On 6 December 2013, Conservative Member of Parliament for Oakville, Terence Young, introduced the (Vanessa’s Law). The Act aims to provide Canadians with a more stringent drug-monitoring system. Without dissent from any of Canada’s federal political parties, Vanessa’s Law received Royal Assent and became Canadian law on 6 November 2014 as an amendment to the Food and Drugs Act. Vanessa’s Law applies to therapeutic products including prescription and over-the-counter medications, vaccines, gene therapies, cells, tissues and organs, and medical devices.

Vanessa’s Law was named after Terence Young’s daughter, Vanessa, 15, who died suddenly of a heart attack while on a prescription drug that was later deemed to be unsafe and subsequently recalled from the market.

Many Canadians might be surprised to learn that prior to Vanessa’s Law, Health Canada did not have the authority to recall unsafe products or mandate changes to drug labels. Instead, Health Canada engaged in closed-door negotiations with manufacturers to determine the actions manufacturers would take when products were shown to be unsafe. Even if Health Canada had evidence of significant harms warranting recall of pharmaceutical and medical device products from the market, and even if other international drug regulators, such as the United States Food and Drug Administration, recalled these products from their markets, Health Canada had no unilateral authority to either mandate labelling changes or recall drug or medical device products from the market.

Canadians may also feel uneasy learning that manufacturers may deem adverse drug reactions, or side effects, “commercially confidential information.” Drug regulators may not be permitted to disclose this information to protect the business interests of drug companies. This is significant because when Health Canada cannot disclose information on adverse drug reactions, this information does not reach the public or our doctors. Therefore, if people taking medications experience side effects from a drug that they are taking, but the pertinent side effects information has not been disclosed, doctors may not be able to identify the side effect as resulting from the drug.

Author: Osgoode Health Law Association

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EDITORS’ NOTE

Work, Life and Politics

Author › Kay Wang
Creative Director

I write this sitting in my boyfriend’s car as he drives around running errands. I blame him for my unfocused thoughts as he annoys me with his eccentricities whilst speeding down the 401.

The truth is, work-life–love balance has been particularly hard of late. So much – both personal and political – has been weighing on my mind that I’ve been finding it difficult to think, to feel, to breathe.

As if January is not already marred by stress – what with marks being released last week, and the perpetually encroaching possibility of a jobless summer – we also have had the misfortune of witnessing the inauguration of the Trump administration. In realizing that the worst-case scenario has just become our reality, we watch incredulously as extremist attitudes, fuelled by fear, become mainstream, and ultra-right nationalist parties gain momentum across Europe.

We can no longer afford the luxury (or hypocrisy) of believing that there is any separation between our personal lives and our politics. Not only do global political shifts have direct consequences on our personal lives, how we choose to live matters.

The Trump administration is but a reflection of ongoing divisiveness over social issues that have finally reached a boiling point. There is anger and frustration on both sides because agreeing to disagree on fundamental beliefs had led us nowhere. More critically than ever, our personal politics matter, our beliefs matter, our values matter. Because, at the end of the day, it is the strength of our conviction that will be our saving grace.

At the crossroad of my Chinese heritage, my feminism, and my hedonism, I find myself in a political–identity crisis, questioning myself on basic political, moral, and personal values I always thought were mine. I wonder that if I filtered out the ‘biased’ ideas instilled in me by my parents, the media, my education, how much of what I believe in would remain.

I worry about whether I am dating the right person, if this is the right time, what kind of lawyer I want to be, what kind of lawyer I should be, how I value my parents’ opinions, who to make friends with, how I should participate in capitalism, how much capitalism has benefited me, when do I want to get married, and whether I want children.

And I wondered if any of that even matters.

Then, on Sunday, when women (and allies) across North America gathered to march against hopelessness, I realized my cynicism has become so deep that it has damaged my drive in life. I have rolled my eyes earlier at the idea of white feminism taking over social media, and the pointlessness of such a protest against Trump’s inauguration. But after the march, the collective social media actually induced in me that mixture of humility, gratitude and hope I feel whenever communities are united over a cause.

We need hope – because not only can our actions effect change, they ought to.
The Superbug Threat: 
Combatting Antimicrobial Resistance

Author: Jerico Espinas
Opinion Editor

The issue of antimicrobial resistant (AMR) superbugs, wherein pathogens such as bacteria, viruses, and fungi develop ways to resist different drug treatments, is rapidly becoming an issue on the international stage. In 2016, the United Nations General Assembly met to discuss the issue of AMR and the G20 meeting included AMR in its closing communique, placing strong emphasis on the need to both develop new drugs and implement policies that limit overzealous drug use. These meetings reveal the concern that many actors have over AMR’s threat to public health, economic growth, and social stability.

Unfortunately, the issue of AMR is starting to become a reality at the domestic level. On August 2016, the Washoe County Health District in Nevada received a patient who was resistant to all fourteen drug lines available to the district’s acute care hospital. The patient was in her seventies and had recently returned from an extended visit to India, a country known for drug resistant strains of bacteria. She died in early September despite attempts at recovery.

Further testing by the CDC showed that the woman would have likely died even if she had been in a better-equipped hospital, her strain of superbug bacteria could fend off all twenty-six available classes of antibiotic in the US. The bacteria was a strain of carbapenem-resistant enterobacteriaceae (CRE), named after a class of antibiotics called carbapenems that are supposed to be the last line of defense for antibiotics when other classes fail. The woman, who successfully recovered from a bone infection in her femur and hip while in India, was likely exposed to CRE and had those strains transfer carbapenem resistance genes to nearby bacteria.

Many professionals in the health community, including policymakers and epidemiologists, see this development as a red flag. The patient in Nevada was quarantined after tests showed resistance, limiting the possibility of exposure to other patients. However, experts claim that she’s a symptom of a much larger trend due to the rapidity of AMR and the spread of globalization. That is, as populations migrate and intermingle, people are often exposed to different bacteria, increasing the potential for a drug resistance gene to spread and for one superbug to develop resistance to multiple classes of antibiotics.

For example, consider colistin, another antibiotic of last resort. The drug fell out of favor in developed countries due to the risk of severe kidney damage, and was eventually picked up by the agricultural industry. Farms often use colistin because low doses of antibiotics can promote growth. Unfortunately, frequent exposure to an antibiotic helps develop genes that are resistant to the drug; over time, bacteria that have colistin-resistant mutations start to spread due to natural selection. In the case of colistin, that gene was mcr-1.

Chinese scientists discovered mcr-1 in pig farms, on meat in supermarkets, and even in hospitals, showing evidence of a horizontal transfer of the mcr-1 gene from animals to humans. The team published a 2015 report in The Lancet that prompted a series of international investigations, which revealed that mcr-1 had already spread to other countries, such as Denmark, Germany, Vietnam, and the United States. Critically, the convergence of the mcr-1 gene with other resistant genes into one superbug is a real possibility.

Importantly, international actors have paid attention to the concerns voiced by the health profession over AMR. The inclusion of AMR in important forums such as the UN and the G20 shows that advocacy is working. It is another question, however, whether the policies and promises generated by these meetings will work to effectively stop AMR.

Pushing for more research and development in the pharmaceutical industry is, arguably, a doable task. Certainly, the future demand for more last-line classes of antibiotics is a great incentive for pharmaceutical companies. However, it is much more difficult to change the habits of other actors. Travellers like the patient in Nevada and farmers like the ones in China are only marginally affected by the AMR epidemic. They only face the consequences of these bacteria at the crisis point, and even then, the parties affected comprise only a small segment of their population. Combating AMR requires public education over the risks, a health intervention that will likely blend into other education initiatives for other dire issues. Although some actors are optimistic about combating AMR, most are simply wondering when the next red flag will appear.
Access to the Civil Justice System in Canada

A Concern According to Data from the 2016 World Justice Project Rule of Law Index

According to the most recent World Justice Project Rule of Law Index, Canada ranks twelfth overall out of 113 countries included in the survey. Denmark, Norway, Finland, Sweden and the Netherlands rank first to fifth, respectively. Canada’s overall index score of 0.81 is tied with the UK and Australia. The US ranks eighteenth overall. Ranking twelfth out of 113 puts Canada near the top of the global ranking. Canada ranks ninth out of twenty-four European and North American countries and twelfth out of thirty-six high income countries, thus above the median in these two more comparable groups of countries.

The overall Rule of Law Index is a composite of nine separate indexes. The eight on which Canada is ranked are shown in table one, with each one consisting of several indicators. Canada is not ranked on Informal Justice. The rule of law measures for Canada are derived from an online survey of individuals in Montreal, Toronto and Vancouver as well as qualitative data gathered in interviews with Canadian academics and legal practitioners. The Index, published every year since 2008, provides a valuable basis for examining changes over time in Canada (although some of the measures themselves have changed) and, is also a basis for comparison with other countries. By pointing to broadly similar countries that score better on rule of law measures, the survey directs us to possible comparative research that might provide ideas about how improvements might be brought about in Canada.

