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Historicizing Barack Obama

THE IRAN NUCLEAR DEAL: BARACK OBAMA AND DWIGHT D. EISENHOWER



Author › Christopher McGoey

In 2015, the P5+1 powers (the UN Security Council and Germany) negotiated a Joint Comprehensive Plan of Action (JCPOA) to limit Iran's nuclear weapons-making capabilities. American President Barack Obama considered the JCPOA one of the major triumphs of his administration. Opponents of the agreement argued that it established a dangerous diplomatic and historical precedent and/or that the JCPOA enabled and emboldened Iran to develop nuclear weapons. This article will compare the JCPOA to Dwight D. Eisenhower's "Atoms for Peace" program. "Atoms for Peace" encouraged international cooperation to regulate atomic energy and weapons. The JCPOA borrowed from the principals of "Atoms for Peace" and subsequent Cold War-era policy; these successfully established avenues of diplomatic cooperation between the US and USSR. Therefore,

the JCPOA did not necessarily set a new or dangerous precedent in US foreign policy. Successes in Cold War-era US-USSR diplomacy suggest that the JCPOA has potential to foster a working relationship between Iran and the West.

The "Atoms for Peace" program was established in 1953. Much of the world feared and distrusted atomic energy. The USSR and US had a complete monopoly over nuclear resources. In an effort to diffuse tensions, President Eisenhower delivered a speech before the UN General Assembly that emphasized peaceful applications of atomic energy and demanded regulation of nuclear arms. Following this speech, the US launched a major information campaign to distribute knowledge of nuclear physics, as well as production resources (e.g., uranium),

»» Continued on page 6

In this Issue . . .

editorial

You are Not Alone 2 2

news

A Post-mortem Examination of the iPhone Headphone Jack 3

opinion

And then the PSL returned 6

opinion

Five Self-Care Strategies for 1L 7

sports

What To Do With Auston Matthews? 8

arts & culture

Fall Fragrance Review 10

You are Not Alone 2

Author › **Ian Mason**
Managing Editor

As Managing Editor of *Obiter Dicta*, I am apparently obligated to write an editorial for every third issue of our publication. Considering I editorialize so often that the words I heard most growing up were “don’t editorialize”—my parents are both intellectuals and I had an extensive vocabulary even as a child—I could probably just write one of my usual articles and no one would notice. Draft, edit, send to the printer. Simple enough, right?

Well, in some sense, I feel like taking this up to eleven, as it were.

I started my work with the *Obiter* by writing “You’re Not Alone,” an article chronicling the psychiatric issues I’ve struggled with for almost my entire life. Over the course of first year, if you don’t hear someone say “one in five Canadians suffers from some sort of mental illness” at least twenty times, you probably aren’t paying enough attention to your professors. Even surrounded by people as high-functioning as law students, I doubt you could glance through a seminar of fifteen people without spotting someone who struggles with mental illness. We’re everywhere.

Before I continue, I want to express my gratitude to those of you who reached out to me in the bleakest moments of last year. I had largely given up on life—let alone law school—and the support I received from people who mostly knew me as little more than an awkward but vocal classmate was truly a catalyst that inspired me to carry on. I cannot understate my appreciation to you, and also to those who encouraged me to keep writing—though most of my articles since then have been sardonic social commentary, because let’s face it, that’s just more fun. For what it’s worth, I’ve done much better over the last year, and my episodes have become much fewer and farther between. Unfortunately, they do still occur, and when they do, they’re often just as bad as they’ve ever been.

I write this article immediately following the worst episode I’ve had in about eleven months. I write this article so people can have a better idea of what it’s like succumbing to an overwhelming sense of despair and existential dread, almost at random, even as your life is going about as well as it’s ever gone. I write this article because—while people try sincerely to be sympathetic to those struggling with mental illness—the gritty details are often hard to comprehend or understand. That said, here they are. I apologize in advance.

You wake up far too early, staring out the window of your apartment, trying to guess the time from the sliver of light at the bottom of the horizon. Your phone tells you it’s a quarter past five. After about half an hour of failing to get back to sleep, you drag yourself

out of bed (or off the couch), hit the john, and try to kill time before you have to get to doing whatever it is you have scheduled for the day. You look around at the empty plates and beer cans on your coffee table and floor. You want to feel embarrassed, but what do you care? You barely care to get up in the morning, let alone pretend that someone else is around to judge you for your lifestyle. You’re so used to it that it doesn’t even depress you, so you make yourself a sandwich, gulp it down as you browse Reddit, and add one more plate to the pile.

You shower, brush your teeth, put on some clean clothes, swallow a couple anti-depressants, and head out the door. You feel a creeping sensation that something’s going to go wrong today, but you ignore it. Keep going. That’s all you can do, right? You get through your class, having done enough readings to understand what the prof is talking about. You sit through your afternoon club meeting, actually contributing and feeling mostly normal. Good. But the creeping sensation lingers as you head home, as you get home, and as you prepare to do your readings before you go to hockey.

Then you realize that you’re a little bit further behind than you thought. There’s actually a textbook for your seminar class. It hasn’t been mentioned in class and you couldn’t find it on the school bookstore’s website, so you’re several chapters behind. You think “Ok, I’ll order it from some other website,” but it’s apparently an exclusive edition. And suddenly, the fear kicks in. You done goofed.

And that creeping sensation becomes a huge knot in your throat, and suddenly you’re a grown man trying his damndest not to cry.

“It’s not the end of the world,” you tell yourself. You can catch up. You can borrow a book and spend an hour copying the relevant chapters until you can get your own copy. You’ll manage. You always do. But then you think about going to hockey in a few hours, and the knot grows. You want to cry, but you can’t even do that. That’s not productive, and you need to act.

