoted these ideals in Ontario and across the nation; they took advantage of vulnerable people, especially looking to people with disabilities, and often there was only constructed consent.

Moving to current affairs, this appalling history has not been completely erased. There are still, for example, institutions where people with disabilities are sterilized without consent or with constructed consent. Most recently in the news, Aboriginal women have said they were sterilized against their will in hospital. The eugenics argument which should be a permanent fixture of the past is sadly not; instead, it creeps up in more indirect and subtle manners within our so called “current progressive” society.

Brenda Pelletier, a Métis woman, checked in to the Royal University Hospital in Saskatoon five years ago to give birth to her baby girl. When she left, she was sterilized with her tubes tied. Pelletier recounts how the tubal ligation procedure happened after she was pressured into it by hospital staff, while she was in a vulnerable state. Pelletier stated, “I’m laying there, scared enough, not wanting this done, telling her I didn’t want it done. All of a sudden I smell something burning. If I could’ve moved my legs, I probably would’ve kicked her.” This happened five years ago; while you may have read the Canadian history of sterilization above and thought at least it is in the past, it sadly is not.

There are at least three other Aboriginal women who have come forward to say they were pressured to be sterilized at the Saskatoon hospital in recent years. Melika Popp is another Aboriginal woman who was pressured into being sterilized when she delivered her second child in 2008 at the Royal University Hospital. Popp stated, “They ultimately assured me that it could be reversed… and I believed them, I trusted them at face value.” It becomes clear the vulnerabilities of these women were being exploited. Some of the vulnerabilities, such as lack of medical knowledge, are things most of us can understand. When a medical professional gives you advice, most of us do take that advice at face value because it is an area many of us are not well versed in. This lack of medical knowledge was just one vulnerability in play here with the Aboriginal women involved. These stories unfortunately appear to be part of a wider dark history Canada has with eugenics and sterilization of vulnerable populations.

The Saskatoon Health Region is planning an external independent review into the allegations that women were pressured to consent to tubal ligations. However, one can wonder how many other women, racialized communities, and people with disabilities are out there with the same stories. Especially when dealing with people with disabilities, many of the stories will never resurface as their ability to tell their stories is systemically oppressed.

For more information and to hear the stories of these Aboriginal women please listen to this episode of the Current: http://www.cbc.ca/radio/thecurrent/?the-current-for-january-7-2016-1.3393099/aboriginal-women-say-they-were-sterilized-against-their-will-in-hospital-1.3393143
The Zika Virus Outbreak
Planning a Global Response

-JERICO ESPINAS

The Zika virus, a mosquito-borne disease, is suddenly capturing worldwide attention from both domestic and international health programs. What is perhaps most surprising for these organizations is that the disease itself is relatively mild. Deaths are rare, and the most common symptoms include fever, rash, joint pain, red eyes, muscle pain, and headache. The symptoms last between a few days to a week. Overall, the disease has been a low-priority disease since it was first documented in the 1940s. What is catching the attention of these health organizations are the rapid spread and side effects of this virus.

The Zika virus is transmitted by the Aedes mosquito, a common disease vector that also transmits other tropical illnesses such as dengue, chikungunya, and yellow fever. Notably, this mosquito is capable of thriving in many different climates, therefore allowing new viruses to spread once it has moved. The Zika virus was initially located in Pacific Island nations, such as French Polynesia and Easter Island. However, the Zika virus moved to Latin America in 2015, where it started a regional pandemic. Brazil was the hardest hit country, with the University of Sao Paulo estimating between 400,000 and 1,400,000 cases of the Zika virus in the country. Nearby countries, such as Colombia, Ecuador, El Salvador, and Jamaica have also experienced their own local Zika outbreaks as the virus spreads across populations.

The tropical conditions of these Latin American countries are an ideal habitat for the disease vector. Rural communities are highly vulnerable as they commonly store water in tanks—especially those that are susceptible to drought conditions—further increasing the spread of the disease.

What is significant about this outbreak is the potential side effects of this disease

The significance of this outbreak is the potential side effects of this disease. Pregnant women who contracted the virus during pregnancy have been giving birth to babies with microcephaly; these newborns have abnormally small heads and generally have brains that are not fully developed. Microcephaly can lead to further complications, including seizures, intellectual and motor disabilities, and developmental delays. Nearly 4,000 cases of Zika-linked microcephaly were reported in the past year.

Disease specialists have also noticed an increase in Guillain-Barré syndrome in Zika-infected patients. This syndrome causes afflicted individuals’ immune system to attack parts of their own immune system. Severe and prolonged attacks can cause total paralysis in patients, with some requiring life support in order to assist with breathing and heart problems. Researchers caution that more studies are needed to prove the connection between the two, but the data is strong enough to justify joint studies with the Centre for Disease Control (CDC).

The Zika virus pandemic has led to varying governmental reactions in order to prevent further spread of the disease to other populations. The CDC issued a level two travel alert, advising pregnant women to avoid travelling to certain Latin American countries, and to exercise extreme caution if they must travel there.

Local governments have also issued warnings for women who are thinking about becoming pregnant. Colombia has urged women not to get pregnant within the next several months, while El Salvador suggested a two-year delay in pregnancy. Notably, these public health warnings have raised some concerns by the Roman Catholic Church, given the religion’s stance against contraception.

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

-RJ SEelen

Most students at Osgoode know that once upon a time new law students were required to learn Latin. I heard this little bit of trivia in an Ethical Lawyering class during my first week. The point that my professor was trying to make was that the Law Society of Ontario, which I heard this little bit of trivia in an Ethical Lawyering class during my first week. The point that my professor was trying to make was that the Law Society of Ontario, which is currently responsible for the LSAT, was one of its first priorities to establish. Latin is no longer a requirement for law school admission. But, then again, the LSAT exists and has been in use for the past sixty-eight years. I fear that, for many, the LSAT does a convincing impression of the old language requirement. And, with this in mind, I think that sixty-eight years is enough. It long past time to seriously reconsider what role the LSAT plays in law school admissions.

Some of the statistics related to the LSAT are impressive. Not only does it correlate with first year averages in law school, but it is also a better predictor of first year grades than undergraduate averages. With that in mind, it could be argued that the LSAT is a valuable tool for selecting students that are likely to succeed at law school. Furthermore, it correlates with future earnings, meaning that students who succeed at the LSAT are also more likely to succeed in their careers. However, we ought to wonder what is really being measured.

The Law School Admission Council (LSAC), the organization that administers the LSAT, collects a number of statistics about their test. One, however, is absent and its absence is telling. LSAC does not collect income information for prospective students who write the test. It’s easy enough to see why. It only takes one look at the questions for someone to realize that the LSAT isn’t easy. My first crack at a sample test was disgraceful and the fact that I was able to succeed demonstrates that whatever the LSAT measures, it’s not something innate to the test taker. Instead, it must be something that is learned.

