

THE
WELDON

Q U A R T E R L Y

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Since 1975



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To our readers,

The first quarter of the academic year is over. By now the rhythm and flow of life as a law student has taken shape for us all. For 3Ls and 2Ls the pattern is now a familiar one; days fly by, deadlines loom, and life is lived in the spaces between hours of readings, lectures and assignments. Some of us have jobs we hope to keep, some of us are keeping our options open. Final grades are still a mystery. The only real certainty is that the lectures, the readings and the pressure will keep coming. For 1Ls, welcome to life as a law student. Welcome to some of the best years of your life. For the next three years you be immersed in a community of minds dedicated to understanding the ideas, principles and institutions that inform our laws. It may not always feel like it but taking three years of our lives to read and think about the law is a luxury and privilege most of us will never have again. At least that's what I try to tell myself at 1am the night before an exam.

By now, a quarter of the way through the year, some things should be clear to new students. Primarily, never walk into the Dunn Library with an unsealed liquid container. Ever. Another thing that should be clear by now is that law school lives up to its reputation. It is challenging. It is rigorous. It is humbling. If you do not find the study of law difficult, then either you are the next Jon Shapiro or you need to double-check your reading lists. Most of us are constantly refining how we manage the demands of law school.

After a month on campus, most 1Ls will have heard an abundance of advice on how to cope with these challenges; use other students' CANs, only use your own CANs; never miss class, going to class is overrated; get involved, make time for yourself; get lots of sleep, go to DOMUS; don't bother reading the facts, read the facts; get experience by summering at a small firm, or go for prestige at a big firm, or take the summers off. For 1Ls, the incoming advice is endless. Ultimately, each new student will have to decide for themselves what works for them. Each of us must decide how to study, how think and what sort of career matches for our strengths and circumstances. 1Ls have joined a student body of vastly different experiences and diversity. There are 1Ls with PhDs and prior careers mixed with world-weary 3Ls that have never had a job. There are some students who are parents and some students who probably still need parents. Each of us learns and approaches law school differently. On account of this diversity, the advice you receive will probably be wrong for you. That said, here is my advice:

Be the lawyer you would want to hire. When you are faced with an uncertain choice, ask yourself, 'What would I want my ideal lawyer to have done in this situation when they were in law school?' Would it matter to me if my lawyer made it to every class? Would it matter that they used other students' CANs? Would it matter to me that my lawyer didn't do every reading? The benefit of trying to be the lawyer you would want to hire is that it gives you a framework to make decisions as a law student that reflect your personal values.

Participate in class, at least once. Ask a question to the instructor. Answer a question from the instructor. Relate the facts. You will risk making mistakes in front of your classmates, but it will be genuinely beneficial to your learning. This is why small groups exist. Even the wrong question or the wrong answer will be beneficial to your learning and your classmates. As a student who perpetually gives the wrong answers, the wrong facts, etc., trust me, you will at least learn to live with the embarrassment of always being wrong.

Go to office hours. In most courses the only assessment is by exam. There is little opportunity to assess your understanding and get feedback during the term. By going to office hours with questions not only do you get access to an expert in the subject-matter, but you get a sense of how the instructor thinks and how well you actually understand the material.

Argue a position that you do not agree with. One of the reasons I chose to study Law at Dalhousie was that this is a law school that produced both Elizabeth May and Peter McKay. I was drawn to a community with the intellectual diversity to produce a leader of the Green Party and a leader of the Conservative Party. For better or worse, the reality is that most of us here at Schulich tend to agree with each other ideologically. The drawback of this is that sometimes only one side of a debate gets heard. An untested argument is a weaker argument. We are here to become better, more agile thinkers. If you have the guts to argue the other side, go for it. Most fellow students won't hold it against you.

Show up. If you commit to being involved in a student society, a project or group work, pull your own weight. Everyone has demands on them and everyone's time is valuable. Respond to emails, be there on time, and live up to your commitments.

