Canada’s National Access to Necessary Medicines Strategy:
Has There Been Any Progress with Pharmacare?

In 1964, the Royal Commission on Health Services, or “Hall Commission,” named after Supreme Court Justice Emmett Hall, produced recommendations for a universal, public Pharmacare program for Canada, following Canada’s introduction of Medicare. Justice Hall argued that access to necessary medicines should be introduced as an additional benefit of the public health services program in Canada. The Hall Commission called for the federal and provincial governments to collaborate, compiling a list, or formulary, of medicines based on their clinical and economic value that would be made available to Canadians as part of a publicly-administered program.

In 1997, the National Forum on Health, an expert panel chaired by Prime Minister Jean Chrétien, recommended a universal, publicly-administered drug benefit program to promote access to necessary medications and to control costs of prescription medications. The National Forum similarly recommended that provinces include in their universal, publicly-administered drug plans necessary medications that have been shown to be both clinically and cost effective. The National Forum added the recommendation that such a program would only impose user fees on products that are not the most cost effective treatment options. For example, users pay a fee when more expensive brand name drugs are used rather than the less expensive, but equally effective generic drugs.

In 2002, the Commission on the Future of Health Care in Canada, or the Romanow Report, named after past premier of Saskatchewan Roy Romanow, followed suit and recommended that Canada’s federal and provincial governments collaborate to integrate medically necessary prescription medications within the already-existing Medicare program. The Romanow Report added that including “catastrophic” drug coverage would promote the objective of bringing prescription drugs under the Canada Health Act.

In November 2012, the Canadian Association for Health Services and Policy Research (CAHSPR) held a conference, “Ten Years Since the Romanow Report: Retrospect…and Prospect,” which highlighted stagnation in progress in the area of access to necessary medicines for Canadians, despite our universal Medicare system. This conference noted the complexities of Canadians’ health needs, Canada’s multijurisdictional system, and the gap in addressing the social and economic determinants of health. Roy Romanow, speaking at this conference, heeded that:

“Equity trumps income. Access to health care...
An Open Letter to Activists

Please, Pick Your Battles

Author › Ian Mason
Managing Editor

I can’t say I had particularly high hopes for 2017. It pretty much started with the US electing a creature who built an empire on narcissism, lies, and shady business practices, yet somehow, it looks like it’s just going to get worse. It also feels like the political left and right have been having incredibly violent sex on a self-destruct button, and the only reasonable people left in the room have little choice but to watch in disgusted awe. I imagine one shouting “get off!” (referring to the hypothetical doomsday machine), only for the two copulating ideologies to screech “I want to, but they’re a terrible lay.” Then the reasonable people start drinking Totally Awesome Sweet Alabama Liquid Snake—the official shooter of the end times—and crying. Oh, and I had to leave a hockey game due to illness for the first time in my life, because watching the world go to hell as people argue pointlessly over trivialities seems to be giving me ulcers (ok, the beer and putting striaches on everything I eat can’t help). In other words, now I’m furious.

This means I have to save the vitriol I intended to level at Trump, the GOP, and their remaining fanatical followers for another article. I’m not just likely to cross the line: at this point, I’d probably snort it. Instead, I’m going to commit a major modern faux pas, and hold my own side of the political spectrum to task. I know, we don’t see that very often, but it’s time to stop ignoring issues in one’s own camp to say “yeah, but look what that guy’s doing.” No one is immune to criticism. Before I begin, I should reiterate that I am hugely supportive of progressive activism. I’m in law school largely because a number of my friends were illegally detained during the G20 fascism in 2010. I was at a social gathering a couple of weeks after the event, when a family friend expressed the belief that the detentions were justified because the police were protecting the city from rioters. This was a common sentiment in the aftermath of that strange and awful weekend, and I explained as eloquently (and calmly, if you can believe that) as possible that most of the people they detained were completely uninvolved in any sort of violence. Furthermore, the arrests happened the day after the rioting in question, and seemed to be a misguided attempt to compensate for failing to prevent the events of the previous day. It was little more than a gross violation of civil liberties and people were celebrating it. That’s when another family friend (and ex-Bay Street lawyer) bluntly told me to go to law school. Of all people, he would know, and here I am. But if it weren’t for the government-sponsored abuse of activists in 2010, I would probably be mixing drinks. I’m very pro-activist.

However, I’ve recently seen some stuff that’s at best self-righteous whining and at worst pissing in the well from which you drink. For example, following the enormous women’s marches that happened this past January, some groups began accusing their agenda of being too favourable to white women. I had at least one friend complain that the Toronto women’s march was an example of white people having to take over everything. I’ll admit, we pretty much run things, and we can often be insensitive to the needs and tribulations of minorities (usually without noticing, because that’s how white privilege works). That said, a simple look at ethnic demographics in Canada provides a much more obvious reason for the prominence of white women at the rally: white women represent a vast majority of the women in this country, and by a wide margin, the largest minority of women in Toronto. In a women’s march that brought in people from across a predominantly white country, yes, there will be a lot of white people. Unless they were widely discouraged from attending (which would have been absurd), they were going to be the most visible group.