While LSAC remains unhelpful, other standardized testing organizations are more transparent. If we look at the SAT as a proxy, we can see the general effect of family income on scores. A study on seniors...
OPINION

The SAT showed that students from wealthy families tend to score, on average, seventy points higher than students from poorer families. Another study found that social factors like family income and parental education are among the best predictors for SAT success. This shouldn’t be a surprise. Any post-secondary school is expensive and some applicants need to devote time and energy to working to help pay for it. The less financially burdened the applicant is, the more time and energy they have to devote to the standardized test. This gap is magnified when one considers the cost of prep courses, which can cost over $1,000.

The other statistic that is relevant here is race, which LSAC does track. A 2013 study found that certain ethnic groups typically score lower on the test than others. Puerto Ricans tended to average around 138, African Americans around 143 and Hispanics around 147. For reference, the admittance average for most Canadian law schools seems to hover around 160. There is a well known age gap between people of colour and Caucasians, so it is not unreasonable to predict that part of this test score gap relates to income as described above. However, a recent study has shown that, in California at least, race is a better predictor of LSAT scores than family income or parental education. I think that the best explanation for this is that the LSAT’s content must skew unfavourably away from the social and cultural knowledge that non-whites possess. If that is the case, applicants of colour start the race at a disadvantage.

I’d propose that what the LSAT actually measures isn’t the potential for future success. It’s the ability to prepare for the test. Given enough time and coaching, almost anyone can pass the test. Those who have the advantages that allow them to score high on the LSAT don’t lose those advantages when they enter law school. They still have more time, energy and money to devote to their schooling and their connections, if they have them, give them access to better advice and better job opportunities.

So, what purpose does the LSAT actually serve? If it is not allowing law schools to select the best students, its only purpose must be exclusionary. And, if it is exclusionary, who is it excluding? The answer seems to be students of colour and students from low-income families.

This is a fundamental problem that we, as law students, have to be unafraid to confront. Our profession has always excluded certain groups and, in the last few decades, we have finally started to change. But, change means letting go of things that once seemed common sense. It is time to let go of the LSAT. The argument that it predicts a lawyer’s success has always excluded certain groups and, in the end, we have to be unafraid to confront. Our profession, its only purpose must be exclusionary. And, if it is exclusionary, who is it excluding? The answer seems to be students of colour and students from low-income families.

Mental Health in Law School
Breaking Through

- ALLISON GRANDISH

There are broader discussions about the need to take mental illness seriously in the legal profession, but in the din we may lose track of our peers for whom the topic is a lived reality. Rather than critiquing our system and proposing systemic solutions, I want to speak here about what resources there for those of us who are struggling and the concomitant barriers to reaching out that we build for ourselves. We frame the struggle as requiring resilience, pointing—rightly—to the difficulty of the battle waged, but the emphasis on personal strength may belie how destructive mental illness can be and how important it is to get support. That you spiralled downward does not diminish the value you can bring to the profession, nor does it mean you lack the strength of character to be a lawyer if “better” doesn’t come easily.

Law school is not always conducive to mental health, and it can feel like students are expected to adopt, of their own volition, coping mechanisms to deal with an unforgiving environment. It is important to acknowledge the factors out of our control. There are obvious stressors. Students determined to work on Bay Street are obliged to endure long hours of work to beat a curve that doesn’t accurately reflect the effort they’ve put in. Other students may choose to pursue demanding extracurricular projects so that their resume is competitive in a brutal job market. There are systemic problems too. The stress of debt. The anxiety of struggling to find one’s place if you’re from an under-represented community. The pressure of family expectations after a legacy of success. The frustration of being part of a racialized minority and encountering insidious forms of discrimination. More broadly, coming to terms with the reality that the practice of law is not always the practice of justice. More intimately, the suspicion that we are frauds.

There are also students who would be dealing with mental illness regardless of which career they pursued. For them, the symptoms are inevitable, though there may be interplay with the stresses of law school. It may have been a pre-existing disorder that they overcame to get to law school or they’re grappling with symptoms that developed while they are here. They could be dealing with the after-effects of trauma, or other struggles unrelated to class. When we are discussing mental health, we must make room for the diverse experiences represented in our student body.
II. Miscellaneous Practical Advice

I will focus on what we would consider the “worst case scenarios.” First, you’re not as alone as you think, and you are worthy of the kindness people are willing to share with you. Those who ask how you’re doing have genuine intentions. Opening yourself up to kindness may seem intimidating, especially if you don’t trust your capacity to reciprocate. But it is worth it. Encouraging words can counterpoint the negativity in your head, or a classmate’s difficulties can remind you that what feels like an end is just an obstruction. You don’t have to roll into pub night with a fake grin; stop to smile at an acquaintance, and work from there. If you’re scared of being Too Much, you can always ask your friends if it would be helpful to set up boundaries. You can also demonstrate that you are seeking out professional help for the problems you’ve complained about. If they’ve expressed concern and a willingness to provide support, trust that their motives are genuine, that you are worthy of their attention, and that you have something to offer in return.

If you’re finding that symptoms are interfering with your studies, accommodations may help. I will refrain from explaining the bureaucratic hurdles it involves, though I will warn that it can feel Kafkaesque. You may have more time to write exams, be granted deferrals, or have access to lecture recordings the professor has not released. Osgoode Services will tell you what options are available; I would rather address reservations students may have. You are not taking the easy way out. I regret that it took advice from friends, a counsellor, and a doctor before I admitted that I wasn’t functioning. I am not claiming to speak for everyone, but I hope that sharing that experience demonstrates that I can appreciate the struggles involved in acknowledging that you need support and in seeking out options. When you do so, you will be taking advantage of modifications that will help you learn more effectively. “Special treatment” enabled me to focus on the course material while having the time to seek out medical treatment for the illness I was working through. Taking ownership of the difficulty I was having and utilizing strategies that enabled me to be a productive student didn’t mean I was weak.

There are also options if you reach a crisis point. On campus, you can drop into the Personal Counselling Services office at the Bennett Centre for Student Services if your mental health crisis is overwhelming. You can also go to the hospital. I can understand the reluctance and fear with respect to that option. At some point during a semester, I sought help at the emergency room for the depression and anxiety. I was working through. Taking ownership of the difficulty I was having and utilizing strategies that enabled me to be a productive student didn’t mean I was weak.

The world is waiting for you.