Find a work-life balance. Whatever this balance is for you, make it a priority in both your studies and your future career. You, your relationships and your work will be better for it.

Thanks for picking up this issue. I wish you all the best in the challenges that lie ahead.

- Joel

A Message from our Editors:

Even though you've probably heard it hundreds of times by now, Welcome to Weldon, 1Ls! And to our fellow 2 and 3Ls, welcome back! And thank you for picking up the first issue of what will – fingers crossed – be another great year at The Weldon Times.

Our names are Emma Chapple and Joel Tichinoff, and we're your editors-in-chief this year. Keep an eye out for us and let us know what we can do to make The Weldon Times better (except for Emma – she's MIA in Los Angeles until December, but more on that later).

Here at The Weldon Times, we love to hear from the diverse students and staff that make up the Schulich School of Law. If you have something – anything – you want to write about, let us know! We're proud to be Schulich's official student newsmagazine, and we want to keep you connected, or at least give you a much-needed study break.

The first issue of the year is all about easing your way into life as a law student, whether you're a fresh-faced 1L, or an upper year trying to get back into the groove. Law school isn't meant to be easy, but we're all here for each other.

Cheers,

Emma & Joel

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Legal News Briefing

The Supreme Court of Canada ruled that Canadian legislatures do not have a **duty to consult** aboriginal groups when drafting legislation that might affect aboriginal rights and treaty rights under s.35. The federal government argued that imposing a duty to consult on legislation would be too onerous. Justice Rosalie Abella dissented.

Federal Judge Brett Kavanaugh's appointment to the **US Supreme Court** was confirmed by the US Senate by a 50 - 48 vote, the closest vote since 1881. The proceedings were defined by testimony and allegations of sexual misconduct against the candidate. Justice Kavanaugh is the second Supreme Court appointment under US President Donald Trump. He replaces Justice Anthony Kennedy, who was widely considered to be swing vote between the conservative and progressive judges on the Court.

The Supreme Court of the United Kingdom ruled in favour of a Belfast cake shop which refused to supply a cake with a slogan supporting **same-sex marriage** on it. The decision was made on the grounds of the baker's free-speech and that the refusal was not based on the customer's sexuality. Same-sex marriage is illegal in Northern Ireland.

The British High Court upheld the UK's first Unexplained Wealth Order. Under a 2017 law, British authorities are permitted to issue an order that requires individuals who are suspected of possessing funds from illicit sources to explain the origin of their wealth. The law was enacted in an effort to crack down on **international money laundering** in London. The subject of the order, the wife of a foreign banker convicted of embezzlement, has reportedly spent the equivalent of \$27 million Canadian dollars at a single London luxury shop over the last 10 years.

Two parties have claimed victory following an inconclusive election in **New Brunswick**. The incumbent Liberals won 20 seats. The Conservatives won 21 seats. The Lieutenant-Governor has invited the Liberal leader to reconvene the legislature on October 23rd. The Green Party and the upstart, populist United People's Alliance each won 3 seats creating the possibility for one to play kingmaker. Were the New Brunswick Liberals to lose a confidence vote, it would mark the third Liberal provincial government to lose power in less than 6 months. The Green Party now holds seats in 3 provincial legislatures.

The centrist, nationalist Coalition d'Avenir Quebec defeated the Liberal government in Quebec's general election. The separatist Parti Québécois won only 10 seats. The CAQ campaigned on a platform that included reducing immigration to Quebec and prohibiting the display of religious symbols by government officials. CAQ leadership have indicated the **religious symbols ban** may require Quebec to invoke the notwithstanding clause. The crucifix which hangs over the speaker's chair in the Assemblée nationale is not expected to be affected by the ban.

Cannabis became legal in Canada on October 17th. Regulation will vary by province and municipality. Pardons for prior cannabis convictions will be available by application. Canada is the second country, after Uruguay, to legalize cannabis and the first major economy to do so. As of early October, Tilray Inc., a cannabis company based in Nainaimo, BC had a market value greater than that of Bombardier, a manufacturer of commercial aircraft and trains.

