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The “Motherisk” Class Action: Faulty Science & Family Tragedy

In 2009, Tamara Broomfield was criminally convicted for a drug-related offence. This conviction was partially due to hair-strand testing conducted by the Motherisk Drug Testing Lab at the Hospital for Sick Children in Toronto. In 2008, Family Youth and Child Services of Muskoka apprehended Tammy Whiteman’s 9 and 13 year-old daughters. Ms. Whiteman’s fight for her daughters was unsuccessful, partially because hair-strand testing done by the Motherisk lab indicated that she was a chronic alcohol abuser. In October 2014, the Ontario Court of Appeal overturned Ms. Broomfield’s conviction after expert evidence raised concerns about the reliability of Motherisk’s hair tests. As a result, in November 2014, the Ontario government appointed the Honourable Susan Lang to study Motherisk hair testing. On December 17, 2015, following an extensive investigation as the appointed “Independent Reviewer,” Lang released her findings. She found, inter alia, that:

- the hair-strand drug and alcohol testing used by Motherisk between 2005 and 2015 was “inadequate and unreliable for use in child protection and criminal proceedings;”
- between 2005 and 2015, Motherisk “operated in a manner that did not meet internationally recognized forensic standards;”
- SickKids “did not provide meaningful oversight” of Motherisk; and
- the use of Motherisk hair-testing evidence in child protection and criminal proceedings “has serious implications for the fairness of those proceedings.”

Following the Broomfield appeal, a Toronto Star investigation exposed further questions about the reliability of the lab’s hair-strand tests. As a result, in January 2016, retired Judge Judith Berman.
Editorial Cartoon
Presenting the New Alumni Support Program

The Osgoode Peer Support Centre (OPSC) sat down with Darryl Singer (’91), creator of the Alumni Support Program, to discuss this initiative which seeks to connect students facing wellness crises with legal professionals who have gone through similar experiences. This program was inspired by the Member Assistance Program and is a collaborative effort between the Osgoode Alumni Association and Osgoode Peer Support Centre.

OPSC: Could you tell the Osgoode student community a little about yourself?

Singer: At Osgoode, I was a shitty student and I surfed the curve all throughout law school. I didn’t really enjoy Osgoode at the time I was there because in those days, it was just an academic institution. After getting called in 1993, I went on to build a very successful career which sadly crashed and burned in 2009 because of my addiction. Fortunately, after closing down my practice for almost all of 2009 to focus on recovery, I was able to fully rebuild my career. I’ve since spent a great part of my life – since 2010 – of my recovery speaking and writing on my story of addiction and recovery and wellness. I wanted to bring that experience in a way that will impact the students at the law school.

OPSC: How has your perspective changed from the time you were in law school?

Singer: In first year, I remember thinking that I had never been in a group of people who seemed so perfect. Then looking at the lawyers, judges, and professors, it felt like everybody had their lives together. As a student, I thought that maybe it got easier as you go. But as you talk to these lawyers and judges who you think have it all together, you realize, “My God, their lives in so many ways are a disaster!” As a lawyer and a parent, I can say it isn’t any easier in your forties. The point is, everybody goes through something. With me it was an addiction. For others, it might be going through depression, not getting the job they want—or getting the job they want but burning out—or, for students, dealing with bad marks.

OPSC: What message would you like to pass on to the students of Osgoode?

Singer: You may feel, as a law student, that you don’t know what you’re doing here in school. I felt like an impostor at Osgoode, and that’s not an uncommon feeling among law school students and lawyers. No matter who you’re comparing yourself to, everybody’s got some shit that they’re going through.

OPSC: Is this the Alumni Support Program fits in?

Singer: Yes—students need to realize that they should not be afraid to reach out to someone for help. They need to realize that someone (or everyone) ahead of them has gotten through whatever they’re going through to some degree. From the perspective of the mentors in this program, we wish that we knew at your level what we know now, because we might have reached out to our predecessors. I wish there were these programs when I was at Osgoode, and think all the mentors in this program would say the same thing—to let us know that it’s okay and it will get better. It is a message of hope: no matter what despair you’re feeling, it’s going to be okay if you get help for it.

OPSC: So how would a student access the Alumni Supporter Program?

Singer: The student seeking help can go to the OPSC website, review the bios of the mentors, then fill out the online form. Once they’re matched with the appropriate mentor, they’ll be given the contact information of the mentor, or they can ask for that information out to another. Unless emergency help is needed, it is a strictly confidential discussion.

