OSGOODE WORKERS WIN $15 MINIMUM WAGE

By March 2018, every person working at Osgoode Hall Law School will be making $15 an hour or more. That makes Osgoode the first major post-secondary academic unit in Ontario to bring its employment practices in line with the demands of the Fight for $15 and Fairness campaign (FF15), which is calling for a $15 statutory minimum wage for all workers in Ontario, and other reforms to raise minimum labour and employment standards.

Most workers at Osgoode have long made more than $15 an hour. The two glaring exceptions were Juris Doctor student research assistants, and food service workers employed by the subcontractor Aramark Canada Ltd.

Research Assistants Win a Raise

"Students are in a uniquely dependent relationship with their employers," explained Osgoode law student and research assistant Alec Stromdahl. "The same institution that controls your academic life controls your wage. I would have worked for free if asked. The university knows this. Instead of paying you what your work is worth they pay you what you are willing to accept... which is any bread crumb they deem to offer."

Full-time Osgoode faculty are allocated a certain number of RA hours for the summer, fall, and winter terms. For the summer of 2016, each faculty member
Make believe it’s not just madness
Examining my near-obsession with “Michael Clayton”

Before law school, I watched the film “Michael Clayton” once a year. Now, on the cuff of articling, I’m up to three to four times. I’ve thought about my fixation with this rather sad film for a while, and finally decided to write about it.

Michael Clayton (played effortlessly by George Clooney) is a “fixer”—a lawyer who deals with “everything from shoplifting wives to bent congressmen.” When one of the firm’s most prominent litigators stops taking his bipolar disorder medication and starts sabotaging their firm’s most important case, Michael is tasked with bringing in the rogue lawyer. In the background is the three billion dollar lawsuit in which Michael’s firm, Kenner Bach & Ledeen, acts for the Monsanto-like defendant corporation.

I won’t spend many words on the plot. Not that it isn’t excellent, it is. But what I find most compelling about “Michael Clayton” is its characters. I’m not yet a lawyer, and my problems are minimal compared to those faced by theirs. Still, I find them more relatable and their stories more significant with each viewing.

When Michael asks his son to bring a favourite book next visit, only to be told his son brought it last time, my heart aches for all the conservations I merely semi-participated in because I was thinking about work. Michael’s eyes looking out the car window and half-listening to his son are my eyes glancing at a work email and half-listening to a best friend. Unfortunately, most of us will have to learn to manage preoccupation with work that isn’t done, because the work will never be done.

Michael seems to never smile, and his motivations are hard to pin down. He has an aura of someone who had great talents, great looks, and great opportunities, only to squander them. He’s been an associate for seven or more years without making partner, and due to debts that aren’t entirely his fault he’s living nearly hand to mouth. His beautiful sparkling kitchen counters are littered with takeout menus. Is this all he has? Is this all he wants? Or is this all he thinks he can do?

Then there’s Karen Crowder, played fearlessly by Tilda Swinton. Karen is general counsel for the defendant corporation. We first see her panicking in a bathroom stall; we aren’t told why. But there’s a moment when she really ought to. She’s a stark reminder that not good enough, or just aren’t the right fit for the big leagues? Sounds familiar. Maybe I’m reading too much into Karen, but maybe that’s just an echo from a well-engrained patriarchal tactic.

Rounding out the main characters are two senior partners at Kenner, Bach & Ledeen. Tom Wilkinson, who knows exactly where the line is and how to act along it, plays Arthur Eden, the aforementioned rogue litigator. Finally, there’s Marty Bach (Sydney Pollack, one of the few actors who can convincingly shut down Clooney on screen), named partner and Michael’s “meal ticket.” These two are on a path that once ran together, but has now forked. The fork is the realization that they’re on the wrong side. Arthur seemingly gains his insight after halting his medication; we’re not told when Marty gained it.

In response, the characters diverged. Arthur started sabotaging the corporation’s case, ridding himself of what he sees as a “patina of shit.” Marty, however, decided to stay the course a seemingly long time ago. In a brilliant and devastating scene, Michael posits that the firm may be on the wrong side. Much like a disappointed parent, or a long burnt out teacher, Marty grimly scolds Michael: “Fifteen years in, I’ve got to tell you how you pay the rent?”

These characters are all on the same merry-go-round; they’re just on different horses. And there’s a push-pull dynamic that makes each character’s actions mould the options and outcomes of others, sometimes with tragic results. The lawsuit, the tie that binds them all, merely обоys in the background. In fact, law itself is rarely at the forefront of this film. Much like the profession, it’s the lawyers themselves and the relationships between them that dictate the result of the case.

So what does this all mean? Why do I keep watching this movie? I don’t know if I know that yet. But it’s at least partly to establish what not to do as a lawyer. As Michael bluntly reminds Arthur, our lives and careers don’t “just happen overnight.” As lawyers we will all make choices everyday that will have the potential to vastly shape the future of a work product, a file, or even our careers themselves. Michael, Karen, Arthur, and Marty are sound reminders of what futures are out there; we ought to make choices that steer us away from those conclusions.
Osogoode has a rich tradition of bringing current and former Supreme Court Justices to share stories of their own trials and tribulations as young students, lawyers, and judges. Thanks to the efforts of the Canadian Italian Association of Osgoode (referred to more commonly as “CIAO”), the Honourable Frank Iacobucci was able to get up close and personal with students last Wednesday, sharing anecdotes about his childhood and personal life as he rose through the ranks to Canada’s top court. CIAO was also delighted to host former Cabinet Minister and current York Chancellor Gregory Sorbara who, as a friend of Justice Iacobucci, delivered a heartfelt and sincere opening address. Our beloved Osgoode Hall was very fortunate to have such a star-studded lineup for their students.