III. Light at the End of the Tunnel (Not a Train)

And then there’s healing. I explained to an acquaintance that it’s like swimming up from the bottom of a pool. There’s a moment when you feel you’re not going to make it, then the surface breaks. The first few gasps might not come easily. Integrating yourself into friend groups again can be an awkward dance of apologizing and pretending nothing happened. If you’ve hurt anyone, give them time to forgive you, and you can emerge with richer and deeper friendships (some of them may not, of course; sometimes you don’t deserve it and sometimes it won’t be fair). And if you’ve lost track of what made you happy, give yourself time to reconnect with that part of yourself. There’s no rush. Treat yourself with kindness as you learn how to be open again. The world is waiting for you.

Not all Professors are created Equal

Adjunct Professors: carrying the majority of the teaching load, at a fraction of the cost

- HENRY LIMHENG

Hallway conversations at Osgoode follow a typical pattern in the early weeks of the semester: “Good to see you.” “How are things?” “What courses are you in?” The answer to the last question can be up-in-the-air as students try to arrange the perfect schedule. This leads to inquiries about the professors teaching the over 150 courses offered at Osgoode, with warnings and recommendations traded by word-of-mouth. In 2015/16, Osgoode had 59 full time faculty members and 133 adjunct faculty members. Full time faculty taught only 68 of 154 (44%) upper year courses and seminars offered at Osgoode this year, not including clinical and intensive program courses or special enrollment courses. Jointly taught courses by full time faculty and adjunct faculty were counted as taught by full time faculty. Less than half of courses offerings are taught by full time faculty despite salary and benefits for full time faculty being the largest expense line for the school at roughly 33% of the school’s annual expenses. Every full time professor’s individual salary can be looked up on Ontario’s “sunshine list”, a government produced list of the salaries of employees making over $100,000 a year working in a government or public fiscally-funded organization, including universities. Simply dividing the total salary expense by the number of faculty members gives an average salary of over $194,000 per full time professor.

This is in contrast to adjunct faculty who are compensated significantly less at $1,475 per credit hour per semester, adjusted if the course is co-taught, or if it’s a seminar. This means that an average adjunct professor teaching 4 hours a week would receive $5,900 for the semester. While all adjuncts professors are offered pay, a small number decline to accept compensation. Keep in mind, the majority of adjunct professors also have day jobs other than educating law students.

New faculty hires must be approved by a selection committee and receive a majority approval by the faculty. Conversely, adjuncts are hired at the discretion of the Associate Dean. The ratio of courses taught by full time faculty compared to adjunct faculty is not particularly indicative of anything: the school could simply reduce the number of course offerings by adjuncts to improve the ratio; and course offerings vary year-by-year based on sabbaticals.

Of course, there is absolutely no correlation between professor quality and whether they are full time or adjunct. Case in point, Professor Howard Black, the much-liked adjunct professor who teaches Estates each term plus a seminar in Estate Litigation. On the other hand, full time professors are certainly not immune to the fiery criticism of law students over their teaching quality and responses to student feedback.

There will be no definitive answer to whether it is better to have a full time faculty member or practitioners teach any particular course. Some advantages of full time faculty are that courses are generally not at 8:30am or in the evening. However adjuncts often bring tangible, experience-based perspectives, and useful practice advice. Fortunately, students at Osgoode are not waiting for choice.

Accountability on teaching is a necessary discussion given the cost of law school, what contributes to that high tuition (faculty salaries), and what is received in return. Until ratemyprof.com, or the promised reform to teaching evaluations, takes off with Osgoode students, word of mouth will remain the best way to learn.
The Happy Law Student
Exploring the Paradox

-CRISTINA GEORGIANA

This article is not for everyone. If you are looking for an in-depth analysis of a Supreme Court case, or cover on how to secure that Bay Street interview, move right along! If you are going to stay, however, keep in mind that most of the generalizations made here are meant to be illustrative of the greater point and, really, it’s not that serious.

It has recently occurred to me that law students rarely, if ever, concern themselves with discussions about happiness. Whenever I speak to my friends and colleagues about their aspirations in law school and beyond, the word “success” is mentioned often, but the word “happiness” almost never. It seems as though success has been conflated with happiness in our mind—or worse—that success must be achieved even at the cost of happiness. With the arrival of the first law-school grades, this mentality takes over like a parasite, breeding exponentially, causing some students to experience breakdowns and others to work themselves beyond their means. It seems bizarre to me, as it is common knowledge that a career in law will take up most of our free time, that we spend virtually no time discussing this important factor. Cliché or not, time is the most precious thing we have. Shouldn’t we then turn our minds to what it means to be happy, so that we may incorporate it into our potential legal career? In Ethical Lawyering in the Global Community, we learn how to choose the kind of career that will benefit society, rather than only our pockets; we learn about the rules and expectations of an ethical lawyer, yet it is expected, it seems, that we have already learned how to be happy. The happy law student is a paradox—an oxymoron. Everyone knows that if you are a law student you must be miserable, always too busy for your friends and family, and never have time for anything other than things pertaining to your future career. We come into law school with these presuppositions and we live them out in the daily law-related conversations that we have with others. We laugh uncomfortably about how we are kind of lonely, and then complain about how difficult it is to manage a relationship alongside our law studies. We rarely have constructive conversations with our colleagues or ourselves about how to balance our lives.

I am writing this because I believe there has to be open communication in our hallways about happiness. While conversations about mental health, mental disorders, and depression are indeed important to destigmatize—and have great value for our community members—it is disheartening to hear how easy it is for people to say “I feel depressed,” yet never say “I figured out how to be happy, despite the pressure.”

I am now going to bore you with some philosophy. According to philosopher Wayne Sumner, who has spent considerably more time than any of us contemplating this subject, happiness is the authentically experienced and autonomously derived satisfaction with life. He claims that in order to be happy, we not only should feel it manifesting cognitively, but also be able to look back at our lives in aggregate, and claim that indeed, we lived a satisfying life. According to Sumner, no list of accomplishments, or objective definition can appraise your life other than you, as happiness is something that each person must subjectively and authentically evaluate. This is something that is often forgotten in our hallways, as many events, collectives, and speakers orient students towards equating success with having a career on Bay Street, landing a summer job after 1L, and so on.

Operating under the assumption that most law students are living authentic lives they have chosen of their own free will, I am going to say a bit more about feeling happiness cognitively. This goes beyond just experiencing a string of joyful moments, such as grabbing a beer with a friend, or finding out that you have an interview at a firm. It goes beyond even having a happy or cheerful disposition, though cultivating such an attitude might help. It means sensing deep fulfillment by reflecting that our lives and our expectations for our lives are not too far apart; though this may not necessarily be as a result of what might be commonly defined as “reaching success.”

