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Access to Justice v. Law Society of (Ontario): What’s in a name?

LSUC votes to change its name to the Law Society of Ontario in an attempt to promote public engagement.

On November 2, 2017, a majority of 17,000 licenced lawyers voted to replace “Upper Canada” with “Ontario” in their governing body’s name. The law society officially becomes the Law Society of Ontario on January 1, 2018.

The vote resulted from a decision made by the LSUC Bencher in September to remove “Upper Canada” from the law society’s name, despite having equal parts agreement and disagreement from its licensed lawyers. According to the Strategic Communications Steering Group that led the movement, the goal of the name change is to better engage with the general public.

But what’s in a name?
It has been rightfully argued that the use of “Upper Canada” is anachronistic; the name has colonial origins that have not been used to define our province since 1841. More importantly, when the term was used, it did not include the same geographical boundaries as present-day Ontario. It is not surprising, then, that the non-legal public has been utterly confused by the role and jurisdiction of the Law Society of Upper Canada. Therefore, the argument goes, by replacing the outdated term with Ontario, we are ensuring that the public are better engaged with the lawyers who are mandated to act in their best interest.

But was this confusion the heart of the real public engagement issue? I would argue no. Why are Ontarians increasingly self-representing themselves in litigation? Why are fewer individuals able to afford the ever-increasing cost of a lawyer? Why does the system deter individuals of lower socioeconomic status from protecting their rights and freedoms, but has its arms wide open to the most privileged and wealthy?

Is it because most of the general public are not avid Canadian history buffs? I don’t think so.

For clarity, I am not opposed to the name change. Besides the reduction in confusion, removing the colonial term also sends a positive message to our Indigenous communities that we are finally working in alshiylop with them to reconcile Canada’s terrible transgressions — an important and necessary message.

However, this change comes at a time when the legal system, as a beneficial social tool, has become more and more unusable for the average individual. The rhetorical questions discussed above — arguably the most prevalent public engagement concerns affecting the legal profession — will not be addressed by simply changing names. Justice will not be more accessible because Ontarians can easily identify the governing body of Ontario’s lawyers. More must be done.

With that said, the Strategic Communications Steering Group has stated that the name change is only part of a larger initiative to increase engagement with the public. Though this provides a glimmer of hope that more change is on its way, the old-school nature of the legal profession — with its extremely sluggish pace when attempting to transform — may indicate that we will be waiting quite some time before this initiative is fully implemented and operational.

However, we should not sit back and wait. As we enter the legal profession, we have important choices to make: do we stick to the status quo, or do we advocate for helpful change within our legal system and profession in order to increase access to justice?

Hopefully the latter speaks to you, because the name is not the only thing in need of a change.
You're Not Alone 3

Author › Ian Mason
Editor-In-Chief

So, it’s about time for someone to indulge the honoured Obiter Dicta tradition of an editor addressing mental health issues in law school. That’s right, we’re about more than social commentary, student clubs and activities, being functionally owned by Davies LLP, and articles on how to annihilate your liver. Occasionally, we touch on the difficulties students experience trying to balance our studies, careers, personal lives, and for some of us, personal demons. And I’m going to talk about those demons, because they’re brutal bastards who can only be defeated by direct confrontation, and also to reiterate to those of you who struggle with such demons that you’re not alone. Because you’re not.

Let’s open with a little background. According to Statistics Canada, one in three Canadians will suffer from a mental health issue at one point in their lives. In first year, I recall being informed that the number was one in five, which might be because some people don’t consider substance abuse to be a mental health issue. I can’t recall—appropriately enough because I was wrapped up in my own mental health issues at the time, which may or may not have been comorbid with substance abuse issues. No matter how you cut it, over six million Canadians will endure mental health issues of some kind, and unsurprisingly, many of your fellow students are counted in that six (or ten) million. If you don’t go in with one, you might have one now. Being a law student is basically an anxiety disorder, after all.

I suppose I should emphasize that I, too, suffer from depression and general anxiety, and so have previous and current members of Obiter’s editorial staff. I almost dropped out in first semester because of my various issues, and only persevered because a number of people reached out to me in my darkest days. But mental health issues don’t really go away, and you don’t get better as much as you simply get by. Unless a Toddler can choose to spend the rest of his or her life being chronically unhappy, mental illness isn’t a choice. It’s something you fight with your whole life, and even seeing every day as a victory just means remembering that such behaviours are less voluntary than one might initially suspect. It’s simply unfair to assume people want to be in pain, and that’s what a lot of the more extreme behaviours are: a cry for help in relieving emotional suffering. You can’t necessarily relieve it, and you shouldn’t even indulge it, but even being dismissive of it can be cruel. While a person can always choose how to act, if your judgment is clouded by crippling despair, how rational can you really be? If you think they’re causing you problems, imagine what life must be like for them.