Family is everything for Justice Iacobucci. We asked him what his greatest accomplishment is, and he told us, it is meeting his wife Nancy while a student at the University of Cambridge, followed thereafter by the birth of his sons. To quote Justice Iacobucci, “providence trumps planning,” in that his greatest achievements (namely, his family) were not the result of meticulous planning and calculation, but because of fate and his willingness to “follow his heart.” This is a particularly salient message for law students to consider in light of the approaching exam season.

To share some of the highlights of the speech, when then Prime Minister Brian Mulroney telephoned Justice Iacobucci to notify him of his appointment to the Supreme Court, the first and only thought running the Justice’s mind was, “I wish my mother was alive to see this.” This more than anything underlines the Justice’s immense respect for the sanctity of family and its role in his life. Students were able to ask Justice Iacobucci questions, ranging from his work on the Truth & Reconciliation Commission, his investigation and report on the under-representation of First Nation jurists in Ontario, as well as his work in reviewing the Toronto Police Service policies and procedures in the wake of the 2013 shooting of Sammy Yatim. A quick scan of the audience revealed the Justice’s grip on all in attendance, a testament to the immeasurable successes and insight he was able to share.

CIAO would like to thank the Legal and Literary Society and Dean Lorne Sossin for helping the event come together. Our student group was able to establish a new relationship with Justice Iacobucci and is looking forward to planning his return to Osgoode in the near future.

To borrow from Justice Frank Iacobucci’s speech, there are simply some things out of our control and it is best to focus on those that we can affect while letting fate take care of the rest. As exams approach, it is perhaps valuable to pause and consider this message, and the thousand small victories every single one of us has achieved in becoming an Osgoode student.

Thank you Justice Frank Iacobucci for letting Osgoode students peer into the man behind the legend. Good luck to everyone—students, staff, and faculty during this final push before summer holidays.

Gianluca Mazzanti is the current Director of Communications for CIAO. If you have any ideas or suggestions for the club, please feel free to share them at ciaopresident@osgoode@gmail.com.

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Contributor
received funding for 245 hours of RA work, with wages being calculated at standard rate of $14.50 per hour. While it was technically up to the individual faculty member’s discretion if they wanted to pay RAs a higher rate, paying more per hour would reduce the total number of hours of work that a student could be paid for.

The $14.50 standard rate applied only to JD student research assistants. Some professors receive additional funding from outside grants that may stipulate higher rates of pay. Graduate students, some of whom are covered by a collective agreement, receive a higher rate when working as RAs.

Starting on 1 May 2017, Osgoode will introduce a minimum wage of $15.00 per hour for all research assistants.

Osgoode has agreed to increase the amount of funding allocated for RA wages. This means that the standard RA rate will be set at $15.00 per hour, but that RAs will not see a decrease in the total number of hours they are paid for.

Osgoode Hall Faculty Association endorses the Fight for $15

In Fall 2016, the Osgoode Hall Faculty Association (OHFA) joined the Osgoode Hall Law Union (OHLU), along with several major campus student and trade unions, to officially endorse the Fight for $15 campaign.

According to Janet Mosher, an Osgoode faculty member who serves on the OHFA executive, endorsing the Fight for $15 and calling on the Osgoode administration to increase RA wages are two sides of the same coin.

“We know that the cost of tuition is exceptionally high and that a number of students are graduating with significant debt load,” said Mosher. “That’s why the wages that students receive at the law school really matter.”

“More broadly, as a school that has very expressly committed itself to social justice, we’d be out of alignment with our own mission statement to not endorse this broad-based campaign that articulates $15 as a minimum wage. Osgoode needs to be on board with this campaign.”

According to Mosher, Osgoode Dean Lorne Sossin is set to announce the RA wage increase sometime later this week. At the time this story went to press, that announcement had not yet been made.

Food Service Workers Strike and Win $15

Research assistants are not the only Osgoode workers who are set to receive a raise to $15 per hour.

Until recently, the lowest-paid food service workers who keep law students fueled on campus were making just $12.21 an hour—barely more than Ontario’s $11.40 minimum wage, and 6% below the low-income cut-off for Toronto. These workers are not directly employed by Osgoode, but instead work for Aramark, a food service provider sub-contracted to run many of York campus’ food outlets.

On 16 February 2017, unionized Aramark workers represented by Unite Here Local 75 went on strike, demanding $15 an hour for all workers and greater employment security, as well as stronger anti-harassment protections. York food services workers were on strike at the same time as their counterparts at University of Toronto—Scarborough, who remain on strike.

On 7 March 2017, workers at York voted to ratify a new collective agreement with Aramark. Under the terms of the contract, all workers will receive an increase to $15 per hour by 20 March 2018. In addition, full- and part-time workers have won an immediate end to dental co-pays, and by the end of the agreement all workers will enjoy comprehensive benefit coverage for themselves and their families at the employer’s expense.

“We showed what can be accomplished when workers organize together and fight,” said Malka Paracha, a cafeteria worker on campus at York. “We were ready to strike as long as it took to win—we said we were going to end poverty-wage jobs on campus and that’s exactly what we’re doing.”