For some, deep fulfillment comes from being able to help others in some meaningful way: by helping them resolve a tension in a personal relationship, or editing their cover letter on an important application. For others, deep fulfillment comes from achieving something for themselves, such as securing a coveted articling position and joyfully resolving technical issues on cases every day, knowing that this is what truly brings them satisfaction. There are countless other ways to achieve a reflective sense of deep fulfillment at all moments during our day. What is common is a deep appreciation for life, self-knowledge regarding our needs and desires, and an acute awareness of how our time is spent. The deeply fulfilled among us know that when we are happy, success can be cultivated despite moments of failure.

Though I am now dangerously close to invoking yet another cliché, failure carries many important lessons if we learn how to search for them. “Happy law student” is not an oxymoron. We deserve to nurture happiness just as much as those zany art students across campus. What is important is defining what brings us happiness and joy and learn to openly discuss our journeys to becoming balanced and happy. And yes, I see the irony that it is the Masters of Philosophy student who is promoting happiness.

I want to end this article with a short meditative exercise that you might want to try. I want you to sit comfortably and close your eyes or soften your gaze, wherever you are, for two minutes while inhaling deeply for two seconds and softly exhaling for three. Count ten breaths in this rhythm. Numbers are abstract entities, they activate the analytic part of our brains, thus soothing our minds and calming our emotions when we are overwhelmed. Whenever an emotionally charged thought enters your mind, begin counting from one again. Focus on two things only: here and now.

Feel yourself in your body, listen to your surroundings and focus on that elongated breath. Go ahead, I’ll wait. That feels strangely better, doesn’t it? Despite popular belief to the contrary, stress is not a necessary part of your daily life. Learn to listen to your body and help it attune to your environment and the callings of your mind; you will find that you can be a happy, deeply fulfilled law student.

The happy law student is a paradox—an oxymoron

thumbs UP
York Student forces change to York U Mental Health policy after taking case to Ontario Rights Commission.

thumbs down
Toronto Plaza Hotel welfare-subsidized residents facing eviction.
The 2016 Bursary Process Explained

Over $2.3 million in bursary money distributed in the Fall process

- HENRY LIMHENG

One of the first real deadlines Osgoode students face at the beginning of the school year is not an academic one; rather, it is the deadline to submit one’s bursary application. As students are acutely aware, law school is expensive and many look to Osgoode’s financial aid to offset some of the cost. On average, bursary applicants in 1L reported a resource shortfall of approximately $16,000; 2Ls, $20,000; and 3Ls, $25,000.

Students may well remember filling out the tri-part application where students listed their resources, expected expenses, and financial circumstances for the year, along with supporting documentation that forms the basis of how much, if any, money a student will receive. This year, the Obiter spoke with the Student Financial Services Office (SFS) to gain insight on the process.

Osgoode’s bursary distribution is divided into a Fall and Winter bursary process. The majority of the money is given out in the Fall process; the 2015/16 distribution saw $2,377,076 distributed to 470 students. The Winter process, with bursaries ranging from $1,000 to $10,000 is distributed around the end of March and is focussed more on debt relief and prioritizes distribution of financial aid to 31 students first, then to 2Ls and 1Ls with high financial need.

The threshold requirements for a student to receive a bursary is to apply for governmental financial assistance and to have applied for a line of credit at a banking institution. Further, the student must show that they have a shortfall of resources for the year.

How Many Got What?

In 2015/16, 570 Osgoode students submitted bursary applications. Of those, 470 students qualified to receive some money from the process. Generally speaking, bursaries are distributed in three amounts: $1,200 for low-need students; $5,000 for medium-need students; and $10,000 for high-need students. As of 6 December 2015, 177 students received the low-need amount; 211 students received the medium-need amount; 82 students received the high-need amount. Particular to this year were additional bursaries to commemorate fifty years of Osgoode-York relations, creating fifty additional $5,000 bursaries. In addition, OSAP identified a number of students who are marked to receive bursary money in various amounts.

How are the Decisions Made?

SFS reviews in detail the information provided in the bursary application. The process can be described as having two components—an objective and a subjective part.

On the objective end, SFS looks at the difference between a student’s resources and expected expenses. SFS creates an “allowable budget” which it uses as a baseline for expected expenses and requires students to provide justification if there is deviation. Also looked at is the amount of educational debt a student has, whether incurred during or before law school, and in addition, the ability of the student to meet financial commitments for the year is considered, such as how much line of credit is available.

On the subjective end, SFS looks at the written explanation from the student about his or her financial circumstances as provided in Part C of the application. SFS remarked that this section was very important in the final determination but under-utilized by students. The overall financial picture is then compared to the situation of other students.

Students are also asked to answer an eclectic series of questions on subject matter such as extra-curricular activities or where they grew up. The Office stresses this has no bearing on the amount determination but rather assists in determining if the amount can be taken from specific donor funds rather than from the general pool of funds.

SFS stresses there is no magic resource shortfall or debt number that triggers qualification of a certain bursary amount. The evaluation attempts to group students with similar financial situations together and varies from year to year. While there is no formal reassessment process, the Office commented that it was open to meeting with any student who wanted an explanation or to hear about unexpected financial circumstances that arise during the semester.

Is this Fair?

While any self-reporting system is subject to abuse, the process appears reasonably fair. Expenses are generally uniform because of the “allowable budget”; thus, someone paying extraordinary rent for a three-bedroom would not benefit over others, unless the expense was justified, such as the person needing three bedrooms because they also have a family. The SFS also has an expected debt amount and requires justification which protects against students benefitting from reckless spending. That said, a person could still hide resources despite the honest reporting declaration applicants are required to sign.

All about Optics?

The bursary system is in large part a redistribution game. Roughly ten percent of tuition is statutorily set aside for bursaries and a smaller amount, roughly three percent, is set aside by the Dean’s Office for financial aid and scholarships. This means that over the three year degree, a student pays into the process roughly $9,300, which may be more than what a student gets back in bursaries.

Perhaps a radical suggestion, but could a better bursary system be created by upping what some students pay in tuition? The numbers suggest that a not insignificant portion of the school is not in need of bursary funding (approximately one third) based on the number that applied for bursaries. What if students who did not apply or do not qualify for bursaries get billed an additional amount – for the sake of an example, $3,000 dollars, and the amount collected redistributed to students showing financial need.

A similar proposal was suggested at U of T law school. The proposal was for students who had secured paid employment to donate “one day of pay” to create bursaries for students who were doing unpaid internships. The proposal was heavily criticized for placing the burden of law school affordability on students and the proposal never went any further. While such proposals may be criticised as a wealth or success fee, the current bursary system is really no different.

Conclusion

Tuition is expensive; this is not groundbreaking news. Unfortunately, with the current resources available, the bursary process is not making a significant difference in the affordability of law school for the vast majority of students. So try to remember your financial circumstances when the Alumni relations office calls for donations in five years’ time.