The accessibility of the civil justice system is an aspect of rule of law on which Canada scores relatively poorly, in comparison with other measures for Canada and with other countries. Table two how Canada scored on the seven component indicators of the civil justice measure. Because the Netherlands ranked highest overall, the Dutch scores are shown for comparison.

According to these data, accessibility and affordability of civil justice and unreasonable delays are the most pressing problems for access to the civil justice system. Over the last five years Canada has remained relatively the same in terms of access to civil justice. According to the 2012 World Justice Project data Canada’s score on civil justice was 0.72. It remained at 0.72 in 2013 and 2014, falling slightly to 0.70 in 2015. Canada’s overall rank on civil justice in 2016 was 0.72. In each of the last five years, accessibility and unreasonable delay received the lowest scores. While being wary of assigning an unwarranted degree of artificial precision to these numbers, clearly access to civil justice has been a persistent problem. We should look to other countries that seem to be doing better on these measures. The more comprehensive legal aid system and the famed Rechtwijzer online dispute resolution system in the Netherlands are examples of where to look.

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

This article was written by Canadian Forum on Civil Justice Senior Research Fellow, Ab Currie, Ph.D., and originally appeared on slaw.ca.

Table 1

<table>
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<th>Rules of Raw Measures</th>
<th>Global Rank and Score for Canada</th>
<th>Country Ranking First and Score</th>
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<tr>
<td>Constraints on Government Powers</td>
<td>10th (0.84)</td>
<td>Denmark (0.93)</td>
</tr>
<tr>
<td>Absence of Corruption</td>
<td>11th (0.83)</td>
<td>Denmark (0.96)</td>
</tr>
<tr>
<td>Open Government</td>
<td>9th (0.86)</td>
<td>Norway (0.87)</td>
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<tr>
<td>Fundamental Rights</td>
<td>9th (0.82)</td>
<td>Denmark (0.92)</td>
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<tr>
<td>Order and Security</td>
<td>6th (0.91)</td>
<td>Singapore (0.93)</td>
</tr>
<tr>
<td>Regulatory Enforcement</td>
<td>13th (0.79)</td>
<td>Singapore (0.90)</td>
</tr>
<tr>
<td>Civil Justice</td>
<td>19th (0.72)</td>
<td>Netherlands (0.88)</td>
</tr>
<tr>
<td>Criminal Justice</td>
<td>15th (0.74)</td>
<td>Finland (0.83)</td>
</tr>
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Table 2

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<thead>
<tr>
<th>Indicators Making Up the Civil Justice Measure</th>
<th>Canada Score</th>
<th>Netherlands Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessibility and affordability</td>
<td>0.56</td>
<td>0.78</td>
</tr>
<tr>
<td>Absence of discrimination</td>
<td>0.65</td>
<td>0.92</td>
</tr>
<tr>
<td>Absence of corruption</td>
<td>0.88</td>
<td>0.94</td>
</tr>
<tr>
<td>Absence of improper government influence</td>
<td>0.89</td>
<td>0.95</td>
</tr>
<tr>
<td>Absence of unreasonable delay</td>
<td>0.53</td>
<td>0.83</td>
</tr>
<tr>
<td>Effective enforcement</td>
<td>0.73</td>
<td>0.88</td>
</tr>
<tr>
<td>Impartial and effective ADR</td>
<td>0.82</td>
<td>0.83</td>
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Creating Opportunities Summit: A Vision for the Future

Author: Michel Thorburn
Joseph McDonald
Contributors:

On January 26-27th, 2017, the Creating Opportunities Summit will take place at Osgoode Hall Law School. The Summit, which is the first York University-sponsored “Canada@150” event of 2017, is meant to celebrate Canada’s sesquicentennial. Though rather than reminiscing on our nation’s past, the Summit is aimed at diagnosing the issues of the present in order to craft a vision for the future.

The Summit will feature four keynote speakers. In the morning of Day 1, JD Vance, New York Times best-selling author of Hillbilly Elegy, will speak about why it’s important to be proactive in engaging with the socially underserved. In the afternoon keynote, Councillor Michael Thompson, Chair of Toronto’s Economic Development and Culture Committee, will share his insights into pursuing economic development as a public official in the City of Toronto. Day 2 begins with Gillian Smith, Chief Marketing Officer of the Toronto Board of Trade, who will discuss her role in generating economic prosperity and enhancing quality of life in the city. Finally, the conference will close with remarks by Bindu Budjoe, Deputy General Counsel of BMO, who will speak about her perspective of how diversity enhances the professional workforce.

Day 1 features three panels: Lack of Opportunities, Starting a Business/Financial Literacy, and Localized Economic Development. Lack of Opportunities is meant to set the stage for the entire conference, noting the dangers of what can result when governments and the private sector neglect to provide jobs for youth. The panel features three individuals from the Moroccan Youth Association who are traveling from Brussels to share their experiences working with youth in Molenbeek.

The second panel, Starting a Business/Financial Literacy, features Osgoode’s own Professor Ben-Ishai, along with individuals from Accenture, Credit Canada, and the Business Development Bank of Canada. The purpose of the panel is to discuss the financial impediments to individual prosperity, and to discuss the importance of investment into both individuals and small businesses to spur economic growth.

The third and final panel of Day 1, Localized Economic Development, is one of the most highly touted events of the conference. It features Andy Frank, the Special Advisor to the President on Economic Development from Johns Hopkins University, who is going to speak about the role that universities can play in having a multiplier effect in surrounding communities. Johns Hopkins has been highly successful in creating economic benefits for the surrounding areas in Baltimore—the hope is that York University can learn something from the Johns Hopkins model. Rafael Gomez, of U of T, Matias de Dovitiis, of the DUKE Heights Business Improvement Area, and Nandini Ramanujam, of the McGill Faculty of Law, round out the rest of the panel—each individual will add a piece to the discussion on the theory and practice of localized economic development.

Day 2 features two panels and two breakout discussions. The first panel, Transportation and Transit, features individuals from Peel Region Transportation, Uber, and the Toronto Community Benefits Network. Each panelist will speak to the future of transportation in the City of Toronto, and how it can be utilized to promote broad-based opportunity for those in the city—from construction, to development of small business, to innovation. The second panel is focused on Technological Innovation and Regulation. The panel features John Bromley, of the CHIMP Foundation, Caroline Gayle, of Accenture, and Brock Dickinson, of MDB Insight. Each individual provides a thoughtful perspective on how technological know-how and innovation can be used to promote opportunities that stretch beyond Canadian borders.

The two breakout discussions are focused on pro bono business law and youth employment. The former will feature lawyers from Torys, OP Trust, and Blakes. The purpose of the panel is to discuss how lawyers can enhance economic opportunities for the disadvantaged through their pro bono business work. The Youth Employment discussion will feature individuals from Westview Centennial Secondary School, the Expert Panel on Youth Employment, and the CEO of Youth Employment Services. The purpose of this panel is to discuss how employers, public employees and students can be linked most effectively to ensure that youth are not only able to gain employment, but to be subject to the type of opportunities that build skills and inspires them to continue on to higher learning, whether it’s in the form of university education or a trade.

Beyond an impressive list of keynote and panelists, it’s necessary to consider why a conference like this one matters. Ultimately, this event is about bringing people together from all different subsets of life in order to build collaborative solutions to problems. This event isn’t tailored for technocrats and elites, nor is it meant to channel a populist outcry. The essence of the event is to give the opportunity for individuals from all walks of life—from university students, to professionals, to high school students, to community workers, to entrepreneurs, to small business owners (and beyond)—to provide ideas and engage in debate in order to make people’s lives, in an ever-changing world, better.

The Summit is meant to provide a vision for the future—one that is big hearted and inclusive, and yet celebrates the power of ideas and rigorous intellectual debate in spurring the development of a prosperous society.

That vision, while arguably banal to some, has revolutionary power when applied to a broad base.

That is why Creating Opportunities matters. And that is why we encourage you to attend.

Michael Thorburn – Managing Editor, Osgoode Hall Law Journal
Joseph McDonald – Executive Editor, Osgoode Hall Law Journal

*All of those interested in the event can register at http://cos2017.osgoode.yorku.ca*
A hackathon is defined by HackerNest as a “programming marathon designed to rapidly produce working prototypes.” You might have seen an example of one in the popular movie, “The Social Network.” Hackathons have become popular among technologically-savvy communities all over the world for their ability to bring creative people together to work collectively on social and technological challenges. Code for Boston, for example, is a group of developers, designers, and activists who use technology to solve civic and social problems. They launched a tool called MBTA Ninja that provides real-time updates from fellow commuters about transit delays. In our own community, JCPspodek hosted a hackathon last year to develop options for an online system that processes licensing of Canadian orphan work.

