

# Obiter ♦ Dicta

Volume 88 | Issue 11 | [obiter-dicta.ca](http://obiter-dicta.ca)

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Tuesday, February 23, 2016

## MARIJUANA LEGALIZATION

### IT'S ABOUT TIME: AWKWARD CONFESSIONS FROM A MOSTLY-REFORMED DOPE FIEND



► Photo source: *Reefer Madness* (1936)

- IAN MASON

Justin Trudeau's plan to legalize marijuana possession has created quite the stir in the last year or so, and frankly, it's about time we unscheduled the stuff. I don't actually have much of a dog in this particular fight. I'm not going to be a blatant liar and say I don't ever partake, but to say legalization would have any impact on my day-to-day life would be similarly dishonest. Truth be told, anything more than a couple of puffs makes me ridiculously paranoid, and while I understand it's a more enjoyable buzz for a lot of people, I could generally take it or leave it. My personal affinity—or lack thereof—for the chronic ultimately has nothing to do with my desire to see it legalized, legitimized, or sold at the local LCBO and/or corner store. Basically, I want to see it unscheduled for two very simple reasons, and even

the most hardened anti-drug advocate should understand where I'm coming from here.

First, marijuana should be legalized simply because the time and cost associated with punishing pot smokers is absurd. Short of piling millions of dollars into a trash bin and setting it on fire, it's hard to imagine a bigger waste of taxpayer money.

Second, criminalizing the use or possession of a drug mostly just makes drug dealers rich, and to be blunt (no pun intended), to hell with that.

To expand on the first point, it's not clear how much money is spent on cannabis-related law enforcement, but one estimate—offered by *MacLean's Magazine*—pegs it at

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# Small Steps, Big Footprints

youcounsel.ca and Legal Innovation

- SAM MICHAELS

This past week, I had the fortunate opportunity to interview a Toronto-based legal innovator. Amer Mushtaq, a lawyer at Formative LLP and an Osgoode alum, recently launched [www.YouCounsel.ca](http://www.YouCounsel.ca), an online course to help self-represented litigants make their way through the small claims court system. I had the chance to speak with Amer about his background, the inspiration for You Counsel, and what he sees for the legal industry going forward. As an avid follower of anything tech, law, and business, it was a great first-hand look into new ways to address old legal problems.

The first thing I spoke with Amer about was his background, and his experience at law school. Like me, Amer had found himself less than impressed with Osgoode's academic-over-economical approach to legal education. He quickly tuned in to the lack of business savvy in the legal community, and within a couple years of achieving his degree, was off Bay Street and into private practice.

Cautious about Amer's obvious enthusiasm over jumping off the "beaten path" of a legal career, I reminded him that many students, drowning in debt, have no choice but to grab whatever position is offered. To my pleasant surprise, Amer told me that he left his firm still deep in the red, but through his independent efforts managed to erase his debt faster than he would have on his former salary anyway.

Speaking about You Counsel, I first asked Amer about his motivation for the project. At its core, You Counsel is a series of instructional videos explaining the process for initiating, participating in, and winning a small claims court claim. The product isn't intended to reinvent the wheel, nor does it dazzle with brilliant new technology, but it does address a key gap. As Amer stated, motivating him was the lack of clear, concise legal information for self-represented litigants at small claims court. It's a gap that, intellectually, is not overwhelmingly difficult to resolve, but practically, does require time, effort, and commitment.

Amer has made that investment, creating a product that provides key information in a digestible format. In his own words, the videos are designed "to be followed by anybody, taking a market that's already there and empowering people when they act within it." In terms of pricing, at \$200 for the 26-video set, You Counsel is comparable to other video instructional programs, and unquestionably a bargain compared to legal consultations.

Of course, with the reduced price point and friendly online format, You Counsel does also encounter some limitations. Video tutorials are great for viewing forms and explaining the basics, but they don't engage the client or ensure that the lessons have indeed been absorbed. Amer has done his best to mitigate this issue by providing a forum for users at [www.youcounselforums.ca](http://www.youcounselforums.ca). The program is also not meant to be personalized, and does not provide much-coveted "individual advice." Amer himself admits that skirting the line between "legal advice" and "legal information" is an evolving challenge, and one in which there is no certainty. Pressed about potential liability, Amer answered like a true innovator: "of course there are potential issues, but that's just part of it!"

Regarding the future of the industry, I asked Amer his opinion on automation, and whether those predicting the "robo-pocalypse" are getting ahead of themselves. Amer replied with an emphatic "no." In his opinion, the hype is real, and there's no reason that automation and technology won't completely redefine the profession. The outlook gives me added appreciation for his project. Though automation may one day completely overtake us, businesses like You Counsel show that the path to that future is not exclusively full of alien technologies and lost jobs.

You Counsel is the embodiment of steady progress – an established technology, a straightforward legal need, and a simple solution. To me, this is just the sort of improvement the legal system needs. While not overwhelming with technological superiority, Amer is also not mired in traditional ideas of legal education and practice. With so much being written about new legal technologies and industry-wide changes (e.g. contraction), I hope stories and ideas like Amer's will shine through. They are a good example of positive progress in an uncertain landscape, and the potential to mobilize new solutions without redrawing the whole map.

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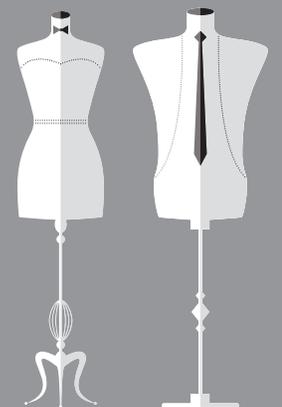
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"Laws, like houses, lean on one another."  
- Edmund Burke

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Submissions for the March 8 issue are due at  
5pm on February 27. and should be  
submitted to: [obiterdicta@osgoode.yorku.ca](mailto:obiterdicta@osgoode.yorku.ca)

The *Obiter Dicta* is published biweekly during the school year, and is printed by Weller Publishing Co. Ltd.

*Obiter Dicta* is the official student newspaper of Osgoode Hall Law School. The opinions expressed in the articles contained herein are not necessarily those of the *Obiter* staff. The *Obiter* reserves the right to refuse any submission that is judged to be libelous or defamatory, contains personal attacks, or is discriminatory on the basis of sex, race, religion, or sexual orientation. Submissions may be edited for length and/or content.

# Impression, Osgoode

Painting a snapshot of 1L and the narratives that are excluded from the realm of law using literary prose

- CANADIAN FORUM FOR CIVIL JUSTICE

The OFC's recent excavation of the history of the Women's Caucus has prompted the Feminisms of Osgoode Past to revisit their relatives at the law school today. The body of documents, zines, and ephemera we have unearthed are sometimes uplifting and even enlightening, and sometimes offensive or laughable to our all-knowing 2015/2016 sensibilities. No matter their substance, Osgoode's history reminds us that this school is a reflection of the things we bring into it, feminism among them, and that to honour ourselves is to acknowledge every aspect of ourselves—warts and all.

In the second edition of the OFC's ongoing series inspired by the Women's Caucus/OFC archives, I invite the cross-examiner from Judy Grahn's poem "A Woman is Talking to Death" (artwork pictured) to coerce a series of confessions for your reading pleasure. These are no typical confessions. They illustrate the narratives that are excluded from testimony on the witness stand, from the scrutiny of our learned future colleagues, and from the personae we construct for ourselves over small talk here in our very own Gowlings Hall. As the titular allusion to Monet's seminal artwork might suggest, this unconventional cross-examination paints several personal impressions of Osgoode at the beginning of my own career as a law student.

[Testimony in trials that never got heard]

[Have you ever committed any indecent acts with women?]