The point is that if you don’t suffer from a mental health issue, you will work with lawyers who do, and you will have clients who do. It’s not something you can avoid. You can get that Bay Street job where it’s Italian suits and Gehry architecture and wannabe law students doing all the menial crap that most lawyers actually do have to take care of on their own. One day, the seemingly “just quirky” partner will have a breakdown when the bourbon stops doing its job, or the temp working as a receptionist will have an anxiety attack and walk off before lunch, or an obsessive-compulsive client will drop you for some absurd reason (and then the whole office has an anxiety attack). It probably won’t be dramatic, but at the very least, mental health issues will leave you short-staffed at some point.

But as much as people with mental health issues will present problems to you in time, it’s important to have empathy for them. This does not entail indulging certain behaviours, like self-destructive tantrums or someone getting fall-down drunk at 11:00 in the morning. It just means remembering that such behaviours are less voluntary than one might initially suspect. It’s simply unfair to assume people want to be in pain, and that’s what a lot of the more extreme behaviours are: a cry for help in relieving emotional suffering. You can’t necessarily relieve it, and you shouldn’t even indulge it, but even being dismissive of it can be cruel. While a person can always choose how to act, if your judgment is clouded by crippling despair, how rational can you really be? If you think they’re causing you problems, imagine what life must be like for them.

Truth be told, I don’t really know what to say to people who can’t understand what it’s like to fight a war inside your own head damn near every day. I don’t even know what to say for people who fight that same war, only to lose more often than I do. I’ve spent my entire life trying to cope with despair, self-loathing, existential terror, and general nihilism. It’s taken me over 30 years to become content with a baseline of general malaise, and I wouldn’t want anyone to settle for it. But what could I say to someone who can’t even get out of bed in the morning, or someone with schizophrenia who honestly thinks demons are orchestrating his or her downfall? We can never fully understand what it’s like to be someone else. All we can do is try.

And on that note, I urge you, regardless of your mental health status, to be kind, generous, and merciful to your fellow human beings. As lawyers, we will see the worst that humanity has to offer, and there will be times when we all find ourselves saying “to hell with that guy,” but it’s important to remember that shouldn’t be the default. Empathy is not a weakness.

Oh, and good luck on your exams. And don’t freak out if you get a couple of Cs. That just means you might be our next editor-in-chief.
Trouble in Paradise?
Paradise Papers Shed New Light on Offshore Tax Havens

Recently, a massive cache of over thirteen million financial documents was leaked to several European newspapers. Referred to as the Paradise Papers, this collection of documents shed new light on the financial practices of the world’s wealthiest individuals and corporations. More specifically, they provided insight on the controversial subject of offshore tax havens.

The majority of the Paradise Papers originated from Appleby, a Bermudian law firm. The company boasts an enviable list of corporate clientele, like Facebook, Nike, and Apple, as well as a host of wealthy individuals, including Bono, Queen Elizabeth, and U.S. Secretary of Commerce Wilbur Ross. It is currently believed that Appleby assisted thousands of clients over the years in arranging for their financial affairs to take place in overseas jurisdictions with substantially lower or non-existent tax rates.

The Paradise Papers have been noted as bearing a striking resemblance to the Panama Papers, which were a leak of financial documents that occurred in 2015 and resulted in the downfall of several prominent figures in business and politics. In the case of the Panama Papers, millions of dollars offshore in an alleged effort to avoid paying taxes in Canada. During a foreign trip to Vietnam, Prime Minister Trudeau expressed his confidence that the matter involving Mr. Bronfman would be cleared up: "We have received assurances that all rules were followed; indeed, the same assurances made in the public statement released by the Bronfman family, and we are satisfied with those assurances."

The opposition in Parliament, however, was not prepared to put the matter to rest. In a recent Question Period before the House of Commons, Andrew Scheer, Leader of the Conservative Party, argued that this was just another example of Prime Minister Trudeau and the Liberal Party holding the wealthiest Canadians to a different standard than the rest of the country: "Why is the Prime Minister always making honest, middle-class families pay up while allowing his friends to avoid paying taxes in Canada?"