In February, the Winkler Institute for Dispute Resolution at Osgoode will team up with the Cyberjustice Laboratory in Montreal to host HackJustice, a two-day hackathon that will focus on using technology to make justice more accessible.

The access to justice problem or “crisis” in Canada is not a new one. It is well established that there is a gap between what legal services cost and what the vast majority of Canadians can afford (see the 2013 report by the Action Committee on Access to Justice in Civil and Family Matters). As a result, many legal problems go unresolved and many people are forced to represent themselves in legal proceedings. In addition to costs, delays, and complex procedures, it has been difficult for many Canadians to exercise their legal rights. Innovative legal technology holds a great deal of promise for helping to address this crisis — provided user needs are at the forefront of the design.

When HackJustice participants come together in February, they will channel their enthusiasm, passion, and energy into developing a human-centered technology solution to one of three access to justice challenges. They will try to use technology to:

• make it easier for regular people to engage in the policy-making decisions taking place at the municipal level;

• help improve consumer justice by resolving consumer disputes quickly and efficiently; and,

• help the public develop confidence and capabilities to deal with everyday legal problems.

Each of these challenges will be presented by an organization with expertise in the field. The engagement challenge will be presented by Toronto Councilmatic (a project of Civic Tech Toronto), the consumer challenge will be presented by the Consumers Council of Canada, and the capabilities challenge will be presented by the CBA.

By working with legal professionals, computer programmers, computer scientists, software developers, and members of the public, participants will leave after sixteen hours having acquired more education than a week’s worth of lectures! Over the course of two days, participants will learn about brainstorming, time-management, teamwork, how to work with new technologies, how to test and improve their work, and much more. No matter how basic or advanced their skills are, HackJustice will be a great place to learn something new.

By participating in HackJustice, participants will meet inventive and fun people from various backgrounds who they would never get a chance to meet otherwise. It will be a great place to build connections — many that will last long after HackJustice ends.

We are fortunate to have many sponsors contributing prizes, speeches, and mentors for participants to consult with. The winning team will receive $1500 and space at the Legal Innovation Zone at Ryerson University. Teams that do not win in the traditional sense will still showcase their skills, network, and help us use technology to re-think how we “do” justice. Participants will be amazed at what they manage to build in such a short period of time!

To learn more about HackJustice visit http://www.hackjustice.ca.

Interested in more access to justice developments and initiatives? Visit the Winkler Institute website at http://winklerinstitute.ca.

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NEWS

Tuesday, January 24, 2017

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OPINION

The Trudeau Enigma

Author: Christopher McGoey
Staff Writer

“The Independent divided Canadian Prime minis- ters into two broad categories: ‘the first comprises those whom the rest of the world has largely forgotten, if ever know about them; the second comprises Pierre Trudeau,’” is the opening line of Max and Monique Nemni’s Young Trudeau 1949–1944. There is a considerable degree of truth to this statement. Pierre Elliot Trudeau managed to capture the political consciousness of Canada’s French and English population alike, inspiring an unprecedented cult of personality dubbed, ‘Trudeaumania.’ Trudeau is remembered for bold political gestures: his battle with Quebec separatism; “just watch me” taunt; the Charter of Rights and Freedoms; and the Canada Act, among others. This tenacity, amplified by his cool charisma and devil-may-care attitude, contributed to an unparalleled popularity and endurance in the Canadian political consciousness.

Trudeau’s legacy remembers him as a figurehead of political unity and liberalism, hand-in-hand with the image of a French playboy with rapier-wit. However, as much as Trudeau’s public life resonates in the Canadian consciousness, his highest-profile actions say very little about his private character, or the life that constructed the man and his legacy. Close friends of Trudeau, the Nemni siblings, made this the focal subject of their biographical investigation. This perspective, when contrasted against more general biographical pieces, such as John English’s Citizen of the World contributes to a unique understand- ing of the late Prime Minister. These biographical pieces both attempt to deconstruct his enigmatic personality, but they address the mystery of his character quite differently. English’s attempt to present a broad narrative of Trudeau’s life, risking shackles to an anachronistic development of Trudeau’s life, developing his past as a product of his popular legacy, as opposed to the man as a product of his influences. In contrast, the focus of the Nemni biography on the period of Trudeau’s youth provokes questions as to how that man would develop into the character of his legacy.

The scope of these biographical pieces contributes to an intrinsically different reading of Trudeau, from their outset. The years of the Nemni biography (1949–1944) concern his mostly private youth; John English offers a broader survey of Trudeau’s life up to his victory as a can- didate in the Liberal leadership race, 1968.

English’s account deals with a period almost twice as long as that of the Nemni biography, offering a dramati- cally different thesis based on the additional period of development. The years of World War II were highly influ- ential to Trudeau, leading him into groups of radicals and revolutionaries with extreme, distinctly ideologi- cal objectives. John English attributes Trudeau’s political identity development to a period of dramatic change in the post-war period, drawing particularly upon some of his writing released in 1956 that “sets the outline for what he would later term the ‘just society,’” one of Trudeau’s most enduring thoughts, firmly anti-nationalist, secular, and anti-authoritarian rhetoric. Including this period, which Nemni’s biography does not, results in a dramatically changed per- ception of Trudeau’s political identity to the reader.

The Nemni biography, completing in 1944, pres- ents a very different picture of Pierre Trudeau. Offering Trudeau’s application to Harvard University as a closing piece gives readers a much younger, still proud, yet some- what uncertain man. He brag about his studies, citing at length the historians and economists he has exam- ined, claiming that greater “progress was made by per- sonal studies,” than any of the academic institutions he attended. The political objectives of this younger Trudeau were still unclear. He suggests that he will “make states- manship [his] profession,” warning to “return to how to think” with regards to politics: certain of his ability, but not of the cause he stands for.

By comparison, English’s Trudeau concludes with a far greater sense of self and certitude. The final ‘scene’ of that biographical narrative depicts Trudeau’s leadership victory in 1968, asking, “What images swirled in Pierre from a drug. Instead, the doctors may identify it as a symptom of an unrelated problem for which another medication is prescribed. This also means that phy- sicians may be making underinformed prescription decisions for their patients.

Prior to Vanessa’s Law, adverse drug reactions that manufacturers had identified in clinical trials and that were reflected in patient-level or study-level data could be withheld from being publicly disclosed by Health Canada. These actions are not in the interest of public health, but rather in the interest of assist- ing the manufacturer in maintaining and advancing its business interests. When manufacturers opt to clas- sify side effects data as commercially confidential infor- mation, the decision is typically made to advance its business interests by preventing other companies from using this data to get their products approved faster. Vanessa’s Law introduced the requirement that Health Canada must define what it considers to be acceptable as commercially confidential information. Additionally, it gives Health Canada the authority to disclose such information about a product should evidence of a seri- ous risk of harm to Canadians arise.

The purpose of Vanessa’s Law is to better protect Canadians who take prescription and over-the-coun- ter medications by introducing new measures includ- ing increased transparency and new safeguards that Health Canada can use in its regulation of these prod- ucts. The following list from the Government of Canada and Health Canada, expresses the authorities that Health Canada has been assigned with Vanessa’s Law as of 2014. Health Canada can now:

- Recall unsafe products.
- Take quick and appropriate actions when a seri- ous risk is identified (i.e., requiring product recall or requiring a label change/package modification to make new safety information avail- able to patients and consumers).
- Impose tough new penalties for unsafe products, including jail time and new fines of up to five million dollars per day or two years in prison instead of the current $5,000 to better reflect the seriousness of the nature of the offence.
- Provide the courts with discretion to impose even stronger fines if violations were caused intentionally.
- Compel drug companies to revise labels to clearly reflect health risk information in plain language, including updates for health warnings to children.
- Compel drug companies to do further testing on a product, including when issues are identified with certain at-risk populations such as children.
- Enhance surveillance by requiring manda- tory adverse drug reaction reporting by health care institutions.
-Require new transparency for Health Canada’s regulatory decisions about drug authorizations, both positive and negative (i.e., requiring transparency of approval and rejection information of drugs submit- ted to Health Canada for market approval).
- Require information about authorized Canadian clinical trials to be posted on a public registry; and
- Better define confidential business information and disclose such information about a product if it may pose a serious risk to Canadians.