OPSC: What kind of alumni are on the roster?

Singer: The mentors are kept confidential until there’s a match—the bios are just numbered at this point. Students get strict confidentiality too; the OPSC won’t release their names to anyone other than the mentors. Every discussion is strictly off the record, so students needn’t fear that if they come forward with sensitive information, the mentor will somehow let this information out to another. Unless emergency help is needed, it is a strictly confidential discussion.

OPSC: What kind of alumni are on the roster?

Singer: We’re presently a mix of sole practitioners, government, Bay Street and small firm lawyers, and judges. Almost everybody on the roster has gone through some sort of wellness crisis, including mental illness like bipolar disorder, drug and alcohol issues, sexual identity issues, or experienced discrimination and harassment. These mentors have weathered the storm and gone on to be successful, and will understand you. For example, if a student comes in with a substance abuse problem, that student can be matched with someone who has gone through it and recovered.

OPSC: To sum it up for the Osgoode community, what does the Alumni Program hope to achieve?

Singer: By creating this program, we hope to add another layer of assistance for students going through a mental wellness crisis. The key is, all of this works together—Osgoode’s wellness office, the OPSC’s Peer Support Program, the Member Assistance Program, this alumni support program—and the students can pick what works for them. But it’s an additional option with an additional perspective.

OPSC: Do you have any final notes to make?

Singer: If there’s even one student who approaches us in crisis and we help get him or her back on track, then we’ve succeeded. This is intended to be an ongoing program, and this is just year one, but the plan is that this sort of mentor program will become an entrenched part of law school culture so it’ll be here year after year. In a nutshell, the goal is to make the Osgoode experience for each student a healthier and more positive experience.

Students who wish to access the Alumni Support Program (or the Peer Support Program) can email the OPSC at OPSC@osgoode.yorku.ca, or can fill out a form on their website.
was appointed to lead a $10-million Motherisk Commission. She has a two-year mandate to 1) probe twenty-five years of individual child protection cases in Ontario to determine whether Motherisk’s hair tests had a significant impact on individual decisions to remove children from families and 2) provide counselling and legal support to affected families. The Ontario review has currently identified fifty cases where Motherisk’s tests had a significant impact on decisions to remove children from their families. In May 2017, Ontario also launched a review of the oversight and accountability of the province’s forensic labs to explore setting mandatory accreditation standards, improve forensic training, and increase transparency. A national class action has been launched against the Hospital for Sick Children for Motherisk’s flawed hair-strand testing between 2005 and 2015. Motherisk’s founder, Dr. Gideon Koren, and former lab manager, Joey Gareri, are also named as individual defendants. Approximately 275 plaintiffs are named in the action. The proposed class includes anyone who had a positive Motherisk hair test between 2005 and 2015. The proposed family class includes all parents, grandparents, children, siblings, and spouses of Class Members within the meaning of the Family Law Act. The proposed lead plaintiff is a mother whose access to her son was “repeatedly interfered with as a result of unreliable tests” from 2009 to 2012.

In the statement of claim, the plaintiff argued that the defendants were negligent by, among other things, failing to meet internationally recognized forensic standards with Motherisk’s hair-testing and failing to provide proper oversight to ensure the quality, proficiency, and accreditation of its tests. The plaintiff seeks damages for negligence and punitive damages. A lawyer on the team, Rob Gain, commented that “this class-action is for the thousands of families who have received an apology but no compensation.” He further stated that “a class action is the best way to ensure access to justice to a vulnerable group of people who suffered a shared harm due to the tests.” Mr. Gain noted that when there is a test result indicating drug or alcohol abuse, the Children’s Aid Society must act and “that act is common to the entire class.”

In his statement of defence, Dr. Koren denied the claims, arguing the tests were “accurate and reliable for their intended purpose” of providing clinical information “relevant to the medical care and safety of children.” In a joint statement of defence, Sick Kids and Mr. Gareri also disputed the claims, and noted that if custody decisions were based on the tests, which they denied, children’s aid societies were responsible. The defendants also argued that a class action is inappropriate because each case involves individualized circumstances. Dr. Koren’s lawyer argued that negligence claims are only valid if the plaintiff proves there was a false positive Motherisk result, and that result led to negative consequences. Counsel for Sick Kids argued that there are no common issues that could be litigated through a class action. She noted that some tests were performed at the request of child welfare agencies while others were ordered by physicians for clinical purposes. Furthermore, both the lab’s practices and international standards changed over time. Ultimately, she indicated that the hospital is “very willing to engage in discussions about compensation with the appropriate people in appropriate circumstances.”