Special thanks to Alissa Cooper and Nadia Narcisi from Student Financial Services for providing information for this article.
Right into the Jaws of Madness
A Make or Break Moment for Sanity in Politics

IAN MASON

2016 looks like it’s going to be a pretty weird year for politics; current trends continue, it’s only going to get weirder. Canada’s mostly avoided the worst of the lunacy that seems to be taking hold of the United States, but between Kevin O’Leary thinking about running for the federal Conservative leadership and Doug Ford salivating at the prospect of any kind of future political career, a disturbing pattern seems to be emerging. Donald Trump may be a regular source of concern and/or comedy for a Canadian populace currently governed by moderates, but we have two similarly questionable figures preparing to throw their hats in the ring. Conservatives in North America seem to be going through some kind of existential crisis, and—unfortunately—the political right currently seems bent on telling rational thought to shut up and sit down.

Admittedly, I find the situation unfolding in the United States to be quite frightening. I’m not entirely certain that Donald Trump isn’t just trolling the GOP to stay relevant. He’s essentially a walking parody of neoliberal conservatism, and there’s a damned good chance he’ll actually win the nomination. The best-case scenario would involve him bowing out at the last second, saying this was all a convoluted attempt to make the Republican Party take a hard look at the monster in the mirror, but that would be giving the man too much credit. With every passing day, this whole situation becomes less of a joke, and more the political equivalent of a racist relative’s drunken tirade at a Christmas party that leaves everyone wondering how to distribute their embarrassment among the assorted guests and hosts.

It’s not like the GOP alternatives are any better. One runner up is Ben Carson, a brain surgeon who seems to have gained support because he’s a black man who’s smarter than Herman Cain and apparently hasn’t sexually harassed his employees. Unfortunately, he’s pulling the same “dramatically oversimplify the taxation system and propose something akin to tithing that would send the US economy into a death spiral before the end of his first term” thing that Cain proposed (remember his 9/9/9 plan? No? Probably because it somehow wasn’t the dumbest thing he did). The sad fact is a lot of Republicans in the US are eating this up, basically because they—somehow—think a brain surgeon can’t be stupid. Sure, maybe he can’t be stupid, but he can be ignorant or dishonest, and it’s starting to look like he’s a whole lot of both. The other seven contenders don’t warrant mentioning, since the only difference between them and these two front-runners is that they aren’t as audacious in their idiocy. Cruz and Rubio apparently snuck into second and third place in recent weeks, but the less said about either of them, the better. When Jeb Bush is ultimately the smart one, you’re in serious trouble.

When Jeb Bush is basically the smart one, you’re in serious trouble

The second thing that needs to happen is that the political right has to get its act together. Stephen Harper was so crooked he needed assistants to screw on his pants in the morning (to quote Hunter S. Thompson’s assessment of Richard Nixon), but the guy knew how to keep the fringe elements of his party in check. It was part of what made him so simultaneously impressive and terrifying. He was conscious of the fact that doing something like reopening the abortion debate would be political suicide, and when the “Great Recession” happened, he knew the Canadian public would figuratively crucify him if he played the austerity card. He was corrupt, narcissistic, power-hungry swine, but he was smart, and as much as I hate saying it, he was competent. Canada is better off dates are all completely morally bankrupt, pathetically incompetent, or both. A skillful monster can ruin a country by design. I don’t want to know what happens when a monstrous buffoon is put in charge of the most powerful country in the world.

In the end, that’s what terrifies me most about the situation unfolding in the US. The Republican candidates are all completely morally bankrupt, pathetically incompetent, or both. A well-meaning buffoon can ruin a country by accident. A skillful monster can ruin a country by design. I don’t want to know what happens when a monstrous buffoon is put in charge of the most powerful country in the world. Rob Ford caused enough problems for a city of less than three million, and he was effectively neutered by a city council that knew where to draw the line (I also get the impression that he meant well, but his ignorance, personal demons, and schizoid frameworks prevented him from even getting close to reason). Donald Trump has a chance of governing a country of over three hundred million people—I wouldn’t be surprised if he set the world on fire just to prevent anyone else from enjoying it.

Hopefully, rational thought will prevail across the political spectrum, and Trump will become a sad historical footnote like Dewey or Hubert Humphrey. Unfortunately, victory over lunacy cannot be assumed. All that needs to happen for the barbarians at the gates to succeed is for smart, moral people to fail. If we end up with Trump as the US president or Doug Ford as the Canadian Prime Minister, it won’t just be the fault of an unformed, selfish electorate: it will also be the fault of complacent moderates who took victory for granted.

conservatism with the skill and shrewdness needed to prevent anyone else from enjoying it.
corporation’s lender refused to extend their line of credit the following year. Around the same time, an attempt was made by the former CEO, Ken Connelly, to have a profitable US branch of the organization come to Toronto to train workers and teach their best practices, but when the 2008 financial crisis hit, the contract was cancelled, leaving the Toronto stores with yet another bill and little to show for it.

After Connelly resigned in 2011, current CEO Keiko Nakamura was hired. It was, to say the least, an odd choice for the most visible executive in the Toronto region of Goodwill. The very same year, Nakamura had been forcefully ousted as the CEO of Toronto Community Housing Corporation (TCHC)—the organization that manages the operations of social housing for low- to moderate income households—after an outside audit showed evidence of inappropriate spending and poor practices, including almost $2,000 spent on manicures and $93,500 on two staff parties. This, coupled with the fact Nakamura had no retail experience, leads one to wonder why exactly she was chosen for the position of CEO. Although the union has called for her resignation from Goodwill, she has yet to step down, although the board of directors (whom, may I add, also had a severe lack of retail experience) have left their posts after this scandal.

Outside of Toronto, Goodwill has come under criticism for a number of reasons, one of which is exorbitant executive compensation. Nakamura makes approximately $230,000CDN a year, which is actually fairly modest compared to what some of the top US executives make. The current President and CEO of the entire organization, Jim Gibbons, has a reported salary of $725,000USD, and most regional CEOs in the US seem to average somewhere around $300,000-$400,000USD a year. The company has also been under fire for taking advantage of a wage loophole that allows corporations to pay workers with disabilities below minimum wage. Currently, over seven thousand employees fall into this “Special Wage Certification.”