The purpose of Vanessa’s Law is to improve patient safety by allowing Health Canada to collect more safety information on marketed therapeutic prod- ucts and act on the information in the interests of the public. Vanessa’s Law has been Canadian law for over two years now. Health Canada has not yet exercised its new authority to enforce Vanessa’s Law, although there are cases in which it could justifiably act within its current powers under Vanessa’s Law to introduce new safety measures, require additional testing, or recall drugs from the market in order to reduce or prevent the continued risks of known serious harms to Canadians taking certain medications. Despite that Vanessa’s Law received all-party sup- port without dissent, it has not been an objective of the current government to enforce Vanessa’s Law. The public must become aware that this law exists and understand the importance of the content of this law to the protection of the health of all Canadians. Health Canada must also recognize that it holds not only much of the drug information on medications that Canadians are currently taking, but also the power and ability to help Canadians experience fewer serious adverse drug reactions when this information is available, but not widely known by the public or Canada’s physicians. Canadians of all ages who take, or will ever take, medications depend both on the presence and enforcement of Vanessa’s Law.

This article was written by Adrienne Shnier, who received her PhD in Health Policy & Equity, with a spe- cialization in conflicts of interest, medical education, and pharmaceutical industry promotion, from the School of Health Policy and Management at York University.

This article is part of the Osgoode Health Law Association’s Perspectives in Health column. Keep up to date with the HLA on Facebook (Osgoode Health Law Association, Osgoode Health Law Association Forum) and Twitter (@OsgoodeHLA).

If you would like to write with the Osgoode HLA, please contact Adrienne Shnier (adrienneshnier2016@osgoode.yorku.ca)
Trudeau's mind?" The answers given are almost unanimously drawn from the post-war, post-revolutionary period of his life: "the beautiful young woman he had met on beach in Tahiti," "Therese Gouin Decarin," etc. Any references to his youth are appropriated to serve English's conclusion: "long nights when Papa brought home his political friends [...] and a mother who, in silence, still radiated her endless love for him." The Nemni biography sharply contrasts this statement, arguing that Trudeau's youth was one of means, but plagued by a degree of emotional detachment following his father's death.

Evidently, the difference in scope between these readings establishes two very different narratives. While English's expanded timeline is the more comprehensive biography, it battles with the difficulty of constructing that narrative against the popular perceptions of Trudeau's later life, attributing the man we know as the product of his experiences most logically progressive towards that identity. The Nemni piece is doubtful, detailing the man's early life, but ultimately offering more questions than connections to the Trudeau of fame.

The political legacy of Pierre Trudeau celebrates his efforts to unify French and English Canada and the progressive policies of his Liberal Party. This popular image of the politician is dramatically different from the political activism of his youth. The young Trudeau was a voracious political radical and separatist, distinctly opposed to many of the ideas espoused later in his life. This presents a unique biographical challenge—how does a historian handle the revered image of the man, alongside the serious controversy of his youthful political ambitions? Both biographies develop the idea of Trudeau the Liberal as someone ideologically distinct from Trudeau the young man, up through the end of World War II. The young Trudeau was a devout nationalist, sympathetic to radical political ideologies, considerably more reserved, as well as a passionate Catholic. These ideas need to be handled carefully alongside the legacy of the Prime Minister. Each account handles controversy quite differently.

Possibly the most contentious aspect of Trudeau's character was his position towards fascist movements in Europe, particularly in Nazi Germany. English constructs this association, stating, "despite some later claims that Trudeau admired Hitler, he expressed loathing for him in his private journal." This statement is not entirely reflected in the Nemni narrative: "for a young man so determined to pursue the truth, Trudeau demonstrated either surprising carelessness or insensitivity toward disturbing facts [with regards to Nazi sympathizer Leon Degrelle]." These varied accounts would be the product of the special privileges bestowed on the Nemni siblings for their account, permitting commentary such as this to emerge, despite its potential danger.

Whatever the case, it is critical to note that Trudeau's extensive knowledge base allows any number of academics to be deemed his primary influences. Thus, the choice of particular figures is a deliberate gesture in the construction of his narrative. English's choices of figures like Adolf Hitler to represent Trudeau's nationalist development, or, later, Duplessis in relation to Quebec's identity are deliberate. These were popular, charismatic figures in their time, and, despite the temporary power of their movements, they were eventually condemned as 'wrong' by much of historical record. Offering fleeting figures such as these as the cause for Trudeau's radicalism allows readers to more easily dismiss that aspect of his character, assuming that Trudeau, like many others, was susceptible to the fervor of these movements. The Nemni piece casts figures like Leon Degrelle in the same roles. Degrelle, while now understood as a stalwart supporter of the Nazis, was perceived most profoundly in Trudeau's time as a figurehead of moral review and Catholic virtue. These differing influences develop very different conclusions regarding Trudeau's character. One is a young man swept up in the fervor of popular political movements who ultimately came to his senses. The other is a more ambiguous picture that suggests the man may have harbored these ideas once, but chose to abandon (or suppress) their more extreme aspects due to their controversy and political delinquency. Considering the time period English has chosen to develop, right up to the onset of 'Trudeaumania,' this evidence is beneficial in emphasizing points such as Trudeau's hope for a bilingual Canada—one of his most celebrated political objectives—as far more influential than his earlier political extremism.

Trudeau's political legacy would not be as enduring had it not been aided by his immense charisma. At the core of 'Trudeaumania' was the attachment to Trudeau as a figurehead for youth and exuberance in politics; he was adored for his playboy image and devil-may-care attitude. In reality, this idea of Trudeau was a construct of a very brief, and mostly public part of his life. John English and the Nemni siblings develop Trudeau's early life as a period where he wrestled to develop the confidence and clarity that made him famous.

Critical to both of these narratives is an emphasis on Trudeau's relationships with women, stemming from that perception of him as something of a political playboy. A natural assumption exists that Trudeau was well acquainted with women throughout his life and enjoyed a strong relationship with his mother. The Nemni siblings offer quite the contrary image of the young man. Their Trudeau is a shy, academic sort of man who, due in part to his wealth, in part to his inexperience, is socially distant from most and especially shy around women, despite his fascination. His relationship with his mother is considered

**Opinion**

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ancillary to that with his father, until his father's death.

As he matured, Trudeau had a number of lengthy, well-documented relationships. The earliest are detailed by the Nemni siblings and cast as fleeting tragedies, never the focus of his interest. Instead, he is understood to have committed much of his free time to further academic pursuits and discourse with his activist peers. In contrast, English's much longer survey of Trudeau's life extensively details his relationships as focal points in his development, critical to Trudeau's political life at the time of their documented relationships. The earliest are detailed by details his relationships as focal points in his develop-
tional on the development of his character. The Nemni biography attributes academic peers
tance of these women as a paramount influence on Trudeau's
tories that influenced his personal and political legacy is a

Returning to his mother, these biographical narratives could be seen as distinctly gendered: English attributing much of Trudeau's character, namely his comfort and faith in women, to a strong connection with his mother; the Nemni siblings attributing his radicalism to the distance and detachment of his father. Considering that Trudeau is so often synonymous with the image of a young, confident playboy, these divergent perceptions create a significant degree of speculation towards that image. The existence of evidence to the contrary insinuates that, while narratives such as that of John English are comprehensive and conclusive, they may very well be the product of a retroac-
tive construction of Trudeau's personality, as opposed to a
genuine representation of his private character.

In conclusion, the character of Pierre Elliott Trudeau is a
fascinating enigma, subject to a varied, popular legacy and
numerous historical interpretations. The task of develop-
ning a concrete narrative of his life, including the major fac-
tors that influenced his personal and political legacy is a

challenging historiographical exercise. Often, the memory
of Trudeau is very much an anachronistic construct of his
public image; a genuine understanding of his charac-
ter is masked by the polarizing flamboyance of this out-
ward expression. The historian, tasked with identifying
whom Pierre Trudeau really was battles with the idea of
the man and the considerable evidence that combats that
constructed identity. Despite his unique popularity and
the imnumerable biographical investigations into his life, his
character across various periods of his life is so fundamentally
different that a universal understanding of the man is impos-
able to conceive. Attempts to connect common threads
throughout his life are effective, but leave room for consid-
erable doubt. Perhaps this is the most powerful aspect of
the Trudeau enigma: the varied perceptions of the man draw
little to no conclusion, save this: his greatest political achieve-
ments endure, without question, made only more memora-
ble through the impenetrable mystery of his character.
Global Affairs: The Year Ahead

Author: Uzmaan Javed
Staff Writer

To say that 2016 was an eventful year for the world of global affairs would be an understatement. The US election and the Brexit vote gave serious shockers to the world. ISIS continued to terrorise the globe from Istanbul to Orlando. Europe struggled with its migrant crisis and countries from France to Hungary saw the rise of the far right. With the visit of the US President and death of its revolutionary leader, Cuba made head-lines twice this year. The Filipinos’ election and Rodrigo Duterte’s speeches left the global political and business elite wondering about the future of South China Sea. APEC had yet another complicated year full of negotiations about oil production and domestic policies in attempts to diversify their economy. The Paris Climate Agreement became the fast est UN treaty to be entered.