So you act. In a fit of childish rage, you grab a broken computer mouse and whip it into a wall. It shatters into several pieces, and leaves a two-inch mark in the paint above your kitchen table. It reminds you of when your fiancé left you with a note, and how a text from your mother made you throw your phone into the wall—before you blacked-out from the whisky you’d been choking down to deal with that whole mess. You wanted to get through it alone, and all you did was push away the people who would have helped you. You run your finger along the mouse’s imprint in the wall. Within a minute you collapse on



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the floor, alternating between sobbing and laughing.

You call your hockey league and tell them there was a scheduling mix-up. You crack open another beer, and try to remember the last time you felt whole. You slowly begin to feel better, but you can’t help but wonder if it’s the episode ending in its own right, or if you’re just happier feeling nothing at all thanks to the booze. Maybe it’s both. Either way, you stare ahead with misty eyes, and try to remember how many people are invested in your success, from the mother you can barely talk to because your issues have driven a wall between you, to the dead teacher who begged you to make something of yourself. You must keep going. You will keep going.

But you know that no matter what happens, you will relive this awful moment over and over again. At some uncertain point in the future, you will be a grown man, crying on the floor, wishing in vain that the pain will go away. It will happen time and again until the day you die.

That is what it’s like to live with anxiety and depression.

If you know what that feels like, I’m sorry. For what it’s worth, I reiterate, you’re not alone. It’s a modest comfort, I know, but between all the chronic anger and despair, at least you shouldn’t have to feel shame. I don’t... at least not for that.

One foot in front of the other. You can make it. ▲

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A Post-mortem Examination of the iPhone Headphone Jack

Apple's abandonment of hardware standard signals aggressive new IP strategy

Author › James A. Hayes



📷 Mashable

One of the most newsworthy updates to Apple Inc.'s recently released iPhone 7 is the wholesale elimination of the 3.5mm analog headphone jack, a connector included on virtually every piece of portable media equipment sold since the mid-1960s.

iPhone 7 owners instead have three options through which to listen to music or video using headphones: wirelessly, using Bluetooth; “dongled,” using an adapter to bridge between 3.5mm headphones and Apple's proprietary ‘Lightning’ port (the same port through which iPhone owners charge and sync their devices); or wired, using headphones with Lightning connectors built-in.

Suffice to say, the options available to iPhone owners are more confusing now than they were previously.

Technological experts have fiercely debated the merits of eliminating the analog headphone jack in favour of digital standards. Those applauding Apple's decision view it as a logical step toward a wireless future wherein charging, syncing, and listening are performed without the need for cables at all.

Those criticizing Apple's decision view it as an inconvenient and unjustifiable move away from an established industry standard.

Little, however, has been written about the legal implications of Apple's abandonment of the otherwise ubiquitous 3.5mm port. This article aims to briefly explore a few ways in which Apple's elimination of the headphone jack may serve to bolster the value of its intellectual property while disadvantaging average consumers. I will focus on two areas in particular: the proprietary Lightning connector and the potential imposition of more robust digital rights

management for music and movies.

Apple's move away from the headphone jack is a move from an open standard (the headphone jack is not and cannot be patented) to a closed one, owned and controlled by Apple. If a headphone manufacturer wants to bring a pair of Lightning headphones to market, it must register for Apple's ‘MFi’ program, a licensing framework with which third parties must comply in order to legally distribute and sell the hardware connectors and components necessary to operate their devices.

Apple's website is clear: “accessories that connect to an Apple device through [a 3.5mm] headphone jack and do not use any MFi licensed technology” are not subject to the MFi program. On the other hand, Lightning connectors and Audio Modules—devices both needed to power Lightning headphones—are.

So, while the 3.5mm headphone jack standard utilized a combination of public domain technology and components within the iPhone itself to transmit sound—including digital-to-analog signal converters, amplifiers, and power regulators—the Lightning standard requires headphone manufacturers to pay for the ability to incorporate Apple's patented Lightning technology into their own devices.

Lightning technology also enables digital rights holders the ability to introduce new forms of copy protection, or digital rights management (“DRM,”) to fortify their IP interests. While DRM has been eliminated from Apple's iTunes music downloading service, Apple continues to employ various types of DRM to manage movie and television downloads as well as the Apple Music streaming service.

The Lightning standard provides Apple and other rights holders a powerful means through which to enforce new types of DRM by limiting playback through unauthorized devices or distorting the sound quality of files they deem questionable, and could be used to force consumers toward particular media distribution outlets.

Similar such technology has been employed through Intel's High-bandwidth Digital Content Protection system and Verance's Cinema Copy Management system, which has been incorporated within all consumer Blu-ray Disc players sold since 2012. Both use digital connection standards (Display Port, DVI, HDMI, and others) to decrypt, examine, flag, and limit access to unauthorized media in real time.

Robust DRM of that sort cannot be exploited through the physical hardware of the analog headphone jack. With Lightning, however, deep hardware-software DRM integration is a looming and increasingly likely possibility.

Apple's move toward a proprietary digital audio standard—the first of its kind ever introduced—signals the introduction of a vigorous and sophisticated intellectual property strategy that aims to control and monetize the hardware connected to its devices as well as the sound that comes out of its devices.

By leveraging its market penetration, history of innovation, and wide-ranging intellectual property profile, Apple has taken steps to influence the technological landscape through limiting consumers' access to portable media. ▀

Trumped up Language

Author › Kenneth Hildebran

If you haven't been living under a rock this past year, you've noticed Donald Trump has been trying to make America great again. There are some absolutely terribly fitting hats out there to remind you in case you've missed out on the movement. And if you're anything like me, you've spent a little too much time trying to figure out exactly why he's gained the popularity he has in this election. The theories are all over the place: people desire authoritarian leadership, he panders to their emotions rather than their intellect, he pays people off, he's strong and has just the best health, and even just the simple reality that he is a man and not a woman. Regardless of the reasons for his success, he's now become the symbolic representation of all the values our undergraduate professors taught us to stigmatize and avoid. He makes me simultaneously interested and terrified.