Superior Court Justice Paul Perell will determine the fate of the class action. On October 11th and 12th, 2017, a certification hearing took place at the Osgoode Hall courthouse. However, the hearing did not address the merits of the case. At this point, one fact is clear: flawed science played a role in tearing families apart. However, several questions remain: how many families were “directly” harmed? How should the courts quantify this harm? Who is to blame? And, importantly, how can this be avoided in the future? The Motherisk fallout highlights the roles that different professional institutions can play in both facilitating and mitigating tragedy. While scientific knowledge can save lives, it can also destroy them. Going forward, courts must examine evidence more critically in child protection and criminal cases, particularly those implicating the rights of accused persons; the potential for a wrongful conviction casts an eerie shadow. More optimistically, this tragedy reveals the positive role that the media can play in uncovering stories that deserve to be told so that justice can be served.

Sources


https://kmlaw.ca/cases/motherisk-class-action/

http://projects.thestar.com/motherisk/
Imagine that it is a sunny morning - fresh out of bed you make yourself a cup of joe, and as you wait for it to brew, you go on your beloved news channel or app only to see that once again there is turmoil in the world. It has become so commonplace to see the ridicule many have of the antics of one incompetent leader, that it should seem normal to see that protections surrounding the environment would be compromised. Alas, this week for me it was when scientists’ voices were squashed to not allow data to be reported. You see politics as a tricky game – you can only ever give so many words until you are compromised.

The American Environmental Protection Agency should not have the ability to stop scientists from speaking about data reports relating to climate change, but alas, this week it had. In the small state of Rhode Island, a conference was occurring relating to the changing climatic and aquatic conditions of New England’s largest estuary (essentially where a river tide meets a stream or smaller body of water). Scientists that receive government funding appear to be hung with a Trump administration noose, whereby if they wish to continue researching into a particular issue (in this case the Narragansett Bay Estuary) than it is time to seal those lips! It is time for environmental studies and science to get on board the Oompa Loompa train that climate change is a “hoax invented by China”. By having state controlled freedom of speech leads me to believe that the United States continues to sink into a rabbit hole but there will be no Wonderland awaiting it.

Freedom of speech seems to be this flexible concept in the reign of Trump whereby no one quite is able to exercise a fundamental freedom. The world allows the current American President to say whatever he desires, ranging from threats to a sadistic dictator to shaming a deceased veteran’s widow. However, scientific findings are simply data and facts - there is no political agenda hidden in between the lines. Experimentation particularly for environmental concerns such as water pollution and water quality degradation are simply findings of fact and nothing more. Scientists are in pursuit of the truth regarding many issues of life – water, wildlife, cancer, etc. It is violation of the tenets of freedom of speech (that the United States enjoys showcasing as one of their fundamental rights) to have American leaders advise scientists that they fund not to speak at conferences relating to their work. It is an intimidation strategy by those who control financial resources to threaten removing support that compromises voices. It is unjust and unconstitutional for the American Environmental Protection Agency to “advise” scientists not to deliver findings on climate change simply based on individual beliefs of its legitimacy.

Of course, a few people may refute my environmentalist heart by arguing that climate change is natural, and that there are academic recommendations at the end of a paper that would be emphasized at the conference. I concede that, yes, an emphasis on recommendations may be a part of a speech given, and that the Earth is a planet that has experienced climatic changes over billions of years. However, such concessions do not mean that humanity has not played a fundamental role in climate change’s premature onset, and that we have a global obligation to partake in non-partisan experiments to monitor natural resources.

What are concepts of Constitutional rights in a world where madmen rule? It appears to be hushed whispers behind closed doors with the loss of hope for four years, until a new ballot box is to be had. I truly hope that the United States does not lay its landscapes to waste in the pursuit of the Troompa Loompa version of “freedom of speech”.

Source: www.washingtonpost.com
North Korean Defector Visits Osgoode

Author » Trevor J. Fairlie
Contributor

Bio: Trevor J. Fairlie is the Director of Policy on the HanVoice Development Committee, and is the President of HanVoice’s York Chapter. He is a 2L Osgoode student and the Vice Chair of Student Caucus.

