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The Philippines is under international scrutiny due to President Duterte’s violent and illegal anti-drug policies. Since becoming President on 30 May 2016, Duterte has encouraged the extrajudicial killing of drug offenders from both police departments and vigilante groups, stating in his inaugural speech at Davao City to “[d]o it yourselves if you have guns, you have my support.” The numbers alone are shocking: 1,466 killed during police operations, 1,490 killed from vigilante action, 16,000 suspects formally arrested, and over 700,000 drug offenders “voluntarily” handed in. And the numbers are showing no sign of stopping.

The international community responded in its usual fashion by naming and shaming President Duterte’s actions. In mid-August, following a number of calls to action over the summer by prominent non-government organizations (NGOs) like Human Rights Watch, the Office of the United Nations High Commissioner on Human Rights (OHCHR) urged the Philippines to stop these unlawful killings. International leaders have also voiced their concerns over President Duterte’s clear disregard for human rights, including President Obama.

What’s incredible about Duterte’s presidency is that, despite the local tragedies and despite the international pressure, he is still supported by a vast majority of Filipinos. President Duterte beat his closest rival by over 6.6 million votes during the presidential election, and Pulse Asia recently published a survey that shows 91% of Filipinos have a high degree of trust in him.
There is no I in Law
A Plea for Collaboration

Whether you’re just starting out at Osgoode, entering 2L, 3LOrion or an LLM student, one thing is almost certainly clear to you: law school is competitive. Most classes are graded on a bell curve, there’s some kind of articling crisis happening, and there are only so many spots in club executives, moot teams and clinics/intensives. It’s a zero sum game right? Either you get ahead or someone else does. Better to study by yourself rather than help others understand the material. Better to save that tip about the professor’s grading style than telling others. Better to maintain an edge over your classmates (and coworkers). Gotta look out for #1.

While on some level I (barely) understand this line of thinking, I will never agree with it. And that is why I’m using this little editorial of mine to reach out to you and beg you to be a team player from now on, until the end of your time at Osgoode and throughout your careers.

Still with me? Great! Here’s my pitch.

Let’s start with the rest of your Osgoode life. What is the point of law school? Is it to learn the law? To learn how to do legal research? To— as an associate at my summer job stated— learn how to get stuff done fast and get it done well? To learn how to think like a lawyer? Truthfully, this is a question far beyond the scope of 700–1200 words. Fret not, this inquiry has a purpose. No matter what you think the purpose of law school is, learning to be a team player is going to help you.

Learning the law through cases can be a nearly futile pursuit. You know what makes it easier? Studying those dense tomes of ten-dollar words with others. As a group grows, so does the chance that someone in the group will be able to answer a question. As a senior partner at my firm told me a couple months ago, “If you don’t know the answer you better know someone who does.” Or what about the first time you have to draw up a contract? Or the first time you have to defend someone knowing that ten-dollar word, or that Latin phrase, or that case Justice Abella is referencing.

Think you know more than your study group? That’s ok too! Explaining concepts to others is one of the best ways to know that you definitely have a handle on it. And, if you try to explain something and a question stump you, you know what you need to study more. Likewise, helping someone hone their research skills or learn to read cases more efficiently will reinforce your capabilities. Everybody wins!

Now let’s turn what is often cited as the worst form of law school drudgery—the group assignment. Jeez, can’t we all just do our own thing and not worry about arranging schedules, delegating tasks and dealing with disagreements? How will we reconcile all the different writing styles? What a nightmare!

I want to push back on this understanding of group assignments. I must admit, I only have one summer of law firm experiences. However, I can say that not one work product left that office without at least two sets of eyes reviewing and revising it. Whether a factum, an agreement or an article for the website, everything has multiple people either writing the document, editing the document, or both. And that translates in better work. You’d be shocked the number of people it took editing an article this summer to catch “the Court hat stated multiple times...” While the notion of a “Court hat” stating a legal doctrine is hilarious, it would look rather silly on an law firm’s website. So, learn to work as a team now. Learn how to resolve conflicts, learn how to divvy up tasks and learn how to be a useful meeting attendee.

Even if you’re planning to be a sole practitioner, one day you will face a question you can’t find the answer to. As a senior partner at my firm told me a couple months ago, “If you don’t know the answer you better know someone who does.” Or what about the first time you have to draw up a contract? Or the first time you have to write a notice of claim? Having the support of your colleagues is invaluable in those moments.

As an added bonus, both law school and work are way less stressful when you have the support of others! When I started work in May, I compared myself to the other summer student (there were only two of us). She stayed late two nights this week and I didn’t! That partner went directly to her to assign work, why didn’t they ask both of us? Is she docking more billable hours than I am? What if she is?

Before I completely dissolved into a puddle of uncertainty, I realized life is a lot easier when you see and treat fellow students as colleagues rather than adversaries. Check in with each other, offer to take on a task if you have a lighter workload, offer advice if someone is dealing with a topic you’ve worked on before, give them that tip you heard about the partner they’re doing work for.

No matter how tight the curve is, or how few spots there are at your dream firm, be a good friend and colleague to those around you. They say, “It’s not what you know, it’s who you know.” I posit that more than that, what matters is who you know that likes you. I won’t pretend I wasn’t burnt out by the end of the summer— because I definitely was— but I can say that burnout would have happened months earlier had it not been for the support I received from my fellow summer student.

So be there for each other. While you may think you’re holding people up now—and you might very well be—you never know when you’ll be the one in need of help. And you will need help, because you’re human and like all humans, we’re not as bright as we pretend to be and law is goddamn difficult. Embrace it, because we’ve all been there and will all be there someday.
Race and the Politics of Impotent Rage

2016 has been an awkward year for race relations. After decades upon decades of watching their rights to due process getting filled with bullets and forced to pay for the spent ammunition, the black communities of North America seem to have collectively said “no more”, and began to protest on a large scale. Although I don’t largely approve of the few protests that have turned violent, an enraged response to anyone—especially police officers—getting away with murder is completely understandable. The difference between justice and revenge can be a very subtle one, and, as someone who has often confused the two, I can’t rightly judge people for wanting the latter when denied the former. Watching someone get away with a terrible act is infuriating enough before you spend five minutes on social media and see dozens of people whining about how you can’t get over it.

As a white, heterosexual, middle class male, I believe I have a moral obligation to call out the reactionary response towards the righteous anger of a black community that has every right to be angry.

First things first: All Lives Matter? Nothing about the statement “black lives matter” implies that other lives don’t matter. In a twisted way, I’m kind of impressed. You took a seemingly neutral and obvious statement about the value of human life and turned it into a reactionary response that completely missed the point of the very thing it was reacting to. In a manner very much like that kind of apathetic dismissal is what led to police brutality against black people getting to the point where a violent reaction was practically inevitable. Find a mirror and look your monster in the face.