But I'm not really here to talk about Donald Trump. I don't think he needs more attention than he has already. Further, I'm Canadian, I'm pretty happy with our smoking hot new Prime Minister, and this election doesn't necessarily involve any real thoughtful civic engagement on my part. But I've noticed something we can learn from in our Canadian, albeit perhaps condescending, response to the Trump phenomenon in the United States. (Side note: I think a fundamental aspect of being Canadian has been to look at the United States and secretly judge them for their shenanigans. Even our Constitution was created with this whole well-at-least-we're-not-going-to-make-the-same-mistakes-as-America approach to life that seems so vital to being a Canuck. But I digress.) When we hear his platform, bigotry, xenophobia, racism, nativism, anti-Islamism, nationalism, and sexism come to mind. These are only some of the words people have used to describe his conduct over the last year. But do you want to know what most of these words actually have in common?

Some people have no idea what most—if not all—those words mean.

Whether you're a Trump fan or not, you have to admit the criticisms of Trump are often spoken with several lofty buzzwords common in the social justice world. Sure, most people would have a concept of racism. But xenophobia and nativism are generally words accessible only to people with a certain level of education. And, frankly, the meaning attached to a known word like racism changes when you've studied the concept. If you hang around an undergraduate social setting long enough, someone is bound to say one of these words. However such sophisticated vernacular and thought would be lost on my family, as an example. I am the only person thus far

to attend a post-secondary institution with any measure of excitement. I've learned quickly it is acceptable to speak the "language" of university while at university. However, when I'm back home it can leave people confused, or worse, leave people feeling condescended to.

The Donald has a very different approach than our friendly neighbourhood social justice warriors: he sticks to simple language and as a result people understand him. Donald Trump has never been accused of speaking in language too refined for his audience. (If you want to view an interesting YouTube video on the subject, check out The NerdWriter's How Donald Trump Answers a Question.) I think this matters to us as law students. As future lawyers, we're going to have a lot of complex legal concepts and vocabulary rattling around in our brains. And while it will be perfectly acceptable to speak this legal jargon to one another or to clients who can track this legal

lingo, there are many people who will need our flexibility in language. We will be more effective at our jobs to the extent we can speak and be understood by those we represent. While this isn't a skill necessarily unique to the role of a lawyer, it is a skill necessary to communicate to your clients without unintentionally talking like they also went to law school. Or even school, period.

Assuming people know too much can create barriers to effective, strong communication. The opposite, assuming too little, has its problems as well but that's a conversation for another article. As we continue down this crazy, caffeine-fueled journey toward becoming lawyers, I hope you don't lose sight of who you used to be: someone who had no idea what obiter dicta meant. Because the moment you lose sight of that person is the moment you stop seeing how to best talk to and advise those who have zero desire to decipher Latin. ▀



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A Gap in Health and Sympathy:

Addressing the Innovation Gap in Health

Author › Jerico Espinas
Opinion Sections Editor



On September 14, a United Nations high-level panel on access to medicines published a report that discusses the gap between the research and development (R&D) of health innovations and health outcomes. Broadly, the report recommends the following: making intellectual property laws more sensitive to public priorities; creating new incentives for health R&D; and establishing good governance, better accountability mechanisms, and greater transparency. Some world leaders have applauded the report for making concrete steps in solving this health gap, such as former Swiss president, Ruth Dreifuss. But other organizations, such as Doctors Without Borders, worry that the report does not do enough to guarantee any meaningful changes.

When discussing this gap between R&D and health outcomes, it is important to separate the issues that comprise this gap. The first issue, which is sometimes called the price gap, pertains to the lack of affordable medicines for important diseases. The price gap is a relatively familiar topic in the public consciousness. Most can identify Turing Pharmaceutical's Martin Shkreli or EpiPen's Heather Bresch for their companies' role in increasing the price of pharmaceutical medication beyond the reach of many patients. Some are also aware of the price difference between patented and generic drugs, as well the aggressive attempts by pharmaceutical companies to ensure that developing countries do not have access to these cheaper generic alternatives.

However, relatively fewer people are aware of the innovation gap between neglected tropical diseases and R&D. These neglected diseases are a medically-diverse group of illnesses that affect low-income developing countries in Africa, Asia, and South America, collectively affecting more than 1.4 billion

people. Some of these diseases, such as rabies and leprosy, are well-known but underserved. Others, such as onchocerciasis or 'river blindness,' are completely foreign in developed countries but affect millions of lives in developing countries.

The innovation gap refers to the stark differences in R&D priorities for pharmaceutical companies; although many lives are affected by neglected tropical diseases, pharmaceutical companies do not invest in R&D for cures. Since the demand is mostly coming from developing countries, where consumers have fewer resources to spend on medication and where distribution to rural areas is often prohibitively expensive, the market is relatively weak. Companies would much rather spend money researching more lucrative but less impactful products, such as pain medication in developed countries.

Understanding both the price gap and the innovation gap is crucial is tackling the broader issue of access to medicine. It was great to see the renewed political activism surrounding the price of pharmaceuticals over the summer and the innovations created by organizations that were intended to reduce the price gap. However, having relatively cheaper products can only go so far. Indeed, it is incredibly dangerous to assume that pricing alone is the issue because it ignores entirely the needs of millions of lives in developing countries. And yet, relatively fewer activists and organizations are urging for R&D into neglected tropical diseases.

Perhaps a significant, underlying issue when it comes to health activism is its roots in the developed world. It is difficult to change a society's framework and perspective. Often, issues that arise in developing countries are implicitly refitted and changed to suit the familiar frames that the developed countries

are used to. As such, activists and organizations focus on the pricing of pharmaceuticals because it is a common issue. Similarly, these actors are interested in considering universal health care, or at least alternatives to two-tier health insurance systems. When looking at the state of health in developing countries, these actors tend to focus on the monetary aspects of the health care system without considering whether there are particular treatments to give in the first place. The gap in innovation is, at least in some respects, due to a lack of sympathy on our parts to see the particular, contextualized needs of those different from us.