But the issue goes well beyond the ethnic demographics of today. Canada is a very diverse country, and this is something we simultaneously take great pride in as we take it for granted. As little as fifty years ago, this was not the case. In 1971, Toronto was almost ninety-six percent white. I remember joking to my dad that the “most Toronto thing ever” was playing pick-up hockey and then struggling to choose which of the five roti shops to visit on the way home. He replied that there probably weren’t five roti shops in Toronto in the 1970s, and we probably right. I remember my grade school teacher pointing out that people in this city rejected him in the 1960s because he was Hungarian. He was white, but he wasn’t white enough. Toronto became the diverse city that we know very rapidly. I don’t know anyone in my own white, met-bred family who thinks this is anything other than a good thing, and if they do, they’re certainly smart enough to keep that sentiment private. Multicultural Toronto is awesome.

However, our history is definitely something to consider if you look at a women’s march and think “too many white people.” Another thing we take for granted in Canada is the work of feminists in the early and mid-twentieth century. A woman’s right to vote is only a century old. Birth control was illegal before Trudeau (the first). Some schools wouldn’t let girls wear pants into the 1970s. Not surprisingly, a lot of these same women marched this past January, and many of them brought their daughters, to keep up the fight for incredibly basic rights that were disturbingly hard-earned. Incidentally, since many of these women were born in a Toronto that was whiter than a Kid Rock concert, this means that our most experienced feminist activists (who actually remember what it was like to not have basic rights) are going to be a dominant presence in a women’s march. Thirty years from now, this will almost assuredly be different, and that’s a good thing. But for now, if you want a speaker who remembers what it was like to find a back-alley abortionist in Toronto, I’ll bet that at least nine out of ten of them were white. Bringing up race was a ridiculous red herring that just made the people who brought it up look silly, and things are silly enough as is.

And as an aside (and something resembling full disclosure), my grandmother was an early feminist activist. If you name a progressive cause that was prominent between the 1950s and 1960s, there’s a good chance she was a volunteer. This wasn’t standing on a podium and telling Trump to go screw a garbage disposal (which I approve of, though she’d find it needlessly vulgar). This was licking envelopes, making coffee, and answering the phone. She kept volunteering for some causes well into her eighties. It wasn’t about who was doing what; it was that someone was doing something. If women like Grandma had said “I don’t feel included enough, so I quit,” countless women would have been left destitute by corrupt funeral directors who exploited widows in a time when equal pay was nigh-unthinkable. Modern activists are standing on the shoulders of giants (or in this instance, a ninety-two year old woman who’s maybe four foot eleven). Save the race card for the racist cop, not for the now-old ladies who have had it come to heel. And as an aside, if you don’t have to break the law to get an abortion because your boss raped you.

My broader point: pick your damned battles, and don’t turn away allies who have lengthy experience successfully fighting The Man. I like that we’re not letting issues like race and trans rights disappear, but save it for your actual opponent. Those white women who were allegedly not being inclusive enough are a big part of the reason Canada is such a desirable place for all women. That took a lot of work, and frankly, calling out a women’s march for being too white didn’t make anyone look like a champion for equality or diversity; it made them look like ingrates who tried to trivialize the work of countless people. Worse still, it validates the very people they’re trying to bring in by drawing divisions within our own ranks, and a carelessness in picking one’s priorities. Right now, the last thing we should be doing is validating a movement that wants to set the world back fifty years.

Grandma spent over fifty years voluntarily making this country a better place for all women. Not only does she not expect gratitude, she was grateful that I remembered. No one will expect you to live up to that standard, but try not to minimize so many lifetimes of work by derailing the issue. Especially not when the people you’re accusing of not being inclusive don’t even expect a “thank you.” They did it for everybody, non-whites included.
Crossing Borders and Disciplines: The Affect of Trump’s Travel Ban

Author: Jerico Espinas
Opinions Editor

One of the most controversial policies enacted by President Trump’s administration involves his travel ban, which was enacted shortly after his inauguration. The Executive Order barred refugees from entering the country for 120 days, and banned citizens from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen for ninety days. According to some estimates, between 60,000 to 90,000 individuals were directly affected by the travel ban. The issue was immediately criticized by numerous human rights and refugee activist groups, and was formally challenged by several states. Currently, the United States Court of Appeals for the Ninth Circuit upheld a temporary restraining order issued in State of Washington v Trump.

In response to Trump’s Executive Order, the Canadian Council for Refugees (CCR) brought up issues with Canada’s Safe Third Country Agreement (STCA), which allows refugees to seek asylum in Canada or the US. The STCA, which was created in 2004, assumes that both countries have fair and equitable refugee programs. However, given the Trump administration’s hostility towards refugees and other marginalized communities, the US may no longer be a safe destination. Law schools supported the initiative through a research-a-thon, gathering information that may support a legal challenge by the CCR against the STCA.

Critically, the Executive Order had a broad impact against different academic disciplines outside of law. Indeed, global health and public health advocates have vocally criticized the ban, claiming that it endangered the health outcomes of vulnerable communities. As they noted, diseases simply do not respect geographic and political barriers, and are capable of crossing borders despite intense scrutiny. For example, see the Zika virus cases in the US despite significant collaboration from different international health actors to contain the disease.

Peter Hotez, an infectious disease expert from the Baylor College of Medicine in Houston, Texas, was vocal about the travel ban’s effect on medicine in the US. “The ban could hamper our ability to learn about the epidemiology of neglected diseases emerging out of conflict zones. … Scientific communities across the world need collaborators in these countries who can combat epidemics before they arrive in the US.”