The New Democratic Party also heaped criticism onto Prime Minister Trudeau and the Liberals with calls to crack down on offshore tax havens. Alexandre Boulerice, Finance Critic for the New Democratic Party, hopes that the emergence of the Paradise Papers will spur changes in Canada’s fiscal policy that will criminalize the use of offshore tax havens currently operating in this legal gray area.

While tax avoidance is a legal practice, tax evasion is not. The distinction between the two, however, is not always clear. Generally, tax avoidance refers to individuals and corporations working within the law to minimize their tax bill. Tax evasion, on the other hand, refers to the illegal measures that individuals and corporations take to reduce tax obligations, usually by hiding wealth from the government.

The issue that lies at the heart of the Paradise Papers is whether stashing money away in offshore tax havens amounts to tax avoidance or tax evasion. According to Jonathan Farrar, an accounting professor at Ryerson University, the answer invariably leads to more questions: “It [tax evasion] is a very difficult thing to find and to define because the rules are not always crystal clear. If the rules were crystal clear it would be much easier to find if someone was engaging in tax evasion.”

It will likely take years for investigators to sift through the wealth of information contained in the Paradise Papers, which include bank statements, emails, and loan agreements. Since the Paradise Papers are still a recent development, it is not yet apparent how regulators will deal with the multitude of legal issues that this leak has presented. However, if one thing is for certain, it is that the issue of offshore tax havens is not going away any time soon.

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Your House for Sale?
The McInnis v McInnis Story

Do you always have the final say when you sell your home? Don’t be so sure. The recent 2017 decision in McInnis v McInnis (2017) reminds us all that the court can order the sale of a matrimonial home during a divorce proceeding, even if one of the parties contests such an action. For all you married or separating homeowners, this is worth reading.

The McInnises were married in 1979 and separated after 35 years of marriage. They had no children, both parties were employed during their marriage, and both have retired. Their financial contributions were similar and uncontested. The big issue at stake, however, was the matrimonial home. It was mortgage-free and probably ghost-free, since it was built around 1990. The Respondent had continued to live in the house post-separation.

The Applicant brought a motion for summary judgment for the sale of the matrimonial home. He wanted to use his portion of the matrimonial home’s value to meet various expenses related to the divorce. This conflicted with what the Respondent wanted, and she attempted to gain exclusive possession. She did not want to move out of the house she had come to know and love over the years. She submitted that the house accommodated her health issues. Further, she submitted that the Applicant was acting financially irresponsible due to declining mental health.

Legally speaking, the Ontario Superior Court of Justice has the authority to order the sale of the home, according to section 2 of the Partition Act. This decision can occur outside of a trial, in summary judgment. Summary judgments allow the courts to deal with more cases without the painstaking effort involved in a trial. In Hryniak v. Maufflin, the Supreme Court of Canada confirmed the value of decisions made by summary judgment: “Summary judgment motions provide an opportunity to simplify pre-trial procedures and move the emphasis away from the conventional trial in favour of proportional procedures tailored to the needs of the particular case. Summary judgment rules must be interpreted broadly, favouring proportionality and fair access to the affordable, timely and just adjudication of claims.”

In McInnis, the court did not find the Respondent’s submissions persuasive. Her health issues began over a decade after the house was built, weakening the argument that it was built to accommodate and mitigate those health concerns. In fact, no evidence was given to support such a claim. Further, there was little supporting medical evidence filed for these health issues. The court also found that the Applicant was not being frivolous with his money.

Given the lack of evidence and persuasiveness on the Respondent’s behalf, the court refused to exercise its power granted in the Family Law Act to transfer the Applicant’s proprietary interest in the matrimonial home to the Respondent. Instead, against the wishes of the Respondent, they ordered its sale and sided with the wishes of the Applicant. The house was put up for sale and the Respondent needed to move.

Law forces us to look to the future to avoid making similar mistakes. One takeaway from the McInnises’ plight is this: couples who wish to avoid an involuntary sale of their home in the future should prospectively decide, in writing, how and when the property may be sold. Trying to negotiate a consensus with your ex-partner on how to handle property can be challenging. In the words of Alan Lakein, “Failing to plan is planning to fail.”
In a word, nothing.

Seriously.

There isn’t a lot of talk about the bar exam during law school, which seems strange, because isn’t that what it’s all about? To be a lawyer, you have to pass the bar, and you go to law school in order to become a lawyer, so you’d think there’d be some overlap, but that’s not the case. The processes are completely separate.

Why am I writing this article now? Because the fact that nobody talks about the bar in law school means that people start worrying about it way, way sooner than they should.

Happily, there is almost nothing you can do to prepare for the bar until the end of April 2018.