The health social movement to uphold the human right to health requires a concerted effort from many multidisciplinary actors. It is difficult enough for them to focus their efforts into a particular health issue, such as the price gap. However, we must still bring attention to the particular needs of the underserved and underrepresented. While the United Nation's recommendations for expanded R&D to include neglected tropical diseases may be less familiar to actors in developed countries, it is still necessary to pressure companies to make those investments.

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

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And then the PSL returned...

A Means to Distract From Climate Change.

Author › Sarah Attardo

As a former Starbucks barista, the first days of September meant only one thing: PUMPKIN SPICE LATTES (or the beloved acronym “PSL”). Before anyone judges, I am an avid pumpkin lover. Pumpkin pie is life, pumpkin brownies are bliss, and pumpkin mac and cheese is a must try! However, I am no PSL fan partly because I detest flavours in my lattes and partly because I did more jumping than my 5’3.5” self needed to in order to press a lever to release the pumpkin flavouring.

You see, September ushers in this marvelous season of Autumn where we all get nostalgic feels of Halloween candy wrappers, get to don on jackets again, and best of all, see the leaves change colour. Lately, I have heard one too many complaints about the fact that this weekend was simply too cold. It was 18 degrees but it was frigid. I fell into the trap of thinking “it’s so cold!” and scurrying to the closest Starbucks to get warmth. There I was reminded of the good ol’ days of coming home smelling like pumpkin spice whipped cream. We are all so excited for the turn of the season (at least in a consumerist way), for our lattes and pumpkin goodies, that we do not think for a moment of the implications of that drastic change of weather. Climate change’s slow, stealthy ninja moves have made a small show to us where we have experienced the worst Ontarian drought since the 1960’s. All have caught a summer cold because of overnight temperatures fluctuating drastically, and certain produce (especially berries) were difficult to come by. See, climate change impacts all our lives but we need to pay attention to it. It is not something that randomly emerges, rearing its fugly (yes that is a word) head, but rather slowly seeps into our lives, and we have lost some control. Humans have desired to conquer many a thing and wars of conquest for land and its resources are forever waged. I have my doubts that it will ever stop, but seeing how Nestle just outbid a small municipality attempt to secure the city’s water supply is a scary occurrence, wherein the needs of people are undermined for the sake of the



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corporation. Water will get scarce, electricity will desist, it will get so cold and then so hot there is no ability to acclimatize.

I miss Autumn. I miss the time where as a child I could sense the seasons change and now all I sense is “IT’S SO COLD RIGHT NOW YESTERDAY IT WAS BOILING”. It is sad that our attention is geared towards getting our caffeine on but not to our individualized contributions to climate change. To some extent, we have all diffused responsibility for utilizing fossil fuels. We think that our small amount of fossil fuel use is insignificant to the “greater” problems of industrial use of oil and gas. Sure, those are sources of great pollution. However, there are far more people out there thinking that their contribution is tiny, and continue without a second thought than there are industrial plants. Hence, collectively we are contributing to these changes, and we must try to abate our

thirst for diesel. Climate change is a great example of the Current Bias Theory or Hyperbolic Discontinuity, in which the far away consequences of climate change are delayed but will be felt before we know it. Now, I am not saying that drinking your PSL is bad for the environment and your well-being (except that it literally DOES come out of a massive plastic container). All I am saying is that we need to recognize that yes, PSLs are a thing, but so too is Autumn. Maybe, if we shift our attitudes a smidge, we can see this wondrous season return – just a little bit.

And everyone, try pumpkin mac and cheese. It is a must. ▲

Historicizing Barack Obama

The Iran Nuclear Deal: Barack Obama and Dwight D. Eisenhower

Author › Jerico Espinas

» Continued from front page

to many parts of the world. The program encouraged stronger relationships between nuclear and non-nuclear powers.

The JCPOA was built on principles similar to “Atoms for Peace.” Iran possessed an expansive network of nuclear facilities, used for both military and civilian applications. Iran openly sponsored anti-western Islamic extremist groups. Western powers feared that Iran would sell nuclear weapons to terrorist groups. JCPOA regulations limited specific aspects of the ore refinement process to allow Iran to maintain a nuclear program, without the capability to produce weapons. In exchange, crippling economic sanctions against Iran were relieved. Iran was encouraged to pursue a purely peaceful nuclear program, while cooperating with the West.

The ideological foundations provided by “Atoms for Peace” were integral to the development of arms regulations between the US and USSR. Eisenhower recognized the global responsibility of nuclear powers to regulate atomic energy and weapons. “Atoms for Peace” argued for the creation of nuclear test-ban treaties, the creation of the International Atomic Energy Agency (IAEA), and the Treaty on Non-Proliferation of Nuclear Weapons. These regulations enshrined lasting diplomatic agreement between Cold War-era enemies.

Cold-War era nuclear regulations were effective. Regulations on US-USSR nuclear programs and the proliferation of weapons endured to the present day, enforced by the IAEA. Diplomatic agreements on atomic energy encouraged further cooperation from enemy powers. The US and USSR developed economic connections as the Cold War progressed. As testament

to the success of these regulations, the US and Russia were key negotiating partners on the JCPOA, and the talks were chaired and enforced by the IAEA.

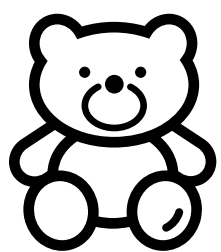
The JCPOA has the potential to encourage similar diplomatic cooperation between the Western World and Iran. Obama responded to skeptics of the deal by emphasizing the success of Cold War-era policies between the US and USSR. Russia was once considered an “evil empire,” similar to Iran. At the time of writing, the nuclear deal has already encouraged some diplomatic cooperation between Iran and the US.