On Tuesday, October 17th, Osgoode hosted Ellie Cha, a North Korean defector who now studies in South Korea. Ellie came to York University as part of the HanVoice Pioneers Program, which hosts a North Korean refugee in Canada every year for a parliamentary internship and a speaking tour. The program is run by the HanVoice Support Association, a national North Korea Human Rights organization based in Toronto.

It is often difficult to bring public attention to the North Korean people. This is especially true today, with the nuclear crisis dominating the news cycle. It can be difficult to remember that there are real people suffering under this regime, and that there are real human experiences hidden behind the headlines about missiles and threats.

The HanVoice Pioneers Program is one way to bring attention to the North Korean people.

Ellie’s visit to Osgoode was a chance for students to hear the story of her life in, and escape from, North Korea. Ellie was born into an elite family. Her father was the Vice President of a major mining company, and Ellie grew up relatively better off than many North Koreans. However, when one of her relatives lost the government’s favour, her father was fired and the family’s status quickly declined. The change was incredibly quick and severe. With a deteriorating economic situation, the family fled North Korea.

As with many North Korean refugees, Ellie’s family used smugglers to escape the country. These situations can be extremely dangerous, and there are ample opportunities for exploitation. The end goal for North Korean defectors is almost always to get to a South Korean embassy.

As with many refugees, Ellie’s family was arrested several times along their journey. Often, North Koreans are arrested in Southeast Asian transit countries, such as Thailand and Vietnam. Arrest is particularly risky because the authorities could send the defectors to China, where they will be repatriated back to North Korea. Luckily, Ellie’s family was not sent back to China, but they were shuffled around several countries before finally making it to a South Korean embassy.

The Journey of Refugees

Fortunately, Ellie and her family made it to South Korea. Although the family was safe, they faced struggles in their adopted home as well. Her father had trouble in the ultra-competitive jobs market, and her brother faced bullying for his North Korean accent.

At this point, Ellie made an incredibly important observation about refugees, but one that is too easily overlooked - the journey for refugees does not end when they arrive in a safe country. Although Ellie and her family were safe, they were still displaced. Their hometown was in North Korea, but it was not safe to return.

This is a lesson for Canada as well. Refugees from all countries come to our shores for safety and opportunity. We generously — and rightly — invite them into the Canadian family. However, their journey does not end when they settle in a Canadian community; their journey lasts much longer than that. Canadian policy and society needs to recognize this reality.

How can Osgoode Students Help North Koreans?

North Koreans have limited access to information about both domestic and international affairs since most of their information is filtered through the state media. However, North Koreans have a thirst for knowledge about the outside world. Osgoode students can help them get that knowledge.

HanVoice runs a program called "Project E," which is designed to get information into the most secluded country on Earth. This program collects USBs from students, which are then loaded with information about both North Korea and the outside world. These USBs are then smuggled into North Korea and into the hands of the North Korean people.

HanVoice will be conducting a USB drive in the Winter semester, which is an excellent way for students to get involved in this initiative. Give an old USB and it could find its way into the hands of a North Korean citizen, helping to accelerate change on the ground in North Korea.

One of the simplest ways Osgoode students can help is to remind themselves and others that there are real people behind the headlines. The personal jabs between Donald Trump and Kim Jong-un may grab the attention of the media, but remember that real people are starving and scared for their safety. If we all remember that, then at least the people are not forgotten, and that is the first step towards change in North Korea.
In its 4th year, close to 900 licensees will have joined the Profession through Ryerson’s LPP.

Within one year of their Call to the Bar, 75% of our alumni are working in law and law-related opportunities.
Five of History’s Greatest Heroes
Who Were Really Less Than Heroic

Author › Ian Mason

The world needs a hero, or at least, it craves one. The world is a brutal, unjust place, and we gravitate towards people who fight for a grand cause, never wavering in the face of unfathomable opposition or crushing despair. These people inspire us, and we view them as symbols of hope and courage in a world characterized by fear and loathing.

Winston Churchill
Ah, the British Bulldog. Forget Benjamin Disraeli, Pitt the Elder, or Lord Palmerston (“punch”), because Winston Churchill is the one Prime Minister of the United Kingdom we all know. A brilliant orator and statesman who could inspire a nation and deliver the most savage of burns; it’s not surprising I had to pass a statue of him every time I walked from City Hall to the courts at 393 University. And he did all that despite being a drunk who sounded like a British Richard Nixon with a severe sinus infection.