In 2015, Ontario Premier Kathleen Wynne is expected to release a public statement about the events. If you’d like to know more about the charities you are considering donating to, there are a number of websites that break down the numbers and rank the efficiency of charities, including an excellent list of Canada’s top-rated charities on www.moneysense.ca.
The Toronto Classical Music Scene
Winter 2016

ANTHONY CHOI

Several months ago, I surveyed the Toronto classical music scene for the Fall semester with the hope of providing some recommendations for both new enthusiasts and seasoned aficionados of classical music. These included performances of Beethoven’s immensely popular Fifth Symphony, Rimsky-Korsakov’s exotic Scheherazade, and Rachmaninoff’s Rhapsody on a Theme of Paganini. And so, with the start of a new semester, I thought it would be fitting to have a corresponding new survey for the months of February to April.

Toronto Symphony Orchestra

Upon initial review, the winter program for the Toronto Symphony Orchestra (TSO) is unfortunately a tad weaker than their fall lineup. Nonetheless, there are still a few gems scattered about in the schedule. To begin with, February 20 and 21 will feature a lineup of ever popular pieces including Mozart’s Overture to The Magic Flute, Rachmaninoff’s Rhapsody on a Theme of Paganini (again, but not that I’m complaining), Debussy’s Prélude a l’après-midi d’un faune, and Bizet’s Suite from Carmen. All four of these pieces have instantly memorable themes ranging across the spectrum of moods and emotions; from the vigor and playfulness of Mozart to the dreaminess and sensuousness of Debussy, the feriness and passion of Bizet, and the all-in-one package of the Rhapsody. Indeed, this particular program is perhaps one of the best of the winter-half of the 2015/16 season in terms of how well the pieces all complement each other, and in terms of overall enjoyability and recognizability. Earl Lee will be conducting instead of Peter Oundjian (TSO’s music director), however, and is the only possible question mark of the program – I personally have not heard any performances under his direction, but his resume does attest to someone who is definitely capable.

The month of February also features a performance of Mendelssohn’s Piano Concerto No. 1 on the 25th and 27th as part of a larger program featuring Schumann’s Symphony No. 4. While I admittedly am not a big fan of the latter, Mendelssohn’s work ranks highly on my list of favorite pianoconcertos. The work instantly captures the audience’s attention as it opens with an orchestral introduction coursing with energy and power, shortly followed by a virtuoso entry of the pianist. The rest of the first movement alternates between the impassioned mood set by the beginning theme, and a tantalizingly delicate atmosphere set by a contrasting lyrical second theme. The concerto continues the contrast from the largely vigorous first movement with an absolutely gorgeous and melodious second movement, finally closing off with playful and equally invigorating third movement. With its charm, ability to evoke such passion and emotion, and its glittering passagework, it is therefore not surprising that this piano concerto remains one of the most popular of its kind in the classical music repertoire.

Finally, April 9 and 10 feature a lineup including Wagner’s famous “The Ride of the Valkyries” from Die Walküre and selections from Mendelssohn’s A Midsummer Night’s Dream. “Ride of the Valkyries” is perhaps best known in popular consciousness as the music that is played during the film Apocalypse Now, when the helicopters assault a Vietnamese village, and as the tune Elmer Fudd sings “Kill the Wabbit” to in Looney Tunes’ What’s Opera, Doc?. A Midsummer Night’s Dream also comes with its fair share of popular excerpts. For example, the oh-so-famous wedding march tune that is often played accompanying brides down the aisle! From A Midsummer Night’s Dream. Ultimately, another highly recommended program.

Rigged Games
The history, present, and future of gambling and sports

MICHAEL SILVER

A recent investigative report alleges widespread match fixing in high-level professional tennis. These serious allegations again raise serious concerns relating to sports gambling. The dangers of sports gambling and its potential to corrupt the competitive process is not new. In 1919, eight members of the Chicago White Sox were accused of being paid to lose the World Series. They were charged but never convicted. Instead, they were banned from baseball. One of these players, Joe Jackson, was considered one of the best players of his era, and because of the ban has never been eligible for the baseball hall of fame.

About sixty years later, another gambling scandal came from baseball. One of these players, Pete Rose, one of the best hitters the league had ever seen, was revealed to be a gambling addict. While he was playing and managing the Cincinnati Reds, he bet on baseball games, including games involving the Reds. He claims that he never bet against the Reds and there has never been any allegation that he intentionally caused the team to lose any games for gambling purposes. However, because of the danger of players benefitting financially from manipulating results, any gambling on the sport is strictly forbidden. Rose was banned for life from the game and in spite of recent efforts to allow for his reinstatement, he is still banned and not eligible for the hall of fame.

It might seem that the danger of players gambling on sports is reduced in the era of multimillionaire athletes. Why would an athlete risk their reputation and future earning potential by allowing themselves to be compromised by gamblers attempting to manipulate results? Perhaps the reason to continue to fear this potential is the proliferation of high stakes international gambling. Sports gambling is a multi-billion dollar industry with a range of participants. Large corporate entities control large portions of the industry but there remain disreputable and often illegal entities, often with ties to organized crime, with heavy involvement. If one such disreputable entity stood to profit on a larger scale than the extent to which the athletes stand to profit, it is entirely conceivable that that entity could convince an athlete to manipulate results.

The less an athlete is paid, the more susceptible they may be; however, even well-compensated athletes may become embroiled in such a scheme if they fall into debt to disreputable entities. For several years, investigations have focused on match fixing in professional soccer. The immense interest in soccer has resulted in a high availability of international gambling on events. Low-level matches from around the world can easily be gambled upon...
A recent investigative report alleges widespread match fixing in high-level professional tennis. These serious allegations again raise serious concerns relating to sports gambling.

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About sixty years later, another gambling scandal emerged in major league baseball. Pete Rose, one of the best hitters the league had ever seen, was revealed to be a gambling addict. While he was playing and managing the Cincinnati Reds, he bet on baseball games, including games involving the Reds. He claims that he never bet against the Reds and there has never been any allegation that he intentionally caused the team to lose any games for gambling purposes. However, because of the danger of players benefiting financially from manipulating results, any gambling on the sport is strictly forbidden. Rose was banned for life from the game and in spite of recent efforts to allow for his reinstatement, he is still banned and not eligible for the hall of fame.

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For several years, investigations have focused on match fixing in professional soccer. The immense interest in soccer has resulted in a high availability of international gambling on events. Low-level matches from around the world can easily be gambled upon anywhere. Results in small, unknown leagues are easily and routinely manipulated. It is widely understood that in some leagues, next to none of the results are legitimate.

However, in soccer, and now in tennis, the match fixing appears to not be limited to such obscure, relatively unimportant matches. Investigative journalists allege that at least one match at the most recent world cup of soccer was fixed. The most recent investigative report indicates that sixteen of the top fifty players in the tennis world rankings have been involved in matches that were likely fixed. Novak Djokovic, currently the world number one, has been suspiciously friendly to tennis players in the world, claims that in 2007 he was offered two hundred thousand dollars to throw a match. Andy Murray, currently the second ranked male tennis player in the world, has been claiming that professional tennis has had a match fixing problem since he rose to prominence.