In conclusion, “Atoms for Peace” was successful in the long-term. The US and USSR developed a working, diplomatic relationship. This precedent in Cold War-era diplomacy is hopeful for the potential of the JCPOA. ▲

Five Self-Care Strategies for 1L You Won't Find in a Pamphlet

Author › Laura Dyke

The pressures of law school are seemingly endless. (Sorry, 1Ls, did I get off on the wrong foot here?) While that may seem like a less than comforting statement, particularly for the newer folks who may be reading this, I have chosen to write honestly rather than in a grandiose, preachy or pseudo-soothing manner that makes you want to shut me up before we even get to the good stuff. I trust that this is in your best interest, simply because I wish someone had given it to me straight at about this time, one year ago. I won't go so far as to call this a survival guide for the first year of law school, but these five things should at least help to soothe your broken soul when that endless pressure starts to dig in.



Get a Cuddle Buddy.

I know. Again, I seem to have gone straight for the slightly-uncomfortably-obvious. I know you don't want to admit it, but you are totally thinking about it right now. Cuddles would be good right now, right? Right.

For those of you with a loving partner or significant other of some kind, this first item might have itself taken care of. In that case, let this serve as a reminder to get some snuggle-time in.

Otherwise, for the un-partnered folks, it helps to hug. I could provide some peer-reviewed sources on scientific studies that show hugging helps to de-stress but let's just cut to the chase here. For a large portion of us, human contact is good (unless, for some reason, it is uncomfortable). When you have a willing friend hanging around, give each other a hug. I promise I won't tell anyone if you even forget about Contracts for five seconds.

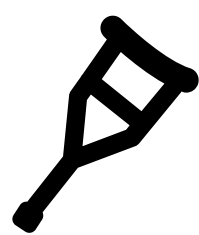


Stop Killing Yourself Trying to Read Every Word.

I am no expert on how to beat the curve of a 1L class. I suspect no one is, given the variety of professors, students and writing styles in each section. Please do not take this as advice not to read the assigned readings.

The point I would like to make, however, is that (shockingly) not every footnote in any given casebook is of exam-like importance to your notes. When it's past midnight on a Saturday night and you still have your eyelids pressed open with your fingertips trying to absorb something out of a Torts textbook, the battle has already been lost. If you allow the trend to continue, you will slowly get less and less sleep and eventually lose the required energy to keep up with the material at all.

If you have rapid reading comprehension and are able to take short but effective notes, this may not apply to you. If, however, you are feeling bogged down, take a minute to re-evaluate where you stand with the material. It's usually more important that you understand last week's topic than to dive head-first into the readings for the next topic and find yourself struggling to absorb it all.



Know That It's Okay to Have a Crutch.

Most of us have come from a background that entailed an undergraduate degree. I am sure that most of us are also aware that our stress levels are probably quite a bit higher in law school and our time to cut loose has significantly decreased. During your undergraduate degree, you probably spent time doing things you were interested in, making new friends and even partying a little. Now, all of a sudden, it's hard to find the time to fit in the gym – let alone a night out.

I had a few crutches during 1L and I do not regret a single one of them. Most of the time it was pizza or a cheeseburger, but sometimes it was a glass of wine. Permit yourself the indulgence of both a study break and something special for yourself. Sometimes, a glass of wine with some friends (maybe even some you had before law school) does the job a little better. And that's okay. Not everyone has the patience for yoga, the desire to sit in a candle-lit bubble bath or the energy to start a new work-out regimen. Everything in moderation. Just remember to check yourself.



Leave the Worry About the Job Search As Late As You Can.

By no means am I suggesting you shouldn't research firms that have caught your eye, apply for various 1L recruitments or attend networking events. Most 1Ls are eager to do all of these things, regardless of any advice I write here anyway.

The emphasis should be placed on the word "worry," here. Constant questions about 1L recruitment, tricks for interviews with various Bay Street firms supposedly traded from upper years, whispers about "winning" summaries, the importance of grades for securing a summer job and the fascination with OCIs from the moment 1Ls grace the threshold of the Ignat Kaneff Building can truly become a wear on your spirit. Suddenly, you start picturing all of those footnotes at the bottom of your textbook's pages as holding the secrets to a 1L Bay Street job, or an articling position at your dream firm.

While this may seem easier said than done, check yourself on those worries. It is far more likely than not (indeed, a balance of probabilities) that you will be just fine, regardless of the path you choose. Something will work itself out. It helps to remind yourself that you would have been okay if you hadn't come to law school. At worst, when you leave here, you have a reputable accomplishment and an asset under your belt.



Put Yourself First.

Maintaining a clear headspace and a functioning brain to tackle the work load you've stacked up for yourself is vital. As a result, anything that threatens those things (and, by proxy, your mental health and well-being) does not have to be present in your life. Walk away from conversations that make you feel stressed or anxious. Don't change or cancel your plans based on what others are doing with their time. Make decisions that make you feel comfortable rather than to ensure you stack up to the competition. You are the best asset you have, and you would do well to take care of it. ▲

What To Do With Auston Matthews?

Dr. Kenneth Lam's Two Cents As Arm Chair GM: Part Two

Author › **Kenneth Lam**
Sports and Entertainment Section Editor

While there are many uncertainties with how draft picks would turn out, one thing is certain: Toronto head coach Mike Babcock thinks highly of Maple Leafs prospect Auston Matthews. However, rumour has it that the Leafs' bench boss is thinking of starting the rookie centre up the middle on the third line behind veterans Nazem Kadri and Tyler Bozak, which scratches the heads of multiple pundits, especially considering that the Scottsdale, Arizona native is a well-documented prodigy.



Bryan Hayes
@HayesTSN



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Babcock just told us Matthews will start the season as 3rd Centre behind Kadri & Bozak. And points out that Nylander will be on the wing.