Mohandas Karamchand Gandhi
The father of modern India and the first person everyone thinks of when they imagine non-violent resistance. A man who stood up to an empire and won without so much as a clenched fist. An unflinchingly brave and stoic man, he endured prison stints, the salt satyagraha, hunger strikes, and 19th century British vegetarian food. Indeed, he was the greatest of advocates for equality among all human beings.

Pope Francis
When Cardinal Jorge Mario Bergoglio was elected as the 266th Pope, it signalled a bold step in the right direction for the Catholic Church. He was the first Jesuit to take the office, held hugely progressive views, actually seemed to honour Christian values of charity and humility, and (most importantly to vocal heathens like me) left a lot of the Catholic establishment stomping on their silly hats in fury. He opened the gates of heaven to non-Catholics, cavorts with sinners as well as saints, and actually seems to give half a crap about the poor. What’s not to like?

Aung San Suu Kyi
The winner of the 1991 Nobel Peace Prize, Aung San Suu Kyi is mostly known for decisively winning the Burmese general elections of 1990, only to have the election quashed by the ruling military junta, and spending most of the next twenty years under house arrest for her victory. Like Gandhi, she was an advocate of non-violent resistance, and her dignified opposition to tyranny stood as an example for the world. In 2016, as a reward for her life of public service and general perseverance, she was appointed State Counsellor of Myanmar, the equivalent of Prime Minister.

Abe Lincoln
Abraham Lincoln, founder of the Republican Party, the man who “freed the slaves” and saved the Union. He also possessed awesome sideburns, a sweet-ass stovepipe hat, and wrestling skills that would make Hulk Hogan say “damn, Brother!” Unlike some Republican Presidents, Lincoln was no Chickenhawk, and was willing to personally fight for his values, as opposed to sending someone else’s children to do so on his behalf. He recognized the common humanity of us all, and started a war to defend that principle... right?

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Why was he less than heroic?
Because he didn’t initiate the American Civil War based on respect for the shared humanity of all people. Yes, the Confederate flag toting southern-fried good-old-boy who insists that the Civil War wasn’t about slavery, is wrong. The Civil War was about a lot of things, but slavery was the main reason. That said, slavery in the United States didn’t end because of basic human decency, and in Lincoln’s own words, he was “not, nor ever [has] been, in favor of bringing about in any way the social and political equality of the white and black races.” He hated slavery, but there’s a vast difference between thinking it’s okay to view a human being as property and seeing him as an equal, and Lincoln was somewhere in between those points. He didn’t start the American Civil War out of concern for the basic human rights of African Americans.

Perhaps the most important take-home here is that these figures were only human. Also, while the motivations of the people listed above weren’t pure, or they failed to address (or were complicit in) other atrocities, they still did some great things. Sure, Honest Abe didn’t end slavery in the United States for noble reasons, but he did bring an end to it, something none of the Founding Fathers saw fit to do. They were human beings, not mythical figures, and we should see them as such. Such an acknowledgment can help us understand that greatness isn’t so far out of reach; even a racist drunk like Winston Churchill could achieve greatness, after all.

Go forth and be great!
Lessons in Access to Justice from a Confiscated Fork

Reflections on Self-Represented Litigants (SRL) Awareness Day at Osgoode

Author › Angela Yenssen
Osgoode Mediation Clinic Student

On October 4, 2017, the Osgoode Mediation Clinic (OMC) welcomed eight self-represented litigants (SRLs) to Osgoode for SRL Awareness Day. SRL Awareness Day occurred at several Ontario law schools under the leadership of the National Self-Represented Litigants Project (NSRLP). The NSRLP is funded by the Law Foundation of Ontario and the University of Windsor, Faculty of Law. The NSRLP generates ongoing dialogue and research about the increase in SRLs as well as resources to help SRLs navigate the legal system.

The NSRLP arose out of the National Self-Represented Litigants research study conducted by Dr. Julie Macfarlane from 2011-2013. Dr. Macfarlane’s final report recommended several changes in the legal system to meet the needs of SRLs (https://representingyourselfcanada.files.wordpress.com/2014/02/nsrlp-srl-research-study-final-report.pdf). One proposal was shifting from adversarial models of dispute resolution to the problem-solving orientation available through mediation. The free mediation services offered by OMC students coached by professional mediators have great potential to support SRLs. For this reason, OMC students sponsored SRL Awareness Day and spoke with SRLs about their needs.