That being said, it’s important to realize that racism can be extremely subtle. That’s what makes it so pervasive and sinister. Some people seem to operate under the deluded pretext that systemic racism ended in the 1960s, simply because it’s no longer painfully blatant (or broadly legally enshrined). I understand that you shouldn’t attribute more of what is adequately explained by stupidity, but in this case, even a cynic like me struggles to believe there isn’t some malevolence involved. There are times when it looks like the Civil Rights Movement was a blessing in disguise to bigots. They can sneer at protestors for not measuring up to people like Rosa Parks or Muhammad Ali, or claim that the legal reforms of the 1960s sufficed to give black people full control of their own destiny (because centuries of oppression can be undone by giving people a fraction of what they always deserved). They’re wrong, but try telling them as much without getting a face-full of froth. People often look for anything they can to validate what they already believe, and the Civil Rights Movement has tragically given too many people a license to shrug off what is adequately displayed in the front seat (it’s for moose, by the way) and try to due process getting filled with bullets and forced to pay for the spent ammunition, the black communities of North America seem to have collectively said “no more”, and began to protest on a large scale. Although I don’t largely approve of the few protests that have turned violent, an enraged response to anyone—especially police officers—getting away with murder is completely understandable. The difference between justice and revenge can be a very subtle one, and, as someone who has often confused the two, I can’t rightly judge people for wanting the latter when denied the former. Watching someone get away with a terrible act is infuriating enough before you spend five minutes on social media and see dozens of people whining about how you can’t get over it.

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At a public consultation at the Driftwood Community Center on 7 September 2016, members of the Toronto Police Service (TPS) – including Chair of the Toronto Police Service Board Andy Pringle and Chief Mark Saunders – engaged the Jane and Finch community in a public consultation to elicit feedback on their interim report aimed at revamping the TPS.

The initiative comes at a time of particular tension between the public and law enforcement, due in part to recent events in the United States, as well as events here at home, including the killing of Sammy Yatim by Constable Forcillo in July 2013, the shooting death of Andrew Loku by Toronto Police in July 2015, and the death of Abdirahman Abdi in July 2016 as Ottawa police attempted to arrest him. The deaths of these three men reflect a number of common issues, which were rightly raised by the community members present. Their deaths highlight the TPS’s persistent difficulty in handling situations involving those members of society suffering from mental illness. This issue highlights the need for revamped police de-escalation techniques in crisis situations, but perhaps more significantly, it highlights the need for increased accountability and trust between the police and the communities they serve.

The TPS Interim Report, “The Way Forward: Modernizing Community Safety in Toronto,” highlighted five major necessary changes: a change in police relations with the public; the delivery of police services, access to those services, sustainability and affordability, and a change in police culture. The most challenging area and perhaps the area met with the most skepticism was culture change, an area intrinsically related to accountability.

Details of this proposed change in culture and accountability were sparse at the community meeting. Questions were posed by community members relating to other issues such as the broken police complaint system, a legitimate fear of the police within the community, and a lack of consequence for police misconduct. In response, Mr. Pringle and Chief Saunders generally recognized the legitimacy of the issues, reiterated the need for change, and concluded with a statement assuring the community that the TPS is interested in addressing these issues in their final report. Details, however, were not discussed.

The TPS’s interim report was not completely devoid of detail and did provide a high-level overview of some of the proposed changes to come. As a means of enhancing accountability, one recommendation proposed a robust performance-based talent management strategy for TPS members. But this change alone is an insufficient solution. A change in police culture requires more than an enhanced employee-management system like the one proposed; it requires a broader systemic change to our present system in how police misconduct is investigated and disciplined. At present, and despite the existence of a formal system in place to deal with police complaints, the process of filing a complaint against the police can be frustrating and can often produce disappointing and incomplete results, an issue which was raised at the consultation meeting. In our present system, in instances where the Special Investigations Unit (SIU) is called to investigate police misconduct, SIU reports are not made public. The SIU report on Andrew Loku’s death was an exception; it was released at the urging of Black Lives Matter Toronto, and even then, only nine of thirty-four total pages were released, omitting key information. Bureaucratic smokescreens like these unfortunately do little to assure the public that police accountability can be counted on, or that a change in police culture is on its way.

Credit must be given to the TPS’s recognition of the necessity of change in these sensitive and challenging areas, but this recognition is without value unless it can be supplemented with the action, or at least the details of any planned action, to back them up. As with justice, accountability must be seen to be done. Here’s hoping the details to come on the TPS’s proposed change in culture and accountability will result in tangible results sufficient to promote a sense of mutual trust and respect that is so needed within the communities, like the Jane and Finch community, that they are called to serve.

The final report is scheduled to be released in December of 2016.
What do politicians do?

This year has certainly been a very interesting one in the realm of politics. From the vigorous debates and drama in the US election, to Brexit, and to the elections in Philippines and Australia, the political departments of news and media outlets have seen a busy time. With the changing political landscape, we also see a change in the people running the show. David Cameron resigned as the Prime Minister of the United Kingdom, Nigel Farage will soon step down as an MEP, considering the UK is no longer part of the EU, President Obama will soon be no longer be in office, and Stephen Harper resigned from his parliament seat just last month.

Many students come to Law School with the hopes of one-day running for office, a trend which perhaps holds true more so for our cousins down south. One does not need to look much further than the biographies of the US Senators and Congressmen to see the designation “J.D.” followed by a law school somewhere in their introduction. Research by Nick Robinson, of Yale University shows the massive influence lawyers have had on US politics; 200 years of historical data suggests that more than half of all presidents, vice presidents and members of Congress in the US had a background in law.

The trend also continues within Canada. After all, Trudeau – a teacher by profession – is only the 7th Prime Minister since confederation to hold office without a law-degree. Canadian lawyers have had their fair say in politics though the winds seem to be changing. The Canadian parliament, once a chamber full of lawyers has certainly become less monolithic. Lawyers only comprised of 14 percent of the total MP’s in Canada’s 41st Parliament compared to the 34 per cent of the 21st Parliament in 1949. Though the Canadian Parliament today boasts a very diverse group of individuals who come from various walks of life, such as doctors, businessmen and women, and educators, the lawyers’ circle in the governing body is by no means negligible.

The debate about why so many lawyers are politicians or whether lawyers make good politicians is both interesting and ongoing. No matter what the answer is to the age old puzzle, a post-office life raises some interesting challenges. Whether you set foot in law school with the intention of one day running for office, or your ideas mature over time, it might be worth investigating your long term options.

Whether a politician is replaced by a competitor or voluntarily gives up his seat, leaving office is not an easy exercise. One goes from having a highly privileged position in society, a lucrative salary, private office, and staff in the one of the country’s nicest buildings to effectively being an “average person.”

Though life might not be so terrible. For those willing to work after their time an office, can usually find well-compensated consulting positions. For example, James Moore, former federal industry minister and MP from British Columbia, joined Dentons as a senior business advisor. Those with previous field-specific experience can snatch a respectable career position. For instance, Peter MacKay joined Baker & McKenzie’s Toronto office as a partner after his time as MP and attorney general. Some can even snatch a corporate board seat or a cushy CEO position. Ted Menzies, the former Minister of State of finance, recently resigned parliament to become the CEO and President of CropLife Canada, an international trade organization that lobbies for the agricultural biotechnology industry.