Of course, the ban also affects scientific research in the banned countries. For example, collaborators at the US National Institutes of Health and the Pasteur Institute of Iran have stated that the ban may negatively influence communication and research meetings in the long term. The ban disrupted their vaccine research on leishmaniasis, a parasitic disease that is caused by Leishmania donovani and that is fatal if left untreated.

The ban also impacted Sudan’s Mycetoma Research Centre, which is the world’s only research centre devoted to the tropical disease. Ahmed Fahal, the director of the Research Centre, was supposed to visit the US Centres for Disease Control and Prevention to discuss mycetoma monitoring and to find research partners. These plans may also be put in jeopardy.

As Hotez and many other public health professionals noted, it takes an international effort to combat international disease outbreaks. The Ebola outbreak was not solved by restricting travel and enforcing borders; it was addressed by providing aid and by facilitating cross-country research.

Trump’s travel ban could also affect the arts. Navid Kermany, a prominent German-Iranian writer and Islam scholar who was awarded the Peace Prize of the German Book Trade in 2015, and artist Kani Alavi, who painted sections of the Berlin Wall in 1990, could not effectively travel to the US following the order. Opportunities to collaborate artistically, much like scientific research, require movement and communication across borders, and restrictions only serve to hinder the spread of artistic achievements. As noted by Olaf Zimmermann, the head of Germany’s association of cultural institutions, “The international cultural exchange will be severely curtailed due to these measures.”

Overall, the issue of closed borders is interdisciplinary, affecting countless lives and numerous institutions. Whether it’s the sciences or the arts, society benefits from the unhindered exchange of ideas and people, and society is conversely harmed when this exchange is restricted. President Trump’s Executive Order emphasized these common connections, creating unlikely forums for different actors to voice their concern. Although the damage was severe, some are taking advantage of the frustration and backlash to consolidate power against the Trump administration.
should be based on need and the same level and quality of care should be available to all. Values matter... Respect matters. Public support for health care is not given freely. It is given in exchange for the commitment that the system will be there...when they need it. [And] evidence matters. We cannot build and sustain a durable, effective, and responsive health care system on guesses and unproven assumptions.”

In early 2013, health policy and services experts from across the country gathered in Vancouver for the “Pharmacare 2020: Envisioning Canada’s Future” conference on equal and affordable access to necessary prescription medications for all Canadians. The conference fostered collaboration and discussion between medical practitioners, researchers, policy makers, patient advocacy groups, not-for-profit research organizations, and industry representatives on pricing, patenting, availability, coverage challenges, potential roles of private insurance, and visions for Pharmacare.

Currently in Canada, there is a patchwork of public and private drug plans. Through this melange of plans, twenty-four percent of Canadians have no drug coverage and eight percent do not use prescription drugs as prescribed because of the high cost. Both families and individuals who are precariously employed or working low wage jobs have limited access to prescription medications. When people do not take their medications as prescribed, the health care system incurs greater costs. Because of inconsistent use, people end up in emergency rooms and doctors’ offices when their conditions worsen.

Lack of access to prescription medications disproportionately affects the low-income population. In 2014, people in the lowest income quintile, or the poorest one-fifth of Canadian households, spent twice as much out-of-pocket on prescription drugs per year: $645 vs. $300, respectively. Furthermore, research indicates that prescription costs can play a role in bankruptcies. A study on Canadians who filed for bankruptcy between 2008 and 2010 found that seventy-four and a half percent of respondents who had a medical bill within the last two years reported that prescription costs were their biggest medical expenses.

Poor social determinants of health, particularly poverty and income, are associated with poor health outcomes and increased disease incidence. Risk can be magnified if individuals are unable to access prescription medications. It follows that those who are most at risk for illnesses are especially prone because they cannot access important medications. Canada’s lack of a national Pharmacare program is contributing to health inequities and putting many low-income Canadians at significantly more risk.

Until a national Pharmacare plan is implemented, health practitioners should ensure that they are assessing patients’ abilities to pay for medications on a regular basis. Primary care providers can include questions about income and other important social determinants of health when making their assessments, gauging their patients’ abilities to pay for medications that they have prescribed. If patients are not adhering to their medication regimes, it is important for healthcare providers to find out whether cost is a factor. To reduce costs, patients can consult with their doctors to determine if every prescription is necessary, if fewer medications would result in similar outcomes, and if generic alternatives are available.

Healthcare providers also have a role in advocating for a Pharmacare strategy and can encourage their professional associations to join in advocating for reduced prescription costs through a plan.

The World Health Organization has affirmed that all nations have the obligation to ensure equitable access to necessary medicines as part of their universal health care systems. Canada is the only developed country with a universal health care system that does not provide universal prescription drug coverage. Today, Canadians, including individuals, interest groups, and politicians, continue to advance arguments in favour of Pharmacare as an expansion of public health care coverage in Canada. The theory, evidence, and policy experience have led to a series of recommendations by Pharmacare 2020, a Canadian health policy research collaboration. These recommendations have been endorsed by 281 research leaders in health policy, health economics, health services research, medicine, pharmacy, nursing, and psychology. These recommendations can be found at pharmacare2020.ca. These recommendations are founded on four principles and key policy goals: universal access to necessary medicines, fairness in the distribution of prescriptiondrug costs, prescribing safety and appropriate- ness, and value for money, affording Canadians with maximum health benefits per dollar spent.