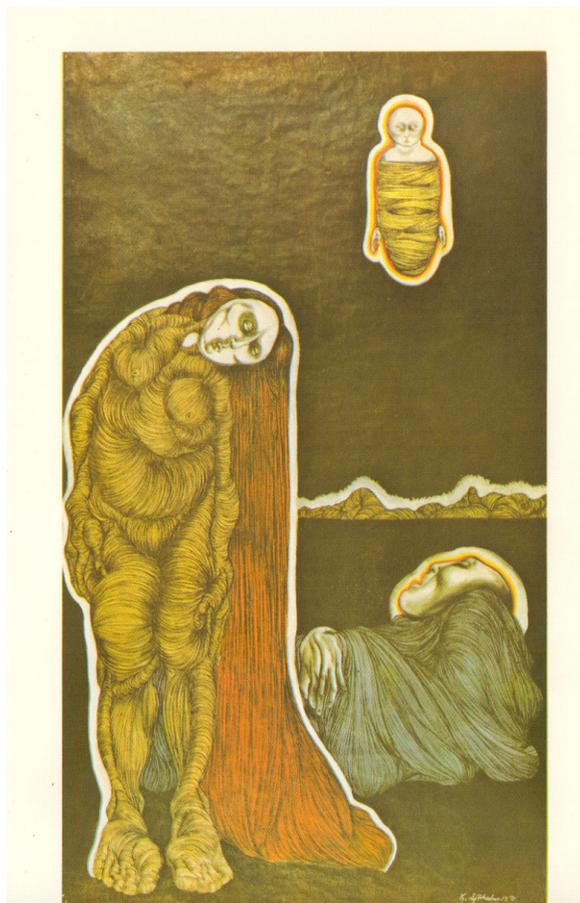
This school is one long hallway, illuminated by slanting rectangles of yellow when the sun is right, and I wonder if students' eyes are forever in shadows. Many people are wound tight, anxious, and I feel dread when they talk at me, trying to tell me about the spiny-legged fears that are running around in their nervous bodies. When I say goodbye, I am worried that they will thread their arms through mine in an inescapable embrace. People here don't look like me—our respective baggage disfigures us into singular, unrecognizable things—and I wonder if I look heavy to them when I speak.

I think that if I say I'm very adept at carrying things—that I won't weigh them down, that they will be even less convinced. I keep the conversation light, like yellow rectangles that don't quite reach their eyes, and I pray they don't dig into the fat of me. Too sharp law students, razor blade gazes always ready to gouge.

[Have you ever committed any indecent acts with women?]

The thought of the Library makes me sweat.

Early on, I decide to save a little money for gas and borrow my books. But as I walk through Gowlings, I find myself hesitating before those great glass doors.



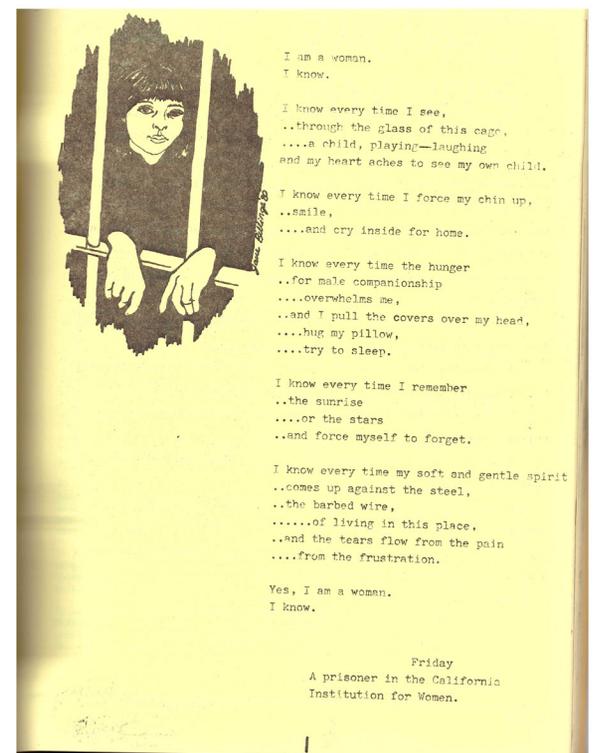
► Picture and italicized excerpt from Judy Grahn's poem, "A Woman is Talking to Death" (1974), artwork by Karen Sjöholm

When I was a girl, I saw lobsters in the windows of Chinese storefronts in Kensington. I saw smiling faces in smutty aprons throw squirming lobsters in big, silver pots with a little splosh. Until recently, scores of hungry happy people were content believing that crustaceans lacked the robust central nervous system and receptors to feel pain. Imagine the collective gag reflex as science revealed the mortifying opposite to be true. Nodding, smiling chefs grinning back at little girls to the soundtrack of a dozen shrill, bug-eye bursting shrieks at a frequency inaudible to the laughing, happy agents of death. A dozen expressionless faces, none of them betraying the torture and terror cooking their insides.

I breathe deep and buy the damn books instead.

[Have you ever committed any indecent acts with women?]

In October, I volunteer to act as a client in a mock session for a second year family law class. In this story, I am a determined but hurting woman who cannot reveal to my potential counsel all of my truths. I come to them, sitting at a table too big for the narrow classroom it is in. As I walk its length towards these two men, every step feels heavier, burdened down by things that don't get mentioned in light conversation. I come to them seeking a divorce from my husband, but these students who interview me have to earn the story, so I am told I must withhold. I read the case the night before and, as I sit there at that table, the script starts churning viscous like cement inside of me and



► Photo source: Out of the Archives: a poem written by Friday, a woman incarcerated in the California Institution for Women. This was published in a 1980 May-June issue of *Tightwire*, a journal out of Kingston, ON organized by inmates' staff from the Prison for Women. Source: (1980) 6:3 *Tightwire* (May-June) 1.

I think I have swallowed the real woman whose life informed this make-believe. At the end of our hour, the men applaud me for my delivery, and I wish I never see them again. I laugh with them, so loud and forceful; I laugh so hard my eyes smart. I'm gasping. From that point on, the shorter of the two, who sounded so compassionate before the timer buzzed, calls me Superstar when he passes me in the halls, and the little woman in me feels used.

Q: Miss Grahn, have you ever committed any indecent acts with women?

A: Yes, many. I am guilty of allowing suicidal women to die before my eyes or in my ears or under my hands because I thought I could do nothing, I am guilty of leaving a prostitute who held a knife to my friend's throat to keep us from leaving, because we would not sleep with her, we thought she was old and fat and ugly; I am guilty of not loving her who needed me; I regret all the women I have not slept with or comforted, who pulled themselves away from me for lack of something I had not the courage to fight for, for us, our life, our planet, our city, our meat, our potatoes, our love. These are indecent acts, lacking courage, lacking a certain fire behind the eyes, which is the symbol, the raised fist, the sharing of resources, the resistance that tells death he will starve for the lack of the fat of us, our extra. Yes I have committed acts of indecency with women and most of them were acts of omission. I regret them bitterly.

# Upholding Reproductive Rights

## Examining Alcohol and Zika Virus Policies

-JERICO ESPINAS

The Centre for Disease Control (CDC) created a small controversy on 2 February after it released a report that recommended sexually active women should abstain from drinking alcohol. The CDC's report intends to reduce the risk of accidental but harmful complications to pregnancies.

However, some organizations have criticized the CDC's recommendations. For some, it unjustly prioritizes the needs of potential babies ahead of their mothers, suggesting that this report is another example of how pro-life values are influencing healthcare. For others, it paternalistically imposes certain safe or docile lifestyles onto women, robbing them of freedom to make these choices themselves. For example, Sarah Longwell from the American Beverage Institute criticized the CDC's stance on alcohol as "puritanical," commenting that women are fully capable of drinking safely and responsibly without a blanket prohibition.