The list of course is a never ending one, but reflecting on even these few events can show the footprint of 2016, one which will significantly shape the course of the international community over the upcoming years. 2017 marks a new dawn. The new year is commonly considered to be free from right wrongs, improve weaknesses and make amends; it is perhaps best described by Benjamin Franklin as a time to “be at war with your vices, at peace with your neighbors, and let every new year find you a better man.”

These developments are interesting to keep an eye upon in 2017. The discussion of course is not meant to be an exhaus tive one, but rather intended to provide a contextual approach of the various themes that will dominate the global affairs headlines in the present year.

The Middle East

They Syrian crisis continues into its sixth year of fighting. The power play and influence of Turkey, Iran, Russia, and the US, as well as the wider strategic interests of other players in the region and beyond, are unlikely to diminish any time soon. Unless the cease fire holds up and gives way to meaningful talks, the situa tion will only deteriorate.

Conflict between Houthi and a Saudi-led coalition has pushed Yemen into a huge catastrophe, unfortunately one which will continue into 2017.

The Israeli-Palestinian issue is still on the world stage. Given the recent developments in the United Nations Security Council over the settlements in the West Bank, the historic conflict will undoubtedly see more controversial developments in the upcoming year.

The oil-producing countries have sought advancement of their economy after another year of low oil prices, a move which may allow these countries to escape from the “Dutch Disease.”

Istanbul, a destination previously described as the perfect holiday retreat, has been torn apart by strikes in 2016. In addition to the spillover from the conflict in Syria and Iraq, Turkey also faces a significant spiraling threat with the Kurdish Worker’s party. A country with huge strategic interests within the region, politically polarized, weakening economic conditions as well as worsening alliances, and desperate to improve its international image, Turkey faces a very challenging 2017.

Europe

Reflecting on the developments of the past year: Britain’s decision to leave the European Union, the attack in Nice, the coup in Turkey and Italy’s referendum: the default position is that the EU will be in a very unstable position in 2017.

This year marks an election year for France, Germany, the Netherlands, the Czech Republic, and Bulgaria, all of which could lead to an unexpected populist victor. Considering the trends in the UK and the US, everyone has a right to be skeptical about every predictive analysis. A Marine Le Pen victory, though unlikely, could trigger a bigger crisis for the EU. Foreign policy would play a key aspect on these election as trade, terrorism, and immigration appear to be the most pressing issues.

As Trump focuses on defining a new world order, Europe may look East towards China in an attempt to defend the global trading system and environmental agreements.

Brexit and the future of the European Union are still uncertain as business as usual seems to have continued after referendum in July, 2016. With attacks in France, Belgium and Germany, security concerns also loom large for continental Europe. Considering the aforementioned section on the Middle East, the refugee crisis will likely continue, creat ing both domestic drama for the countries as well as ethical dilemmas, and with the upcoming election, many countries from Austria to France have already seen a rise of the far-right.

With the president of the European Commission Jean-Claude Juncker’s admission that the European project now faces an “existential threat,” 2017 may prove to be a decisive year.

Asia-Pacific

A series of visits by state officials, elections, and scans dominated the headlines of the region. Taiwan, the only democracy in the Chinese speaking world, elected its first female president. Duterte took the stage in the region by winning the Philippines election, followed by some controversial comments, Malaysia and South Korea suffered from political scandals, elections in long-term strongholds to China, and the Rohingya refugee crisis in Myanmar continued to make the headlines.

President-Elect Donald Trump has promised to withdraw from Trans-Pacific Partnership (TPP). Both the trade agreement as well as Trump’s promise remain controversial. It still remains to be seen if the TPP will affect the other competing trade deals in the region such as the Regional Comprehensive Economic Partnership and Transatlantic Trade and Investment Partnership.

The historically strong US-Philippines relationship has seen friction with President Duterte’s election in the Philippines. Therefore, 2017 will be a decisive year concerning US influence in the region, re-alliances in East Asia, and the future of the South-China sea. Another rocket launch by North Korea received global condemnation by the international community.

The China corridor is the new development in the Western part of the region. Through the Chinese-led Silk Route Economic belt (One Belt, One Road) initiative, Pakistan, Iran, Russia, China, and India have been trying to establish a political as well as an economic system for cooperation. The Turkmenistan-Afghanistan-Pakistan-India pipeline, which was termed a new age silk route, will also undergo interesting developments in the year.

Latin America

2016 presented a very mixed year for the Latin American nations. Some nations saw new governments being sworn in while others were impeached; some economies struggled thorough crises, others flourished, some regimes kept in diplomatic ties while others broke of existing relations. The US president visited Cuba for the first time in seventy-eight years, the Brazilian president was impeached, the Colombian president won the Nobel peace prize and Haiti finally elected a president.

Economically, a political wave was swaying in the region to be on the rise in the region. The ideological shift has threatened Mexico, weakened Petroliums in Argentina, toppled the Worker’s party in Brazil, and has seen problems for leftist or left leaning leaders in Bolivia, Chile, Ecuador and Venezuela.

The economic challenges of the region continue into the new year. With a rapid pace of currency depreciation and higher sovereign spreads, many countries in the region fear an unstable 2017. Oil prices have had a very direct impact on Colombia and Venezuela, with ripples felt in the neighbor ing countries. Commodities such as petroleum, copper, gold, soybeans, and agricultural products continue to be impor tant for the region’s economies. Over the past few years, there has been an increase in trade and investments between Latin America and the Middle East. The trend is likely to continue as many of the Latin American economies undergo a structural reform while the Gulf nations seek to diversify their econo mies. After President Obama’s visit to Cuba earlier this year, it is likely that the relations between the two countries will improve in 2017. This would hopefully make way for trade tourism not only with Cuba but with rest of the island region.

Africa

A continent which often dominates the newspaper headlines for conflict saw another unfortunate year in 2016, and many of the trends are likely to continue in the present year. Conflicts across the Greater Sahel and Lake Chad Basin have led to massive human suffering over the past few years. Countries such as Niger, Burkina Faso, and Côte d’Ivoire will unfortunately continue to face terrorist threats in Central Sahel. Security forces of Nigeria, Cameroon, and Chad have stepped up their fight against Boko Haram insurgency. The world’s youngest country, South Sudan, is still riddled with conflict, one which will continue in 2017.

The failure of commodity prices to rise, considering the eco nomic slowdown in the emerging market, made 2016 a strug gling year for many African economies. These macro trends combined with the diverse dynamics of the continent’s different countries meant different outcomes for different countries. Nigeria, the most populous country of the region, went into recession in 2016, whereas South Africa’s GDP experiences a global headlines in December 2015 for changing three finance minis ters, experienced a 0.2 percent growth in the third quarter. However, the continent hosts four of the fastest ten growing economies in the world. Moreover, many countries in the region have taken steps diversify their economies, which when combined with a growing startup culture may have a promising future of many of the economies, including those of Nigeria, Angola, South Africa, the Congo, Ethiopia, and Senegal.

Source: https://research.humbria.ac.uk

OPINION
Horror stories 2

Author › Ian Mason
Managing Editor

In the spirit of going with what works, I've decided to write a second edition of "horror stories of men without shame." While I had planned on writing this follow-up in March (when an increased workload made tracking—or, "convincing"—others to write most of my article for me more appealing), the inauguration of Donald Trump warrants earlier publication. What better way to celebrate the rise of someone who admitted to sexually assaulting women than by indulging in some creep-shaming? Aside from drinking a bottle of whisky in the shower, crying, and scraping layer after layer of skin from your flesh with steel wool and bleach, obviously. But enough about my weekend plans.

I'll stick to the standard I set last time: I will identify people only by partially accurate initials, editing occasionally for space, language, some identifying details, etc. I'm also going to add a small amount of commentary between contributors here and there, and then carried on with what tales, and partly to provide added information on things like the efficacy of a shot to the testes. So, let us begin.

R.E. writes: "My mom (who is currently sixty-five) was attacked about a decade ago. While walking around in downtown Delhi, men (of all ages) grabbed her ass on numerous occasions and shouted things at her. Naturally, she was shocked and outraged, and almost never happened to her as a middle-aged woman in North America. Being the fierce Latina woman that she is, she attempted to chase after them and shout out obscenities back at them about how they are perverted assholes (likely in Spanish as that's the language that comes naturally to her when she is pissed off)."

I must note that obscenities just sound better when shouted in Spanish or German. If you're shouting at your attacker more than you're shouting for help, I suggest doing it another language. You might confuse him enough to get in a couple of free shots.