These foundational principles inform four public policy recommendations. First, universal coverage of selected necessary medicines for a national formula should be of little or no direct cost to patients through Pharmacare. Second, financing medically necessary prescription drugs should be conducted at the population level, without needs-based charges including deductibles, coinsurance, risk-rated premiums, or external plan sponsors. Third, for an effective national program, a publicly accountable management agency that operates under a transparent budget to secure the best health and cost outcomes for Canadians, working in conjunction with Medicare to ensure its universality, comprehensiveness, and sustainability.

This article was written by Adrienne Shnier and Sarah Katz. Adrienne is the Editor-in-Chief of the Osgoode Health Law Journal. She received her PhD in Health Policy & Equity, with a specialization in conflicts of interest, medical education, and pharmaceutical industry promotion from the School of Bioethics from the University of Toronto.

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).
Between a 1L Summer Job and a Hard Place

Why Osgoode Should Change Summer Clinical Employment Acceptance Deadlines

Author › Raajan Aery
Contributor

It goes without saying that the 1L recruit process is incredibly competitive and stressful for applicants. While most of the issues students have with the process are due to the low availability of interview offers and even fewer employment offers, there's one frustrating situation that the Osgoode administration could unilaterally solve.

The issue is that students must accept summer clinical positions before they have a chance to interview with firms that participate in 1L recruit. To illustrate this problem by example, a student would currently have to decide between following through with an interview offer for a competitive Bay Street job or to instead accept a guaranteed CLASP or Parkdale summer offer.

To fix this, the administration should schedule acceptance deadlines for summer clinical positions for after 1L recruit offers have been distributed.

The Law Society of Upper Canada determines the procedures that apply to first-year summer recruitment positions. This year, the Law Society required that interviews for these positions be conducted between February 21st and February 23rd. Because there are few positions offered, and because there are hundreds of applicants for each position, there are limited interview offers for these positions. 1Ls quickly learn that even the highest achieving first-semester students are not guaranteed interviews through this process. As such, interviews for these positions are valuable opportunities for students who receive them.

Some of Osgoode's clinical and intensive programs also offer summer positions to a select group of accepted applicants. This year, the deadline to accept these offers was February 15th. This is the same day that successful applicants for each position, there are limited interview offers for these positions. 1Ls quickly learn that even the highest achieving first-semester students are not guaranteed interviews through this process. As such, interviews for these positions are valuable opportunities for students who receive them.

The Osgoode administration cannot alter the schedule set by the LSUC, they have the authority to change the acceptance deadline for summer clinical positions. Moving the deadline would benefit Osgoode students who have been offered interviews for summer positions through Osgoode's clinical and intensive programs and who also have interviews scheduled through 1L recruit. Students who have summer offers for positions through Osgoode's clinical and intensive programs and who also have interviews scheduled through 1L recruit must make a difficult decision. Should they risk not having a law-related summer job at all if they deny the clinic? Does it make sense to pass up an opportunity to interview for some of the most competitive positions that are offered to 1L students?

Ultimately, 1L students should not be forced to make this decision. The acceptance deadline for Osgoode's summer clinical positions should not be scheduled in such a way that limits the opportunities of Osgoode's first-year students. The goals of the administration should reflect the goals of the students – to have the greatest number of options to make the most informed decision. Students pay hefty tuition fees to attend law school. Undoubtedly, it is our law school's responsibility to maximize our career opportunities and utilize those fees in the best interests of students.

This is easily a feasible proposition. The University of Toronto Faculty of Law has scheduled their clinical acceptance deadlines after the distribution of 1L recruit offers. The obvious question is “why wouldn’t Osgoode do the same?”

One must ask what the benefit is of the current deadline regime. Some might argue that our administration stands to benefit from the status quo. Even if this were the case, it would be better for our law school’s reputation to allow students to pursue a greater number of opportunities.

Others have insisted that the administration would like to hire the highest-achieving students for its summer clinical positions. Although this position would privilege the concerns of the administration over those of the students, it would at least be explicable because both the administration and the clinics have an interest in hiring the most capable students.

However, it would be of greater benefit to the administration if Osgoode students obtained a greater number of highly-competitive positions. The more Osgoode students there are that accept such positions, the more Osgoode can boast about its students attaining those positions.

There is no shortage of capable students to fill summer clinical positions if more students instead opt for 1L recruit positions. Yet, there are an ample number of students who currently do not receive summer employment through either process. As stated earlier, some of the brightest students do not receive offers from either process, and many would be willing to fill any positions that would be left vacant because other students received 1L recruit offers.

Given the competitive nature of finding a law-related 1L summer position, the administration should do everything they can to relieve this pressure. Changing the deadline to accept summer clinical positions is easy, costs nothing, and benefits both the administration and students.

With the help of Shana-Kay Wright, the 1L Student Caucus Representative for Section C, we have been able to bring these concerns to the administration. They will hear these arguments on March 1st at a meeting of the Clinical Education Committee. Hopefully, we can make this simple change to the 1L recruit structure at Osgoode and can empower the decision-making ability of future 1L students.
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Unlike business or other industries, where it is often not clear how much power you are exerting in a situation, in a legal career we know that we are in positions of power, so it behoves us to start early in the process to learn not just to apply the consequences to other people’s actions but to consider the profound implications of our own practice on those around us. Law school, like parenting, is the rare opportunity to engage critically with our own firmly held assumptions and try to learn from people around us whom we do not encounter in our established circles, and may not meet again after we are done.