Making a Murderer: Making a Murderer is the hit Netflix show that everyone is talking about. It centres around Steven Avery, who in his early twenties was convicted of an attempted rape but on DNA evidence is exonerated after spending eighteen years in prison. After his release, Avery then launches a civil suit against the County for his wrongful imprisonment. In a “you wouldn’t believe it, if it didn’t actually happen” twist, the midway of the civil suit, Avery is accused of the heinous murder of a young woman and is prosecuted by the same County he is suing. The series goes on to follow Avery and his nephew, Brendan, who gets implicated in the murder, and the Avery family through the trial with Avery maintaining his innocence all along the way. A lot has already been written about this show and the subsequent doubt over the veracity of Avery’s conviction. The show presents a number of troubling state actions against Avery from compromised investigations, planted evidence, coerced confessions and questionable forensics. Perhaps more troubling is the treatment surrounding Brendan, particularly at the hand of his pre-trial lawyer. What is depicted is shocking and anger inducing. It is hard not to feel for the Avery family and what the show is clearly pointing to, multiple injustices. But that doesn’t mean I don’t have serious problems with the show.

From a television standpoint, the show is incredibly plodding; it really could have been half as long. Secondly, I feel the show has a muddled message. Is it trying to prove Avery innocent... well it never goes that far. Is it about the truth... well, no it is too deep in Avery’s corner. Is it about exposing the flaws of the system? Is it about indicting the sheriff’s department? While I think the show does a little of everything, it never goes deep enough or have enough conviction to go beyond suble nods and yelling “j’accuse.”

Also, for a show ostensibly about unfairness against Avery, it is ironic that the show itself wasn’t necessarily fair. It never presents the State’s case against Avery in full, at least not the way they really heard it. I can’t help but compare Making a Murderer to the podcast Serial and see a more honest and fair approach to telling a real-life story. It is too easy to dramatize true crime, too easy to vilify, to root for the underdog, and forget that humans are not so easily defined. So Making a Murderer gets a half-hearted recommendation; watch the first three episodes to see if it grips you and don’t feel bad if it doesn’t.

The Grinder: I was surprised to see this show return with a back half after the Winter break. Again, I will complain that the show underestimates its premise and is really just an odd-couple sitcom. That said, The Grinder always makes a Murderer in full, at least not the way they really heard it. I can’t help but compare Making a Murderer to the podcast Serial and see a more honest and fair approach to telling a real-life story. It is too easy to dramatize true crime, too easy to vilify, to root for the underdog, and forget that humans are not so easily defined. So Making a Murderer gets a half-hearted recommendation; watch the first three episodes to see if it grips you and don’t feel bad if it doesn’t.

The Good Wife: OMG, Zack Florrick lives! Other than that huge bombshell, the show continues its middling quality ride through the seventh season. As usual there are some flashes of brilliance—smashed plates and Grace channeling her lawyering skills—but also some really clunky scenes—the Iowa Caucus count; the
The Case For Rule Five Selections in Major League Baseball
Why We Should Play The Most Sensible Lottery

- KENNETH CHEAK KWAN LAM

General Managers (GMs) in Major League Baseball (MLB) often want to try to catch lightning in a bottle when and if they can, especially given the current economics of the game, where the average salary of a big league player now exceeds $4,000,000 per season. One highly economic way often utilized that goes far back in time is the infamous Rule Five draft, which has produced the likes of José Bautista, George Bell, and Kelly Gruber, all of which are familiar names for those who follow the Toronto Blue Jays here north of the forty-ninth parallel.

For those of you who are not well acquainted with the Rule Five draft, the process allows teams to select other team’s players who are not presently on their team’s forty-man roster for $50,000, providing that the player was (a) eighteen years of age or younger on 5 June before their signing, and that the upcoming Rule Five draft is the fifth one, or (b) nineteen years of age or older on 5 June before their signing and that the upcoming Rule Five draft is the fourth one. While less common, a ball club can also select a player from a Double-A (or a lower) affiliate of another team to play for the former’s Triple-A affiliates for $12,000. Much like the first-year player (Rule Four) draft, the selection order of all thirty ball clubs goes from the worst to the best one, based on their win-loss record from the previous regular season, in each round. If a team selects a player from another ball club, the team making the selection must immediately add the selected player its forty-man roster. Therefore, it is understood that a ball club that has exhausted all spots on its forty-man roster will not be eligible to take part in the Rule Five draft. Furthermore, an important caveat for the team making a selection is that they must keep the chosen player on its twenty-five-man major league roster for the whole season (and active for a minimum of 90 days) after the draft, meaning that the chosen player can neither be optioned, designated to the minor leagues, or put on the sixty-day disabled list. This sidesteps the requirement of keeping the player on the twenty-five-man major league roster. The ball club does have the right to trade or waive the player at any time, however. Should the player get waived and clear waivers by not inking a contract with a new MLB team, the team that made the selection, or the ball club in which the selected player is traded to the player is waived, is obligated to offer the player to the original team in which the player is selected from for half the price ($25,000), thereby effectively nullifying the Rule Five selection.

Assuming that each team makes a selection and presuming that each ball club that makes the selection ends up keeping the player for the entire season – although either scenario is not always the case in reality for reasons that I have already explained – then there would be thirty “projects” in which the ball club that made the selection would hope would pan out down the road in each season. From its current form in 1965 to this past season in 2015, there have been close to a total of fifty Rule Five drafts. If we were to multiply the annual thirty selections by the fifty rule Five selections, we can deduced that there are approximately 1,500 total Rule Five selections that have been made over the course of the past half-a-century.

Out of those some 1,500 Rule Five selections, and excluding those who were selected in the minor league portion of the draft, there were some two dozen players who ended up becoming All-Stars, including: Bautista, Bell, Paul Blair, Bobby Bonilla, Everth Cabrera, Roberto Clemente, Jody Davis, Darrell Evans, Jason Grilli, Gruber, Josh Hamilton, Willie Hernández, Dave Hollins, Dave May, Evan Meek, Mike Morgan, Jeff Nelson, Bip Roberts, Johan Santana, Joakim Soria, Freddy Simon, Derrick Turnbow, Dan Uggla, Fernando Viña, Shane Victorino, and Jayson Werth. Within the above list, Clemente is a member of the 3,000 hit club and a Hall of Famer, inducted to Cooperstown by special election into the player category in 1973. Bell and Hamilton were American League Most Valuable Players (MVPs) in 1987 and 2010 respectively. Santana won multiple Cy Young Awards (in 2004 and 2006), including the pitching triple crown in the latter year.