The CDC has defended its report despite the negative reaction from the broader community. The report points to some statistics regarding female pregnancy in the United States in order to justify their policy recommendations. First, they state that almost half of US pregnancies are unplanned, and that even planned pregnancies are usually not realized until four to six weeks into the pregnancy. Secondly, over three million women between the ages of fifteen and forty-four drink, have sex, and do not use birth control. For the CDC, these statistics already point to notable concerns regarding safe sex practices in the United States.

Lastly, the CDC claims any level of alcohol use puts the fetus at risk. Some of these consequences include miscarriage, stillbirth, prematurity, fetal alcohol spectrum disorders (FASDs), and sudden infant death syndrome (SIDS). Given these risks, the report states that women should try to minimize these harms by abstaining from alcohol entirely if they are sexually active and do not use birth control.

The reasoning behind the CDC's report is risk management for both women and children. Alongside preventing the long-term consequences on children, it also intends to minimize the potential of accidental but harmful complications to the pregnancy itself. As stated by Anne Schuchat, Principal Deputy Director of the CDC, "The risk is real. Why take the chance?"

Some commentators have linked the controversial CDC report with broader issues related to reproductive rights and women's autonomy within the health care system. Of particular interest to these commentators are the health care policies currently being created in Central and South America as a response to the Zika virus.

The Zika virus is a mosquito-borne disease that is currently affecting large populations of Central and South America. The disease itself is relatively mild, with the most common symptoms including fever, rash, joint pain, red eyes, muscle pain, and headache. The symptoms last between a few days to a week. However, women who contracted the virus during their pregnancy have been giving birth to babies with microcephaly. These newborns have abnormally small heads and underdeveloped brains, causing life-long complications. Microcephaly can lead to further debilities, including seizures, intellectual and motor



► Source: CDC

disabilities, and developmental delays. Nearly 4,000 cases of Zika-linked microcephaly were reported in the past year.

In response to this outbreak and its effects on women, Central and South American governments issued policy statements warning women not to get pregnant. Colombia has urged women not to get pregnant within the next several months, while El Salvador suggested a two-year delay in pregnancy.

Critically, these policies created a controversial

**"...women are fully capable of drinking safely and responsibly without a blanket prohibition."**

debate over abortion and other reproductive rights for women in Central and South America. Many of these countries have dominant Roman Catholic communities, and their laws are sometimes influenced by underlying values regarding the sanctity of life. As such, certain forms of abortion, birth control, and family planning are largely illegal or socially stigmatized.

These barriers to reproductive services make it difficult for women to carefully plan pregnancies while being wary of the Zika virus recommendations. Some local activists have used this outbreak as an opportunity for health care reform in order to better uphold reproductive rights for women.

Commentators are finding common ground in the issues being raised by the CDC report and the Zika virus recommendations. Importantly, both policies are being criticized for placing the responsibility

on women to change their habits and lifestyles in response to perceived health care risks. These commentators concede that the risks are real and that families are being unduly affected. However, a better and more sustainable solution would be to change the underlying health care system through greater recognition of reproductive rights and through providing increased accessibility to reproductive services for women.

For the women in the US, this approach might mean focusing on a comprehensive health promotion rather than a blanket prohibition, in order to give women a more informed choice. It might also mean better access to abortion services for pregnancies that carry the risk of FASD and SIDS. Similarly in Central and South America, this approach might mean better protections against the Zika virus, such as providing mosquito nets, as well as better access to reproductive services like contraceptives and abortion.

The issue of reproductive rights entered the public arena after a set of policy recommendations raised important questions about how health care systems approach health care issues. Only time will tell, however, whether these criticisms will lead to reform.

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## Apparently, These Forests Caused Climate Change... Think again Science

### 250 years of ineffective forest management doesn't mean that we can't get it right in the future.

-MAHA MANSOOR

A study published in last week's issue of *Science*, a prestigious scientific journal, seemed to uncover another negative consequence of the human footprint: 250 years of forest management in Europe didn't remove carbon from the planet, but added to it.

The three European authors of this study simulated carbon emissions from changes in land-cover and results of forest management across Europe between 1750 and 2015. They found that in the first hundred years, 190 000km<sup>2</sup> of forests were removed. In the years that followed, 386 000km<sup>2</sup> of forests were added, leading to a net increase in forest cover. Going against conventional wisdom though, the authors suggested that the trees that were initially removed released more carbon than what the new trees had absorbed, resulting in a total of 3.1 billion tonnes of carbon dioxide remaining in the atmosphere, equivalent to the emissions from 6.5 million cars in America annually.

Rather than adding to the argument for the sustainable use of our forests, this study puts the world's forests at risk by suggesting that humans cannot handle it. The reality is forest management has not failed; forests must be, and have recently been, sustainably managed by humans. Human intervention is especially needed if we are to balance the needs of an increasing population size, the need to mitigate climate change, and the need to deal with biodiversity issues.

The study uses the forest management techniques of the industrial revolution as evidence that humans do not belong in forests. This is not appropriate. Before the mid-20th century, which takes up an entire three quarters of the study period, forests were only seen for their timber – meaning that there was no true form of management as we understand it today. Any of the trees planted were species that made a profit, which lead to the straight-lined monocultures lacking the lush greenery that we associate with forests today.

The first introduction of the use of forests beyond timber in Europe was 1957 by the Germans; and the first time clear-cutting was argued against in Ontario was in 1947. There were no policies that protected any environmental aspect of forests then. In fact, even during the mid-20th century, forests were still managed only for sustained yield, which aimed to leave trees for timber for future generations.

Presently, unlike the past 250 years the authors focus on, there is a thriving global industry on certifying forests as sustainable.

It was only twenty-five years ago that the international community recognized that forests needed policies for protection and sustainable use; the concept of sustainable forest management was accepted in the early 1990s, meaning that sustainability has been a guiding light only since then. Remember too that climate change was only recognized as a global problem in 1987.



In a majority of the studied time period, there was no consideration for biodiversity, forest regeneration, and certainly no consideration for carbon sequestration. There was no forest management in Europe.

By suggesting that the history of “forest management” has contributed to climate change then, the authors have misled readers into thinking that good forest management is not possible. It is, and Canada is a great example. Forest certification systems (SFI and FSC) and government policies (such as Ontario's Crown Forest Sustainability

**“...this study puts the world's forests at risk by suggesting that humans cannot handle it.”**

Act, 1992) have led to forests being managed throughout Canada for their social, environmental and economic values. Today, Ontario leads the world in certified forests, a result of the sustainable forest management policies enacted in the 1990s.

Earlier this year, five forest companies, the provincial government, twenty-six aboriginal groups and three environmental organizations signed a globally unprecedented deal for forest conservation—85% of the Great Bear Rainforest would be protected forever, part of the only temperate rainforest on this continent. Greenpeace, a loud critic of forestry companies, proudly proclaimed that this deal was one of the most comprehensive conservation and forest management plans in the world.

Further, by insinuating that humans still cannot get it right even when we plant trees, the authors failed to emphasize that the trees that were planted were not meant to sequester carbon. They were meant to be cut down. This argument reinforces the dangerous notion that humans and nature are mutually exclusive; as a society, we must see ourselves as stewards of this earth.

We have now reached a point in forest governance where the real issues of deforestation have been recognized and the potential for forests in mitigating climate change has been acknowledged. Rather than suggesting any human touch is dangerous, we must see ourselves as positive members of this earth. There is evidence that when humans implement sustainable forest management in its strongest form, we are able to not only sequester carbon and enhance biodiversity, but also use of one of the strongest building materials available—wood.