The SRLs were welcomed to Osgoode by Dean Lorne Sossin and Professor Martha Simmons, Director of the OMC and Academic Co-Director of the Winkler Institute of Dispute Resolution. The SRLs attended morning classes at Osgoode to facilitate students connecting with SRLs and to provide the SRLs access to the legal world from which they have been marginalized. The day concluded with a panel discussion of SRLs describing their experiences in the legal system and two lawyers discussing their unbundled service models for SRLs. The SRLs pay for discrete services accessed from the lawyer, rather than hiring the lawyer to handle the entire legal matter.

Services accessed by SRLs range from coaching on the best approach to take in their situation to preparation of a single court document.

I heard many stories during SRL Awareness Day about the emotional and financial damage inflicted by the legal system and legal profession on SRLs. Many SRLs reported starting their matter with legal representation and becoming self-represented after they ran out of money to pay the lawyer. Other SRLs described their frustration with legal counsel for the other party continually delaying the litigation process and refusing to try mediation. Some SRLs reported that their matter was dismissed when they used the wrong form to initiate the matter, forcing them to invest the time and energy to start again by searching out and completing the correct form.

Although I thought I was sensitive to the concerns of SRLs, I realized I did not really appreciate the trauma the legal system had inflicted on them until I visited a courthouse and lost my dessert fork. I visited two courthouses recently: one courthouse to receive an orientation to the Small Claims Court where I would be providing mediation services through the OMC and another courthouse to receive an orientation to a volunteer placement unrelated to my current coursework. I walked into the courthouse for my mediation orientation and went to the floor with the Small Claims Court freely. Conversely, the courthouse I attended for my volunteer orientation had scanners and uniformed officers immediately inside the main door. I emptied my pockets and placed my bags in a scanner as directed before enduring a pat-down to confirm I was not hiding something. I then reached for my possessions with the hope of carrying on with my day without further disruption, but was quickly disappointed.

When I picked up my lunch bag, I was told that I had to surrender the metal dessert fork inside the bag. I explained the fork was in the bag so that I could eat my lunch. I was told that what was a fork to me was a weapon to someone else and I had to surrender it. I asked if I could retrieve it when I left the courthouse and was told I had to place it in the container of confiscated items and would never see it again. I also had a metal spoon in my lunch and asked if I could keep it. I was told the spoon could stay but the fork must go.

I was tempted to argue with the logic of this edict given that I really wanted to attack someone with a cutlery I could imagine doing as much damage with the opposite end of the spoon as with the tongs on my small dessert fork. However, I decided that I was better off not arguing, since I had probably already received some benefit from being a short white woman in that the officers had actually accepted my explanation that the fork was really about my lunch and not a terror plot masquerading as lunch. I decided that I did not want to risk being detained as a suspected threat because I didn’t want to give up my fork. I was tempted to leave the courthouse so that I didn’t have to surrender my fork, but then people expecting me would be upset that I did not show up. Accordingly, I surrendered my fork and entered the courthouse to receive my orientation as a volunteer.

Later that day when I opened my cutlery drawer at home, I felt a wave of sadness. The fork I had lost was part of a set I bought when I first moved out of my parents’ home years ago. This cutlery is no longer manufactured, so the utensils set that has been with me for years will never again be complete. I marveled at how I thought I was sensitive to the concerns of SRLs but let me keep my metal spoon.

I remembered the feeling I experienced of the power those officers had over me, and what they could do to me if I argued with them and tried to keep my fork. I thought of the SRLs and how powerless and frightened they must feel before a judge who holds their whole future in their hands when they are seeking resolution to a family break-up, an employment dispute, or a lawsuit someone else initiated. The officers frisking people at the front door and seizing their utensils, assuming terrible events would ensue from metal forks but not metal spoons?

I then thought about what the SRLs were trying to understand about the legal system and what they expected of it, but every time they thought they had something figured out, they found out about a rule they had violated. I thought about their stories of losing their families, homes, jobs, and health as they devoted time, energy, and money to a litigation process going on for years. No wonder some of them were so angry and so hurt. If I felt sad over the loss of a fork when I entered the courthouse as a volunteer, how much more deep and profound must the pain be for people who went to a courthouse expecting to have a personal problem resolved and ended up losing much more important things than a fork?