Stephen Harper announced recently that he will take up a job with the Dentons office in Calgary to provide expert advice to clients on managing global economic and geopolitical risk. The ex-Prime Minister is also the CEO and chairman of his consulting company “Harper & Associates Consulting Inc.”, which advises clients on developing international business.

Moving a little back in time, Paul Martin - after losing as PM, but while he was still an MP – launched a charitable organization, the Martin Aboriginal Education Initiative, which brings entrepreneurship programs to schools with the goal of curtailing the indigenous student dropout rate. Apart from his charitable work, he worked with African Development bank gave advise on various policy issues within Canada. His predecessor, Jean Chrétien started his new life as counsel for Heenan Blaikie, the same firm where Pierre Trudeau also worked after his time as the Prime Minister. Chrétien also held many energy-related posts including a special adviser to the Calgary-based PetroKazakhstan.

Down South, life is not so bad either. Politicians are often recruited by companies as advisors or lobbyists; many get positions on boards of different companies and some even join prestigious law firms or global banks. Three-Term Senator Judd Gregg was hired as an international advisor by Goldman Sachs. In 2014, Gazprombank GPB (OJSC), a Russian Bank hired two former senators Trent Lott and John Breaux to lobby against U.S. Sanctions. Former President Bill Clinton - like Jimmy Carter - began his own philanthropic organization, the Clinton Foundation, which aims to help ameliorate the problem of global poverty and disease while vice-President Al gore began teaching at Columbia University.

While some choose corporate careers, others go down the philanthropic route and there are still other who like the allure of academia. No matter what the career choice, it appears that the careers of politicians do not end with their political aspirations, an age old wisdom perhaps best described by Aristotle some 2,400 years ago: “politicians also have no leisure, because they are always aiming at something beyond political life itself: power and glory, or happiness.”

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Blaming the Victim and Concealing the Evidence
How the Crown Mishandled Ivan Henry’s Trial

During the summer months, there was much talk about the wrongful conviction of Ivan Henry, a BC native who spent nearly twenty-seven years behind bars for a series of sexual assaults that he never committed. After being acquitted in 2010 of his ten convictions, Henry initiated an action against the province of BC for which he sought forty-three million dollars in damages. In his ruling released on 8 June 2016 Chief Justice Christopher Hinkson awarded Henry just over eight million dollars in damages: $530K in compensatory damages for lost wages, $6,692 in special damages, and $7.5M as vindication of the gross abuse of his Charter rights.

As part of his painstakingly long ninety-seven-page decision (available online at www.courts.gov.bc.ca), Justice Hinkson lambasted the Province for intentionally breaching Henry’s disclosure rights under ss. 7 and 11 (d) of the Charter. Using the test for wrongful non-disclosure as set out by Maldover J. in the 2015 SCC decision granting Henry’s appeal, Justice Hinkson found that the Crown intentionally withheld information that it knew was material to Henry’s defence. Some of this information included results of wiretap, DNR, and other tracking device evidence showing no link between the sexual assaults and Mr. Henry. Even more appalling was the Crown’s non-disclosure of forensic evidence showing that the perpetrator’s sperm had been located for four of the sexual assaults, and that it was not Henry’s.

In a haphazard attempt to defend its blatant misconduct, the Crown tried advancing the argument that the disclosure requirements back in 1983 (i.e. Pre-Stinchcombe era) were not as stringent as they are today, and that their conduct should be assessed against the more relaxed Boucher standards. While it is true that disclosure practices have become more robust since Boucher, Justice Hinkson still found that the Crown failed to live up to its most basic constitutional obligation to disclose reliable exculpatory evidence that would have exonerated Henry. In other words, the Crown’s conduct was objectionable by both the Stinchcombe and Boucher standards.

A second argument that the Crown tried advancing was that Henry should have been held contributorily negligent for his wrongful conviction, because he chose to represent himself when legal aid was available to him. In making its argument, the Crown cited the opinion of Mdm. Justice Bennett in R v. Crichton 2015 BCCA who stated “If a person does not receive a fair trial because he or she chose to represent him or herself, even when counsel was available, the fault lies with the accused and no remedy is available.”

From an access to justice perspective, this argument seems particularly disturbing. Putting issues of cost aside, why should litigants be expected to retain counsel as a pre-requisite to receiving a fair trial? Is this not a form of victim blaming? As Justice Hinkson opined, if anything, the Crown should have a heightened responsibility to ensure that the defendant be treated fairly when he or she has no advocate acting on his or her behalf. Surely, this responsibility derives from the role Crown counsel play in being “Ministers of Justice.”

Furthermore, while cost may not have been the issue in Mr. Henry’s refusing counsel, in the majority of cases it is the primary contributing factor. In her seminal Report on Self-Represented Litigants (Identifying and Meeting the Needs of Self-Represented Litigants Final Report, May 2013), Dr. Julie Macfarlane exposed just how difficult it can be for accused persons to retain counsel. Of the 259 self-represented litigants (SRL’s) interviewed as part of Macfarlane’s study, more than ninety percent reported that financial concerns motivated their decision to self-represent. With counsel fees averaging $150-400 per hour and legal aid requirements being prohibitive for middle and even low-income Canadians, it’s no wonder that there is an SRL crisis in this country.

Other reasons for self-representation as cited in a recent White Paper prepared for the Association of Canadian Court Administrators (ACCA) and referenced in the Canadian Forum on Civil Justice’s Everyday Legal Problems and the Cost of Justice in Canada: Overview Report (available online at www.cfcj-fcjc.org/cost-of-justice) include low education, low literacy, ideological motivations, and perceiving counsel as unnecessary. Indeed, in Mr. Henry’s case, the psychiatric evidence suggested that Mr. Henry’s refusing counsel had to do with his inability to understand the significance and long-term consequences of his legal predicament.

At the end of the day, whether or not the defence is represented, the Crown has a constitutional duty to ensure trial fairness by making the necessary disclosures that will allow the accused to provide a full answer and defence. Let us not forget the powerful words famously articulated by Justice Rand in the Boucher decision: “The role of the prosecutor excludes any notion of winning or losing; his function is a matter of public duty than which in civil life there can be none charged with greater personal responsibility.”

By Mitchell Perlmutter
Canadian Forum on Civil Justice

The Canadian Forum on Civil Justice is a national non-profit organization at Osgoode Hall Law School that is dedicated to advancing civil justice reform through research and advocacy.

This article originally appeared on slaw.ca and has been edited for publication in the Obiter-Dicta.
What Simile said to Metaphor
And what I said to them both

Simile: “Oh Metaphor, how dare you flaunt your arrogance? How dare you press two things together until they flatten into one!”

Metaphor: “What irony! That you would use me in an insult against me! And is it I who presses too hard? Or you who shies away from intimacy? You who are afraid the two won’t get along so well after all? I take pride in my duties to language. Duties that I fulfil with conviction you will never possess.”