“Forests are the lungs of our world,” President Franklin D. Roosevelt once said. The world's lungs must be exercised so that they become stronger and more efficient; as part of our forest management then, we must learn how to balance social, environmental and economic concerns. Most importantly, we must learn from our mistakes.

The authors ended their study suggesting that, “the key question now is whether it is possible to design a forest management strategy that cools the climate and, at the same time, sustains wood production and other ecosystem services.” I argue that it is definitely possible. Just look at us Canadians.

thumbs UP



Canadian International Auto Show in Toronto.

thumbs down



Caring about Kanye and Taylor's falling out (again).

# Access to Justice: After the Machines Take Over

- CANADIAN FORUM ON CIVIL JUSTICE

WRITTEN BY NOEL SEMPLE, ASSISTANT PROFESSOR AT THE UNIVERSITY OF WINDSOR FACULTY OF LAW, FOR THE CANADIAN FORUM ON CIVIL JUSTICE. DR. NOEL SEMPLE IS A MEMBER OF THE CANADIAN FORUM ON CIVIL JUSTICE'S THE COST OF JUSTICE: WEIGHING THE COSTS OF FAIR AND EFFECTIVE RESOLUTION TO LEGAL PROBLEMS RESEARCH ALLIANCE.

THIS ARTICLE ORIGINALLY APPEARED ON SLAW AND HAS BEEN EDITED FOR PUBLICATION IN THE OBITER DICTA.

"The traditional professions will be dismantled, leaving most (but not all) professionals to be replaced by less expert people and high-performing systems." This is the central message of *The Future of Professions*, a new book from Richard and Daniel Susskind. Machines, they argue, will take over much professional work. Even when the machines cannot do so alone, the Susskinds expect that they will allow laypeople, paraprofessionals, and the clients themselves to do the necessary work.

One way or the other highly trained and expensive human professionals will be mostly cut out of the value chain. The future of the professions, in this view, doesn't seem like much of a future at all. Richard Susskind's previous books make it very clear that lawyers are included in this troubling prediction.

This prophecy can be disputed, or resisted on moral grounds. Let's assume, however, that machines will, in fact, make steady incursions into lawyer work. What does this mean for access to justice in the future?

The Susskinds offer one reason for access to justice optimism: machines will themselves soon provide mass, affordable access to justice. There may also be another good news story for access to justice—by taking over much of lawyers' current work, machines may allow the Bar to refocus on meeting other sorts of unmet legal needs, which demand the human touch.

## The Machines do Law More Accessibly

The Susskinds are optimistic about access to justice because they think machines will deliver practical legal expertise more affordably and accessibly than lawyers can. Once legal knowledge is digitized and integrated with intelligent systems, they expect it to be applied repeatedly to many people's problems with very low marginal costs. Relatively primitive template-fillers such as LegalZoom will soon evolve into systems that can intelligently apply legal knowledge to a wide range of disputes, compliance questions, and personal transactions.

Even where machines cannot entirely replace human lawyers, the Susskinds expect them to take over a significant part of the job and perform that portion cheaply and reliably. This "decomposition" process will reduce costs and prices, even if human lawyers remain in charge of the process.

## The Machines Free Human Hands

There is a second way that intelligent machines could make justice more accessible. The work that legal professionals do now is only a small portion of the legal work that needs to be done. Moreover, many areas of unmet legal need are also areas where humans could enjoy a relatively durable advantage over our machine competitors. If machines come to meet many of the legal needs that lawyers now serve, that could free lawyers to meet the legal needs that are currently unmet.

First, consider personal plight cases, such as those in family law and criminal law. Pervasive self-representation in these cases is perhaps the most obvious evidence we have of unmet legal needs. However, personal plight legal work is more difficult than most legal work to decompose and automate. The clients are legally inexperienced and they are often enduring personal crises. While computers may one day be able to compassionately and creatively seek mutually acceptable resolutions in these cases, that day is far in the future.

Second, the Susskinds take special note of situations where professionals draw on their expertise to weigh competing values and make tough moral decisions. Decision-making around end-of-life medical care is offered as an example. The book notes that these may never be considered acceptable venues for machines to replace humans, no matter how "intelligent" the machines may be.

Many unmet legal needs also require legal professionals to take moral responsibility. Activist public interest lawyering on behalf of oppressed and equity-seeking people requires human, moral commitment. Without it, the powers that be will never take seriously its demands for social change.

Other unmet legal needs require us to make tough moral trade-offs as a society. In criminal cases, how can we reconcile the rights of the accused with the rights of the complainant and the demands of the public? In employment and social benefits law, how do we reconcile the free market's enormous capacity to generate opportunity with its tendency to cast people aside like used Kleenex? There is an urgent need for moral, creative lawyers to research and ponder these and other constantly evolving issues, and draft laws and systems in response.

Hopefully, if machines take over the work that lawyers now do, lawyers will be freed to concentrate on the legal work that needs to be done and won't or can't be done by machines. This version of the future would offer both better access to justice and a new pile of work to keep lawyers busy. Finding the money to pay them would be another challenge, but a techno-utopia like the Susskinds' will surely create some opportunities on that front as well.

The Susskinds' prediction of technological unemployment for professionals is a dark cloud indeed for lawyers. Only time will tell whether it actually does float into our skies. Even if it does, silver linings may be found in better access to justice via intelligent machines, and a renewed focus of human lawyers on expanding access to justice.

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# Losing Control: Mentally Ill in Law School

- BY OSGOODE STUDENT

*The Obiter Dicta generally does not publish anonymous articles. A strict, limited exception allows students to publish anonymously exclusively for articles about their mental health experience in law school. This exception exists only for cases where there are concerns directly regarding the risk of exposure or stigma. The Obiter Dicta Executive Board has full and final discretion over whether to publish submissions, and whether to require an author name for an article to be published.*

- SAMUEL MICHAELS (EDITOR-IN-CHIEF)

I'm sitting in Family Law when suddenly everything feels wrong. It's as though I shouldn't be there, in class, in law school, and everyone around me knows it. Visually, things look fuzzy and skewed, like I'm looking at things through different eyes. I begin shaking and feel tears in my eyes. Somehow, I don't know how, I manage to delay the sobbing I know is coming and I make it to the end of class. I have another class this day, but I will only be able to have control over this anxiety attack for so long before I break down, and I don't want to fall apart at school. So I go home to fall apart in private. Missing my second class that day only adds to my anxiety, making it that much harder to return to school. This cycle continues until it is near impossible for me to leave my apartment. Making the decision to shower each day is exhausting. Putting on my shoes to leave home makes me tremble in fear. My thoughts swirl obsessively - I am going to fail law school; my partner is going to leave me; none of my friends actually like me; I am simply not enough.

My mental health issues did not begin with law school. I have a long history of depression that began around age ten, though I did not receive an official diagnosis of chronic depression until I was sixteen. I have worked hard to manage and control my depression; I have been in therapy on and off since the age of sixteen, learning coping mechanisms to assist in those times that medication alone was not enough. By the time I began law school in my thirties, I was feeling in control and excited about the new chapter of my life.

Since I began law school I have, generally, been happier than I ever have before. It is amazing to finally discover my passion and fully commit myself to it. I had always imagined that once I was happy, certain behaviours or habits I had developed as coping mechanisms, or self-soothing, would simply fade away as they would be no longer needed. Instead, the behaviours worsened, becoming more and more uncontrollable. By the summer of 2L, what control I held over my mental state was slipping, and that summer I fell hard.