M.H. writes: "About eight and a half years ago, I had just moved to Montreal, and I was looking for new friends and maybe a date. I met a guy on Plenty of Fish and agreed to meet him at the park near my apartment. After about ten minutes I knew that he only wanted sex and he thought that because I'm fat, that would mean I was desperate and easy. As I went to leave, he grabbed my arm and pulled me into some large bushes and tried to take off my skirt while fondling my breast. I kicked as hard as I could, managed to get him off, and ran. Thankfully I wasn't passed out drunk like I believe he thought I was, the nasty (for the spawn of unmarried parents)."

If you think those were bad, the final two provided by an old friend are worse. If you're having trouble holding on to the contents of your stomach, skip them. She provided additional stories from other people that I had to skip, and I don't want anyone getting close to that shit.

P.U. writes: "I got waked at a friend's apartment and woke up not knowing what happened, just to find out a day later over a text that I'd had sex. I don't remember having consented, nor the act itself, but I couldn't go to the authorities because days had passed... and who was going to believe me? I didn't even remember it. (Apparently, her attacker was subsequently beaten for his actions, but that doesn't undo what happened. It did give her "closure," but one shouldn't need closure against something that shouldn't have happened in the first place.)"

"Also, last Saturday, I went out on my own here in [redacted South American city], and was stupid enough to have accepted drinks from a stranger. I thought I was slopped a roachie because I didn't drink as much as usual, and yet I woke up in the ER. I was lucky to have met a really nice couple, but the lady had to fight off even more men that wanted to take me home. When I couldn't get up because I passed out, actual good cops came and called an ambulance."

Wow.

Okay, having swallowed enough of my revulsion to speak in something other than rambling obscenities, it's time for final thoughts. I'll begin by reiterating something I emphasized in my first edition of this compilation. If getting attacked by a creep, fight back or call for help. Kick, scream, bite, sing out of key; whatever you think will work. There's a reason that sexual predators go after women who are in a defenceless state. It's the same reason we call them predators. The wolf that tries to take on a healthy moose cow often gets its skull crushed like that Inigo Montoya lookalike in Game of Thrones. Furthermore, even when a wolf goes after the moose calf, the cow will often (literally) step in and dirt-stomp the wolf, reflecting how fighting off the predator/creep/actual wild animal is often a team effort. Whatever it takes, do it.

Also, I want to note that the last two stories happened in Latin America, and I bring this up for three reasons. First, my friend wanted me to bring up the issue of women's rights in Latin America. She's Latina, and wants to bring attention to the violence faced by women in the region, as well as the frightening lack of police protection they can expect to receive. The stories she described to me went far beyond sexually propositioning a fourteen-year-old girl on a park bench; she wasn't getting impregnated, but the police doing nothing. I will link one of her articles below (it's in Spanish, but Google Translate has gotten surprisingly good), and can provide more if requested.

Second, I want to point out that progress in regards to violence against women is possible. This is not to congratul-
ate ourselves on our record, considering things like Robin Camp's continued presence on the Alberta bench, or the fact that you could legally rape your wife in Canada thirty-four years ago. Forty odd years ago, my mother had to fight her school for the right to wear pants. I'm just saying that we can—and should—demand better, and at the very least, if a woman gets murdered in Canada, you can at least expect a police investigation (unless she's Aboriginal, which is part of a broader national tragedy, and another subject for another day). Even if there's a long way to go, one need only look at the plight of women in other parts of the world to see how far we've come.

Finally, I want to say—in light of my friends' disclosure—that we should be far more prepared to accept female refugees from parts of the world with a deplorable record on protection of women. Without going into too much detail on the basics of refugee law and protection, I'll simply state that Canadian officials are often overzealous in seeking reasons to refuse granting asylum to any sort of refugee claimant. While I'm an advocate of broader refugee protection reforms, I especially think we should be extremely hesitant to refuse extending refugee protection to women from places where persecution is the norm and not the exception. If you're horrified by the stories I've pro-
vided of women being subjected to abominable treatment in Canada, a good response would be getting into refugee law, or taking some pro bono cases for women facing extradi-
tion. Do what you will, but do something, or at the very least, don't do something to withhold protection from the vulner-
able. If you have to be callous, at least don't be cruel.

And that's all. Again, thank you to the women who shared their stories, a big shudder crossing down my spine as I real-
ize I'm going to be doing this again next year. The next fight will never end, but that makes giving up even less of an option. Anything we do to tell another generation of women that abuse is normal. 😅
Networking. Some people may love it, others may not. But whether you’re an energetic social butterfly or an introverted genius, building relationships within the legal profession can be just as essential as spending hours pouring over those course summaries to get that coveted A.

For many law students, networking is a new skill to be acquired, and overcoming the initial anxiety of meeting accomplished professionals can feel daunting. Culture can be a powerful tool for surmounting this potentially intimidating task. Let us explain why.

The most powerful professional relationships tend to develop when there is a connection built upon commonalities outside of the legal profession. Think about it. Are you only friends with your law school colleagues because you attend law school together? In one respect, yes, because you share the same space on a regular basis. But this doesn’t explain how your true friendships have evolved. You and your close friends probably share common interests, like sports, music, fashion, fine wines, or an obsession with cats. More importantly, you and your very closest law school friends probably share more fundamental values as well, such as mutual respect, trust and honesty. You can tap into these common interests and values when networking, to develop the strongest relationships.

Cultural heritage is a powerful networking tool because it crosses so many levels of our identity. It is the food we eat, the way we express emotions, the activities we enjoy and so much more. To a very large extent, your culture makes you who you are. Networking within your own culture can make the frightening experience of speaking to new people at least that much easier. There is a comfort in speaking to someone who comes from a similar background of experience, and this will be felt mutually between you and those who are years ahead of you in their legal career.

As members of the Canadian-Italian Association of Osgoode (CIAO), we sought to find Canadian-Italian legal professionals that would be interested in learning about our club and developing a working-relationship. Speaking of common ground, to our surprise there is in fact another organization called CIAO (the Canadian-Italian Advocates Organization) which was founded long before we were born. We were greeted by the CIAO community with warmth and respect. Speaking of common ground, to our surprise there is in fact another organization called CIAO (the Canadian-Italian Advocates Organization) which was founded long before we were born. We were greeted by the CIAO community with warmth as we were invited to join their executives for an informal meet-and-greet, where we shared many intimate conversations. The lawyers shared litigation war stories, their views about justice and the vocational nature of joining the legal profession.

One of the most important lessons learned, however, is that we cannot forget our history. When Italians were new to Canada, we were not accepted or understood in the way we are today. Italians were seen as criminals, unruly and uneducated. Some of the lawyers could recall stories of being physically and verbally mistreated as young immigrants in Canada. It was an uphill battle for Italians to enter the legal profession because they had no one from their culture to look up to within the profession. As young Italians and aspiring lawyers, we are grateful to have such an established community of professionals with whom we can connect on such a basic level. We also carry the responsibility of remembering what we learned about our culture’s past, to pass the knowledge to future generations of Italian lawyers, and more importantly, to understand that we are privileged in a way that other cultures are not. To those who do not have anyone in the profession to look up to in this way, we hope that you will tell your story to the future generations of lawyers who share your culture and history.

This being said, culture is not the be-all-end-all of networking, and it would be a mistake to make this the exclusive focus of our growing network. We have been blessed to have met so many supportive lawyers from our culture, and would like to create events that are not exclusively for Italians. We have many networking events planned for this semester, and we would like to take a moment to give a peek into some of the events we have in store for you.

On 23 January, 2017 we will host our first annual career panel where Canadian-Italian lawyers will attend to share their experiences of entering the profession and into the Supreme Court of Canada. This is certainly an opportunity not to be missed! Our ability to create these events comes from the tremendous support we have received from the Canadian-Italian legal community. We owe them a debt of gratitude and look forward to having a long relationship of introducing the current and future generations of aspiring lawyers. Culture has been a powerful tool for us, we hope that our readers will learn from our success and find support from lawyers of their heritage as they build their foundation for their adventures in the legal profession. One of Osgoode’s proudest achievements, among many things, is the breadth of diversity represented in our students and faculty alike. For every culture represented at Osgoode there is most likely a student club devoted to it. We hope you take the time to find yours and get involved. If there is not, we urge you to take the initiative to start your own! We have no doubt it will help you get your foot through the (firm) door.
Beyond Freud and Hobbes: What Economic Analyses of Law Have to say About Legalizing Drugs

Author: Pedro deAbreu Monteiro Campos
Contributor

1. Introduction

Psychology, medicine, law, and philosophy are usually in the spotlight when it comes to discussions regarding the legalization of drugs. These knowledge fields are indeed capable of contributing to the discussion in many ways. To psychologists and doctors, this is, above all else, a matter of public health (Passos, 2015). From the perspective of law and philosophy (without rejecting the public health argument), understand the drug situation as a matter of constitutional principles and the role of the state in a contemporary democracy (Barroso, 2016).