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5:48 PM - 24 Jun 2016

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Source: Twitter

There is no question that Matthews possess all the tools that could see him become a franchise centre in the not-too-distant future. Playing for the U.S. National Team Development Program (NTDP)'s Under-18 Team in the United States Hockey League, he put up an impressive 116-point campaign for the 2014-2015 season by scoring fifty-five goals and registering sixty-one assists in sixty games en route to breaking 2015-2016 National Hockey League (NHL) scoring champion Patrick Kane's NTDP single season record of 102 points set in the 2005-2006 season. Matthews' stock is also at an all-time high after having the rare distinction of playing for Team North America in the 2016 World Cup of Hockey (WCH) before appearing in a single NHL game—representing his country on a best-on-best completion internationally—a feat not seen since Eric Lindros played for Team Canada in the 1991 Canada Cup, before making his debut in the NHL. Matthews' recent ascension to stardom, in which he played himself onto the first line of Team North America to form a dynamic duo with future Edmonton Oilers captain Connor McDavid dubbed as "Team North America 1-1 punch" in the 2016 WCH despite initially making the roster as its thirteenth—essentially extra—forward is all the more remarkable and a testament of Matthews' enormous potential. Thus, it is not surprising that a number of scouts have gone so far as categorizing Matthews to be a "generational player," a title reserved for the likes of Pittsburgh Penguins captain Sidney Crosby, McDavid, and arguably Washington Capitals captain Alexander Ovechkin, since the term was popularized a decade ago at the onset of the Crosby era. But is it necessarily in the best interest of Matthews and the team by crowning him as Toronto's first-line centre from the get-go of the 2016-2017 NHL season?

Matthews as the Blue and White's First Line Centre:

Penciling Matthews in at the Maple Leafs' centre on the first line would appear logical at first glance. After all, he is the most skilled centre the Leafs have on the roster and the one with the most upside by



far. He is also physically matured enough to handle the competition having played against men this past season when he suited up for Zürcher Schlittschuh Club Lions in the National League A (NLA) out of Zürich, Switzerland where he went on to win both the NLA Rising Star Award and the NLA Youngster of the Year award (which is bestowed to the league's top rookie) in addition to finishing second in voting for Most Valuable Player. Yet, subjecting the nineteen-year old Matthews to face the top centre of an NHL opponent on a nightly-basis is a tall order, as the physical demand may wear Matthews down over an eighty-two game schedule, considering that he has never played in more than sixty games in a season as an amateur and no more than thirty-six games in a single season as a professional. Also, in order to maximize Matthews' effectiveness, the Leafs would need to match him with wingers who can play on the same level. Such players would have to possess elite hockey sense and soft hands, as well as foot speed in the form of explosive acceleration and top-end velocity. Even though James van Riemsdyk may be the best winger Toronto has on paper, the only winger who owns all three aforementioned ingredients is Mitch Marner (and arguably William Nylander if Babcock were to decide to shift him to the wing for the time being). Do we really want to have two-thirds, if not the entire first line, comprised of rookies? As talented as the trio of Matthews, Marner, and Nylander may be, this is a bold move, if not a dangerous proposition as all three lack NHL experience which can be exploited by opposing teams, at least in the short run. In the event that the trio stumble out of the gate and fail to generate offence, the setback could also compromise their confidence. So it is better to play it safe by dropping Matthews down the depth chart at the start of the 2016 to 2017 NHL campaign.

Matthews as the Blue and White's Second Line Centre:

Slotting Matthews into the role of second line centre for the Maple Leafs makes more sense but is still risky as he would have to play against the opponents' top-six forwards each game. In this hypothetical, van Riemsdyk would not be Matthews' winger by default since the former would be paired up with either Kadri or Bozak on the first line. Injuries are still a genuine possibility due to the wear and tear of playing relatively taxing minutes continuously. Case in point, McDavid, who was shuffled between the first and second line, ended up playing in only forty-five of Edmonton's eighty-two games in 2015 to 2016 because he suffered a broken left collarbone in a 3 November 2015 game against Philadelphia, when he fell awkwardly and slid into the end boards after tangling up with Flyers' defencemen Brent Manning and Michael Del Zotto.

Matthews as the Blue and White's Third Line Centre:

From a developmental position, having Matthews patrol the Leafs' third line to start the 2016 to 2017 NHL season is sound as Babcock would be able to create a "kids line" or "rookie line" with Marner on right wing and Nylander on left wing—assuming that all three players make the team out of training camp. Not only would this line combination feature a ton of youth and skills, but assigning the three youngsters to third line duties allows Toronto to shield all three of them from tough minutes as they progressively find their ways and establish themselves in the league. As an added bonus, in rolling out Matthews, Marner, and Nylander on the same line simultaneously, the team would also have the security of having two "backup centres" in Marner—seeing that he played centre with the London Knights late last season even though he predominately played right wing—and Nylander—who is a natural centre but also plays left wing—to



take face-offs if needed in case Matthews gets waived out of the face-off circle. Better yet, this arrangement, i.e., shielding the trio from the opposing team's best players by getting Matthews, Marner, and Nylander to play protected and safe minutes per se buys the Maple Leafs' time to develop the three prized young guns. When the three of them, particularly Marner and Nylander, get more mature physically—by adding needed physical strength, they can be moved up collectively to the second line and then subsequently to the first line. In many ways, keeping the three of them on the third line to start the season is meant to ease them into the league and to allow them to develop chemistry on the ice as linemates.

Matthews and Organizational Depth:

In regards to the Leafs' organization with Matthews in the fold, all indications are that Toronto needs another draft with a top five pick—so that the Maple Leafs can select a franchise-caliber defenseman (e.g., Timothy Liljegren) to anchor the blueline/complement Morgan Rielly for the next decade—and another draft with a top ten selection—so as to allow the team to choose a franchise-caliber goalie (e.g., someone with similar traits to Carey Price and/or Tuukka Rask) to develop and man the net in case newly-acquired starting goalie Frederik Andersen performs below expectations. Therefore, by suppressing the minutes of Matthews, Marner, and Nylander via deploying them to the third line, the Leafs can legally continue their "tank" job for the purpose of securing high picks in the next one or two drafts, though I can't image that Toronto will finish in last place (like the team did in the 2015-2016 NHL season) in either of the next two seasons. On a related note, by giving top minutes to solid, but unspectacular, players such as Bozak, Kadri and van Riemsdyk, Maple Leafs General Manager (GM) Lou Lamoriello can simultaneously boost their statistical output and

increase their trade values in case the Leafs GM decide to move one or more of them as trade chips at or near the 2017 NHL Trade Deadline.