Simile: “You confuse brashness with conviction. I provide the courtesy of subtlety. A sublime power of suggestion. Those who speak and write through me realize your presumptuousness.”

Metaphor: “If we are to compete in powers of suggestion, your inability to commit guarantees your loss. It is my presumptuousness that convinces the two things to a dance, a dance in which they step on the words like or as.”

Simile: “Careful, Metaphor. In your rambling, you have fast lost focus. You have slipped into confused exaggeration. I concede insofar that you are more powerful than I. And that I am guilty of enjoying you, sometimes misusing you. But your power veils vast responsibility dressed upon those that require your illumination. You are not invested as a puzzle or an encryption. You are not the hidden connotations but the exposed sensations. You are the synesthesia that wells up from visceral depths. You allow us to see, smell, feel, and taste words so as to reveal, not obfuscate. Your hubris is unbefitting of your humble purpose.”

Some sources consider Metaphor and Simile to be entirely divorced. Some see Simile as a derivative of Metaphor. But most definitions agree that both are figures of speech used to describe things or ideas by way of creative comparison. Metaphor is a “direct or implicit comparison often made with a copula,” while Simile is an “indirect or explicit comparison that uses the words like or as.”

But what good does this distinction do us? Simile and Metaphor fill similar niches in language, but which one is better and how should you decide which to use when? Despite examples comparing the use of Simile and Metaphor, one question persists unsolved: is it better to compare implicitly or explicitly?

In the dialogue above, I have personified Simile and Metaphor and thrust them into this very conflict. I have adopted a theme of chaos to order. Simile opens the conversation enraged that Metaphor thinks itself superior. Metaphor retorts that it’s justified in thinking so. And so the two argue while blatantly showcasing themselves in their diatribes.

Simile’s final monologue is the shift to order. Simile makes some concessions, cools down the room, but does not change its assertion that Metaphor is “arrogant.” Does Metaphor exist only to make palpable the relationship between two things as Simile suggests? And is Metaphor justified in its claim to superiority?

Me: “Oh Simile, can Metaphor not obscure or abstract so as to invoke varied imagination? Although most writing and speech must be accessible to be of value, there are also contexts which allow and sometimes promote ambiguity: fiction such as poetry, myths, fables, and legends. Some works revel in their meandering path to nowhere. But even in non-fiction, a kaleidoscopic view can help shake up preconceptions and reach unexpected conclusions. And these things you can do also, Simile. So Metaphor, why do you believe yourself superior? Is it that your comparisons are more “intimate” and fill a more flexible syntactic niche? I agree that this is an advantage. You do not require the words like or as, and instead embrace a large class of implicit connectors. With some effort and restructuring, we can turn Metaphor into Simile. We might make the comparison more chunky, but do we gain anything in return? Simile, I think you tame Metaphor. You hold back its arrogance and allow choice in how far we take a comparison. In isolation, this benefit may be small. But Simile, you can also bring contrast and diversity to the hull of extended metaphor. Your place in language is in broadening it.”

Author: Manish Bhasin
 commons.wikimedia.org (The Seven Ages of Man by William Mulready, 1838, illustrating a speech from William Shakespeare’s As You Like It. From the speech comes a famous Simile: “All the world’s like a stage.” Or was it a Metaphor?)
People Say Sex Sells... But All At A Cost
Dress Codes in the Restaurant Industry

Author: Jimmy Sahdra

Lately, I observed one issue which has consistently infuriated me – dress codes in restaurants. Worse still is, Osgoode’s support of one of these restaurants during the welcome orientation this year.

The issue of dress codes was a popular issue in the past year. Interest spiked when the CBC Marketplace inquiry raised concerns about restaurants which required female servers to wear short skirts, tight dresses, high heels, and low-cut tops to work. This media coverage prompted nation-wide attention to the issue of human rights and employment standards regarding dress codes. The Ontario Human Rights Commission (OHRC) issued a position policy on gender-specific dress codes and called for employers to review their dress codes and remove discriminatory requirements.

The OHRC outlined human rights decisions dating back to the 1980s, which found that dress code requirements that create adverse impacts based on gender violate human rights laws. For example, in McKenna v Local Heroes Stittsville 2013 HRTO 1117, a server’s shifts were cut after the female employee voiced concerns about wearing tight clothing and wished to wear looser clothing in order to not draw attention to her pregnancy. The Human Rights Tribunal of Ontario (HRTO) found that the employer wanted to re-brand the sports bar and emphasize sexual attractiveness of staff, and therefore the HRTO found the employer had discriminated against the female employee. The woman was awarded $17,000 for injuries to dignity and nearly $3,000 in lost wages.

Additionally, in a British Columbia human rights case, Mottu v MacLeod [2004] BCHRTD No 68, a female server was required to wear a bikini top at a special work event. She opted to wear clothing on top of her bikini and complained to her union and the OHRC. The BC Human Rights Tribunal found the employer had discriminated against the employee. The woman was awarded $17,000 for injuries to dignity and nearly $3,000 in lost wages.

There is an increased call for employment standards linked to job security. It is about giving you the best start to your legal career — with innovative and proud lone member) of the eighth grade Pre-Law Society? Were you the neighbourhood lemonade stand mogul? The President (and proud lone member) of the eighth grade Pre-Law Society? You might just be ready for Osler. We’re creative, collaborative thinkers — who are proud to work on the most groundbreaking law in Canada.

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In the past summer, I have observed numerous occasions walked by an establishment on the Esplanade that, similarly to the Mottu v MacLeod case, requires female servers to wear a skimpy bikini top with an equally skimpy bottom piece. I am assuming this is a dress code requirement within this establishment, as I find it hard to believe this many women would choose to dress in the exact same way each working day. Moreover, I have only seen female servers and a particular body type working there. To be fair, I have never been inside this establishment, and have only witnessed the servers on the patio. However, each time I walked by, I would be infuriated thinking about the sexist representations being reproduced. If one of the workers became pregnant, how would this affect their job? If they don’t choose to wear this clothing, what are the repercussions?

No one should be forced to find another job because they don’t want to be discriminated against. Once again, I realize this is all speculation as I have not spoken to employees at this establishment. However, I do feel the representations are rooted and representative of larger issues of sexism and discrimination in society, where women are routinely sexually objectified.

Having these types of gender-specific dress codes harms the dignity of women, reinforces sexist stereotypes, and reproduces sexualized female norms. Furthermore, while this is discrimination on the basis of gender, it can also intersect and reproduce other forms of discrimination. For example, in the LGBTQ community, these types of representations reinforce a norm of what a woman is supposed to be. Some might claim that these women choose to dress this way, but I reject this common response. Believing this is all an independent female choice may be the truth for some women. However, we cannot assume that this is a choice, especially when considering the history of reproduction of gender norms, gender discrimination, and sexist stereotypes.