I thought about my feeling that I had no choice but to surrender the fork and proceed onward because people were waiting for me inside the courthouse. Many SRLs talked about wanting mediation but proceeding with litigation because they had no choice. The other party insisted on using the court so they pressed on working with a system they felt was illegal and unfair like a system that confiscated my metal dessert fork forever but let me keep my metal spoon.

I really did not understand the impact of the legal system on the SRLs until I felt violated by it in a small way myself. Perhaps all law students not only need to hear the stories of SRLs but need to spend a day in their shoes, entering a courthouse as an ordinary person before they become a member of the legal elite. Once people become lawyers, perhaps they quickly forget the fear, confusion, and vulnerability people feel who are not “insiders.” Maybe we all need an experience as law students that will generate those feelings so that we will know how to talk to the SRLs across the aisle from us in court in the future with humanity.

I plan to keep the feelings with me that I experienced upon the confiscation of my fork as I enter my legal career. These feelings motivate me to build a system in which access to justice is not so difficult and is not reserved for those who know the language and the processes of the court intimately – including which rules must be followed just to be allowed inside the courthouse to start the journey. ☀️
Why Auston Matthews is a Better Player than Jack Eichel at This Stage of Their Respective NHL Careers: Part III

Author: Kenneth Cheak

Sports Editor

And now... The Conclusion:
First of all, thank you for your patience in staying for the conclusion. Let me begin by saying that Auston Matthews is a Better Player than Jack Eichel at This Stage of Their Respective NHL Careers: Parts I and II. And now... the long-awaited conclusion as I present to you the National Hockey League (NHL) reasons to prove my 'generational player/talent' formula of Matthews - Eichel: Matthews is the better/superior 'generational player' whereas Eichel is a phenom. A Second Op-Node: To None NHL Debut! Auston Matthews made NHL history on 12 October 2016 by scoring an unprecedented 4 goals when he suited up for Toronto in the Maple Leafs' season opener against the Ottawa Senators. Matthews scored at 8:12 and 14:48 in the first period as well as 1:25 and 19:57 in the second period - in the process, accounting for all of his team's offence production for the night. In doing this, Matthews equaled two NHL records as he became the twelfth player chosen first overall to score in his first NHL game and only the fifth ever player in NHL history to record 4 hat tricks in his first 20 games. He also broke two new ones as he held the distinction of being the first ever top selection in an NHL Entry Draft to record a hat trick in his NHL debut and the first rookie to put four goals in his NHL debut. While Jack Eichel managed to register a goal at 9:31 in the third period in his first NHL game on 8 October 2015, his performance paled by comparison to Matthews, who received a wave of congratulations for his accomplishment from active NHL players such as Kris Letang, Roberto Luongo, and Tyler Seguin; retired NHL icons such as Daniel Brière (whom Matthews idolized growing up), Mario Lemieux, NHL teams such as the Columbus Blue Jackets, as well as celebrities such as Stephen Amell. Perhaps the biggest compliment of all came from the next face of the NHL, Connor McDavid, who had the following to say after the Edmonton Oilers' practice on 15 October 2016, "as a rookie, it's tough to come into the league unless you're Auston Matthews. For us normal people, it's hard.'

Head-On Head Production:
By all accounts, Eichel's first NHL season was solid as he registered 24 goals and 54 assists in 81 games for the Buffalo Sabres. However, he did not win the 2015 NHL Rookie of the Year Award as the honour went to Connor McDavid of the Edmonton Oilers, as he was seen as the crown jewel of the 2016 NHL Draft. It also eradicated Eichel's mark of 87 points from the 2013 NHL rookie record. The only other rookies to take more shots than Eichel during his rookie season, including 29 goals, were other entries into the game such as McBain, Austin Matthews, Teemu Selänne with 342, Wayne Gretzky with 284, and Dale Hawerchuk with 339. Matthews also led the NHL in scoring chances, Babcock instead sees Matthews as the 'primary energy player who can dominate by himself'. Matthews' other noteworthy achievements in this memorial season seemed to confirm Babcock's intuition. On the one hand, Matthews set a new Maple Leafs rookie record by firing 279 shots, which places him in the top five of all-time NHL rookie record. The other only rookie to take more shots than Matthews in his rookie season was Auston Matthews with 425, Teemu Selänne with 387, Wayne Gretzky with 284, and Dale Hawerchuk with 339. Matthews also led the NHL in scoring 14 game-opening goals, which equalled Dave Andreychuk's franchise record. Thus, it was not much of a surprise when Washington Capitals head coach Barry Trotz, who coached his Ovechkin-captioned team onto multiple Presidents' Trophies, called Matthews a 'generational player' four times when Trotz spoke glowingly of Matthews in front of the media on 4 April 2017.