For over a year I had been delving into my mind, trying to figure out why despite feeling happier than I had in years my symptoms were worsening. In what I can only call a stunning revelation, one night I was suddenly struck by the fact that I have an eating disorder. This was intensely shocking. My partner, whom I live with, was with me at the precise moment I had this breakthrough and was immensely surprised. Apparently he had known for some time that I have an eating disorder and had never discussed it with me as I had never discussed



it with him. He knows of my battle with depression and my history of therapy and medication, and assumed that I had received a diagnosis years ago. When I told my mother she responded similarly, that she has known since I was young. I was a wreck.

The following weeks were awful. I would drive to work, crying so hard I thought my head would explode, and then do my best to pull myself together so I could enter the office or the courthouse. I felt as though the real me had suddenly woken up, taken a look at what I had done to my body, and was mortified. I was desperate for help. I wanted to receive treatment at CAMH but unfortunately there was a lengthy waitlist. Unable to wait, I went to a private clinic that could see me immediately. I had several appointments there over the course of a week but it was prohibitively expensive and not possible to continue.

I began 3L a complete disaster. In October I finally had an appointment with the doctors at CAMH. Their assessment was that I do not suffer from chronic depression,

but suffer from severe anxiety and obsessive-compulsive disorder, in addition to an eating disorder, and the depression I had experienced for most of my life was a result of these illnesses, rather than the underlying condition. My psychiatrist's recommendation was that I immediately change my medication to one better suited for anxiety and OCD.

So, during the fall semester, I was weaning myself off meds and dealing with withdrawal symptoms (wanting to vomit, unable to sleep, all that fun stuff) while at the same time my anxiety and OCD, which were now completely untreated as my previous medication had somewhat moderated them, raged uncontrolled. For almost two

weeks I was unable to leave my apartment. I was crying for hours on end, and when not crying I was always on the verge of tears. Reading was impossible as I could not concentrate, reading the same line or paragraph over and over again. When I was able to drag myself to class I was unable to focus on anything the professor was saying, my mind trying desperately to hold myself together until the class ended. I am sure more than one professor saw me discreetly (I hope) crying in class.

Thankfully Osgoode has phenomenal support systems for people in my situation. Without this support, I believe I would have had to drop out of law school last term, thus not graduating this spring and losing the articling position I have secured for August. I am writing this now so that other students at Osgoode know they are not alone in their struggles. I also implore those that suffer from mental illness to seek out the help and support offered by Osgoode, and York, if you have not already, so that you may be able to better succeed in law school during difficult times.

I have decided to not include my name in this article, not because I am ashamed, but because despite continued efforts the stigma surrounding mental illness remains. I will probably have to advise my employer of my diagnoses, but I would like to do that on my schedule, and certainly after I begin articling. Thus, I do not want everyone to immediately know who I am. My friends will certainly know, and for others who may recognize my writing or story, I am happy to talk to you in person if you would like more information, or are in need of support.

I also want to publicly thank Osgoode, Mya Rimon, Ellen Schlesinger and all those who met with me, counselled me, and assisted in my making it through the term. Thank you. I would not still be here without you.

**"I began 3L a complete disaster."**

thumbs UP



Reading break (including 1Ls)

thumbs down



New study shows air pollution kills 5.5 million globally each year.

# Marijuana Legalization

» continued from front page

around \$400 million a year. Between law enforcement efforts and the basic professional and economic costs of a person being saddled with a criminal record, everything about that figure seems like a ridiculous waste. Human traffickers (better described as “modern day slavers”) thrive in Canada, but we waste hundreds of millions of dollars punishing people for using a drug that isn’t physically dangerous. I remember a former in-law ranting about marijuana use as I got drunk with her husband, wondering, “how many times have you had to drag this guy up a flight of stairs because he was stoned? Never.” At the very least, decriminalizing possession would save us a substantial amount of money, and at no point would we have to change existing laws about things like public intoxication or driving

under the influence. We’d save hundreds of millions without regulating and taxing the stuff. The fact that it’s taken this long to do something this minor is nothing short of baffling.

As for my second point, I’ll admit off the bat that I do have a personal distaste for drug dealers, but it’s not just because I’ve known more than one dealer who has sold me some bunk pills or lousy ditch weed. Part of buying drugs off street dealers is knowing that there’s a good chance you’re going to get ripped off, and the truth is, worse things can happen. It’s the latter issue that makes me advocate for the legalization and regulation of almost all drugs. Though stories about laced weed are common, it’s actually unusual for dealers to spike their pot with something heavier because it simply isn’t profitable.

Marijuana’s actually pretty cheap on a by-the-gram basis, so spiking it with cocaine, PCP, or especially LSD (I actually laugh out loud whenever someone suggests that’s a thing), would be pointless. They generally just sell you a batch with too many seeds or stems. Some thoughtless or sadistic dealers might be willing to prove me wrong, but they’re rare, and I’ve only heard a couple of semi-believable stories about that mostly-apocryphal “laced” pot. The truth of the matter is, when dealers lace their supply, they lace it with things that either are harmless and there to increase mass, or dangerous and there to do the same. That, or they just lie about what they’re selling. That said, the truth can be more frightening.

» continued on page 11



## DEAN FOR A DAY

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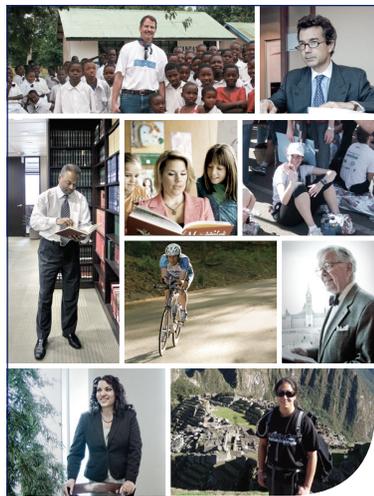
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# Indigenous Stories, Settler Bodies

## Why “reconciliation” is not a commodity

- LISA BUSH

*This article is not for everyone. If you are looking for an in-depth analysis of a Supreme Court case, or a cover on how to secure that Bay Street interview, move right along! If you are going to stay, however, keep in mind that most of the generalizations made here are meant to be illustrative of the greater point and, really, it's not that serious.*

On February 5th and 6th, the Royal Winnipeg Ballet (RWB) performed its most recent work at the Sony Centre in Toronto. Entitled *Going Home Star*, the piece was commissioned by the company and Artistic Director André Lewis to facilitate reconciliation through the medium of ballet, in light of the Truth and Reconciliation Commission and the Canadian government's supposed attempts to remedy the oppression historically and currently faced by Indigenous peoples. Critics have applauded the work, with the Winnipeg Free Press stating that it “might well be the most important ballet produced by the Royal Winnipeg Ballet in its 75-year history.”<sup>1</sup> However, there is something about this piece that is fundamentally at odds with its purported intention: none of the dancers are Indigenous. Furthermore, ballet is quite possibly the most offensive art form conceivable to convey the true meaning of reconciliation.

Ballet originated in the Italian Renaissance courts of the 15th and 16th centuries before spreading to France and the aristocracies of other European countries. To this day, it continues to depict the otherworldly, through dream-like imagery where light-skinned dancers play traditional European gender roles and push the human body to its physical limits, often at the expense of dancers' physical and mental health. Uniformity is prized in this art form, which did not feature a black principal dancer in any of the major international ballet companies until the American Ballet Theatre promoted Misty Copeland to principal status in 2015. Furthermore, ballet's history of dancer abuse, violation of bodily integrity through the encouragement of eating disorders, and classism in both its creation and consumption are downplayed such that the average person is not aware of ballet's oppressive legacy. This raises the question: how can it be appropriate to tell a story about the violence perpetrated by white settlers against Indigenous peoples using one of the most unabashedly Eurocentric and abusive art forms in history?