I was further disheartened to see Osgoode had chosen this establishment to be part of their orientation week event this year. Osgoode prides itself on furthering social justice issues, and this is a part of Osgoode I continue to be proud of. However, I do feel this choice was not an appropriate way to show first year students what Osgoode is about. I know I would have felt quite uncomfortable going there, and I am sure other students felt the same way.

Overall, this sexist representation of women is not isolated to one establishment. Rather, it is part of an ongoing, ubiquitous issue taking many shapes in society. While human rights cases across Canada have dealt with this issue, I hope the law deals with this issue in a more proactive manner, rather than dealing with it after it has had an adverse impact on a woman. There is an increased call for employment standards to address this issue, especially within the restaurant industry. At the moment, there is the perception of “choice,” but in reality this is commonly not the case when employment and people’s subsistence are linked to job security.
Starry Decisis

Aries
Recent events will cause you to consider the nature and quality of agreements, most notably, what is a contract, how can people rely on expectations, and what exactly is consideration? You may find your own expectations challenged. Allow yourself time to adjust.

Cancer
Companionship will fare you well. Let go of competitive urges and remember to have fun. You might find yourself dwelling on this strange thing known as the curve. Chances are better than good that you will be right in the middle of it. So, don’t worry about it, because no matter what you do, you’ll end up there anyway.

Libra
You are definitely proceeding down a good career path for your sign. Stay focused and stay the course. Remember to keep things in balance. For every hour of studying you should spend two hours relaxing, and I don’t just mean Netflix. Go out and meet some people. It will do your body good.

Capricorn
You will find yourself fleeting from one activity to another with barely a breath in between. Just remember to breathe and everything else should flow naturally. Many opportunities will pass you by, but there are many more out there. You will find your path if you just remember to walk it. Don’t get too distracted by everything the many organizations – like The Obiter – will tempt you with.

Taurus
You will find yourself surrounded by comrades and allies. Remember that everyone around is going through the same range of emotions and challenges. You are not alone. Literally everyone is freaking out about now. So, you might as well just let loose, and enjoy the freaky ride.

Scorpio
You will find yourself looking far into the future for guidance. Remember to stay focused on the present here and now. You have a long way to go. I mean years, literally, years. Even after graduation, there’s the bar exam, and then articling, and who knows what else will happen. So, relax and remember to take your time. It will all happen eventually.

Aquarius
Several events in the news will cause you to think deeply about your studies, and knowledge. You will soon find yourself questioning how anything and everything relates to the law. It will be almost unescapable. Things like calculating damages will become second nature, and you will never see hospital procedures in quite the same way, ever again.

Gemini
Like always you will have two opinions (or more) about almost everything. The frustrating thing is that this time they are both correct. Choose the answer that you prefer.

Virgo
You have recently had a birthday. So, go ahead and party like it’s your birthday. I expect to see you at every pub night, and social event. If you are not I will be very disappointed. Shame on you. Do not let your cohort down.

Sagittarius
You have a plethora of opportunities before you. Remember to choose wisely. You actually can’t do it all. In fact, the whole system has been designed to create enough options that there will be something for everyone, and too much for any one person. Don’t start thinking that you are the one person who can do everything. This will just set you up for disappointment, and it will really irritate your peers.

Pisces
You will stay awake late at night thinking about torts and injury law. You will awaken to contemplate contracts, and how to file with the court reporter, and before the day is out, there will be some criminal matter brought to your attention, maybe by the news, maybe by a security bulletin or update. Either way, this is a very nervous time for you. All I can say is, “what else is new. Get over it already and stop whining about it, ok?”

Leo
Your fiery spirit will invigorate those around you. Carry this excitement and positive energy forward. You will need it as the following months unfold. Cold and flu season is upon us. So, remember to drink lots of orange juice, and avoid shaking hands with questionable people. Although, you might find the last thing hard to accomplish.

Virgo
You have recently had a birthday. So, go ahead and party like it’s your birthday. I expect to see you at every pub night, and social event. If you are not I will be very disappointed. Shame on you. Do not let your cohort down.
An Odyssey through the Middle East
Mentally Ill in Law School

Author - Hunter Norwich

“You’re up!” Shalaw shouted this while he firmly placed an Ak-47 over my chest. I was nervous. As things unfolded, it seemed as though my life was becoming a modern sequel to Voltaire’s Candide.

A few days earlier, I was in Istanbul. I was back-packing alone and had just finished two months of travelling in Europe and North Africa. The scenery in Turkey was a marvel handsome enough to captivate any audience. Fountains were illuminated by shifting red, blue, and green lights. The water’s glow lightly pressed against the walls of the towering, ancient mosques, which were lit daily by thousands of tourists and locals.

As I sauntered down the promenade, the ground was shaken by a destabilizing “BOOM!” People scattered in all directions. Parents were corralling their families inside—children were screaming. I ran for cover under a nearby blu. Most suspected a suicide bomber had ripped through a piece of the city. But then the boom happened again. And again. Over our heads we saw fighter jets soaring. The booms, it turned out, were sonic booms. Aircraft were tearing through the sound barrier, and, in the distance, I could hear the shredding of a chopper gunner as it unloaded its ammunition on a civilian population.

Questions abounded. Was Russia getting its revenge in Turkey for shooting down its pilot? Had Bashar Assad finally reached a boiling point with his adversary in the north? No—the fight was coming from within. The Turkish military perceived the ruling Islamist party, the AKP, as a threat to the country’s secular traditions. President Tayyip Erdogan, they reasoned, had to go.

There was a television set in a nearby hotdog stand. As I and Turkish citizens stared transfixed at the screen, Erdogan came on a media network. He was portrayed through Facetime on an iPhone. Narrowly he slipped away from capture and was headed toward Ataturk airport. After landing, he urged the Turkish people to protest in the streets. And they did. Against every good judgement, I paid a cab driver $100 US to drive me through the crowds. Groups of men were waving large Turkish flags. Chants of “Allahu Akbar” were being bellowed. Especially when bellowed at full exertion.

But I should return to the main thread of my story. After the coup d’état ended, I spent a few more nights in Turkey. Just days before arriving to this part of the world, I was in Kosovo, dealing with “traveler’s burnout.” Fortunately, my time in Istanbul ended this moral drought. And my next destination was poised to do the same. As I was spinning a globe at my hostel, a fellow-traveler joked that I should go to Iraq. I had always been captivated by the “land of two rivers,” but I never saw it as a feasible option. After a night’s sleep, however, I felt a resolute desire to enter into the heart of ancient Mesopotamia, the land of Hammurabi—indeed, the home of human civilization. By the day’s end, the ticket was booked.

For obvious reasons, the flight was less than half full, and within three hours I arrived in Erbil, the capital of Iraqi Kurdistan. Two days later I nervously travelled in a yellow cab to Sulaymaniyyah. A few kilometers to the west were Islamic State strongholds—I was fearful, but surprisingly relaxed. My mood that day was elevated by the car’s air-conditioning, as the low in Iraq that afternoon was forty-six Celsius, the high, fifty-two. When I arrived to my hotel I tried to arrange a tour of Halabja, a city in which Saddam Hussein massacred eight thousand Kurds with mustard gas in 1988. But there were no tour guides available that could speak English. Instead, a local at the hotel graciously agreed to drive me.