Learning Strategies

When I got pregnant the first time around, I was inundated with information. Mostly it was information intended to provide “expert help” on how to cope and how to incubate and raise the perfect human. I worked in a culturally diverse environment, but there was a lot of talk about expert advice. I followed the websites and a couple of books for a while but quickly realized that mostly they were good at inflating my pre-existing neuroses, which nobody needed to see amplified.

I was raised in Toronto but had been out of the city for the most part since high school and so did not have a large group of local friends when I first gave birth. The people I met in the months after had also recently given birth. It turned out that for me, at least, that was not a sufficient connection point. It reminded me a great deal of high school, in fact. Everyone was talking about it, but no one really knew anything (remind you of anything else you know?). In high school, it was sex, in early parenthood it was a lot of things, though it was mostly sleep. Here it seems to revolve around “success.”

Before my first child was a year old, I discovered a different place. People came whether they were moms or dads, whether they lived around the corner in a mansion in the Annex, or around the corner underhoused, whether they were straight or queer. Beyond that, people came with their older children. When you walked into that space, someone could always tell a war story that was worse than your day. Not in a one-upping sort of way, but to put you at ease. Putting everything into your mouth is normal for a kid. Getting frustrated with your partner is something that happens in a marriage. Miscarriage happened to me too. Big things, hard things and ridiculous things, nothing was off limits.

Places like that are hard to find in a society that values the convenience of being right there and the cohesion of moving with your cohort- this is just as true in elementary school, and perhaps also, here. I learned three things about learning strategies for parenting from the Children’s Storefront, which is the name of the place I found. If you want to learn a new way of doing things because what you’re doing right now isn’t working:

1. Find a person whose kids you admire and ask them for recommendations.
2. Find a book that purports to help and look in the index for a topic you already have an opinion on-read that section. Whether you choose to read about the issue you want to understand better or not, you will have a good sense of the context in which the advice is being given.
3. Don’t look for experts, look for comparisons. Look at comparative ethnographies, that study how different cultures address the same question.

That brings me to why I think it is useful to apply these possibilities at school. Making connections is a big part of why we are at law school. The law is as much a profession of relationships as it is one of rules. Learning how to evaluate the information you are given by peers who are giving advice or just venting is a good way to build up your own roster of understanding and reaction.

But most importantly, especially since the law is such a powerful tool and many of us will not practice it within sight of those most affected by our actions, the greater the variety of approaches to the same problem you encounter, the more well-rounded your approach to the law.

So, what would those three things look like in law?

1. Upper years, practitioners we are lucky enough to have come to school regularly and our professors are all people who are happy to mentor us individually. Obviously, you have exercise judgement and expect that some people will say no, but that is good practice, too!
2. There are entire libraries filled with books on legal theory, legal ethics and legal practice; the parallels here are straightforward.
3. You can still go to the library for ethnographies, but here I would say that it might be more useful to engage in conversation especially with peers, colleagues and more experienced people with whom you do not share a background. Again, be judicious and respectful—after all, you are asking to learn.

Unlike business or other industries, where it is often not clear how much power you are exerting in a situation, in a legal career we know that we are in positions of power, so it behoves us to start early in the process to learn not just to apply the consequences to other people’s actions but to consider the profound implications of our own practice on those around us. Law school, like parenting, is the rare opportunity to engage critically with our own firmly held assumptions and try to learn from people around us whom we do not encounter in our established circles, and may not meet again after we are done.
People Who Got Cs And Lived To Tell The Tale

Compiled by Ian Mason
Managing Editor

When you received your acceptance to law school, you were elated. The positive energy continued right through Orientation Week, when you met your new friends and colleagues, and began the path to becoming a lawyer. Your first semester was a grind, but you made it. Then grades came out, and maybe you feel like you didn’t make it at all. You might be feeling discouraged. You might feel like you shouldn’t be here. You might be worried about your future.

We are here to disuade these thoughts and regale you with inspiring stories from People Who Got Cs and Lived To Tell The Tale. A quick thank you to everyone who contributed to this article. We are grateful for your candor and willingness to provide comfort and inspiration to others.

From an Upper Year
Dear Disappointed-in-1L,

So it finally happened. You spent the last four months pouring your heart and soul into your books (or maybe you didn’t) and then another month and a half agonizing over how well (or poorly) your exams went, and you are now left with a very small number of letters. They are terrible! (If this is you, go read something else; this letter is not addressed to you.) These letters on your transcript are profoundly disappointing.

OK, if we’re being completely honest, they may even be downright devastating. Does it feel shitty? Yes. Yes, it most certainly does. Does it matter much? Probably not as much as you might think.

A year ago, when I sat where you do now, I already had two Cs on my law school transcript. By year’s end I had added two more. While I finally managed to get a B– in 2L (and yet another C), to this date there is not a single A on my transcript. Not one! And yet somehow I landed one of those coveted summer spots at a Bay Street firm. So when I tell you those Cs are not actually the end of your world, I want you to know that these are not empty words.

You ARE MORE THAN YOUR GRADES! When firms hire, they hire the whole person. They look beyond your transcript at all the other things you do in life. Of course, a great transcript can help you get your foot in the front door. But most places have more than one entrance (think of your network and what your resume and cover letter communicate both of those things to employers, who were able to see me for me, and not as a collection of letters. Keep your gorgeous heads held high, everyone. Like George Michael says, “You gotta have faith!” (in yourself!)