The dearth of communication from both the law society and the law schools means that in early spring next year, rumours and myths will begin to fill the void. A-type personalities will start researching strategies and you’ll begin to hear certain people insist that x approach or y approach is the only way to avoid failing. The rush to find an indexing group will happen before most people know what an indexing group even is, and it will feel like a high school popularity contest all over again.

But far and away the worst lacuna is that the fail rate isn’t published, so even the strongest law students will doubt that they’ve prepared “enough” for the biggest test of their legal careers. So much of the anxiety you feel over the summer is caused by the lack of information you’re given. That’s the worst thing about the bar – worse even than being locked in an aircraft hangar for 7 hours. And that’s what I want to prepare you for.

But not yet.

It’s November 2017, and this is your official mandate to chill.

At this stage, all you need to know about the bar is this: the bar consists of two seven-hour exams, two weeks apart in June. (You can defer these exams if you choose to write them in fall 2018 or spring 2019, with no consequences to your call date. Nobody tells you this, but you can. But don’t worry about that yet.)

The barrister’s exam will test you on civil litigation, criminal law, public law, and family. The solicitor’s exam will test you on real estate, estates, and business. Both will test you on professional responsibility. The law society will give you the materials you need to study.

I repeat: the law society will give you the materials you need to study.

While taking certain core courses throughout law school may help you to better understand the bar materials when the time comes, it’s not necessary to organize your law school classes around what will be useful for the bar. I don’t know that taking real estate helped me at all on the real estate portions of the bar exam, because law school exams and the bar exam are structured completely differently, and differ wildly even when it comes to content. You might find knowledge from certain courses useful when you’re studying for the bar because you might find it comforting to have familiarity with some of the material, but again, I repeat: the law society will give you the materials you need to study.

There are only two things you’ll need to prepare for the bar: your bar materials, which you will read through once (... maybe) and your index. Your index is your guide to sorting your material on exam day, and it is no less important than your materials. You can either get together with an indexing group to create an index, or you can buy your index from the Law Society. The Law Society index is available about a month after you receive your materials. There are arguments for and against either approach. Neither is wrong.

There – that’s more than enough. You now know more than I did when I began the process, and honestly, you now probably know too much. Some of you wouldn’t have even started worrying about it but for the fact that I brought it up (such is the danger of giving unsolicited advice). There’s literally nothing you can do about the bar today. In the spring, I’ll break it all down for you, but for now: chill.

Source: pipebar.com
I read Joanne D’Souza’s opinion on Bill 62 passed by the Quebec government in the Obiter Dicta. I disagree with her analysis of the bill, but more importantly, I do not believe that Bouchard-Taylor’s report should serve as a guide for the Quebec society. Fundamentally, however, Joanne is right that the State should not dictate what an individual should wear.

Having grown up in Quebec and being a visible minority, I see the Bouchard-Taylor report as a hidden mine. Through a close reading of the recommendations of the Commission, it is possible to see that the Commission’s report is fundamentally hostile to the multiculturalism ideal of Canadian society. Initiated following an outcry on what were believed to be “unrea- sonable” and “ostentatious” requests for accommodation, the Commission claimed that religious minority groups were not understanding the interculturalism of the Quebec society. The Commission, through its recommendations, sought to introduce a new concept of state secularism which would let public servants remove religious symbols from their bodies.

For the governing Liberal Party of Quebec, which received the vast majority of votes from visible and ethnic minorities’ votes, the Bouchard-Taylor report is simply a no-go. The Liberal government has thus shelved the idea to ban ostentatious religious symbols for all public servants in positions of authority, but that was not enough to stop the discussion, and opposition parties pushed for more drastic measures. In 2014, the notorious Charter of Values was proposed by the governing separitist party, the Parti Quebecois, and used to prop up an election. The Charter of Values not only forbade the wearing of any religious symbols by public servants during their work (section 5 of the Charter of Values), not only those in positions of authority as proposed by the Bouchard-Taylor report. The face must also be uncovered for the receiving of public services. The Charter of Values indicated in section 13 that sections 3 to 6 are essential conditions to the employment contracts in public bodies. The Charter of Values also sought to introduce the concept of state secularism (used in the Bouchard-Taylor report) to public servants in a position of authority (section 5 of the Charter of Values), and required accommodations under the proposed Charter of Values to take into account this concept of state secularism. However, it is worth mentioning that the beautifully large Bouchard-Taylor report did not mention anything about the Charter of Values and its implications. Gladfully, the Parti Quebecois lost the election to the Liberal Party of Quebec and this Charter of Values died.