The next morning a fellow in a military uniform knocked on my door. He was a pesh merga officer named Shalaw. During our first hour together he showed me the different gun shops in the city, where we purchased bullets for fifty cents a piece. He then handed me a pistol for protection. After we visited Halabja, we drove through serpentine mountains in Persia, climbed a waterfall at the border, then met with Iranian generals while we visited the leader of the Socialist Kurdish party. To confirm that I was capable of using the gun, he drove us out to the barren desert. At this point I was among several Kurdish fighters. All of them were friendly and surprisingly gentle, kind-looking men. Shalaw shot the gun off into the hill which stood twenty feet ahead of us. Then he handed me the gun, encouraging me to do the same.

The dry, desert air had made my throat indistinguishable from sandpaper. I requested to shoot the pistol before I used the semi-automatic rifle: I needed to ensure that when I pulled the trigger, I was able to control my posture. And it was about time I started thinking about my safety. Luckily my use of the pistol succeeded—and even impressed my new comrades. Shalaw then slapped the Ak-47 into my arms with a reassuring physiognomy, and I turned to unload the clip into the hill. When I realized I was in control—handling a gun, in the desert, surrounded by Canadian allies in the war against IS—the nerves dissipated. Shalaw swung the Ak-47 on his back and asked if I would now like to see the front-line. Of course I did.

We arrived at a derelict building. I had the pleasure of seeing the stereotypical image of Kurdish fighters giving each other massages and haircuts. Surrounding us was a yellow sea of desert and shrubs. There was hardly any furniture, food was scarce, and the heat was sweltering. In the distance I could see IS strongholds, fortified with fragile rocks and the threatening aura that attends every IS brigade. At any moment, I thought, they could fill their trucks with C4 and lay waste to the entire redoubt. Reality was beginning to set in, and my instincts began to assert themselves. The fear of imminent death awakened my desire to live, and temporarily cured my fever for novelty.

I realized then that I had seen enough: it was time to go home.
It was Todd who said it, flailing about like an eager pre-schooler anxious to answer his teacher’s ques-
tion. “Me, me; pick me,” his fling up finger eager-
sly solicited, as the heads of everyone whirred in his di-
vision, multiple sets of eyes diluting on his ruddy ex-
pression. “Statistics show,” he said academi-
cally, “that when emergencies occur amid a group of
people, response to the ailing is always delayed.”

“Everyone,” he continued, “expects that someone
else will rush to give relief, so no one reacts right
away.” I swallowed hard to soothe the drought in my
throat on hearing his remark. It was prompted by my
report of the woman on the train.

Rush hour. The subway car was filled to capacity,
tooming with commuters hurriedly making their
way. In the head-spinning cosmopolitan commo-
tion, I tucked myself into the last available seat beside
the entrance near the unoccupied operator’s cabin.

Bodies big and small, tall, short, and average gath-
ered about me, carried by semi-alert proprietors of
all hues and shapes. Not a few were frazzled by the
din of another morning on a crowded subway. At
that unrighteous hour, many would have preferred
to have still been sleeping. The ones who were stand-
ing squeezed into every inch of space. They formed
a human screen, obscuring my view. Crouched as I
was against the glass pane thrown up at the entrance,
I could no longer see people’s faces, only silhouettes
from their abdomen to pelvis. So when the train
stopped to permit another exchange of commuters, I
saw her right away.

I saw, her belly. She entered, wearing a tracksuit:
grey trousers and matching hoodie which hugged
her taut middle-section. The belly protruded slightly
from her tiny, delicate frame, not yet like a fully
inflated balloon. “Ah.” I mentally registered, “She’s
pregnant.” The curiosity of the thought sent my eyes
trailng behind her, as she meandered past the human
screen and found herself a spot over by the operator’s
cabin. My eyes ascended the belly in search of her
face, as she stood there. But the hoodie was pulled
over her head and hay coloured tresses dangling from
its peripheries, completely shrouded her traits. The
only feature was the pattern that she wore black and
black. My distracted thoughts wistfully echoed,
“Hmm: young, and black, and pregnant.”

Somewhere in the fathom of my semi-conscious, I rued the fate
of my own little sister. Still, distracted and semi-alert
like the sorority of commuters stretching their inad-
equately rested bodies above me, I gritted my teeth
in the pages of the book that I had previously been
reading.

I read on, as the pollyannaish voice of the
announcer proclaimed in a sing-song fashion over the
PA system, “Pleaseasste stand clearear of the cloooos-
ing doors.” The locomotive jerked forward, exud-
ing a sigh of complaint, as the operator released the
brakes. It bucked under the strain of carrying so
many hundreds of lumpen people. Then, it heaved
forward, confidently steadying itself, picked up
speed, and swiftly chugged on, on its way. Fifteen
minutes flew by with the wind rushing beneath the
tubes. I was reading something about power and
by now had become quasi-entranced, lulled by the
mechanical rhythm of the side to side tilting of car I
was standing by, engrossed in my own little world. And
a female voice exclaimed, “My God!” I glanced across
to the operator’s cabin from whence the cry came.
Time ... stood still.

I must have lost myself in that moment. For every-
things else reeled. Except, across from where I sat,
a pair of eyelids languidly parted, revealing hazy,
dilated pupils. They stared forlornly at me, as if in
accusation I stared back, enthralled, trying to make
sense of what I had seen. A woman had collapsed and
was keeled over on her side, not completely on the
floor, but felled all the same at an awkward, prepos-
terous, diagonal angle. Her head had smacked against
a wheeled trolley bag as she fell. I lost my bearings:
there in that interminable moment, trying to figure
her out. No one moved; no one did a thing. People
were standing and people were sitting. Everyone
stared. And the keeled over woman remained on the
ground beneath us, propped up in that suffocating
corner. The fashionable young Somali who sat beside
me and immediately near the collapsed woman, did
crammer up to assist her. And I continued to sit
and she continued to sit. And those standing around
and those seated remained as rigid as mannequins.

In the seconds that followed, my semi-tranquil-
ized mind slowly recovering itself, a fleece “Are you
okay?” escaped from my lips. But even then, I was
still sitting, snuggled up against the glass pane by the
subway doors. The woman on the floor was the fragile
expectant mother.

I had once before witnessed a miscarriage.
The woman whose birth canal had prematurely expelled
the semi-developed foetus was the wife of my moth-
er’s brother. She must have been two hundred pounds
at the time. Yet she was as melancholy and pitable
in herRemote in the delicate expectant mother who now
lay before me. People who faint lose all awareness of
the event. They may look out from glossy eyes, but
they are incapable of seeing. I don’t recall whether my
mother and I had helped my aunt to the bathroom on
that occasion. But I remember the blood-stained pla-
centa that had slipped spontaneously from beneath
the folds of my aunt’s ample gown. None of us
expected it. My aunt had lost consciousness, and
along with my mum, I had to struggle to keep her
from collapsing. That was a decade ago.