From Ian Mason

What the heck, I’ll throw my hat in the ring. I’m a Cr-student. There were five years between my last undergrad exam and my first law school exam, so aside from struggling with significant mental health issues and dealing with new and hugely complicated material, I was simply rusty. Since I’d almost dropped out in October, just passing was a victory.

Even then, as things started to get better, my grades only improved slightly. I’m happy when I see a grade that isn’t an A. In practice, those coveted As and expected Bs don’t mean as much as they did in undergrad (or even the last year of high school). In undergrad, a C average basically meant you could forget about graduate studies. With law school, it means you’re less likely to get a better job out of the gate, but even then, a surprising number of your employers simply don’t care. I’m currently doing an OPTR volunteer work placement where the lawyers I work with asked about my grades and said “that might come up one or two more times in your career.” I know a personal injury lawyer who got a D in torts; he’s a partner at his law firm, and his opponents speak well of his abilities.

If anything’s going to derail your legal career, it’s not going to be the occasional C. If you want a better idea of things that can derail a legal career, feel free to ask me about the stupid crap I did in my teens and early twenties.

From a lawyer

Nobody cares about grades when you’re in practice. The firm that hired me less than a year of getting called didn’t care about my grades, they were more interested in my experience. So focus on building experience while in school and foster relationships with other students, lawyers, and professors because those relationships will matter.

From another lawyer

My firm doesn’t care if you got Cs in law school. We look at everything: if you have a demonstrated interest in our practice area, if you have work experience (and what kind), and if you’re good. You can be good at your clinical work, at moot court, or at student government. Just be good! Having a personality helps too, so definitely do that.
We are surrounded by messages in law school about preparing for our future careers in law firms or government offices. I have never wondered if there is another possible path to take with your law degree! If so, you are not alone. Alternative Careers Week is happening at Osgoode from February 27 to March 3 to give students the opportunity to learn about careers that do not fit the traditional path of working for a law firm or the government as a lawyer. To give you a sense of the types of career journeys you will hear during the week, I will tell you about a true legal pioneer: Eva Marszewski.

Eva Marszewski: A Trail-Blazer in Alternatives to Conventional Lawyering

Eva's early years in the legal field

When Eva entered law school, there were approximately six women in each first year section at Osgoode. Eva developed a passion for litigation when she was told repeatedly that women could not handle litigation and no one would ever hire a woman litigator. Eva defined expectations for a woman in the mid-1970s and practiced successfully as a litigator specializing in family law.

Eva became disillusioned with litigation in family law matters because the litigious process destroyed relationships. She saw that individuals who needed to have mediation would not have the transportation, tools, or funds for mediation. She saw that individuals in the justice system care about youth but the system itself is bureaucratic and can be devastating to young people. Through an alternative dispute resolution system itself is bureaucratic and can be devastating to young people.

Eva served on the board of a North American Association (now known as the Association for Conflict Resolution). Through the Association, she met Justice Barry Stuart from the Yukon who introduced her to sentencing circles in Aboriginal communities. Eva observed a circle involving a youth in his late teens convicted of arson. The judge in the case indicated that he was willing to consider the recommendation of the circle before pronouncing the young man's sentence.

The youth indicated he was sorry he had burned down someone's home but felt helpless to rectify the situation. He stated he had the skills to build a new house but did not have the transportation, tools, or funds for supplies required to build a house. The members of the circle immediately brainstormed options to loan him tools and give him transportation to the site where he could build a new home for the family who lost their house due to his actions. He was also offered more hours at his job so that he could earn the money for supplies to rebuild the house. The judge supported this recommendation; the young man did not go to jail and instead was sentenced to build a new home to replace the one he burned down.

From lawyer to charitable CEO

Eva thought that all young people should have the same opportunity she saw in the Aboriginal sentencing circle—to be supported by the community and make reparations after a crime instead of going to jail. Coincidentally, the Youth Criminal Justice Act was proclaimed at that time, enabling crown attorneys to divert young people out of court before trial. Eva took advantage of this opportunity and incorporated Peacebuilders International and sought a grant from the Law Foundation of Ontario to establish a circles-based diversion program for young people at the Ontario Court of Justice at 311 Jarvis Street in Toronto. The youth indicated he was sorry he had burned down someone's home but felt helpless to rectify the situation. He stated he had the skills to build a new house but did not have the transportation, tools, or funds for supplies required to build a house. The members of the circle immediately brainstormed options to loan him tools and give him transportation to the site where he could build a new home for the family who lost their house due to his actions. He was also offered more hours at his job so that he could earn the money for supplies to rebuild the house. The judge supported this recommendation; the young man did not go to jail and instead was sentenced to build a new home to replace the one he burned down.

Eva's advice to students seeking alternative careers

Eva's advice to students who want to pursue a new idea like Peacebuilders is to learn about charitable foundations. Foundations tend to embrace new ideas and see long-term perspectives. Develop relationships with foundations that are interested in work you want to do and then pitch the idea to them. You can take on the role of project manager so you can still eat and keep a roof over your head. Then watch lives change because you did something innovative. Eva believes that individuals in the justice system care about youth but the system itself is bureaucratic and can be devastating to young people. Through an alternative dispute resolution and restorative justice process in the criminal justice system, Peacebuilders now offers youth guidance and support otherwise unavailable in the justice system.