“The strike reminded a lot of us why we went to law school in the first place,” said Parmbir Gill, a member of OHLU’s Strike Support Committee. “By leading the fight for economic justice on campus, food workers inspired law students and other York community members to do our part to secure a win—and that’s exactly what we did.”

In collaboration with campus trade unions and student groups, the Strike Support Committee organized multiple solidarity pickets in front of Aramark cafeterias during the strike. The pickets raised over a thousand dollars for the workers’ strike fund, by providing coffee and pastries on a donation basis while promoting an effective campus-wide boycott of Aramark.

$15 Campus Wage: what’s the big deal?

According to Statistics Canada’s low-income measure for 2011, a person making minimum wage today makes just about the poverty line. If that person has children or other dependents, they end up below the poverty line.

There is a misconception that most minimum wage workers are teenagers performing after school jobs. In reality, raising the minimum wage will benefit nearly 1.5 million people, almost 60% of whom are at least 25 years old. But students also need a raise. As many of us are aware, students are often breadwinners for their households, and they are leaving university facing fierce job market competition with tens of thousands (or in the case of law students, potentially hundreds of thousands) of dollars of debt to pay off.

In step with a movement that is growing across North America, the Fight for $15 and Fairness campaign has been demanding decent wages and working conditions for all Ontarians. Campaign demands include paid sick days, pro-active enforcement of employment laws, easier access to unionization, and protection for workers when they try to enforce their rights.

“With a rising rightwing stoking racism, xenophobia and anti-union sentiment and an economy producing only bad jobs, it is more important than ever that we think big and Fight for $15 and Fairness,” said David Bush, a member of York campus chapter of the Fight for $15 and Fairness.

“It has the potential to unite both union and non-union workers by raising the floor for workplace standards and allowing people to actually rise up out of poverty.”

With the RA and food service worker wage increases, Osgoode is now on the path to a de-facto minimum wage of $15 per hour for all workers.

“It is important that, as law students and faculty, we see standing up for workplace rights as part of our professional responsibility,” said law student and OHLU member Alex Hanbury. “If our legal system is to genuinely reflect the principles of fairness and equality, we must ensure workers have the means to defend and improve their working conditions.”

While the Osgoode administration has yet to officially endorse the Fight for $15 and Fairness campaign, student and faculty groups say they will continue to support the growing movement to end poverty wages and fight for fairness at work.
Social Impact Bonds and Access to Justice

The rise of pay-for-success financing creates an opportunity to improve access to justice

What if there was a way to combine access to justice and the private sector? There is a new socially innovative initiative, known as Social Impact Bonds (SIBs), whereby the private sector can share in the risk and reward associated with the outcome of social programs.

SIBs are a “pay-for-success” contract in which the government contracts with a private actor to create a program. The government is only required to pay if the program meets a threshold target. Often, there will be a range of targets with a corresponding payout depending on the level of success. In 2015, the Ontario government committed to piloting SIBs as part of its poverty reduction strategy.

SIBs were first developed in 2014 in Saskatchewan with a program to support at-risk single mothers. The program, a five-year arrangement, was a collaboration between a credit union and a youth centre. To assist with the legal arrangements of the financing—the payment of the bond—a national Canadian law firm was used. The desired outcome of the project is that twenty-two children and their mothers will still be together six months after participating in the program. An independent investor will measure the success of the program at the end of the second, fourth, and fifth years. Investors will then receive their initial investment plus an additional 5%. If there are fewer than seventeen families still together, investors will receive nothing.

SIBs were formally introduced at the federal level earlier this year through a partnership between the Public Health Agency of Canada and the Heart and Stroke Foundation, with the MaRS Centre for Impact Investing providing the initial funds to support the program. The Public Health Agency will only be required to pay the Heart and Stroke Foundation if the program meets the desired outcome—a reduction in blood pressure levels for a group of 7,000 seniors on the verge of developing hypertension. If the program stops the trajectory of the participants, the investors—made up of businesses, charitable foundations, and wealthy individuals—will receive a return of 6.7%. If the program produces better-than-expected results, and individuals’ blood pressure decreases further, the investors will receive 8.8%. None of the $3.4 million will be paid out if the program fails.

The process could be said to be a type of public-private partnership (P3). In Ontario, P3s are used to build and finance universities, highways, hospitals, courthouses, light-rail transit, etc. This model is effective because the private sector is often in a better position to take on a significant portion of the risk involved with overseeing a project. Critics complain that this sort of design is more expensive, and to a degree they are right in the sense that private interest rates are higher than government interest rates. But it is often ultimately more efficient to go the P3 route.

In an era when programs such as Legal Aid are struggling to find enough money to support their clients, there is an opportunity for SIBs to provide access to justice. There is some evidence in the United Kingdom that these sorts of projects may work. When programs for newly released inmates were failing to provide support, resulting in more individuals re-offending, a SIB program was developed with the goal of reducing the likelihood of prisoners re-offending.

In the case of the first UK project, reoffending rates fell 8.4% but a reduction of 10% was required for investors to be paid out. Still, the results are hardly a failure; the outcome provided a social benefit for the participants as well as the broader community. It appears that the UK government is planning to push forward with new initiatives for investment that will target broader categories. The UK government has also begun introducing tax relief for people who invest in SIBs.

Social Impact Bond programs lend themselves to addressing issues that are multi-dimensional. For example, homeless individuals often suffer from substance abuse, mental and physical health issues, joblessness, etc. Legal problems, particularly legal problems experienced by individual Canadians, are not dissimilar. Organizations and programs like Legal Aid are only able to address one problem, while collaborative organizations do not have the resources to support clients for very long.