Much earlier, I had seen a baby violently ruptured
from amidst the abdomen of the group that had gath-
ered before me. A can of Ginger Ale was proffered
by a young metrosexual male. It had made its way
from someone standing in the middle of the train.
I collected it and handed it to the visibly exhausted
woman. She was just then opening her drowsy eye-
lids to answer, “Yes,” to my first interrogative, and
“No,” to the second. It was a noble display of courage.
I smiled timidly at this while I wondered who in their
right mind would let a pregnant young mother travel
alone on a rush hour train.

The sense of outrage I experienced over my moral
abnegation during this episode has remained with me
since. It has served the useful function of making
me alive to the people around me. Not long after this
incident, I boarded the Rocket to York University. It
was about 10am that day and, as usual, scores of com-
muters crowded on with me. Among the last few pas-
engers, a pregnant woman got on. She climbed up
the platform to the back of the shuttle and ended up
standing beside me. I was sitting. I made to get up, so
as to offer her my seat. But she interrupted me, “Oh,
no. It’s okay. I’m alright,” she said. I shifted to repo-
sition myself in the seat, but judging better I swirled
around and exited from my place. “I prefer, that you
sit.” I told her. Perhaps it was my tone of resolution:
she took my place with nary a sound of protest. I was
ready for that and glad too that, for once, my faculties
were working.

Fortunately for the woman on the subway floor,
someone did have their wits about them. “Help her
up,” instructed a sober stranger looking across to
the persons standing by. The dazed pregnant woman
was foist to her feet while the Somali beside me ex-
eyed; “Are you okay?” But she was still sit-
ing, so the woman who issued the instruction spoke
again, “Let her sit,” she said. The Somali stood up
and the mother- to-be hunkered down beside me. By
now, people had begun to mill around, their interest in the
woman actively awakening. “Wait. Are you preg-
nant?” intoned a stick woman with flat-ironed
hair. She had come over and was quizzically eying
her subject who now slouched beside me. “Is she
okay?” an Asian-accented female voice chimed in.

I leaned forward and peered beneath the hoodie
that was still drawn over her face. Beads of perspi-
rination, like raindrops on roses, settled on her abode-
tinged nose and forehead. Her eyelids were moist; her
eyes unopened. Blonde locks cascaded in curls around
her face, she glowed in the aura of a cherub. “Are you
going to be okay?” I discretely inquired. “Should we
call for a doctor?” The imperative of another person
on the train rang out above my head, “Get her some
water,” it said. Within seconds, a hand stuck out
from amid the abdomen of the group that had gath-
ered before us. A can of Ginger Ale was proffered
by a young metrosexual male. It had made its way
from someone standing in the middle of the train.
I collected it and handed it to the visibly exhausted
woman. She was just then opening her drowsy eye-
lids to answer, “Yes,” to my first interrogative, and
“No,” to the second. It was a noble display of courage.
“Perhaps,” I said to her playfully, “It was just your
little stranger – your baby – that gave you a kick.” She
smiled timidly at this while I wondered who in their
right mind would let a pregnant young mother travel
alone on a rush hour train.

The sense of outrage I experienced over my moral
abnegation during this episode has remained with me
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she took my place with nary a sound of protest. I was
ready for that and glad too that, for once, my faculties
were working.

Author: Natasha Jerome
Hello Ozzies, and welcome to the first installment of this year’s Jurisfoodence! I am most humbled to be your host for this journey, where we will be diving into blogTO’s “Best of Toronto” feature and hopefully uncovering some culinary gems that may prove useful to the three people whose procrastination has led them to venture this many pages back in the Obiter.

**Methodology:** Since tastes are diverse and Osgoode is conveniently located in the middle of nowhere, my goal is to cover as large a range of places in terms of cuisine, price point and location (although these lists are infamous for favouring certain neighbourhoods—I’m looking at you, West Side—over others). Generally, reviews will focus on the #1 ranked restaurant, but if it seems ridiculously overpriced, or if I’ve eaten there before, or if I’m sick of eating on Ossington, I might go slightly down the list (very scientific, I know). Restaurants will be rated on quality of food, service, and value, leading to a possible best overall score of 5 out of 5 Dean Sossins.

**Disclaimer:** I have a degree in culinary management and worked as a chef before coming to Osgoode. My partner in crime has said this makes me picky when it comes to eating out; I prefer to call myself discerning. I hope to share some tips, tricks and insights I learned in my past career, but just a warning that my standards may be slightly higher than those of the man on the Clapham omnibus. I will try to point out when I’m being unreasonable.

And with that, we get to our first list: The Best Cheap Sushi in Toronto

**Sushi on Bloor (ranked #1)**

**Location:** 525 Bloor Street West

**Atmosphere:** Bright and utilitarian

Ah, the mythical beast I have been searching for since I moved to Toronto in 2002: good, cheap sushi. There is plenty of excellent high-end sushi in this city (if you really want to treat yourself and have ever seen the documentary *Jiro Dreams of Sushi*, I highly recommend Yasu on Harbord), but when I just want some nice quality rolls to shove in my mouth as fast as possible, I am usually disappointed.

Sushi on Bloor has been a mainstay for University of Toronto students and Annex residents for well over a dozen years. Even though there are a number of sushi places on that stretch, you can expect there to be a wait here at any given time. The line-up was four deep when we arrived at 8:30 on a Thursday night, so we were happy to be seated in about ten minutes. The interior itself definitely places function over form, and the vibe is less “first date jitters” and more “let’s pause this Netflix marathon and grab some food.” This pleases me as I prefer to consume cheap sushi in sweatpants. I will note though that the tables are decently spaced out, which was a plus, since I’ve found that restaurants like this are often quite cramped.

Upon seating we were immediately given two cups of tea and two miso soups. Even though almost anything you order in a similar restaurant will come with miso soup, I was really impressed by this! It is a nice gesture and helps if you’ve been waiting. The soup itself was above average and had more miso flavour than the typical tofu water you sometimes get. We also ordered drinks at around this time (LLBO-wise, the restaurant has a small selection of wine and beer), and to my partner’s extreme delight, the beer mugs came frosted.

The menu is very large. This often bugs me because I’ve found—at least in fine dining—that the size of the menu can tell me a lot about the quality of the food. Bigger is never better. That logic doesn’t work perfectly for all types of establishments though, and doesn’t really concern me here since you’ve also got to cater to what people are expecting. Rolls are priced between $3.95 and $9.95, but we opted to get the Dinner for Two, because it was SO CHEAP: $41.25 for seaweed salad, shrimp and yam tempura, ikayaki (grilled squid), two rolls (salmon dragon and grilled tiger shrimp), six pieces of nigiri sushi, and six pieces of sashimi.