Final Words:

So there you have it. For those who question Babcock's decision to have Matthews centre the third line at the dawn of the 2016 to 2017 NHL season, there is a rationale behind Babcock's 'madness.' Given Babcock's unmatched coaching resume, whereby he is the lone coach to have obtained membership to the Triple Gold Club—by virtue of his Stanley Cup championship with the Detroit Red Wings in 2008 as well as guiding Team Canada to the Gold medal at the International Ice Hockey Federation (IIHF) Ice Hockey World Championships in 2004, the 2010 Winter Olympics in Vancouver, and the 2014 Winter Olympics in Sochi, Leafs Nation ought to have faith in him. In Babcock we trust! ▲

Inclusivity and O-Week

Inclusivity, like law school, is a work in progress

Author › Michelle Legault, Heather Fisher

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 employer. The woman was disciplined, assigned a less desirable position, and had her hours reduced. The British Columbia Human Rights Tribunal found these actions were discriminatory.

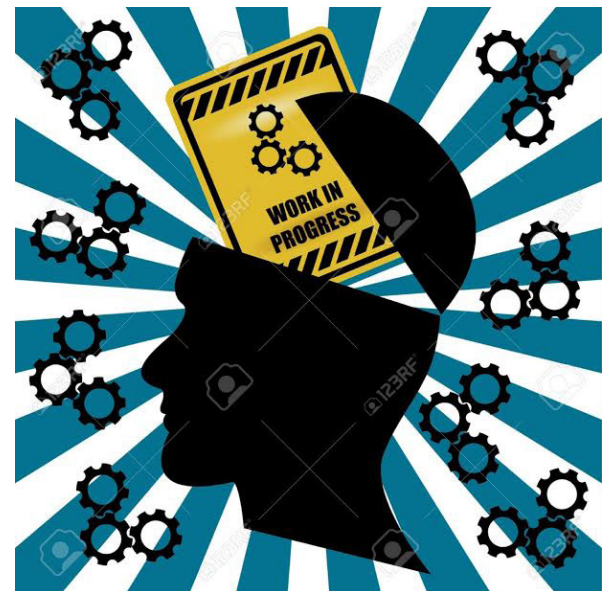
Over the past summer close to my home, I have on numerous occasions walked by an establishment on the Esplanade that, similarly to the *Mottu v MacLeod* case, requires female servers to wear a skimpy bikini top with an equally skimpy bottom piece. I am assuming this is a dress code requirement within 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 with 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. ▲

Fall Fragrance Review: Top 10 Recommended Fragrances for Fall 2016.

Editor’s Note: The views expressed below are those of the author and do not represent an endorsement from the Obiter Dicta

Author › [Peewara Sapsuwan](#)

Fall has arrived and choosing new fragrances for the changing temperature should not be a daunting task. It should be a fun experience! Here are my top ten favourite fragrances this season in alphabetical order:

Female:

COCO (Eau de Parfum)
by Chanel



Head Notes: coriander, mandarin orange, peach, jasmine, and Bulgarian rose.
Heart Notes: mimosa, cloves, orange blossom, clover, and rose.
Base Notes: labdanum, amber, sandalwood, Tonka bean, opoponax, civet, and vanilla

Opinion:
I am absolutely in love with this sophisticated and mature perfume. It has a lot of contemporary qualities such as vanilla and the bright floral smells. However, the amber and leathery notes also give it a mature and classic quality. It starts off bold and powdery, with the typical Chanel aldehyde-opening but slowly flattens down as the amber and the tropical elements start to kick in.

Occasions:
This is very bold for the first hour or two. So, out of consideration, I wouldn’t recommend wearing Coco if you have to share your office with other people. Coco is best for convention hall or ballroom-type events or outdoor events.

Black Opium (Eau de Parfum)
by Yves Saint Laurent



Head Notes: pink pepper, orange blossom, and pear
Heart Notes: coffee, jasmine, bitter almond, and licorice
Base Notes: vanilla, patchouli, cedar, and cashmere wood

Opinion:
This fragrance is very gourmand and addictive. It starts out with bright and energetic floral scent and slowly flattens down to a warm, dark, and sweet smell. Unlike YSL’s other Opium, Black Opium smells contemporary but still maintains Opium’s intoxicating vanilla base note. Black Opium has great duration of least eight to nine hours solid.

Occasions:
Black Opium is fun and energetic, perfect for a night out or a concert. However, the coffee and vanilla add a hominess character that makes it great for Thanksgiving and Christmas events as well.

Noir Pour Femme (Eau de Parfum)
by Tom Ford



Head Notes: bergamot, bitter orange, mandarin orange, and ginger
Heart Notes: rose, jasmine, orange blossom, and kulfī
Base Notes: vanilla, amber, sandalwood, and mastic

Opinion:
This is late-October distilled and bottled. It is very mature, deep, spicy, and classy. With its perfect blend of bergamot and bitter orange, Noir smells alluringly of dark chocolate. The mastic and sandalwood notes also make it smell incredibly rich and sultry after it has settled down.
Occasions:
Because of its complex note structure, Noir is very versatile. It can be worn at anytime of the day, casual or formal for both fall and winter. It projects confidence, maturity, and sophistication. Also, because it is rather niche, it’ll definitely leave a memorable first impression on people you meet.