Eva's decision to give up legal practice to found a charity, and her willingness to embrace new ideas that were unconventional at the time—litigation for young people. Through an alternative dispute resolution and restorative justice process in the criminal justice system, Peacebuilders now offers youth guidance and support otherwise unavailable in the justice system. Eva's advice to students who want to pursue a new idea like Peacebuilders is to learn about charitable foundations. Foundations tend to embrace new ideas and see long-term perspectives. Develop relationships with foundations that are interested in work you want to do and then pitch the idea to them. You can take on the role of project manager so you can still eat and keep a roof over your head. Then watch lives change because you did something innovative. Eva believes that individuals in the justice system care about youth but the system itself is bureaucratic and can be devastating to young people. Through an alternative dispute resolution and restorative justice process in the criminal justice system, Peacebuilders now offers youth guidance and support otherwise unavailable in the justice system.

Alternative Careers Week

To hear more inspiring stories about unconventional paths you can take with your legal education, attend events during Alternative Careers Week:

- Mon. Feb. 27 – Local to Global Impact: Careers in Policy, Politics, and International Law, 12:30-2:20 pm, Room 1005/6 (Moot Court)
- Tues. Feb. 28 – Getting Down to Business: Careers in Academia, 12:30-2:20 pm, Room 1001
- Thurs. Mar. 2 – Design Your Career session sponsored by Student Caucus, Student Services and the Dean's Office, 100-3:00 pm, Helliwell Centre
This being Black History Month, it’s apt to begin with the words of Malcolm X:

“We declare our right on this earth...to be a human being, to be respected as a human being, to be given the rights of a human being in this society, on this earth, in this day, which we intend to bring into existence by any means necessary.”

Over 200 food service workers at York University are doing precisely this: declaring their right to be full human beings in this society, here and now. For their audacity, they find themselves up against a giant, scandal-plagued multinational corporation, and a feckless university administration that proclaims social justice while letting go of the rights of a human being in this society, on this earth, in the words of Malcolm X:

“Either come into work ill or stay home and lose a day’s pay.”

The amount of food that people put away in one sitting. The change of scenery has been healthy. But anyway the aspect of the good life I struggle to come to terms with: I brunched at the hotel dining room and couldn’t help but to think about the workers who are risking their lives to provide us such a luxury. The little houses built so many moons ago, hark back to themes of division and fear.

Years ago, I heard talk of how there was no place to pass the holidays like Nürnberg. Well, this year, to that I can bear testimony. You must already know how rural Europe can be: outside the metropolis, everything is pretty. The little houses built so many moons ago, hark back to different times, to different eras. The talk of the townsfolk, with their regional lilt, so much like one would imagine, reading any of the Brothers Grimm’s fables. In Nürnberg, at the Christmas market, for example, it was easy to linger at the kiosks, eavesdropping on vendors calling out in their tongue twisting fashion, “Bratwurst bidder! Biddel Bratwurst!” We got a beautiful hotdog in a sleepy little town half hour away from Nürnberg, three hours from the town he grew up in. The hotel is amusing. All the signs in the room are written with double meaning. The laundry bag comes with a card reading, “Die besten Erinnerungen enden mit der Signaturen Kledasung” – the best memories end with the dirtiest clothing. Beside the towel drying iron, a little sticker asks, ‘Immer noch Feucht?’ – still wet? And the little treasure box they replenish in the bathroom daily comes with a small black packet, “For being Indiana Jones”, it says. Open it up and you won’t need to guess what’s inside the gold foil wrapping! The sign on the bathroom door is the most glaring: ‘FKK Zone’ in bold text and just beneath that in English, “Nudists only: I forget now what the abbreviations stand for. Oh, wait! I just Googled it: Freikörperkultur! Free body culture! It is nice to be away from the city. Nice to have left Toronto for the few weeks. (I headed to the airport directly my last exam ended!) It is sad what happened in Berlin recently. The following day we went to that Christmas market. Coincidentally, the country’s next president arrived at the scene at the same moment. There were so many journalists, so many camcorders, a good crowd of people. With all of that, the aura was complete stillness. People spoke hardly, and then only in the slightest hushes. In the church just beside where the carnage happened, people queued up quietly to write their regrets in the book of condolences. A thousand candles flickered flames of hope at the altar place. A great big Christmas tree, with wide open arms, hovered above the gathering. Too many roses piled the shrine outside the market. The biggest wreath: from the United Arab Emirates. The good news is, as some one reported right after the incident, life continues in the city. They closed the market for two days followed. But elsewhere, things trended on as usual. It is a pity that we fight such wars in peace time. It is a comfort that people refuse to be cowed, even if they grow careless: on one side, workers during to claim livelihoods fit for human beings; on the other, a corporation intent on bringing them to heel. If ever there was a strike to win at York University, this is it.

As it turns out, Aramark picked the wrong workers to bet against. Back in December 2016, after being without a contract for three months, Local 75 held a strike vote that returned a 100% strike mandate from its membership — the clearest possible expression of worker unity.

Then, with Aramark still refusing to bargain, the union executed a powerful one-day strike on 2 February, with overwhelming support from faculty, staff and student allies. The strike, which Aramark had initially planned to undermine using scab labour, resulted in the fractious, last-minute closure of all Aramark food outlets on campus.

Strike one, strike won.