The contributions of economics, on the other hand, rarely show up in discussions about drugs. When they do show up, they are usually superficial and secondary. One example is the argument that legalizing drugs is going to increase the GDP; another example is the argument that taxation on production and commercializing of these substances can increase the income of the state (Silva, 2007).

Even though these arguments are not entirely wrong, they seem to ignore some fundamental questions. It is Machiavellian to say that, in order to increase the GDP, the issues regarding health and security can be ignored. The argument about taxation also is problematic because if drugs were taxed, there would still exist a strong black market for drugs; i.e., the security issues involved in this situation are not going to be solved.

However, believing that these are all the contributions that Economic Analyses of Law (EAL) can bring to this discussion is a mistake. Especially when talking about security issues related to the drug problem, EAL is able to contribute the most. This brief article will explain the argument developed by Harvard professor Gregory Mankiw about this theme.

2. Drugs and Crimes

Intending to avoid the increase of crimes related to drugs, most countries invest billions of dollars to protect their borders from the entrance of drugs. The US government, for example, has spent $106 billion over the last five years on border enforcement and has doubled the number of border patrol agents. Most governments understand that protecting their borders against drugs is necessary, but they do not seem to take into account that this policy can increase criminality related to drug abuse.

One of the main issues involving drugs is chemical dependency. Criminality can be related to this condition in a broad and complex context that involves different factors that can lead to this situation. Sometimes, in order to afford drugs and sustain the addictive condition, those who are dependent on drugs may have to commit more crimes to afford drugs, since they are more expensive after prohibition. This is how Mankiw argues that drug prohibition raises criminality.

Even though the prohibition of drugs aims to reduce its use, the impact of the “war against drugs” policy is on the salespersons rather than the consumers. When importing drugs becomes harder and the risks of transportation and negotiation increase, two things happen: one, drugs become more expensive, and the consumers take this cost; and two, the supply of drugs in the market decreases.

On the other hand, the demand for drugs is inelastic in relation to the price. In other words, the quantity demanded of drugs does not change according to the price, since there are chemical and biological issues related to its use.

The graphic at the end of this article shows how the supply curve is displaced to the left ($S_2 → S_1$), while the demand curve stays unaffected. Therefore, the equilibrium price in the market goes from $P_1$ to $P_2$ and the quantity of equilibrium decreases ($Q_2 → Q_1$). This means that, in fact, drug prohibition policies reduce the use of drugs in a society.

What is being discussed here is, however, the criminality related to drugs and not the quantity of drugs used. As explained before, drug demand is inelastic, which means that if the price increases, the total income of drug dealers increases as well.

Graphically, this can be shown by the variation between the prices ($P_1 → P_2$) compared to the variation in the quantity demanded ($Q_2 → Q_1$). This means that drug prohibition raises the prices more than reduces the quantity demanded ($P_2 → P_1 → Q_2 → Q_1$). The amount of money circulating in the market increases ($Q_2 → Q_1 → Q_0$); therefore, drug dealers become stronger and richer.

The consequences are twofold: one, rich drug dealers can buy more guns and empower their gangs; and two, those who are dependent on drugs may have to commit more crimes to afford drugs, since they are more expensive after prohibition. This is how Mankiw argues that drug prohibition raises criminality.

3. Legalizing reduces crimes

Mankiw’s approach suggests a different way to deal with the drug issue rather than fighting drug dealers and protecting the borders. As drugs get legalized, reducing their use shall become easier, not only through education, but also by treating those people who are addicted to drugs.

Economically speaking, his proposal is that the state focuses on reducing the demand instead of reducing the supply. Below, the graphic demonstrates how legalization together with education and treating programs affect the status quo.

Due to the better control and education, the demand curve dislocates to the left ($D_2 → D_1$). This happens because fewer people are willing to buy drugs, regardless of the price. Therefore, the demanded quantity decreases ($Q_2 → Q_1$) and the prices decrease ($P_2 → P_1$). Note that after these public policies are adopted, the income made in the market reduces, since both the price and the quantity demanded drop.

This way, Mankiw argues, if drugs are legalized, the results should be less use and fewer crimes related to chemical dependency. In the graphic below, all that was explained so far is demonstrated.

4. Final Considerations

The drug legalization discussion can be studied from many different perspectives. Each one of them, in its own manner, contributes to the debate with important considerations.

Even though economics arguments in this context are most of the time superficial and secondary, this brief article tried to demonstrate how EAL can contribute to the discussion in a more meaningful and reasonable way.

Mankiw’s analysis concludes that the “war against drugs” is insufficient and causes negative externalities to the society. The effects of these externalities can be easily spotted in the public security.

It is important to have in mind that the analyses made here are simplified and, therefore, can be subject to criticism. However, the purpose of this article is not to deeply analyse the arguments proposed by Mankiw. The goal of this article is to present new perspectives on the discussion.

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BARROSO, Luis R. Voto REES. 659
PASSOS, Eduardo H. SOUZA, Tadeu P. Redução de Danos e Saúde Pública: ConSTRUções Alternativas à Política de Guerra às Drogas.
When Toronto’s Nightwood Theatre selected the Broadway musical Legally Blonde to be its 2017 Lawyer Show production, several veterans of the cast expressed doubt—if not outright alarm—over the choice. After all, Nightwood is Canada’s premiere women’s theatre company, highly respected for its focus on women in theatre, and the annual Lawyer Show (now in its eighth year) has raised hundreds of thousands of dollars for that cause. For the first six years, Nightwood staged Shakespeare comedies to great success; last year, it ventured into musical theatre, with a first-rate production of Guys and Dolls. All the Lawyer Show productions, by the way, are cast entirely with lawyers: singing, dancing, acting, belting, comedic, dramatic, brilliantly-talented lawyers.

So what was the objection to Legally Blonde? I myself, a veteran of the first five productions, had my doubts. I’d seen the movie with Reese Witherspoon, but not the Broadway adaptation. I remember being pleasantly surprised by the film, which I saw on its release in 2001, with my then reasonably-new boyfriend. The boyfriend had, in fact, gone to Harvard Law, and was not happy about being dragged off to see this ridiculous movie, which I wanted to see only because there was nothing else to see, and it was our “movie night.” We ended up grudgingly admitting that it was a pretty good movie. Not exactly Citizen Kane, but not embarrassing.

About the Broadway adaptation, however, I knew nothing. The concerns expressed by a couple of my castmates from previous shows were not soothing when I listened for the first time to the opening number, Oh My God You Guys! I mean, really: ‘Oh my God, you guys?’ Really! I felt a little better, though, after I watched the video of the number, and saw just how heavily the writers’ and performers’ tongues were thrust into their cheeks. In that routine, which is a showstopper, the sorority girls (all of them gorgeous in the traditional sense, except for the de rigueur Nerdy Girl, who is made not-gorgeous by the addition of a woolly hat and a chewing gum habit) dance around celebrating the heroine’s upcoming engagement. The young women are all vapid, the lyrics border on disturbing (“Daughter of Delta Nu, soon to be fiancée! Now that a man’s found you, your life begins today!”) But it is very tongue-in-cheek; it is supposed to be shockingly dumb. However, if you were looking to be outraged/indignant, there’s a lot there to work with. This is feminist theatre?

Oh, yeah, baby. It is. Most definitely is. That shockingly—but I gotta admit, hypnozizingly opening number—does exactly what comedic theatre is designed to do: it sets up a situation that simply cannot be dismantled (in a funny and if possible sympathetic way, of course). This isn’t Russian realist theatre; this is Broadway musical comedy, and it has its methods and its tropes. The crew of giggling, vacuous, but somehow appealingly so young women might call each other “slut,” but they also proceed to support heroine Elle when she—idiotically, of course; what would a Broadway comedy be without its protagonist with an idiotic goal?—decides to “stalk some guy to an Ivy League school.” Yes, this Fashion Merchandising major actually achieves, and finds out that she has, in fact, made the list for a prized internship, I could absolutely cry with recognition. I actually did cry, the first time I heard the song, and Elle shouts out: “Is that MY name up on that list? does someone know that I exist?” She sings the lines, of course, while dancing, and most of the song is very funny (especially when she tells the man she’d pursued that getting her name on the list was much more than sex with him). But oh my god oh my god you guys! It’s exactly how I felt when I got into Oz, and when, in second year, I earned not one but two prizes for academic achievement. There it was. My name. On that list. Sing it, Elle.