In a civil context, many of the same manifestations of legal problems are the same as criminal problems. Day after day in court can impair the ability of litigants to maintain consistent work hours, volunteer, attend medical appointments, and many other important day-to-day activities. This often leads to tremendous costs, job loss, and immense stress. SIB programs can offer various programs within the initiative to address the various factors that contribute to the ultimate outcome, e.g. employment, education, and counselling.

Collaborative law is where SIBs could first be applied to an area of law. Collaborative law is a variation of alternative dispute resolution that takes a holistic approach to various legal issues in a dispute, e.g. employment, insurance, divorce, etc. Collaborative processes begin by having the parties sign an agreement to participate completely in the process. The process usually ends with a binding agreement. Typically, facilitators of collaborative law can suggest other forms of aid such as mental health therapy. There are several possible benchmarks for determining the success of this type of program, including non-binding agreements, and divorce rates for couples.

For access to justice solutions to work they require flexibility and the ability to address a multitude of client needs—collaborative law is a great option for access-to-justice oriented investing in Canada. Social Impact Bonds offer a unique opportunity for institutional investors and wealthy individuals to invest in socially beneficial causes. At the same time, these programs are often managed by groups or organizations who are in the best position to address the particular needs of the clients.

Quin Gilbert-Walters is a third-year law student at Osgoode Hall Law School in Toronto. He has been a research and communications assistant with the Canadian Forum on Civil Justice since 2015. Upon graduating from Osgoode, Quin will return to Infrastructure Ontario, where he spent last summer as a summer associate, to article. Infrastructure Ontario is a Crown agency devoted primarily to improving Ontario’s infrastructure. In particular, IO often uses a special alternative finance and procurement model to complete public-private-partnership (P3) projects.

Source: StockSnap
Exercising the Power You Have

Author: Ruth Rosenblood
Staff Writer

In my first piece (“Don’t Despair”), I suggested that a law degree is simply a building block in a much larger project. In the second (“Ways of Learning”), I recommended some strategies for building a toolkit for yourself as you undertake that project. In this final piece of the year, I will leave you with a bit of a prod.

As a white woman of a certain age and comportment, I have more power in many rooms I walk into than most in our society. As a budding lawyer, so do you. No matter where you come from, no matter how difficult the road is to come in every day, you are now cyclists on a sidewalk filled with pedestrians. When you cross a road, or even ride on one, you are in grave danger and unlikely to do a great deal of damage. But while you’re on the sidewalk, you set the tone, you can choose your path and you can do a great deal of good and harm.

When you become a parent—much like, I think, when you start to study law—you picture yourself solving the big problems. Telling little Sandy all about the inner workings of the real world, bringing little Cameron in on the secrets of mortality and the good life. But when you first have a tiny person in your life, just as when you are first starting a life in the law, everything calls the whole project into question, and with it, your ability to do it well.

You may not look at yourself differently now. It’s taken me this long, and my eldest is twelve, to realize that when a white mom goes out in public and sees something happen that is unkind (or someone who just needs a bit of help across the street), helping out in those ways is both a way to make the other person’s day brighter, and a really clear way of demonstrating what your morals stand for when you’re trying to instruct Sandy or Cameron on how they could behave better next time. What you are doing is laying the groundwork.

But the places where you’ll make the biggest difference are in the everyday. When (not if) I lose my temper, I try to make a point of apologizing (and not just fakery) and pointing out that negotiating big feelings is a lifelong undertaking. It has gotten me into the habit of understanding a bit more about how I screw up and when I need to do better. When my family disagrees with each other, I try (when I can, which is not always) to see it as an opportunity for all of us to learn how to do so without doing each other harm in the process. And I have found that when I stand up and help out, the person who benefits the most is me, because the next time something slightly bigger is asked of me, I already have a precedent to follow.

I have been allowed a lot of leeway in what I tell my kids about almost any topic. I can decide to tell my kids about my work before having them, and that they should be colour-blind. I can tell my kids that police officers will help them and that if they are kind and polite they will likely get to see the friends and do the activities they are interested in.

Those are things that most parents cannot do and say. I fail in the endeavour to ensure that my kids grow up understanding that their lives are beautiful and no more precious than those of the others around them. I fail in the attempt to keep them from the worst harm while ensuring that they don’t take this for granted. I fail every day, and every day I try again. I try to put myself in places where I can hear people tell me what it looks like where they are and what they would like from people like me. And I try to do some of those things. It’s not a linear progression and, as my kids get bigger and their questions and issues more complicated, I’m less and less sure that I’m going about it the right way.

The same is true in law school. It is very easy to get caught up in the difficulty of the endeavour and in the very real factors that make your situation different and uniquely hard. But this may be the last time you are in a room with people who don’t fundamentally look at the world the way you do. And every day there are activities and opportunities that can help you broaden your own mind and exercise your moral muscle. This whole year, I have found it very helpful when I get wrapped up in feeling overwhelmed and full of self-pity, to remind myself that I get to make these choices. I get to go to school and have a family too. So I try when I am at school to find ways to learn more about not behaving like a bull in a china shop.

Practical things I have done this year are attend meetings, volunteer at events, and attend and publicize events for groups to whom I do not feel I belong. I used to think that I should not attend BLSA or OISA events or meetings because the places where people from those groups could meet and feel safe were few enough. But I’ve come to see that people on campus organize both publicly and privately. If people need space, they’ll let me know (or I won’t be invited). I have learned a lot, and at a lot lower cost to the people whose identity that is, than had I called on an individual to explain things to me.