**“...ballet is quite possibly the most offensive art form conceivable to convey the true meaning of reconciliation.”**

The aesthetic of ballet technique is also ill-suited to such an emotionally charged issue. Women wear pointe shoes that restrict their ability to move and run naturally, much like the missing and murdered Indigenous women who have been unable to escape their attackers. The posture required for proper technique mimics the torso isolation of a corset, and the lines drawn by the body are clean and neat, with subtle hyperextension; the products of the European aesthetic. The very purpose of ballet is to embody how one might behave before royalty: emotionally restrained and perfectly poised. In *Going Home Star*, attempts to challenge this traditional view of the body and the art form are restricted tightly by the bounds of the technique. The result is a narrative about the history of residential schools that lacks the emotional connection necessary to truly convey through movement the impact of Canada's

genocide against Indigenous peoples and cultures.

Moreover, the most emotionally engaging parts of the performance were those that had nothing to do with ballet at all: audio clips of Indigenous voices, tableaux depicting the rape and abuse of Indigenous children, and in particular, the prayer said by an Elder at the beginning of the performance which moved me to tears. The irony of telling this story through the medium of ballet is that my strongest emotional reaction was invoked by the part that I technically did not “understand,” as the Elder spoke in his native language. Yet there was something about his voice, his gentleness and humbleness, his honesty and his presence overall, that moved me tremendously. Dance, like all art forms, can create social change—not by regurgitating narratives that anyone can discover with a quick Google search, but by invoking a visceral and subconscious reaction and appreciation in a recipient of that information. Indeed, reconciliation is not elusive because Canadians do not know about the abuse of Indigenous peoples, but because the people who have the ability to create justice most profoundly lack the empathy and emotional connection to the situation that would inspire them to achieve more than empty promises.

This raises questions surrounding the most effective means of advocating for Indigenous rights in Canada. The benefit of using ballet to tell Indigenous stories is that the types of privileged audiences likely to attend the performances will be reminded of the reality that they of all people need most to understand. However, perhaps the

greatest evidence of white privilege in current “reconciliation” efforts is the fact that Indigenous voices are the ones having to adjust and indeed reconcile their substance with white forums and forms of expression, compromising their very essence to accommodate the stubborn and intrusive ignorance that is the hallmark of colonialism.

Martha Graham, one of the great pioneers of modern dance in the 20th century, once said the following about why the particular body chosen to tell a story matters fundamentally to artistic expression:

*“There is a vitality, a life force, an energy, a quickening that is translated through you into action, and because there is only one of you in all time, this expression is unique. And if you block it, it will never exist through any other medium and will be lost.”*

Martha Graham tells us that it matters who is doing the storytelling. Conveying an Indigenous story through a settler body is fundamentally different from the expression that would result from a person of Indigenous identity telling his or her story through movement. And yet the RWB cast Asian and white dancers as the main characters in this narrative, suggesting that Indigenous stories can be told through settler performance arts, but only in predominantly white forums, using non-Indigenous bodies, and catering to privileged audiences who pay a preclusive amount of money to be there. The divorce of Indigenous stories from their cultural means of communication is itself an act of oppression that results in loss of the value of stories embodied in particular forms of expression. Even the sharp boundary between the “performers” on stage and the audience members who sit directly opposite them is antithetical to many forms of Indigenous art premised upon the sanctity and symbolism of the circle. Moreover, reconciliation is not a commodity to be consumed and enjoyed by those who fail to truly fathom the extent to which Indigenous peoples have suffered from attempted eradication of their physical and cultural existence.

We badly need Indigenous stories expressed to all people living in Canada, but we need them told by Indigenous bodies, through Indigenous forms, and on Indigenous terms. That success on the frontiers of advocacy for the rights of Indigenous peoples is currently happening at the margins of white privilege, reflecting on the futility of the government's current attempts at “reconciliation.” Surely more effective and meaningful dialogue would result from the support and encouragement of authentic Indigenous expression, without compromising its form or substance, to make it more palatable to individuals who dislike the lingering aftertaste of the tremendous injustices suffered by those who were here first, at the hands of those who were not.

# Resolving the Starving Artist Cliché

## Percent for Public Art

- KATHLEEN KILLIN

*“to foster and promote the collaboration between art and architecture, the State devises a scheme which ensures that whenever a new public building, place or space is built or created, a percentage of the overall cost of the scheme is required by law to be spent on art, in order to ensure the collaboration between art and architecture for the benefit of the public.”*

‘Percent for Public Art’ as defined by art law pioneer Henry Lydiate

For this edition of the Obiter, we visit the percent for art scheme designed to promote and ensure that art is created using a portion of funds from construction projects. We will explore various jurisdictions and how the scheme has been implemented into legislation and executed for the benefit of the public. We will begin in Europe, then travel to Australia, the United States, and end in Canada.

### Europe

Within the European Union, percent for art is primarily not legislated into federal schemes. Rather, municipalities may enforce a percent of building costs that would be designated to public art. For example, regional and municipal authorities in Finland, Italy, and the United Kingdom have implemented percent for art schemes. In Finland, one percent of overall costs are allocated to art, whereas in Italy, some state and local authorities mandate that two percent of overall cost must be allocated to ‘decoration’ thus abiding to the 1949 percent for art law. Percent for art did not begin in the UK until 1988 when Oxfordshire became the first state to adopt policy. Since then, over fifty city and district authorities have adopted a similar policy.

Within the rest of the European Union, federal policy is more common. Germany, Austria, the Netherlands, Belgium (Flemish speaking only), Sweden, Denmark, Norway, Spain and Ireland all have individual percent for art schemes. Policy ranges from 0-2 percent allotted to public art from building costs within the outlined federal jurisdictions.

### Australia

Western Australia has a state run policy that mandates one percent of overall building costs of state capital projects (valued \$2 million AUD and over). This includes new buildings, as well as refurbishments.

### United States of America

In the United States, numerous counties and states have adopted percent for art policy. Jurisdictions include Washington State, Oregon, Alaska, Illinois, Hawaii, Texas, Florida, Maine, New Hampshire, Minnesota, Ohio, and Montana.

For the purpose of this study, three cities will be looked at specifically: Chicago, Philadelphia and New York City.

In Chicago, 1.33 percent from all new construction costs and renovations where fifty percent or more of the square footage is being touched must be allotted to percent for art. The Department of Cultural Affairs administers the program and overlooks the Public Art Program Fund, which is an account set up to purchase, administer and

maintain works of art. The Department of Cultural Affairs also seeks community support and input before any project is carried out.

Developed in March 1959, Philadelphia became the first city within the United States of America to have a percent for art policy. Today, the city is known to have one of the largest public art collections in the world. Administered by the Philadelphia Redevelopment Authority (PRA), one percent of the overall building costs of public buildings is allocated to art, with five percent of art allocation going to Percent for Community, an initiative that educates the community about public art. The PRA appoints a Program Director and Fine Art Committee who oversee the percent for art program. To add, redevelopers have three options as to where their money can be assigned: a percent for art commission; contribution to the Fine Art Development Fund; and a proposed alternative plan.

Imposed since 1983 and administered by the New York City Department of Cultural Affairs, a one percent of all city-funded projects must be set aside for art. Since 1983, two hundred twenty-eight projects amounting to \$26 million USD have been completed. Projects range in from \$50,000 USD to \$400,000 USD with artists receiving twenty percent of each commission. Projects range in location and include schools, libraries, water treatment plants, and parks. Currently, over sixty-nine percent for art commissions are in progress throughout the five boroughs.