The new flawed Bill 62 by the Liberal Party of Quebec is fundamentally different from the Charter of Values, as it applies the concept of “religious neutrality” of the State, rather than that of State secularism; but Bill 62 nevertheless imposes undue bureaucratic hurdles on religious minorities. Religious neutrality of the State has been defined by the Supreme Court of Canada in the Multani v Commission Scolaire Marguerite-Bourgeoys decision by the Supreme Court of Canada in 2006 that allowed Multani to bring a legal challenge against the religious neutrality of the State. The Multani v Commission Scolaire Marguerite-Bourgeoys decision, adopted regulations that would ban the wearing of religious symbols, the wearing of face coverings and many other laughable regulations in the name of public safety. Undoubtedly, the vast majority of these regulations would be either void or unconstitutional. The public, however, wanted solid legislation that would explicitly ban most religious accommodations, especially those believed to imperil public safety. Bouchard, the co-chair of the Commission, following the release of the recommendations, indicated that he believed that in order to better protect Quebec’s social fabric, Quebec should secede from Canada. As well-educated he was, he was certainly well aware that such an outright ban would not be possible under the Canadian Constitution, without the use of the notwithstanding clause. It is, of course, implied that this aims fully reject the notion of multiculturalism for a new kind of integration of newcomers, where values – not of liberal democracy – are imposed on them.

The Canadian Charter of Rights and Freedoms includes provisions for freedom of religion and freedom of conscience and belief. However, interculturalism has now been considered as the language and way of life with total disregard for the notion of liberal democracy. I also wish that this new law would not negatively affect the religious neutrality of the State. It is worth noting that the main opposition parties, the Parti Quebecois and the CAQ, want to allow no accommodation. However, under Bill 62, all requested accommodations will likely be granted because the offering or receiving of public services with the face covered will seldom impact the State’s overall religious neutrality. In contrast to what Joanne wrote, however, there is no specific accommodation request path under the Quebec Charter. Like in Multani v Commission scolaire Marguerite-Bourgeoys, a request for accommodation is usually initially submitted directly to the government organization in question. There is nothing in Bill 62 or other legislation that obliges the request to be in writing. If Bill 62 were later applied to public transportation, we can imagine a bus driver asking all boarding passengers to take off their sunglasses, scarves, etc. Someone with a face covering and a genuine religious belief would refuse and outline orally the reasons why he/she will not take it off. There will undoubtedly be a small number of overzealous bus drivers or agents of the Crown, and these overzealous public servants will likely lead to litigation.

This new Bill 62 undoubtedly burdens ethnic and religious minorities wearing face coverings with bureaucratic hurdles of being asked to remove the face covering, of having to justify for accommodations, and of having to fight occasional court cases. Nevertheless, in the current atmosphere in Quebec, any of the large opposition parties would likely put in place more limiting legislations than Bill 62, if they were elected to form the next government. As a visible minority, I would much rather have the Quebec Liberal government, which has consistently garnered the majority of votes from visible and ethnic minorities, to legislate on the matter than people of the likes of Bouchard who impose values that directly conflict with the notion of liberal democracy. I also wish that this new law would be declared unconstitutional so that future opposition parties will not attempt to craft more radical versions of it. In the alternative, even if Bill 62 were constitutional, it is not as bad as alternatives proposed by other political parties in Quebec.
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 Legal Drugs in Serious Need of Better Regulation

Full disclosure time: over a decade ago, I was a teenage reprobate. When I returned to university in my early twenties, I learned that I was a high-functioning twenty-something reprobate. Then I spent five years doing grunt work at a law office until I got into Osgoode. Now, here I am, trying to preface an article in a way that suggests my dubious days are behind me, while acknowledging that they are not forgotten. How am I doing?

Anyway, there was a time when I would go to some lengths to catch a cheap buzz. This is no longer the case, but an adolescence surrounded by ravers, stoners, and other alternative school dropouts has taught me a thing or two about a world well-hidden from the scornful gaze of respectable society. Admittedly, the drugs I’m about to list are drugs I’ve taken specifically to avoid the pitfalls that a lot of people I knew had to endure to get high. No sketchy dealer cutting his blow with veterinary de-wormer (Levamisol, yes, that’s a thing), no worries about your ecstasy containing methamphetamine (also a thing), no concerns about pot laced with PCP (extremely rare, but not unfathomable). Getting these drugs doesn’t usually require anything more than a polite transaction with a pharmacist or a credit card, but that’s the problem. You can get these drugs too easily, and they can be dangerous if you’re not an informed fiend. And that’s why, as the legal reformers of the future, we should at least be conscious of how easy it can be for someone on the level of a teenage dope fiend to circumvent the law.