But there are other things, too. It’s easy sometimes to feel that you need to be capable of the big acts today. But today, all that is needed is a bit of diaper changing (exam writing), a fair amount of feeding (summary writing and class learning), and a whole lot of holding and reassurance. So while you’re doing that, be kind to yourself. Yes. But also make sure that you realize when you are consistently the loudest, most interesting voice in the room and find ways of helping others come to the fore. Find people to mentor you (there are lots at school), and find places where you can help. Most importantly, find places where you put yourself in the service of something not your own. Where your self takes a back seat and you just have to listen.

Paraphrasing one of our professors this year, coming to law school means that you have a well-developed ego. Of course, it will take a beating in grades. But if that is the hardest thing you’re doing, it can be easy to think it is also the most important. The most important is practicing every day to be the human you think you already are.

Source: http://www.mamaphotography.net/
When Diversity Data Doesn’t Translate into the Law School Curriculum

What’s the deal with objectivity?

I was recently featured in Continuum, Osgoode’s alumni magazine, where my face and things that I said during a phone interview to a stranger were plastered over a four-page spread. Myself and one other woman were the poster children for Osgoode’s strategic plan to increase financial accessibility, which includes expansion of the relatively new and unique Income Contingent Loan Program. I have been consistently reminded throughout my 1L year of how lucky I am to be here, as a first-generation university student, queer woman, and someone with no money or outside help. And I do recognize that had it not been for this loan repayment program, I probably would have never stepped foot into Gowlings Hall at all. But that feeling of gratitude has given way to one question: does increasing accessibility to law school, whether for low-income, racialized, or otherwise marginalized folks, actually change the way that we learn the law?

For obvious reasons, I am a proponent of continually increasing accessibility, especially for those who have been traditionally under-represented in the legal profession. I truly feel that having a diverse class enriches discussions in the lecture hall, and—if I ever get a job—I will probably also agree that it enriches my work environment. However, at least in my 1L year, I have yet to see these diverse perspectives represented in the curriculum.

Don’t get me wrong; I am apprised to the fact that law has been traditionally taught and practiced from the perspective of the straight, white male, and that it will take a long period of time to include other worldviews. I also do not dispute that learning early jurisprudence is important to understanding how the law has developed. What I am arguing instead is that despite an increase in women, racialized, queer, disabled, and low-income folks at law school over the last few decades, we are still taught that objectivity is the best (and often only) answer to complex legal issues; despite that objectivity cannot and does not actually exist.

I don’t come from a science or philosophy background, so maybe I’m naïve in this area. But from what I understand, humans have a conscious and a sub-conscious, which ultimately means that even if we try, we are prone to bias based on our experiences, our worldview, our trauma, and other things that are suppressed beneath the surface.

But what’s so wrong with that? Why are we still being taught in our black letter law courses that just because the law has always strived to make decisions on an objective basis, it’s necessarily possible to make decisions that way, or the only way to do so? Faisal Bhabha, a wonderful and bright Osgoode professor, has argued that equality as a diversity norm in legal education must do two things. For one, “it must accept that no one perspective or system of positive law has dominion over ‘truth’”. For this reason, the second thing that is required is to reject the idea of “perspectivelessness,” or objectivity as a default position in legal instruction. The “privileging of tradition” occurs when law schools hold onto the idea that legal analysis can be taught as an objective science, which upholds established perspectives, at the loss of others.

Of course, this isn’t exclusively an Osgoode problem, or even a law school problem. Law schools have been making strides to have their diversity data translate into curriculum changes: by offering more varied course options, including those on access to justice; encouraging panel talks on how the practice of law affects different lawyers in different ways; and providing more than just lip service on issues related to diversity. But the problem is bigger than these incremental changes. For as long as law firms talk about finding the right “fit” in a student for hire, and for as long as law school attempts to mold us to be that fit, many of us will continue to fall through the cracks.

So, even if Eric Girard (see http://www.theglobeandmail.com/life/facts-and-arguments/what-i-learned-at-law-school-the-poor-need-not-apply/article15443887/) was ultimately able to access law school, the way he would experience it would likely not align with the normative values that have been taught in law schools for centuries. I, too, feel this way. It’s like this: the legal profession is still an old boy’s club, even if women are slowly getting more seats at the table. When black lawyers become judges, other members of the legal profession continue to make value judgements about their abilities to remain impartial. And when people like me get into law school, with $0 in our bank accounts and unconscionable debt loads, it doesn’t matter that it costs $100 and up for a nice piece of court-maill.com/life/facts-and-arguments/what-i-learned-at-law-school-the-poor-need-not-apply/article15443887/)

Because ultimately, it is still a requirement that you look and act the part of a “lawyer,” otherwise known as the straight, white male that’s been at the head of the table since the beginning of time.

2. Ibid.
A Look at Shaping Knowledge for the Future of Medical Discovery

Lawyers and doctors remain two of the most revered and coveted professions in Canada, yet these practices have, historically, been drastically different. On the one hand, lawyers are known as the silver-tongued tricksters who can persuade any audience. On the other hand, the archetypal doctor is well-mannered, empathetic, and commanding a large repertoire of scientific knowledge.