The Leafs have a generational player in Auston Matthews. He is just a generational player. I mean... He is big. He is deceptively fast. His ability to see and do things at a high rate of speed but I know in my mind, everything is slow. You know, he is just able to see everything in slow motion but he does it very quickly and to me, he is just a generational player. He will keep growing as a player and that is pretty dangerous for the rest of the league. Because eh, you look at the youngtalents in the league... McDavid, Auston, and people like that, Laine... I mean, those are... those are pretty, pretty, oh, sort of generational players that we are starting to see. It is a good time to be a hockey fan. That is for sure. What is that? Partly because a 'generational player' does not need others to make them better. Rather, a 'generational player' makes those around them better. In other words, Babcock is confident that Matthews does not need other great players to elevate his game because he is actually the greatest player on his team. Indeed, if we were to get an idea of Matthews' overall impact on the team, all we need to remind ourselves is that Toronto became just the second team in NHL history, after the 1981
Review: “Human Flow”
a scary story for Halloween!

Author › Haramrit Kaur

“If children will grow without any hopes, without any prospects of future, without any sense of being able to make any sense out of their lives, then they will become vulnerable to all sorts of exploitation including radicalization.”
- Maha Yahya, acting director of the Carnegie Middle East Center

At age 60, he travelled to 23 countries shooting the myriad of miseries of those who had fled religious persecution, famine, war and violence from around the world to arrive in Europe. Ai Weiwei, a Chinese artist and activist, has given us a wake-up call. Through his new documentary called “Human Flow,” he aims to prevail over indifference toward the plight of the refugees globally. This film is about the first ever global migration exodus and captivates the audience well. The central idea of the film is to sensitize people to the lives of refugees facing harsh realities. This film aims to evolve ignorant minds by erasing discrimination and encouraging the acceptance of the suffering of others.

He has beautifully captured images of innocent infants and children, many of whom have faced, and succumbed to, the waves of the gigantic sea and fought hunger; and many of whom are continuing to fight for survival. Smiling, questioning the world they are lost in, and not knowing that they may remain just a part of history and not of a future. As a child, Ai Weiwei faced persecution by the communist regime in China. His work reflects sensitivity from his own personal tragic experiences and understanding of those refugees, especially children, facing a dark future.

The film reveals their distressed living conditions in unhygienic places prone to disease, without attending school for months, facing boredom and depression in the refugee camps. It reveals that generations after generations have grown up in the same refugee camps. This pinpoints the risk of radicalization even further, which then becomes a concern not for a particular region but for the entire world. These children have survived bombings, killings, exploitation, hunger, violence, loss and much more. In addition, their continuous victimization is causing danger to their physical, psychological and mental health. The elegant use of drones capturing children running aimlessly says a lot about their lives.

What has forced the refugees to leave everything behind is the asymmetrical results of globalization. They do not seek the best education, cuisine, accommodation, nor living conditions. They are surviving with a flickering light of hope just to be treated as human. The refugee caravan walked miles seeking peace and a life worth living. The increasing refugee population from Syria, Iraq, Afghanistan, Africa, South East Asia and Central America shouts extremely compelling reasons to seek refuge in other countries. “We will pay them back through our contribution,” says one refugee interviewee in the documentary.

The Refugee Convention was born in Europe and this film appeals to the European Union to keep its promise alive. There is a need to open borders. The insufficient humanitarian aid isn’t enough. We can conclude from the interviews that this phenomenon of human flow is complex and massive. The EU and the West must realize their shared responsibility. These developed countries must run resettlement programs immediately and discard any diplomatic tactics to stray them away in far-flung areas.

What are we waiting for? We are not even 60 yet. We have the best of everything in abundance. If we are fortunate not to be born in those refugee-producing countries, it’s time to share that fortune now. It’s time to share some space and resources with these homeless people who at least deserve to be treated as Humans. This Halloween, let’s strengthen our International Humanitarian services to refugees, especially the children stranded in hopeless pigeonholes.

“The more immune you are to people’s suffering, that’s very, very dangerous.” - Human Flow
The Davies summer experience?

Ask our Osgoode students.

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