And with that, I give you five legal drugs, and why they should at least be subject to greater regulations.

**Codeine**

I’m going to start with a common one, but also one that’s less regulated than you might imagine. In this list, I’m staying away from prescription pharmaceuticals, because they are utterly illegal to take without a prescription. Now, most codeine preparations do require a prescription, but you can get weak codeine pills simply by asking anyone at most pharmaceutical counters, and generally you’ll only be asked if you’ve had them before. These so-called “T1s” are very weak, and contain enough paracetamol that you’ll make yourself sick before you get a particularly good buzz. I think they only exist so people can wean themselves off the T3s they get after a tooth extraction or similarly minor surgery.

**Why should it be better regulated?**

Aside from the fact that it’s an opioid you can get over-the-counter, you can separate the codeine and the paracetamol with grade-school level chemistry. No, I’m not going to tell you how to do it, but suffice to say, it works. The end product is a solution that would be indistinguishable from water if it didn’t taste like the souls of a dozen dying pills crying out in agony. You get high, but your tolerance grows very quickly (because it’s an opioid, dammit), and the stuff still contains enough paracetamol to be dangerous. Granted, this could technically be considered a highly-illegal manufactured drug, but it’s just too easy to get your hands on a bottle and get around the modest regulations surrounding its sale. Also, some people just chow down on a bunch of raw pills, and when the manufactured product is somehow less risky, something’s not right. It’s not even a very effective painkiller.

**Ephedrine**

Fun fact: this is one of the oldest pharmaceuticals known to humanity. It has been used as a stimulant and decongestant since ancient times, as plants in the ephedra genus grow in dry and temperate regions worldwide. It helps to think of it as caffeine’s stronger, older brother, and pseudoephedrine’s less pretentious cousin. It’s a moderately strong stimulant used mostly by dieters, body-builders, truckers, and people who don’t like coffee but need a pick-me-up. You don’t exactly get high on it, but it does alter your mental state, so it counts.

**Why should it be better regulated?**

For one thing, it’s a precursor to methamphetamine. But the bigger problem is that you can buy it from nutritional supply stores for an insanely low price in huge quantities. It’s not cut with anything to discourage abuse, and the only regulation seems to be that no single tablet can contain more than eight milligrams of the drug, and the warning label on the packet says not to take more than one. Right. Because drug abusers pay attention to warning labels. I’m pretty sure most people ignore warning labels. Set a purchase limit, tax it, cut it, whatever. It’s simply too easy to get a lot of the stuff, and that’s the heart of the issue.

**Dextromethorphan**

Do you know of Sizzurp, aka the cough syrup, candy, and Sprite concoction that Lil’ Wayne keeps overdosing on? Well, this is something different, but it’s similarly high on the “wtf” scale. Dextromethorphan is a very common ingredient in many over-the-counter cough syrups, and forget needing to talk to a pharmacist, you just need to take it to the teenage cashier at Shoppers. It’s not as dangerous as Sizzurp, and it’s not physically addictive, but it’s a dissociative, putting it in the same class of drugs as ketamine and PCP. Someone who’s desperately hard-up for a buzz could buy a bottle of DM cough syrup, chug half of it, and spend the next six hours visibly detached from reality and behaving like someone clumsily imitating Mr. Lahey.

**Why should it be better regulated?**

Obvious reasons, like being related to PCP while still conceivably being something a child could purchase. But there are less obvious reasons, particularly that it’s next-to-useless as cough medicine. Controlled studies have shown that it’s a little better than a placebo at treating throat and bronchial irritation. A child can buy a potent, hallucinogenic drug as medicine, and it doesn’t even work as medicine. Fortunately, the glycerine and artificial sweeteners in cough syrup make drinking enough of it to get fully twisted a distasteful prospect, but children can get this stuff easily. That’s reason enough to at least put it behind a counter.
Kratom

Kratom is a very unusual drug that was almost unheard of in North America until very, very recently. It’s a drug produced from the leaves of an evergreen tree in the coffee family that is native to southeast Asia. Usually consumed as a tea or a powder mixed in water or juice, it produces a combination of effects characteristic of opioid and stimulant drugs. It tastes foul, but a few grams of powder mixed in lemonade has a pretty substantial kick. It’s flatly illegal in a lot of countries, including Australia, New Zealand, Thailand, and the United Kingdom.