In the face of an increasingly self-confident and determined workforce, Aramark got desperate. On 3 February, a day after the strike, the company couriered personalized letters, signed by Aramark’s Director of Human Resources, directly to the homes of workers. The letters opened with words of concern for “you and your family’s well-being,” before lamenting, without irony, “the financial impact that a strike can have upon our employees.” Workers were then urged to accept Aramark’s “reasonable offer of settlement” because, apparently, “in strike situations nobody wins.” These sound like the words of a faltering employer, one no longer confident in its ability to dictate the course of events. But, crucially, it is an employer still too arrogant to face its employees at the bargaining table.

And so the workers have pressed forward. Emboldened by Aramark’s botched strike-breaking manoeuvre, and inspired by the power of its own organizing, Local 75 is upping the ante. On 16 February, food workers will be going back on strike — not to tweak what already exists, but to put an end to it. The stakes of the coming upheaval thus couldn’t be any clearer: on one side, workers during to claim livelihoods fit for human beings; on the other, a corporation intent on bringing them to heel.
one of the main contributions that technology can make to law is providing innovative ways of promoting access to justice. In this article, I will analyze one particular kind of technological solution to this problem: gamification of educational software.

First, access to justice will be defined as a broad concept, including the idea of “law as a life skill.” Second, I will demonstrate what types of technology are being built to address the problem and how they are being built. A few examples are going to be featured. This piece will then critically analyze the goals and possible impacts of this type of legal technology. Finally, the main barriers this type of approach faces are going to be presented.

2. Access to Justice: A Broad Concept

Usually, access to justice is a concept too narrowly defined. People tend to associate it exclusively with access to courts, lawyers, and the judicial system as a whole. Despite this being one of the core concerns in Canada, access to justice gaps are also spotted in different ways. According to the Action Committee on Access to Justice, public awareness of rights, entitlements, obligations, and responsibilities, as well as, public awareness of ways to avoid or prevent legal problems are, among others, important expressions of this concept.

Following this way of thinking about access to justice, the idea of “law as a life skill” shows up. According to the Canadian Forum on Civil Justice, adult Canadians experience approximately 35,245,000 separate everyday legal problems within three years. An everyday legal problem is understood as:

“[A] problem arising out of the normal activities of people’s daily lives that has a legal aspect and has a potential legal solution. The problem is therefore justiciable and of potential legal interest. An everyday legal problem is justiciable and of potential legal interest." The notion of law as a life skill advocates that all people, not only lawyers, should be educated and trained to know how to act when facing an everyday legal problem. This concept assumes that people just have to learn how to face these problems after they occur, causing real issues. When faced with legal problems, people are usually passing through a sensitive, tough, and difficult situation, making it harder to develop these abilities and capacities. The difficulty to educate society about law is making the learning process more appealing and accessible before people actually face problems, then games and “gamified” technological tools can be a real way of attracting people to educate themselves. Therefore, this kind of technology should have a real positive effect on access to justice in Canada and worldwide.

Believing in this approach, some developers came up with a few ideas. The Texas Law-Related Education Group is doing a job worthy of being cited as an example. The group developed a nice range of light-weight games where the user can learn about different fields of law, such as copyright, evidence, constitutional law, and more. What make the games created by this group stand out among others is the fact that they are lightweight, very interactive, fun flash-based games with simple and easy commands.

Despite the existence of some examples of well-done gamifications on law education, most are not doing well. This makes it easy to spot the difficulties and barriers that must be faced in order to increase success in the area.

3. The Main Barriers

There are two categories of problems holding back gamification in law education in order to provide access to justice: first, structural problems, and second, superficial problems. Structural problems are those which may be inherent to legal education and superficial problems should be understood not in a pejorative way, but as a solvable problem that tends to be easily fixed by more investments and research takes place.

Preparing people to face everyday legal problems does not necessarily work. As Professor Catrina Denvir states: “It is important not to overestimate [the internet’s] utility. For public legal education and self-help we find that the internet increases knowledge of rights, but that this knowledge does not equal confidence or competence with regard to action.”

In conclusion, technology can be very useful to law in order to provide access to justice, and gamification is one way to make this challenge easier. Technology and gamification cannot be overrated.

Another structural problem is that gaming and technology tend to be exclusive. All of the arguments made in this article presume that people have access to hardware, know how to properly use them, and actually are willing to use them. Games and gamification seem to, perhaps, work only for some particular ages and educational levels. One of the superficial problems is the difficulty to make attractive games for the general public without losing the educational value. This problem is called “content appealing.” In other words, most legal games are just boring and unattractive to everyone, except lawyers. Design thinking could be an interesting way of developing law-related educational games. It seems that, most of the time, games are re-developed by lawyers or law students without consulting and understanding the aimed public.

An additional superficial problem comes from a lack of investments, also called “visual appealing.” Most games are not up to the standards or expectations of the commercial games with which likely users would be familiar. Graphics quality is an important factor to attract gamers and this lack of plastic knowledge causes some projects to fail.

5. Conclusion

By understanding access to justice as a broad concept, including the idea of law as a life skill, one can make a direct connection between technology and access to justice. The idea of preparing people to face everyday legal problems can become more successful if properly assisted by technology. Gamification has an important role to play in this approach and can contribute to access to justice by making legal education more attractive and enjoyable to most people. Although there are problems involving this kind of approach, some of them can be fixed and others cannot.

In conclusion, technology can be very useful to law in order to provide access to justice, and gamification is one way to make this challenge easier. Technology and gamification cannot be overrated.
The Davies summer experience?

Ask our Osgoode students.

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Class of 2016

Dajena Collaku  
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