Despite the long-standing distinction, the two disciplines intersect more than most would think. Complex ethical dilemmas are ubiquitous in medical practice and public policy constantly rears its head in the medical profession. The legal profession must also accommodate the rapid expansion of other scientific disciplines, like material chemistry, as well as the advent of new scientific disciplines, like high-throughput genomic sequencing. So, how can mutual understanding and complementarity be achieved for these two professions without compromising the nuances of either? Medical schools are moving towards a more interdisciplinary approach in understanding contemporary science by integrating traditional medical practices, manual therapy, and cultural resiliency factors into their curriculum. Including perspectives outside the historically accepted scope of medical knowledge can help accommodate the diversity of Canadian health perspectives and objectives and ensure the dignity of those served is respected. Promoting a greater focus on equitable outcomes or culturally appropriate remedies can allow the medical profession to ensure not only good physical health, but mental health as well.

Furthermore, such an eclectic approach can promote a more wholesome understanding of complex medical issues where characteristics, like socioeconomic status, may be as important as the biochemical factors underlying a disease state. Reforming the medical school curriculum to recognize the benefits of traditional medicine and various cultural practices can promote positive outcomes in communities that otherwise would not be given an adequate forum to express their medical customs.

Like their medical counterparts, diversification of the law school curriculum is paramount to accommodating a dynamic Canadian populace which represent various cultures, identities, and disciplinary backgrounds. For medical law, legal education has recognized the merits of some health-related disciplines but remains incomplete. Many important concepts from the medicinal sciences have yet to be integrated into the discussion of health policy, reform, and the broader development of equitable healthcare. With medical school curricula moving towards sociocultural and legal understanding, there is some discomfort as to why there has not been a complimentary movement within the legal profession towards understanding the fundamentals of medical issues.

Part of the problem may be the large volume of knowledge doctors, nurses, scientists, and others within the medical profession use. Being able to understand the nuances of metabolism may seem outside the realm of legal work, but it can be paramount to rendering justice in a number of legal scenarios. For example, S. 33.1 (1) prohibits a successful legal defense where the defendant claims intent or voluntariness was not present due to self-induced intoxication. In interpreting the law, the treatment of certain key terms, here intoxication and self-induced, can have a profound impact on which way a judge will rule. For alcohol consumption, the standards to which a person are held are rather clear. Driving with a blood alcohol content of over 80mg/mL is a criminal offense, plain and simple. And motor coordination tests can also be an incredibly effective means of assessing intoxication.

However, when assessing the effects of medication with intoxicating side effects, whether or not a defense of intoxication should be available relies on how much of its active form is still in the alleged perpetrator’s body. In contrast to the simple redox chemistry used in roadside breathalyzer tests, testing the bioavailability of various drugs is an incredibly complex and nuanced task that requires a thorough understanding not only of the chemical profile of the drug, but also the metabolic profile of the ingesting person. If the alleged perpetrator is deficient in a particular enzyme (here, a small, molecular machine that is responsible for clearing the foreign substance from the body) and the clearance of an intoxicating substance is reduced, then it is possible that an intoxicant was not adequately cleared from the person’s body at the time of the allegedly criminal activity. Consequently, the level of intoxication may not be substantial enough to merit a defense of intoxication through vitiation of intent or voluntariness. To complicate things further, there are many controversial ethical issues surrounding the disclosure of medical data, like determining what type or degree of physiological data, if any, should be available to those involved in legal proceedings.

When interpreting the self-induced portion of S. 33.1 (1), things once again become muddy when considering atypical substances like painkillers (analgesics). All possible side effects may not be known to the consumer and it is inherently unreasonable to expect everyone to be thoroughly aware of their biological reactions to different drugs. Thus, it is highly possible an individual may undergo the physical act of self-induction (that is, ingesting a drug orally or by other means) and not be fully aware of the intoxicating effects it can have long after consumption.

So, how should the law respond to cases where highly technical medical facts are the subject of contention? Generally, deference is owed to those with the expertise to those with the expertise to interpret how much of an active foreign substance was in the body at the time of the alleged perpetration and then referring the quantitative analysis results to behavioural psychologists to analyze if the amount present was sufficient to impair one’s mind and vitiate the mens rea of a criminal allegation. However, how do lawyers choose the most appropriate authority to substantiate their position?

“Expert shopping” may be very alive and well right under the nose of the legal community—occurred only by the esoteric jargon specialists of equally esoteric disciplines use in their testimonies. Problems can arise where an inappropriate authority is cited only because that authority supports one’s own position and interests. An argument may sound persuasive, but if it is predicated on false premises then it should not be admissible. Perhaps what the legal profession should gravitate towards, is understanding the broader nature of scientific proofs so as to empower future lawyers to engage the right authorities in the right circumstances.

Of course, this discussion of matching experts to circumstances is applicable to any intersection between the law and a highly technical field—whether it be within the ambit of medicinal sciences or not. Understanding the minutia of highly technical facts may be beyond the reasonable expectations for legal counsel, but engaging broader scientific concepts can also be very manageable. Take the evidentiary threshold for scientific theories as an example: knowing what level of empirical evidence is required for scientific data to be found defensible is incredibly important when deciding what conclusions are relevant and what is merely conjecture.

Ultimately, bridging the gap between the legal and medical communities in Canada rely on whether professionals take a step out of their academic comfort zone and accommodate new ideas. Perhaps Canada is on the right track by assigning a physician, Dr. Jane Philpott, and accommodate new ideas. Perhaps Canada is on the right track by assigning a physician, Dr. Jane Philpott, as the Minister of Health, but only time will tell if integrating more members of the scientific community into public office is the most effective way to promote interdisciplinary conversation and collaboration.