Why should it be better regulated?

In Canada, it’s illegal to sell it for the purposes of ingestion, but a lot of companies get around this by selling it as incense or as a “botanical.” Right. I don’t chew LSD, I just swallow. I don’t do cocaine, I just like how it smells. I didn’t inhale. I personally wouldn’t mind seeing this drug legalized after being better researched, because it apparently shows some promise as a treatment for opiate addiction (and anything that would make the pharmaceutical companies sweat can’t be all bad), but the regulation on this stuff is laughably impotent. It’s also known to be addictive, and that’s problematic enough when a substance’s other risks are well-known.

Research Chemicals

It’s story time.

Once upon a time, there was a man named Alexander Shulgin. He was no ordinary man, for he had a PhD in biochemistry, and was credited with discovering and synthesizing over two hundred psychoactive compounds, which he tested on himself. He died in 2014 at the ripe old age of eighty-eight, and is known as the “godfather of psychedelics” for his extensive and innovative work.

This is not his story.

This is the story of his moral and professional antitheses, the people who brought you “bath salts.” Shulgin’s inventions generally resemble mescaline, and tend to have you peacefully watching the clouds take bizarre shapes as you get into a too-deep discussion with your buddies on the philosophy of Adventure Time. Bath salts usually contain a cathinone analogue, and are basically like a combination of methamphetamine and PCP: highly addictive, physically dangerous, and known to cause paranoid psychosis in users. These drugs are often cheaply produced in Chinese laboratories, and are admittedly apt revenge for the Opium Wars.

What do Dr. Shulgin’s innovations have in common with bath salts? They’re both known as “research chemicals.”

Why should they be better regulated?

Look up Flakka. I’ll wait.

Crazy, isn’t it?

The root of the problem is that people like Dr. Shulgin are one in a million, and the people who make bath salts are a dime a dozen. You can buy research chemicals online, with little more than a credit card and a two-sentence note claiming you’re doing some sort of chemical analysis of their properties. Sure, we have laws on the books that say you can be busted for possessing an analogue to a scheduled substance, and good luck explaining to a police officer that the bag of white crystals in your pocket is just artificial sweetener, let alone a drug that exists partly as an attempt to escape regulation. You’ll still spend a horrid night tripping balls in a holding cell (I assume).

Regardless, these things are much too easy to get. Ironically, the “safer” research chemicals that Dr. Shulgin invented were some of the first to be scheduled, so the laws have made this whole process more risky. Just shut down these companies when they operate on Canadian soil. Maybe one day we’ll be ready to discuss the merits of legalized mescaline, but until then, end this crap. Please.

This has been a public service announcement from someone hiding behind a veneer of anonymity. Drug use should be a public health issue and not a criminal issue, but when it comes to the sale and distribution of potentially dangerous substances, hell yes, it’s a criminal matter. Close the fricking loopholes, stop demonizing addicts, and prepare yourself for some awkward conversations about a reality it’s time we should stop avoiding: people like to get high. Deal with it properly.

I need a beer...
What do Legal Entrepreneurs Do?

A Reflection on LEO’s Den: A Career Panel of Roaring Proportions

Author: Rocco Scacco
Legal Entrepreneurs Organization (LEO)

I will begin with a disclaimer: I am by no means a successful entrepreneur. At the very most, I am an ex-limonade huster with a knack for pocket change prof- its. I do not know how to run a business, and, aside form zippy lemonade, I have never monetized my ideas or creations. I once met with a colleague, a lawyer with all the grey hairs of wisdom you would expect from a legal entrepreneur, and pitched to him the idea of a stu- dent club about legal entrepreneurship. At the time, in my mind, all it meant to be an entrepreneurial lawyer was to run a solo practice or start up a firm. That was the limit to my awareness. As I discussed this with him, he said that a club of students talking about starting a law practice is like the blind leading the blind. He was right; none of us really know what it’s like to make it on our own. In spite of this, I felt even more determined to learn what it means to be an entrepreneurial lawyer.

At the LEO’s Den panel, four lawyers visited us, each with a unique story about becoming solo practition- ers with their own special niches. What really stood out with this panel, out of every other career panel I have attended, was the passion and energy the panelists brought to the table. It felt like we were getting the straight dope, the real talk, or, the hard truths. The take-home from this was, and I make this point in case you decide to read no further: as an entrepreneur, you can help others, you can make a living, create your own business, and live a life of your own design. What follows is my personal reflections from the panel based on some of the major points brought forward by the panelists. These have inspired me to pursue an entrepreneurial career path with more vigor, enthusiasm, and certainty. This list is a taste, and is by no means exhaustive of what it means to embrace an entrepreneurial mindset.