*Look for our next edition of the Weldon Quarterly
in November 2018.*

MEET YOUR 2018-2018 LSS EXECUTIVE TEAM



Ellen Williams
President
Year: 2L



Daniel Roth
VP Executive
Year: 2L

The LSS represents the student voice in all aspects of the law school including social, financial, athletic, and academic areas.

Contact: President@dallss.com

Hometown: Amherst, NS

Education: Mount Allison University, BA - Political Science & Philosophy,
University of Saskatchewan, MA - Political Studies

About Ellen: Ellen is a true maritimer, a self-proclaimed crazy cat lady and a devoted coffee drinker. Born and raised in Nova Scotia, she attended Mount Allison University where she obtained a Bachelor of Arts in political science. After graduation, Ellen ventured out to Saskatchewan to pursue a Master's Degree in political science. Ellen met her now husband, Reagan, during her graduate studies. They spent five cold winters in Regina, Saskatchewan. In 2017, they got married, travelled Europe for three weeks and then began their first year of law school together, as newlyweds, in Section C.

What the President does: The President supports the executive team and acts as the official liaison between students and the administration. While the position may read as one focused on supervising daily operations, Ellen believes the position is better thought of as being the biggest supporter of the LSS. Ensuring the executive have the tools to support student needs, she takes on any task requiring an extra hand. As the biggest supporter of the LSS, Ellen works hard to ensure accountable and representative decisions are made.

Why Ellen got involved in the LSS: Ellen got involved in the LSS during her first year, sitting as Chair of the Board of Directors. After her first year, she decided she wanted to play a bigger role in student governance. Her primary motivation was to ensure students' needs were heard and represented. She maintains an open door/open blinds policy as she works to make the LSS a strong and approachable team.

Contact: vpexecutive@dallss.com

Hometown: Edmonton, AB

Education: University of Alberta School, Bachelor of Commerce with Certificate in Business Leadership

About Daniel: Born and raised on the prairies, Daniel is excited to be living right next door to the ocean! During his undergrad, Daniel went on exchange to the UK, did a study tour to China, and interned on the board of a not-for-profit arts and culture organization. Daniel also served as an executive member of his undergrad faculty association and debated competitively. Daniel worked in project management on the business services side of a global law firm prior to starting law school, and currently works as a research assistant in international and technology law. Daniel is a fan of Snoopy, plays the piano, and is starting to explore yoga to help balance law school stress.

What the VP Executive does: The VP Executive oversees two areas: operations and governance. Operational responsibilities include organizing and chairing executive meetings, acting as executive liaison to the LSS Board of Directors, organizing executive and Board office hours, organizing locker rentals, and organizing exam coffee. Governance responsibilities include organizing the Annual General Meeting, helping the CRO and DRO organize LSS elections, organizing committee appointments, interpreting and amending the LSS's Constitution, and organizing succession planning and institutional memory documentation for the LSS and its committees. The VP Executive provides operational support to the other executive members in fulfilling their mandates and is also a sitting member of the Faculty Council.

Why Daniel got involved in the LSS: Daniel has been involved in student government since junior high school and believes that having a strong social and extra-curricular student life culture is an important part of creating a well-rounded education experience. Daniel enjoys organizing and solving problems and is looking forward to getting to know everyone at Weldon better this year!



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MEET YOUR 2018-2018 LSS EXECUTIVE TEAM



Nicholas Foran
VP - Finance
Year: 2L



Cydney Kane
VP - Student Life
Year: 2L

Contact: vpfinance@dallss.ca

Hometown: Halifax, NS

Education: Dalhousie University, BA (Hons)
German and Italian Studies

About Nick: Nick was born and raised in Halifax, NS. He is an alumnus of Dalhousie University, where he received a Bachelor of Arts in German and Italian Studies. Following his convocation in 2012, he attended Saint Mary's University for a year to study linguistics. He was sworn into the Canadian Armed Forces in 2010, and received his commission in 2011. He worked with the CAF and the Department of National Defence prior to beginning studies at the Schulich School of Law. He continues to serve as a member of the Reserve Force. Nick is an amateur photographer, and enjoys reading and video games. He currently lives in Bedford with his wife, Kelsey.