Therefore, even though it is a long shot, it is possible to find diamonds in the rough from the pool. However, I have to admit that the odds aren’t great whatsoever. Using the above hypothetical numbers, the probability of unearthing a future All-Star player is about 1.73% (twenty-six in 1500). If we are talking about top guns, then the chances are even worse as the likelihood of finding an MVP is 0.13% (two in 1500). Of course, the odds of landing a Cy Young Award winner and a Hall of Famer are even bleaker as they are both at 0.07% (one in 1500)! So why should a GM in MLB take a flyer on a player in a Rule Five draft? Simply put, you have nothing to lose because the cost is so minimal (at a mere $50,000, which is pocket change by MLB salary standard) and yet the upside is so huge potentially if you manage to win the jackpot. The last time I checked, the odds of winning Lotto 649 is approximately one in 14,000,000 and the chances of winning Lotto Max is around one in 28,600,000. Hence, as bad as the probabilities seemed, the likelihood of uncovering a hidden gem in the form of an All-Star player, an MVP, a Cy Young Award, or a Hall of Famer is still light years better compared to beating the near-impossible system in Lotto 649 and Lotto Max. By the way, despite last week’s record U.S. $1,600,000,000 Powerball jackpot, I did not bother to draw a comparison between the Rule Five draft and Powerball here mainly because the odds of winning the Powerball Grand prize are close to one in 292,201,330. Too bad we aren’t all playing the Rule Five draft instead of Lotto 649, Lotto Max, and Powerball!
**SPORTS**

**SBL**

-KAREEM WEBSTER

Entering the 2015-2016 NFL season, few expected the Carolina Panthers to repeat as division champions, and no one foresaw the team getting 15 wins, let alone making a trip to the Super Bowl. In the summer, Kelvin Benjamin went down with a torn knee. As the Panthers best receiver, this did not bode well for their playoff chances.

At the same time, great teams find ways to win.

This is football. Injuries are inevitable. There really are no excuses in this sport, unless your quarterback goes down.

Welcome to Super Bowl 50, also known as Super Bowl LI, in archaic roman numerals.

**Are you ready for some football?!?!**

The Panthers were a surprise team in 2013, winning 12 games and winning the NFC South. In 2014, the Panthers repeated as division winners, but the accolade was blushed by their sub .500 record and the futility that stymied other teams. Midseason in 2015, however, it appeared as though the Panthers would run the table. Again, this is football, and anything can happen. It is rarely predictable.

The Broncos were another story. This would be the fourth campaign with Peyton Manning under centre. A championship was expected when he signed in Denver in 2012. Anything less would be a disappointment for a franchise that has not won since the late 1990s. I’ve never minced words about the legacy of Manning: he is an amazing quarterback. He will live in football lore as one of the top two quarterbacks, but, his postseason track record is troubling. He seems to come up short in the big games (see: Super Bowl 44, Super Bowl 48, and his current 13-13 record). This will be the fourth Super Bowl which Manning will participate in. He needs to win this championship to cement the claim that he is the best quarterback of all time. Another loss will only add to the criticism and calls for him to hang up his cleats.

Notes: Do not be surprised if this is the last season for DeMarcus Ware, Thomas Davis, and Charles Tillman, regardless of the results. These players have had trouble staying healthy and they are getting up there in age.

Prediction: Panthers win 26-17

Do not let this score be reflective of the divisional round game between the Packers and Cardinals. For football enthusiasts, it will a tense, but enjoyable display of sound defence between both teams. Expect some turnovers. For the casual observer who waits until late January or early February to tune into football, they may find their attention span elsewhere during certain segments.

Then again, there is always the halftime show, right? This is usually the time when I go do things like wash the dishes or shovel snow until the game starts back. I actually find the halftime show to be the lacklustre portion of the festivities. Mostly because it has nothing to do with sports!

"Photo Courtesy of theatlantic.com"

Wait...Coldplay. Beyoncé. Bruno Mars. At once?

Shoot, I might even tune into that. Wow, I digress...

Newton is a big dude, but do not expect him to rack up a clinic on the ground rushing. I think both him and Manning will cough up the ball a couple of times. Ultimately, I’ll be watching for the second-best player in the game, Luke Kuechly, a physical specimen who is the anchor of this formidable defence, and probably Hall of Fame bound should he stay on this pace.

Defence and experience wins championships, right? Sure, Denver has more playoff and Super Bowl experience, but Carolina has slowly gained experience over the past couple of playoffs, and are a younger team, led by the most dynamic quarterback in the game, led by Von Miller and the veteran DeMarcus Ware. Derek Wolfe has had quite the year as well. This game will be won by ball protection. Who forces more fumbles and picks?

Could this be Manning’s last game in the NFL or the just his final stint on the Broncos? If the Broncos are victorious, it is more likely that he retires, but after the atrocious regular season that he had, he may want to come back for one last hooraah. If the Broncos lose, Manning will likely still want to continue his career, albeit with another team. Look out for the Saints Los Angeles Rams, Cleveland Browns (new head coach), San Francisco 49ers (new head coach), Miami Dolphins (new head coach), Baltimore Ravens (remember, Flacco tore his knee), Philadelphia Eagles (new head coach), and Houston Texans (lack a competent quarterback) to make a run at the legend. He may be a shell of himself and is just weeks shy of turning 40, but Peyton Manning can still be a valuable addition to a team on the brink of playoff contention or looking to capture a championship.

Super Bowl MVP Prediction: Luke Kuechly. Predicted stats: 7 tackles, 1 sack, 1 forced fumble, and 1 defensive touchdown

Kuechly is an absolute monster. He is a smaller, quicker version of J.J. Watt in open space. He has fantastic hands and a bevy of confidence. He will be the difference maker in this game.

Super Bowl MVP Runner Up: Cam Newton Predicted stats: 190 passing yards, 1 passing touchdown, 50 rushing yards, 1 rushing touchdown, 1 fumble, 1 interception

This will not be Newton’s best game, especially in the air. He may be able to break free for a 15-yard run once or twice, which will inflate his rushing numbers. It really is hard to contain this athletic freak though. Expect some aerial feats that defy the laws of physics near the goal line.

Epilogue:

Cam Newton cements himself as a top-5 quarterback with a Super Bowl Championship and becomes the highest-paid quarterback in NFL history. Ron Rivera preserves his job for a long time. Josh Norman makes a lot of money with a new contract. Mike Shula, the offensive coordinator of the Panthers, becomes highly coveted this offseason. Thomas Davis and Charles Tillman retire. Denver makes a big splash in a trade or free agency with a tight end or offensive lineman. DeMarcus Ware retires. Peyton Manning signs with a new team or stays while the Broncos draft their heir apparent.
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