### Canada

In Canada, percent for public art is primarily legislated by municipalities and include Calgary, Edmonton and Toronto. The province of Quebec is the only province to initiate percent for public art into legislation, however, it has not been imposed or regulated since initiation.

Calgary’s Corporate Public Art Policy (policy number CSPSo28) states that “the objective of the ‘percent for public art’ will be calculated at one percent of the total capital project costs for City of Calgary capital budget projects over one million dollars, recognizing that certain funding restrictions may limit overall available funds.” The percent of funds are allocated to a Public Art Reserve that will “ensure a diversity of public art opportunities occur in communities throughout Calgary that are accessible to citizens and visitors.” Both the percent for public art and Public Art Reserve are managed and overseen by the Public Art Board, an advisory team to the city. The Public Art Board is made up of nine representatives (including two artists) who range from art administrators and consultants to historians, civil engineers, architects and citizens at large.

In 2010, the City of Edmonton adopted City Policy C458C outlined in the Edmonton Arts Council document Percent for Art to Provide and Encourage Art in Public Areas and states: “The City of Edmonton will allocate one percent (1%) of the qualifying construction budget of any publicly accessible municipal project (% project) for the procurement of art to be publicly displayed.” In regards to management, Edmonton has an individual Percent for Art Coordinator (an employee of the city) who works in conjunction with the Edmonton Arts Council. A Public Art Committee, similar to that of Calgary’s, sets a vision and provides advice regarding works put into the Civic Art Collection. In turn,



an Art Bank has been established to hold the funds in trust generated from the percent for public art program.

Similar to Calgary and Edmonton, the City of Toronto legislated a percent for public art program following the revision of Toronto’s “Official Plan” which calls for the need to beautify the city. In August 2010, Toronto City Planning authored Toronto Urban Design: Percent for Public Art Program Guidelines, a document outlining the benefits of public art, policy framework and objectives and how to make it happen, maintenance and future outcomes. Within the document, the rationale of the program is discussed and includes that “the recommended minimum public art contribution for a development should be based on one percent of the gross construction cost (GCC) of that development.” Upon the development’s gross construction cost being estimated, the city will approach the developer with three options as to where their contribution will be allocated. The options are “On-site” Contribution: works shall be located upon the subject property or publicly owned lands adjacent thereto; “Off-site” (pooled) Construction: value is directed to the City’s off-site pooled Public Art Reserve Fund that in turn supports public art plans on publicly owned lands; or, “On-site/Off-site” Combination (a combination of the two). Percent for art is overlooked by the Toronto Public Art Commission (TPAC) that consists of eleven citizens (artists, lawyers, architects, etc.) who advise and oversee public art projects. City Planning’s Public Art Coordinator supervises their progress when they meet eight times a year. Currently, over thirty public art projects have been completed throughout the City of Toronto using percent for public art funding.

In turn, the current percent for art legislation within Canada rivals that of other countries. Percent for art is a tool to engage the public with art works, not only to beautify the built environment, but also educate the public of contemporary art. The Philadelphia program is interesting in that a portion of the percent for art scheme is assigned to a fund for education. New York’s scheme also outlines directly the amount that is allocated (twenty percent) back to the artist. In Toronto, artworks funded by the percent for art program vary. From the intricate, tree like forms grasping to the side of the Shangri-La on University Avenue to the thousands of blurred faces in the large panoramic at 333 Bay Street, the fruits of percent for art are nestled throughout the city. For an interactive map of all percent for art pieces in the GTA, visit the City of Toronto’s Urban Design website that provides for an inventory for all works.

# On the Road to Kingston

## Osgoode Hockey primed for Queen's Law Cup 2016

- JUSTIN PHILPOTT

Take note: Osgoode's 'A' and 'B' Ice Hockey teams are whooping some serious ass this season. It's a little known fact that there are two extremely good hockey teams representing Osgoode in York University's Ice Hockey Intramural League. Over the last several months, Osgoode 'A' (Tier 1) and Osgoode 'B' (Tier 2) have been rolling through any team in York University's path. Both teams are on runs unprecedented in the history of Osgoode Hockey. Leading its division by a country mile, Osgoode 'A' sports a record of 15-0-1 with a sparkling goal differential of +78. Osgoode 'B' also leads its division with a record of 13-5 and is currently riding a 10-game winning streak. Who would have thought law students would be so good at hockey? I thought all we did was read?

Both teams know the importance of keeping the pedal down over the next month of intramural games as the biggest hockey weekend of the year gets closer and closer. Osgoode 'A' and Osgoode 'B' will be making the trip to Kingston to compete in the 11th Annual Queen's Law Cup from March 18-20. The tournament is comprised of 8 student and 7 alumni teams from law schools all over Ontario. The stakes are high: bragging rights as the best legally-minded hockey team in Ontario. Last year, Osgoode 'A' made it all the way to the semi-finals before getting knocked out by Queens 'A' who would go on to lose in the finals to Windsor. Windsor and Queens 'A' are safe bets to be the tournament's stiffest competition this go around.

Osgoode 'A' lost some key pieces from last year's team, Lucas Stevens-Hall (graduation) and Conor Irvine (exchange); however, the incoming 1L crop was loaded with ringers. Kyle Albers, Nate Holloway, Shawn Frank, James Smith, and Brett Zeggil have turned Osgoode 'A' from mere contender into a frontrunner to bring home the cup. It is almost as if Osgoode's admission committee factored hockey propensity into their admission decisions.

Osgoode 'A's 3Ls (Nick Arruda, Marco

Ciarlariello, Andrew Harmes, Kevin Henry, Ladi Onaymei, Ryan Leckie, and David Torchetti) have one last kick at the can before graduation. They all want to end their law school careers with a taste of glory. Their tutelage of the 1Ls and 2Ls—both on and off the ice—can only be described as a tour de force. There is unanimous agreement among the 3L players that is the best Osgoode Team they have played for in their three years.

Osgoode 'A's 2Ls (myself, John Brau, Patrick Power) may not be the most talented players on the team, but what we lack in talent we make up for in heart and looks. The team has made a grit-related exception to allow Cam Adamson (JD/MBA program) to continue playing for Osgoode even though he is attending class in Schulich. As is the case in many gruelling tournaments, goaltending will play a deciding role. Between the pipes for Osgoode 'A', will be 2L Scott "Boomer" Tallon. In net, Boomer is as cool as a cucumber and there is no else the team

**"Both teams are on runs unprecedented in the history of Osgoode Hockey."**



▶ What a cast of characters: Osgoode 'A' in Kingston circa 2015

would rather rely on for a key save. Osgoode 'A' has a combination of skill, experience, and heart that I am confident can outmatch any opponent.

Osgoode 'B' is also burgeoning with talent. There are numerous players who are more than capable playing for Osgoode 'A,' it's just that roster space would not allow it. Osgoode Hall Law School is blessed with an exorbitant of riches when it comes to hockey. More people should know this. The only other law school that sends an 'A' and a 'B' team to the tournament is Queens Law, the host. It seems almost impossible to imagine Queens' 'B' team having the depth of Osgoode's.

Osgoode's hockey teams get to don some slick looking jerseys modelled off the jerseys worn by 1927-1928 Detroit Red Wings. However, looking good is but a small part of the battle. The road to Kingston is not for the faint of heart. It requires a mindset committed to putting team before self. I have managed to curb my Kraft Dinner and Ice Capp intake to two per week, respectively. My late night snacks now consist of baby carrots and celery. Workout routines have been ramped up across the board; more weights are being lifted and more miles are being run than ever before. Dry land workouts and two-a-days become standard practice. There is a palpable sense of optimism to go along with the smell of sweat and determination in Osgoode's locker-room. The tournament in Kingston provides a tangible goal to direct the mass of growing frustration and stress that comes from the grind that is law school. I,

for one, think it is the reason for my sanity.