What the VP-Finance does: The VP-Finance is responsible for managing the budget of the Society. They maintain the general ledger and other financial documents, and prepare audits for the DSU.

Why Nick got involved in the LSS: Nick had some experience in finance prior to entering law school, and wanted to put his skills to use to better serve the Weldon community. He likes to work behind the scenes to enable events to occur.

Contact: vpstudentlife@dallss.com

Hometown: Halifax, NS

Education: BSc (Biology), Mount Allison University

About Cydney: Born and raised in Halifax, Cydney came back to her hometown to start at the Schulich School of Law after receiving a Bachelor of Science from Mount Allison University. However, she has always preferred extra-curriculars over actual schoolwork. She teaches dance to kids on weekends, has represented Canada at the Dance World Championships, and likes to scuba dive in countries without snow.

Since beginning at Schulich, she has represented students on the faculty's Appointments Committee, worked on a Pro Bono project, and volunteered with several student societies. The highlight of her law school experience so far has been meeting former Chief Justice Beverly McLachlin. She also has near-perfect Domus attendance.

What the Vice President Student Life does:

Cydney's portfolio as VP Student Life includes overseeing Schulich's many student societies, handling communications and social media, and planning events for students. Contact her to promote your society events, find out what's going on in the law school, and to get involved!

Why Cydney got involved in the LSS:

A desire to give back to the community and pathological eagerness.

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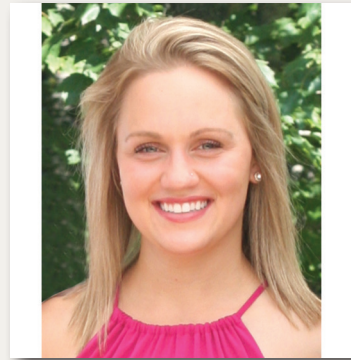
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MEET YOUR 2018-2018 LSS EXECUTIVE TEAM



Laura Woodworth
VP - External
Year: 2L



Jenna Shaddock
VP - Academic
Year: 2L

Contact: vpexternal@dallss.com

Hometown: Grand Falls-Windsor, NL / Long Creek, PEI

Education: University of Prince Edward Island,
BSc - Food & Nutrition

About Laura: Laura took a circuitous route to law school; first graduating from the University of Prince Edward Island with a bachelor of science in Food and Nutrition and then enjoying a short and exciting media career. She was the host of the OZFM Morning Rush (Newfoundland) and the Hot 1055 Morning Hot Tub (PEI), as well as a video journalist and Entertainment News host for NTV News (Newfoundland).

Since retiring from the media and entering law school, Laura has been actively involved in several societies at Weldon and volunteered with Pro Bono Dalhousie. She will spend the summer working as a summer student at Stewart McKelvey's Charlottetown office.

What the VP External does: Liaises between the members of the law student society and external groups, such as the Dalhousie Student Union and the Canadian Bar Association.

Why Laura got involved in the LSS: I am excited to be a part of this LSS executive because we are all passionate about making a difference here at Weldon! We kicked off this year with an amazing new branding scheme, and we're hoping to carry that trend through the year. Stay tuned for exiting new events and initiatives as the year progresses.

Contact: vpacademic@dallss.com

Education: University of New Hampshire,
BSc – Kinesiology & Psychology
Dalhousie University, M.Sc - Kinesiology

About Jenna: Jenna Shaddock will be serving as your Vice President Academic this year. Prior to law school, Jenna travelled the world for soccer. She spent her high school years in England where she won MVP of the league while playing for Chelsea Ladies FC. She then moved to the University of New Hampshire (UNH) on a full athletic scholarship and captained her team to their first championship in school history. At UNH, Jenna completed a Bachelor of Science in Kinesiology and double majored in Psychology. She came back to her hometown and completed a Master of Science in Kinesiology at Dalhousie, and won awards for her academic excellence, established research record, research leadership potential and oral presentation. Currently, Jenna is in her second year at Weldon and is very excited to serve as your VP Academic.