There is a lot to criticize about the play. They get the law and procedure wrong a lot (who goes to trial for murder in two weeks flat? And then there’s the whole client-confidentiality thing—oh, please!) There’s also some regrettable and dated racist shtick (Nightwood will no doubt cut that verse from the number). Yes, there are stereotypes, but Broadway paints in broad strokes, and the stereotypes are largely exploded. Nobody is cardboard, and even the colorless man whom Elle pursued to Harvard receives fair treatment. Certainly it’s too white; certainly it’s over-sexed. But it’s a hopping, hopping, creative comedic musical. Even for those of us who don’t particularly care for hopping, hopping, comedic musicals, it’s worth seeing, just to watch Elle’s story unfold. The play forcefully declares that women must support each other; it exposes the career-killing horror of sexual harassment; it encourages women to see themselves as capable and powerful advocates.

I decided to audition for the Lawyer Show this year not knowing anything about Legally Blonde, and concerned that the choice wasn’t necessarily pro-women enough. Now, with the words and music pretty much drilled into my head, I’m more excited about this production than I’ve been about any of the Shakespeare shows. Legally Blonde strikes a chord with me. I’m fifty-eight years old. I come from the days when it was not a common thing for women to go to law school. In my early days as a legal secretary—in the late 1970s and early 1980s—a “lady lawyer” was a rare creature indeed. That’s what we called them. Oh, please! “Lady lawyers.” Not just “lawyers.” “Lady lawyers.”

It’s just a Broadway comedy, full of flaws and stupidity and shriek and fun. But it says a great deal about women in law. Hats off to Nightwood for seeing that, and for choosing it for its 2017 production. Oh my god, you guys—don’t miss it!
Why Auston Matthews Is a Better Player

Sorry for the Cliffhanger but...The evidence is impressive. It comes in all forms—both qualitatively (through the eyes of amateur and professional scouts) as well as quantitatively (for those who do analytics and crunch numbers). As the—what is quickly becoming insurmountable—evidence continues to pile up and trend in favour of Auston Matthews, the message is loud and clear: sorry Buffalo Sabres, your hated geographical rivalgot the better of the two nineteen-year-old American ‘generational players’ currently playing in the NHL—at least at this young stage of their careers! The natural reaction, of course, is “why are we jumping to such a conclusion when neither one of them has 2 yet to have a hundred NHL games under their belt?” Eichel and Matthews have only appeared in ninety-seven and thirty-seven NHL contests respectively. Well, here is the proof...

Before I get to the good stuff, let me put in a disclaimer: I am pulling the equivalent a Back to the Future Part II here by doing a cliffhanger, although this time including but not limiting to...I have to be very careful to cover with my word limits, so love me or hate me, what I will do is focus on all the Pre-NHL reasons to prove my ‘generational player/talent’ formula of Matthews - Eichel - Matthews is the better/superior ‘generational player/talent’ of the two phenoms.

The ‘Generational’ Label in Scouting Reports:

Curtis Joe of Elite Hockey Prospects describes Auston Matthews as “a generational talent who has the potential to develop into a top-flight franchise center.” Yet, the word ‘generational’ is nowhere to be found in Jack Eichel’s scouting report, which happens to also be written by Joe. In fact, the only other player who is described as “a generational talent” on Elite Hockey Prospects is none other than Connor McDavid, the captain of the Edmonton Oilers! Yes, you heard it, even Sidney Crosby did not get the ‘generational’ label as he is classified as a ‘franchise center’ who is a ‘brilliant playmaker’. Ditto for Evgeni Malkin, who is dubbed as “a center with very good offensive abilities but who also takes responsibility defensively” and Alexander Ovechkin, who is referred to as “one of the best players in the world.” To this end, it seems that there is clear separation between Matthews and Eichel as the former is much closer to McDavid than the latter.

Number One Status:

If we were to take on a more macro view by surveying all of the major scouting services on a holistic basis, Matthews again would have a leg up on Eichel as the better ‘generational player’. With the exception of McKeen’s Hockey, which ranked Matthews as second best prospect in the 2016 NHL Entry Draft behind Winnipeg Jet rookie sniper Patrik Laine, all five of the other major scouting services had Matthews as the undisputed number one prospect in the 2016 NHL Entry Draft! On the flip side, all six of the aforementioned major scouting services had Eichel placed as the second best prospect behind McDavid in the 2015 NHL Entry Draft. Say what you will about the McKeen factor, but we cannot deny analytics as Matthews was recognized as the top prospect in his draft year by 5/6 - 83.33% of the major scouting services whereas Eichel was acknowledged as the best prospect in his draft cohort by none of the major scouting services.

The Level of Competition Factor:

Let’s face it. Even though Matthews was out of sight for much of the 2015-2016 season because he played in Europe, he more than held his own with his trailblazer decision. In fact, him playing in Europe was the Hockey East scoring champion, Player of the Year, Rookie of the Year, First Team Hockey East, a First Team Hockey East, a First Team Hockey East, a First Team Hockey East, a First Team Hockey East, an All-Rookie Team member, and the MVP of the conference tournament.

Here, we cannot really draw a direct comparison because Matthews’ accomplishments took place in a European professional hockey league comprised of men, whereas Eichel’s did what he did for a top amateur hockey program among teenagers. Still, subjectively speaking, we ought to give a nod to Matthews just because playing against opponents who are on average a decade older while still racking all those records is inherently a lot tougher than doing it against fellow players still completing undergrad.

Rising to the Top in the World Cup of Hockey Tournament:

In spite of being the first overall selection of the 2016 NHL Entry Draft, most hockey analysts were widely sceptical of Matthews’ chance of making the final cut for a spot on the Team North America (NA) roster in the World Cup of Hockey (WCH) Tournament. This scepticism is because of the competition and the depth of talent available, not to mention that Matthews had no NHL experience at all at that juncture. Eventually, pundits were proven wrong as he played his way into the lineup, starting against Canada in the group stage. Initially, Matthews was the thirteenth forward—essentially a spare player who would step in only if one of the NA forwards were injured. Yet, Matthews impressed NA head coach Todd McLellan so much that when pre-tournament games began, Matthews was given top-nine forward responsibilities as he was pencilled in to play left wing on the third line alongside Ryan Nugent-Hopkins and Nathan MacKinnon. By the time the tournament began officially, McLellan had Matthews inserted into the top line centred by McDavid, with the intention of creating a 1-1-1 punch dynamic duo that was unstoppable with two back-to-back first overall picks (from the 2015 and 2016 NHL Entry Drafts). Meanwhile, Eichel was relegated to second line duty throughout the tournament as he was slotted in to play with Johnny Gaudreau and Dylan Larkin. For the record, Matthews outperformed Eichel as the former recorded two goals and an assist for three points whereas the latter only had one goal and one assist for two points in three games. 99’s Endorsements: After watching McDavid and Matthews’ chemistry and magic in the WCH, Wayne Gretzky, the NHL’s all-time leading scorer with 894 goals, 1,963 assists for a total of 2,857 points, was incredibly impressed. In particular, he made the following heartfelt comments: ‘the other night I was thinking goosh, I could maybe play with that Matthews and Connor McDavid. They’re pretty good. I’d know where to go—put it that way.’

This is some high praise for Matthews coming from someone who has his jersey number retired across the league! The Great One’s compliments of Matthews then extend to outside of the rink as he remarked, ‘these kids, I’m most proud of the fact that they carry themselves with a great deal of class and dignity. Connor McDavid, Auston Matthews, Crosby—they’re just really nice people. And that gets passed down a from guys like Gordie Howie and (Jean) Beliveau and Bobby Orr, and it’s a great tradition in our sport.’

The rise of Matthews has made him a pioneer in that regard as nearly all hot prospects would opt to play in the Canadian Hockey League (CHL) or go the National Collegiate Athletic Association (NCAA) Division I route. If anything, he actually raised his stocks because he dominated competition professionally for the Zürcher Schlittschuh Club (ZSC) Lions in the National League A (NLA), where he recorded an impressive twenty-four goals and twenty-two assists for forty-six points in thirty-six games despite competing against grown men as a teenager. Indeed, the accolades back up his outstanding play as Matthews ended up being the second highest scorer on the ZSC Lions for the regular season and among the top ten scorers in the entire NLA. Statistically, Matthews’ 1.28 points-per-game average was also the second-best in the league. As icing on the cake, Matthews was also bestowed with the NLA Rising Star Award, and came in second in voting for the Most Valuable Player (MVP) award.

To be fair, Eichel had a solid year too in the 2015-2016 season, as he had twenty-six goals and forty-five assists for seventy-one points in forty games for the Boston University Terriers in the Hockey East Association of NCAA Division I hockey. As a matter of fact, Eichel became only the second freshman ever to win the Hobey Baker Award, not to mention that he...
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