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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 (AdrienneShnier206@osgoode.yorku.ca).
They Say “Don’t Kick ‘Em When They’re Down”
But I Never Stopped Kicking ‘Em and Don’t Intend To

Fun fact: apparently, if you throw a packet of soup mix in a bag of microwaved popcorn and shake the bag, you’ll get an awesomely savoury snack.

Why am I bringing this up? Partly because I read too many Cracked articles, but partly because the political fusterclock in the United States is an extended “pass the popcorn” moment in history. We knew it was going to be bad, and we knew it was going to be stupid, but wow.

Just, like, wow, man.

One thing that isn’t surprising is Donald Trump’s willingness to double down on his lies, even as they’re systematically dismantled by anyone with a college degree and five minutes to spare. He got where he is by lying, and people don’t generally stop doing something when it’s working for them. If he said the world was ending in twenty-four hours and to get your rape and pillage on, the deep south and Midwest would be reduced to cinders (moreso, at least) in twenty-four minutes, The visceral part of the human psyche that finds appeal in man-children like Donald Trump doesn’t care about truth in the slightest. It’s only concerned with what you can use to justify whatever awful thing you’re going to do or say next. Don’t like the facts? Make your own facts, with blackjack, and hookers... but enough about Trump’s casinos and marriages.

Anyway, it was only a matter of time before the most absurd lies came back to haunt Donald. Accusing Obama of wiretapping his home would normally be a typically Trumpian outrageous claim that inspired some memetic mockery involving tinfoil hats, but saying it as President meant it was almost certainly going to be investigated. And now, he’s learning the hard way that while the GOP will let him do almost anything with little more than a “harrumph,” military and intelligence officials won’t necessarily toe the party line. Say it’s because there’s still honour in the armed forces, say it’s because Donald’s occasionally bad-mouthed them, say it’s because you wouldn’t want to do favours for someone who so stringently avoided military service in the 1960s. The point is that this particular lie is getting dragged into the light of day and beaten with a hose until it passes blood. Good.

Perhaps the funniest bit is watching Trump flail as it becomes increasingly evident that he engaged in treasonous activities with the Russian government. At this point, he’s basically reduced to “no, you colluded with the Russians to interfere with an election.” Yeah, it’s Clinton’s fault that members of your inner circle were found to be working hand in glove with Russia. No, I’m not interested in a shiny new change of topic, and no, whining about Saturday Night Live skewering you isn’t going to make anyone any more sympathetic. It is really starting to look like you committed treason, and not the more nuanced “Iran-Contra” kind that still should have landed Reagan in prison. While you and your cronies were accusing your opponents of voter fraud, you connived with a foreign government to undermine your country’s democracy. You won’t walk away from this. You might slither out of it, if not your belly.

While we wait for that hammer to fall, I’d like to extend a big “ha, you dumb bastards, you done goofed,” to the people who supported Trump because they wanted him to kick out illegal immigrants. Before Trump’s election, Vice News addressed a particularly harsh anti-immigration law passed in Alabama, which basically drove out all of the state’s farm workers by taking a proverbial steel-toe boot to their civil rights. HB-56 was designed to make life so insufferable for illegal immigrants that they’d leave the state of their own volition, which is exactly what happened. And it basically ruined the state’s agriculture sector. Turns out that most natural-born Americans aren’t willing to do back-breaking physical labour for a disturbingly low minimum wage. It also turns out that agricultural labour requires a fair bit more skill than one might expect. When Alabama brought in chain gangs to work the fields, they apparently did more harm than good, damaging the soil with their half-hearted efforts. Despite this monumental failure of policy, the American people voted for laws like HB-56 to be passed nationwide. Congratulations! You kicked out people who travelled hundreds—if not thousands—of kilometres to live in your country and do work you won’t do, because they were allegedly criminal parasites. Sounds like they wanted to be Americans just as much as you, but they’re not you, so screw ‘em, right? Enjoy your grossly inflated grocery bills and failing local economies, douchebags.

Speaking of douchebags, I also enjoyed the recent downfall of Milo Yiannopoulos, due to his comments in support of pederasty. It was refreshing to see mouth-breathing alt-right clods draw the line somewhere, and while he’s apparently going to keep doing his thing (being a walking advertisement for delusion, apparently), he’s pretty much done. When a great deal of your supporters mistakenly associate homosexuality with pedophilia and seemed to think tolerating your sexual orientation was some grand act of charity, saying it was cool for old men to bang teenage boys was going to be the end of you. I also liked watching him on Bill Maher, as my friends proceeded to argue about whether his sexual orientation was more surprising than his being British.

So long, Milo! From St. John’s to Sydney, good riddance. Oh, conservative logic behind the trans bathroom issue (which Milo harped on without a shred of irony) has also become a source of twisted humour. Very well, conservative America, let me get this straight: you want to keep “perverts” out of ladies’ rooms, so you want to force people to go to the washroom of their birth gender. Obviously, a lot of the subtext implies that being transgender is a perversion, but to justify it in a way that sounds less bigoted and ignorant, it’s being framed as protecting young girls from men sexually harassing or assaulting them in bathrooms. In other words, you want laws to ensure that some men must use the ladies’ room, because you didn’t want men in the ladies’ room. You’re a freaking genius! You really put your foot in your mouth on that one. On the plus side, if you ever get your teeth stomped out when the “pervert” you tried to assault for obeying the law beats you to death, we’ll still be able to find your dental records; they’ll be on your shoes.