Help people, or help find someone who can

Being resourceful is just as much a service as being able to provide a high-quality product. Let’s face it, every client has needs that go beyond the services you can ever hope to provide. If you are well connected, then your clients will always have someone worth returning to, because your contact and value extends beyond your fleshy frame. Entrepreneurs leverage this capability by caring about each potential client that walks through their door. By caring, you will get to know their needs, and you can then take the initiative to point them in the right direction. Your ability to provide for your client will extend beyond your skillset as a lawyer. The bene- fits do not stop here; those who receive business on your referral will be grateful, and you will one day see clients referred to your doorstep in a similar fashion. A client referred is a client served.

Learn from other people and cultures

In your life, everyone you meet is a potential teacher. In the business of law, being connected is never a bad thing. This value goes hand in hand with point number 1 above, as it will allow you to reliably refer your cli- ent to someone who can help whenever you cannot. On a further note, being connected is also a way to create opportunity. If you have a goal in mind, a project, you will likely need the help of others. If you want to start an innovative new law firm or revolutionize the legal industry with a new cellphone app, being connected to a variety of people within the profession will pro- vide immense insight and guidance as you pursue your dreams. None of this is to say that you should just net- work within the legal profession! Touching on point number 2, it is good to meet people of all different kinds of backgrounds and professions. People are everywhere! I have experimented with chatting up commuters while making my way around the GTA and have met lawyers, government officials, and salespersons. Opportunities are everywhere if you are open to taking the risk and saying “hello” with a smile. As students within the legal profession, you are in a privileged position to be men- tored by accomplished lawyers with a desire to give back. Go to panels with the Ontario Bar Association, shake a few hands, and you will know what I mean. The support you receive will be overwhelming.

Always remember to give back

Giving back means returning value to the institu- tions that gave you what you have. As future lawyers to be called to the bar, we are benefitting every day from the community and facilities here at Osgoode Hall Law School. Those of you who have attended student orga- nized panels, networking sessions, and socials have witnessed lawyers volunteering their time to students for free. If you ask them why they volunteer their time, they will tell you that they are giving back what was given to them when they were students. Collegiality is a virtue because it allows the free flow of favors and good deeds. In the end, the good guys get ahead and only the selfish get left behind. As an entrepreneur, you can thrive in a community of giving, if you are always ready and willing to give back.

Recognize that every decision you make either brings you closer or farther from where you want to be in the future

Every choice in your life brings you somewhere. This is the unavoidable reality we are thrown into as exist- ential beings. Before we can deeply appreciate where our decisions are taking us, we need a guide for what we want in the future. If you haven’t decided upon your future yet, that is okay. At a minimum, you know when you are enjoying what you are doing, and almost cer- tainly know when you aren’t. Follow that – it is your compass. As long as it guides you down a path that is responsible, productive, and generates value, you are probably on the right path. Our world is filled with tempting distractions, now more than ever in human history. Ask yourself, does this night out, this televi- sion binge, this extra bottle of wine or tub of ice-cream bring me closer or farther from where I want to be in the future? This is an easy question to ignore, and it’s why, as a culture, we are easily obsessed by short-sighted indulgences. Now, that’s not to say a little diversion here and there is a bad thing. Why not plan your life to be fun, and productive? Rewarding yourself for your hard work is a virtue, but how often do we really deserve the reward? That answer is up to you. Let me put it this way: consuming for our enjoyment is not a sin. Though we should ask, do we really wish to define who we are based on what we consume rather than what we pro- duce? As an entrepreneurial lawyer, you can choose the value you create for the world, because you are free from distraction. If you are defined by what you produce, there is no limit to what you can achieve.

In sum, I hope that you found these six points inter- esting, informative, and inspiring. As future lawyers, the world is open for you to pursue your dreams. We have privileged knowledge about how human soci- ety works, which no ordinary person can boast. Do not take for granted the talents and specialized knowl- edge your legal education has provided for you. Finally, I would like to leave you with a quote from Jonathan G.V. Hendricks, a dear friend and colleague:

“Every lawyer can be an entrepreneur, but not every entrepreneur can be a lawyer.”
Soduko of the Week

PUZZLES

Tuesday, November 21, 2017

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The Davies summer experience?

Ask our Osgoode students.

Eytan Dishy  
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Ankita Gupta  
Class of 2019

Russell Hall  
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David Ionis  
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