Jasmin Noir L’Elixir (Eau de Parfum)
by Bvlgari



Head Notes: candied orange, bergamot, and pink pepper
Heart Notes: jasmine, tuberose, and almond
Base Notes: resin, fir resins, and golden musk

Opinion:
This is a rich floral perfume. Despite its name, it has a palpable gardenia-ish element. It is bright and fresh but not obnoxiously floral. Rather, it evokes a lush flower garden after the rain. Once it dries down, it becomes very warm and the dark musky-woody note becomes very intoxicatingly noticeable.

Occasions:
It is very polished, sophisticated, and refined. It smells “polite and professional.” Jasmin Noir is great for any event or occasion where you want LinkedIn views and invitations and instead of Facebook friend requests.

No 5 L’Eau
by Chanel



Head Notes: lemon, mandarin orange, orange, neroli flower, and aldehydes
Heart Notes: rose, jasmine, and ylang-ylang
Base Notes: cedar wood and white musk

Opinion:
This is Chanel’s latest take on their signature No 5 that just came out in September 2016. Even though it is unarguably floral, the combination of ylang-ylang and white musk makes L’Eau great for fall. L’Eau is probably the most gentle of the No 5 genre. Nonetheless, it still maintains the sophistication of the original No 5.
Occasions:
L’eau is safe and versatile but also sophisticated and complex. However, due to its short longevity and delicateness, it’s probably not the best to wear for clubbing. No 5 L’Eau is perfect for nighttime dress events, professional networking events, formal dinners, and workplace.

Male:

Habit Rouge 1965 (Eau de Toilette)

by Guerlain



Head Notes: bergamot, lemon, grapefruit, vetiver, pink pepper, and marine accord

Heart Notes: cedar wood, labdanum, peppermint, nutmeg, ginger, and jasmine

Base Notes: frankincense, ginger, New Caledonian sandalwood, and amberwood

Opinion:

This Guerlain classic smells like Mad Men (minus the misogyny and profanity) distilled and bottled. It evokes going to a wet shave barbershop. This fragrance scent conjures up the smell of old books, musky tweeds, and leather. Although it opens with some citric elements, Habit Rouge is whisperingly subtle, spicy, exotic, and woody. This timeless masterpiece is one of the most elegant and formal male fragrances.

Occasions:

The smoky vanilla and leather combination makes this fragrance vintage yet versatile, perfect for formal events, workplace, professional networking, and weddings.

L'Homme Idéal (Eau de Parfum)

by Guerlain



Head Notes: citruses, rosemary, orange blossom, and bitter orange

Heart Notes: almond and Tonka bean

Base Notes: leather, cedar, and vetiver

Opinion:

The EDP version of this fragrance is warm, young, and cozy. It evokes leaves falling off the tree. It is woody, warm, and aromatic with decent longevity and modest projection. The warmth from the toasted almond and leather notes will make you feel like wearing a knitted scarf.

Occasions:

Although this is a fun fragrance, its modest projection makes this fragrance appropriate for work, a night out, and just any casual occasion.

La Nuit de l'Homme (Eau de Toilette)

by Yves Saint Laurent



Head Notes: cardamom

Heart Notes: bergamot, cedar, and lavender

Base Notes: vetiver and caraway

Opinion:

This is probably one of the best compliment-getter fragrances out there. If Habit Rouge were Jon Hamm, La Nuit would be Matt Bomer. Its main note is the cardamom, which gives it both the soft-spiciness and the earthiness. The lavender also gives it an element of softness. It is a classy fragrance that conveys success, sophistication, and confidence. The spice-lavender combination gives La Nuit a seductive contemporary allure. Lastly, unlike many designer fragrances, the coolest thing about this fragrance is the fact that it won't ravage your financial liquidity or credit ratings.

Occasions:

As its name suggests, this is a nighttime male fragrance. With its great projection, it is perfect clubs, dinners, dates, and any events where you want to make an impression. For those of you who have to take long-haul flights often, this fragrance is also great for travelling because it acclimatizes well and has great longevity.

Bleu de Chanel (Eau de Parfum)

by Chanel



Head Notes: bergamot, lemon, grapefruit, vetiver, pink pepper, and marine accord

Heart Notes: cedar wood, labdanum, peppermint, nutmeg, ginger, and jasmine

Base Notes: frankincense, ginger, New Caledonian sandalwood, and amberwood

Opinion:

This is a great investment if you don't like to think too much about what to wear for which occasion. It is the blue jeans of fragrances. Although many people complain that it is generic, you would probably get more compliments from this than from most niche fragrances. It smells clean and fresh while at the same time warm and cozy. It is easily likeable yet classy. As each layer of notes begins to settle, you'll appreciate its complex dimensions. The vetiver and grapefruit opening smells like wearing a freshly spin-dried white t-shirt but after a few hours the spices and the resinous woods turn it into a black suit and tie.

Occasions:

L'eau is safe and versatile but also sophisticated and complex. However, due to its short longevity and delicateness, it's probably not the best to wear for clubbing. No 5 L'Eau is perfect for nighttime dress events, professional networking events, formal dinners, and workplace.

The One (Eau de Parfum)

by Dolce & Gabbana



Head Notes: coriander, basil, and grapefruit

Heart Notes: ginger, orange, and cardamom

Base Notes: tobacco, amber, and cedar

Opinion:

The One starts out spicy, fruity, and fresh and then quickly settles down to a resinous, deep, dark, and rich cigar scent. For the first thirty minutes or so it is bold and noticeable; however, by the first hour after spraying, it becomes a whisper. Despite its modest longevity and projection, these factors might be its most valuable attributes. With its soft-spoken sophistication, it projects its wearer as a nonchalant high-achiever.

Occasions:

The calm and composed elegance of The One makes it a great fragrance for any professional environment, whether suited up or suited down. It is also appropriate for any social functions where you want to be seen as classy. Lastly, its chic minimalist notes also make The One a great choice as an avant-garde female fragrance.

The Davies summer experience?

Ask our Osgoode students.



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Class of 2016



Dajena Collaku
Class of 2017



Eytan Dishy
Class of 2017



Jaimie Franks
Class of 2016



Russell Hall
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