And to dial it back a bit, I’ll express a small amount of sympathy for Tomi Lahren. Sure, she’s pretty despicable person who’s humping the leg of the achievements of better women, but she got a harsh dose of reality when the right turned on her for being relatively pro-abortion. Sorry Tomi, but the right didn’t want you to do anything other than be attractive, young, and toe the party line. Now that Ann Coulter’s old enough that even Donald Trump wouldn’t take a crack at her, the GOP is looking for a token hot chick to give the party of old, sexually repressed, flabby white men a modicum of sex appeal. Unfortunately, while they want that sex appeal, they don’t really care about any person behind it. They wanted a blow-up doll that would spout conservative gibberish when they pulled a string. It must suck for her, realizing that her career was dependent on her being a mass of female organs who would sell out her gender for a paycheck, and that they never really saw her as a person. Incidentally, that’s part of why all those feminists who she disparaged fought for those rights she took for granted. Hopefully we’ll see some character growth in the not-too-distant future.

And so we end this summary of recent events in the delusional world of the alt-right. I know it’s in poor taste to kick people while they’re down (figuratively and literally), but I also kicked them while they stood, and want to make damned sure the bastards don’t get back on their feet. They should just be grateful I can’t find that rusty hockey skate.

Oh wait, there is....
Each puzzle consists of a 9x9 Sudoku grid containing areas surrounded by gray or dotted lines. The object is to fill all empty squares so that the numbers 1 to 9 appear exactly once in each row, column and 3x3 box, and the sum of the numbers in each area is equal to the clue in the area’s top-left corner.
This will be the final Ostrology column for the year. Let the passion of the inspired writing fuel you this summer!

**Aries**
You have a birthday on the horizon, or recently past. Whichever it is, I hope that you have or did have a wonderful time. Though it must be a little difficult with the end of the year looming over your head like the sword of Damoclis.

**Taurus**
Almost done, just hang in there for another few weeks, and you can relax. This year your birthday will be truly excellent, as you can enjoy it while reflecting on a year of past accomplishments, and feel comfortable knowing that you have earned a reprieve from the rigors of schoolwork.

**Gemini**
You are tempted to throw in the towel altogether. To run screaming from the halls of this institution. I don’t blame you, but I do urge you to consider a little more self-control. It’s only for another few weeks, and then you can go back to streaking naked through the streets of Downsview, if you want.

**Cancer**
Your impending sense of doom is matched only by the vague sense of urgency. You know that in a few short weeks it will all be over, but for some reason that notion is as disconcerting as it is comforting. Buckle down and work with all your might, and then things might begin to feel a little different, or – if they don’t, – at least it’s

**Leo**
Spring just won’t spring for whatever reason. You want it to be warm and sunny, but the weather just won’t cooperate. That’s just nature’s way of telling you that you need to spend the next few weeks indoors and working on school. Sorry to tell you what you already knew, but the sooner you accept this fact, the better off you will be, and don’t worry, – you can relax at the end of April – OK, I promise.

**Virgo**
Hopefully, you have been reading this column and taking it to heart. If you started working on all of the school work in February when you were supposed to, then now it will just be a matter of staying the course, and you’ll be fine. If however, you procrastinated, then woe is you. The next month will not be fun, but then it wasn’t going to be much fun anyway. Just remember to take deep breathes and you should be

**Libra**
Although you may be feeling stressed out right now, I can assure that your peers are in a much worse situation. No matter how bad you think you are feeling, I know that your fellow classmates are feeling worse. They may not be showing it, but it’s there. You have done well getting this far. Just a little farther and then you can relax. Try not to stress out too much about the next few weeks. After all, grades don’t really matter (right?)

**Scorpio**
Summer is around the corner, and spring is stubbornly cold. That’s ok, the cold will keep you from wanting to go outdoors and distract yourself from the work that you have been putting off. There is a time for studying, and that time is now. After a few weeks of intense work, you will be ready to have fun and enjoy the vacation that you have earned...

**Sagittarius**
Things right now seem to be sort of blaze. It’s not really bad, or good, it’s kind of neutral, but without much spark or verve. The simple fact is that law school has sucked the spirit out of you. There is no spark left. You’ll get it back, most likely in May, but until then just stick it out for now, and try not to focus on the exuberant person you once were.

**Capricorn**
You just don’t want to study anymore. I get it. Things have been so grueling for so long that you are just about finished, but here’s the good news. You are just about finished. There’s not much time left on this treadmill. Then you can get off and have fun doing something fun, and if you don’t do something fun in May, then it’s entirely your fault.

**Aquarius**
You have studied, and you have worked, and now you are almost done. This next month will seem challenging, but with everything that has come before, the important thing to work on now is not letting your social commitments down. You have done enough school work. I know you don’t want to believe that, but it’s true. So if someone is asking for your help or attention, you should most likely give it to them, you will find the long term rewards quite rewarding.

**Pisces**
I hope your birthday was fun. There really won’t be much of anything fun for the next month. May will brighten up, and I hope you have fun then, but for now just hunker down and try not to kill anyone.
The Davies summer experience?

Ask our Osgoode students.

Stuart Berger  
Class of 2016

Dajena Collaku  
Class of 2017

Eytan Dishy  
Class of 2017

Jamie Franks  
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Russell Hall  
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