The seaweed salad—topped with tobiko, and very generously portioned—came out first. It tasted like seaweed salads should taste—the typical neon green variety that comes pre-marinated and frozen in bags. There really shouldn’t be much difference in quality from restaurant to restaurant, unless they are using old product. Not that I’m knocking the stuff, I am borderline obsessed with it. Next came the shrimp and yam tempura, nicely breaded and importantly, not too greasy.

Up until this point I was riding high, thinking I might have found the one. Unfortunately, the meal went a bit south with the next course. I don’t expect great service at a cheap restaurant where the goal is to get people in and out as quickly as possible, but our server brought out the tempura, ikayaki, and sushi all at once, leaving us to scramble with plates in hand to find a place for everything. We didn’t see her again for the rest of the meal. To make things worse, the ikayaki was clearly steamed and not grilled (part of my chef fussiness: I have zero tolerance for menu lies). Up until this point I was riding high, thinking I might have found the one. Unfortunately, the meal went a bit south with the next course. I don’t expect great service at a cheap restaurant where the goal is to get people in and out as quickly as possible, but our server brought out the tempura, ikayaki, and sushi all at once, leaving us to scramble with plates in hand to find a place for everything. We didn’t see her again for the rest of the meal. To make things worse, the ikayaki was clearly steamed and not grilled (part of my chef fussiness: I have zero tolerance for menu lies). Even so, it could have been saved if the accompanying ginger sauce was less bland.

I was willing to overlook the ikayaki misstep, though, because I was there for the sushi. And the sushi was...well, it was pretty solid. It’s been a bit difficult for me to judge sushi since Yasu, which has permanently ruined me, but this was better than the typical experience I have at the Yonge and Eglinton joints I frequent. Everything tasted pretty fresh, the rice held together well and the rolls did not skimp on quality. I was willing to overlook the ikayaki misstep, though, because I was there for the sushi. And the sushi was...well, it was pretty solid. It’s been a bit difficult for me to judge sushi since Yasu, which has permanently ruined me, but this was better than the typical experience I have at the Yonge and Eglinton joints I frequent. Everything tasted pretty fresh, the rice held together well and the rolls did not skimp on quality. In fact, my main complaint is the dragon roll had too much salmon on top, overwhelming everything else. However, the tuna, salmon and shrimp nigiri all had a better proportion of rice to fish. The grilled tiger shrimp roll was not something I would normally order, but the combination of shrimp, green bean and teriyaki sauce was pleasantly delicate and added a nice balance to the rest of the salmon-heavy meal.

Cost (for one, excluding drinks): $20.63 + tip + tax

**SERVICE:** 2/5 Dean Sossins
**FOOD:** 3.5/5 Dean Sossins
**VALUE:** 5/5 Dean Sossins

**OVERALL:** 3.5/5 Dean Sossins
A Welcome Message from the Osgoode Hall Law Journal

On behalf of the Osgoode Hall Law Journal (OHLJ) Editorial Board, welcome to the 2016-2017 academic year! To those students returning: welcome back, you made it through another year. To the incoming 1Ls: congratulations on choosing Osgoode.

We would also like to take this opportunity to congratulate those selected as Associate Editors. The applicant pool was extremely competitive this year, and we look forward to working with each of you.

As a Board, we are excited for what the next eight months will bring, including symposia, new publications, and social events. Please feel free to reach out to either of us or anyone else on the Journal about our work. Best of luck this school year!

For more information about the OHLJ and to view our recent publications, please visit our Digital Commons page here.

Michael Thorburn
Managing Editor

Joseph McDonald
Executive Editor

Osgoode Hall Law Journal
A Call for Sympathy
Responding to President Duterte’s Violent War on Drugs

Author: Jerico Espinas

The lack of outrage from the national community may be less confusing given a more expansive view of the domestic landscape. For decades, the Philippines has had the highest usage rate of methamphetamine and other illegal substances in East Asia. The Philippines’ Dangerous Drug Board claims over 1.8 million Filipinos use illegal drugs, while President Duterte and the Philippine Drug Enforcement Agency claim as many as 3 million are drug users. The country has very porous borders and many hideouts for smugglers due to its geographic network of archipelagos and islands, making it difficult to combat drug trafficking. Consequently, the drug trade has been a persistent and powerful presence within the Philippines’ local communities. Couple this looming presence with poor anti-drug policies from previous presidents and a widespread perception of a weak judiciary, and a more understandable picture begins to reveal itself.

But even these are merely textbook descriptions of how deeply personal issues can affect political outcomes; numbers and figures can only do so much. I can only imagine the frustration Filipino families have been feeling for generations as members of their community succumb cycles of addiction, the anger over the political corruption and ineptitude that allows these crimes to persist, the fear that this nightmare will continue. For many, it’s these emotive and individual responses to the country’s drug problems that drive them to support the strongman persona of President Duterte.

The controversy surrounding President Duterte’s actions are reflective of my own issues with some of the international human rights discourse. These actors—while ultimately correct in condemning these human rights violations—often fail to properly understand and account for what’s actually happening on the ground. From a more critical framework, they seem to be applying a universal norm for human rights—in particular, one that’s deeply grounded in the social, political, and moral context of developed countries—without the nuance necessary to effectively make change. Many calls for justice in the Philippines only go as far as stopping extrajudicial killings and holding President Duterte accountable for his support. Few suggest tackling, for example, systemic issues of poverty and crime, which form the root causes of this human rights tragedy. President Duterte himself noted this gap when he responded to the UN’s condemnation: “When were you here last time? Nothing. Never. Except to criticize.”

Of course I want the killings to stop as soon as possible. Of course I want to eliminate the climate of fear and paranoia destroying entire communities. And of course I want President Duterte to be held accountable for his policies. However, what most human rights actors are currently doing is not working. If anything, the traditional tactic of naming and shaming seems to have only strengthened the President’s resolve and bolstered his domestic supporters. Rather than mere criticism, moving forward will require a greater level of sympathy with the Philippines’ plight and support for tackling the country’s systemic issues. Otherwise, it may only be a matter of time before the Philippines is captured by another leader like Duterte.

ACROSS
1. A legal case (Latin)
4. Not mrrc
9. The life of Steve Zissou, c.g.
10. Search paper
11. Ha-ha
13. Like some questions
15. ____ and tuck
16. Zip
17. “Good job!”
19. In ____
21. Make law
23. The best
24. Take to court
25. Went with feathers, in old days
26. Samuel ____
28. Goes bad
29. Rough reading
31. Fiasco
33. Some ____
34. Throng

DOWN
1. Go against
2. Cruel and ____
3. Bit of legislation
4. They speak for themselves, in a cliche
5. Order often follows it
6. Type of poker
7. Opposed
8. Bar, legally
12. Hard to break
14. Came to
18. Cover story
19. Mr. Bates, a.g.
20. Ignore the alarm
22. Series of ’70s disaster movies
24. Warm wind from Africa
25. Justices have them for life
26. Many a robber’s undoing
27. Judge’s yell, on TV
30. Hear a case
32. Tom Hanks movie
Welcome to Law School - by Benjamin Hognestad

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