In league games leading up to Kingston, both Osgoode teams will be working on line combinations trying develop that special type of chemistry need to wins cups. This is the time of year where personal accolades get thrown in the dumpster and complaints get left at home. If it's best for the name on the front of your jersey, you do it and that's the end of the story. Backchecking is no longer optional. I have been playing hockey for a long time and I have never experienced a tighter knit locker-room. I can speak only for Osgoode 'A' in this respect, but I hear the same goes for Osgoode 'B'. It's truly a band of brothers. This just might be Osgoode's year to bring home the cup!

### thumbs down



Coming back from reading break.

### thumbs UP



In 100 days Trudeau keeps 13 promises and breaks at least two.

# The Truth is Out There

## What the X-Files Reboot Tells us About the Persistence of the Gendered Wage Gap

- KAREEM WEBSTER

Kudos to anyone who knew beforehand what a “meteor hammer” was. My knowledge of the weapons of ancient warfare is limited.

I am of the opinion that Kill Bill, Volume 1 is the best Quentin Tarantino film made thus far (although I have yet to see The Hateful Eight). What he did for female heroines in Kill Bill, Volume 1 and Kill Bill, Volume 2 is analogous to when The Matrix revolutionized action sequences. For the uninitiated, the protagonist, “The Bride” (her name is not revealed until Kill Bill, Volume 2), goes on a killing spree to exact revenge on the people who tried to assassinate her during her wedding (which left her in a coma for a long time). From a storyline perspective, it is your typical revenge flick. From a cinematography and choreography viewpoint, it is a refreshing mishmash of styles.

Uma Thurman plays “The Bride”, a code-name that was given to her by her colleagues who belonged to an organization of assassins, trained in the deadly martial arts. Needless to say, the violence that takes place is commissioned via swords, blades, hand-to-hand combat, and the spiked object called a “meteor hammer.” Go ahead and look it up.

It is so deadly that you’re probably more likely to injure yourself using it than the other person. Only a warrior with skill, coordination, and training would be able to use it effectively.

Hold that thought. Fast forward to the 2015–2016 NHL season.

Somebody must have tried to assassinate Patrick Kane. Wait, perhaps someone tried to assassinate his character. Either way, he is on a mission. It seems as though Kane has a chip on his shoulder, even for someone as accomplished as him.

In the summer of 2015, Kane was accused of sexual assault, a claim to which he professed his innocence vehemently from the time it became public. In November, the district attorney dropped

all charges due to inconsistencies in the plaintiff’s testimonies and issues with a rape kit hoax involving the plaintiff’s mother.

Throughout the preseason and regular season, Kane has received his share of boos and displeasure from hockey fans throughout the NHL. This article is not meant to cast aspersions on his accuser nor is it meant to imply that he is culpable. This is an objective take on his astronomical improvement from the previous seasons in a career where he was already a star. This season he has been the most exciting player in hockey – forward, defenseman, or goalie – and it is rare in sports for an athlete to have a breakout season after leading their team to a championship in the previous campaign.

Well, Stephen Curry certainly comes to mind.

As of the All-Star break, Kane led the league (by far) with 73 points, amassing 30 goals and 43 assists through 53 games. His career high in points was 88 in that year, and he will more than likely crush that total within the next month.

Since the break, Kane has eclipsed his career-high in goals. Barring injury, Kane can surpass 100 points, a feat that has been accomplished by all of the greats who preceded him. Through 55 games, Kane currently has 75 points, meaning that he would have to amass 25 points over the next 27 games. Those are some truly lofty expectations, but based on what Kane has done so far, it is certainly not impossible for him.

The dearth of American hockey stars has been almost a running joke in the NHL. The majority of stars are either Canadian or European. As a former number-one overall draft pick, Kane may be the American hockey superstar that the NHL is missing. The U.S. tends to do well in goaltending, but in terms of churning out this type of offensive prowess, it is extremely rare. As the most prolific offensive talent



► Source: SecondCityHockey.com

in the league, supported by three Stanley Cups, Kane is on his way to a sure-fire Hall of Fame induction.

Currently, Kane may be the second-best American offensive hockey player of all-time, behind Mike Modano. With his stats, three Cups and five All-Star Game appearances already at the age of 27, Kane can certainly challenge Modano for the best American hockey player ever when his career is over. That is quite a while from now. Kane has at least five more years in his prime, which gives Chicagoans another reason to salivate. Not to mention that the Blackhawks have one of the top goalies in the NHL – Corey Crawford – and lines that feature Jonathan Toews, Marian Hossa, and Artemi Panarin on offense. Couple that with defensive talent in Brent Seabrook and Duncan Keith, and you are possibly looking at another championship in 2016 (and beyond).

The sky is the limit for the juggernaut Patrick Kane, especially when he is unleashing his Tarantino-esque assault on the NHL.

The question is, what began this “wrath” of Kane? Is the game just becoming that much easier for him, or is he trying to send a message?

Regardless, hockey fans are not complaining about his game.

# Marijuana Legalization

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And this is why I advocate broad legalization of various drugs. Right now, the majority of cocaine being sold in the United States is laced with Levamisole, a deworming agent with the unsettling side effect of suppressing your body’s ability to produce white blood cells. Dealers love it because it’s hard to detect, adds mass to the product, and has a slight stimulant effect, making it a perfect filler. In my raving days, methamphetamine laced pills weren’t just common; people actively sought them out! Ten years ago, some friends came to my apartment with a vial of a so-called “mystery drug.” They bought it as ketamine, but it was clearly something completely different. Honestly, I don’t know how to go about responsibly legalizing and regulating drugs like cocaine and ketamine, but since people are going to seek the stuff out anyway—and regulation can at least prevent the supply from being adulterated with immune-system damaging veterinary drugs—it’s at least a conversation we should have.

Aside from all that, a creative dope fiend can figure out a way to catch a decent, quasi-legal buzz. A lot of drugs are legal simply because physically getting them into your system sucks. If you can suppress your gag reflex, there’s an opioid tea called “kratom” that you can buy online. It’s legitimately foul stuff, but if you’re interested in burning money on a third-rate codeine analogue, it exists, and it’s legal because it’s so disgusting it’s almost impossible to get addicted to it. Your tolerance to the opioid may rise dramatically, but you just don’t get used to choking down twenty grams of nasty powder. You can order “research chemicals” online that are basically synthetic mescaline, and while you can be legally punished for using them (because the “research” they’re supposed to be used for doesn’t involve dropping a dose and watching the walls melt), the chemists who make them alter the chemical structure so often law enforcement can barely keep up. Also, if a police officer catches you with a bag of white powder, they’ll generally just assume it’s cocaine and

charge you until the test results come in. Your average cough syrup contains a drug similar to PCP. Certain flower seeds can give you an LSD-like buzz. These drugs would have wider appeal if you couldn’t get a better buzz from drinking a few beers, and the last two are most just used by teenagers who don’t have of-age friends. My point is that the law can’t even keep up with amateur users: good luck keeping up with people who know what they’re doing.

Legalizing marijuana is something we should have done years ago, and compared to half of the drugs I just listed—to say nothing of tobacco and alcohol—it’s generally quite safe. I don’t recommend its use and it’s certainly a bad drug for law students, but criminalizing it only makes criminals rich and makes relatively harmless citizens criminals. As for other illicit substances, that’s a conversation for another time, but one we certainly need to have. If people want to get high, they will get high. We don’t have to like it, but it’s about time we got used to it.

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