What VP Academic does: She is responsible for keeping students informed about academic issues that may affect or concern them. She is also in charge of CANs and administering Rolling Evaluations.

Be sure to check out the upcoming events, academic resources and student societies the LSS has to offer!





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One 1L to Another

Reflections on O-Week

Justin Monahan

1L

On September 4, 2018, the Schulich School of Law welcomed 180 (or so) new 1L students for orientation. I was one of them, and I now know why they call it O-Week: it's Overwhelming. During the week, activities included, but were not limited to: several presentations from the Career Development Office on professional development, Bystander Training from a representative of the Antigonish Women's Center, and an enlightening and inspiring presentation from Senator Murray Sinclair. We took part in an insightful lecture on Cultural Competency from Robert Wright and Prof. Shapiro introduced us to "the magical Ratio," which I certainly look forward to understanding. We went on a boat cruise, had a lobster feast at Murphy's Wharf, met the Dal Law Student's Society, and learned about the Canadian Bar Association (which offers free membership and conference registrations for students, by the way). We hiked, surfed, visited wineries, experienced the innate tribalism of sections, and listened to members of the Nova Scotian judiciary dispense some serious wisdom. And I could go on, could enumerate all our other activities, but suffice to say by Wednesday I felt like it was Friday, and by Friday I was expecting someone to hand me my JD.

So, what's 1L to take-away from O-Week? As far as I can tell, it's that here at Schulich, we truly will work hard and play hard. But you can play in any which way you like. We'll all have the same stick— readings, papers, finding somewhere to article (eventually) — but you get to pick your own carrot. Will it be joining one of the many clubs and societies Dal has to offer, participating in an intramural sport, or blowing off steam at Domus every Thursday? Or maybe it'll be carrying on the "Weldon Tradition" and volunteering with Pro Bono Dalhousie, or perhaps writing pun-ridden articles for the Weldon Times?

Like myself, you may feel stunned by the sheer amount of opportunities open to you. How can

you do your Pro Bono work, get to Domus, make the Schulich Debate Society's practices, keep up personal hygiene and/or relationships, and still make time for inner-tube water polo?

To this, I would remind you of something important: we have three years ahead of us. Don't feel like you have to do everything your first semester.

But also don't content yourself with just your classes. Experience the community: join something, anything, at least one thing, so you can step back from your studies, every once in a while, and return to work refreshed.



Photo: Luke MacGillivray



Without Standing

Ford's use of section 33

Ziad Lawen

1L

On July 27th, Ontario Premier Doug Ford proposed a law to redress the Ontario Council from 45 to 25 seats. Such an act simply reduces the amount of representation in the council and may be a violation of freedom of speech. On the 10th of September, Superior Court Justice Edward Belobaba declared the move to be in violation of the Charter of Rights and Freedoms. Mr. Ford responded by saying the Province will move forward with such a decision through the application of the notwithstanding clause. Which leads to the question, what is this clause and what is its history?

Found under section 33, this peculiar clause reads, Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature...that the Act or provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter. Section 2 of the Charter lists the "Fundamental Freedoms" and section 7 to 15 includes the list of "Legal Rights" of all individuals. How can such a clause exist in a charter of rights? Answer lies in its conception.

During pre-Charter negotiations in 1981, Federal Justice Minister Jean Chrétien, the Attorney General of Saskatchewan, Roy Romanow, and the Attorney General of Ontario, Roy McMurty, met to resolve a political stalemate between the federal and provincial governments. In the resulting 'Kitchen Accord,' all provinces – except Quebec – agreed to what was formalized as the section 33 notwithstanding clause. In fact, Jean Chrétien is quoted saying, "Canada probably wouldn't have had any Charter without the presence of section 33." Before the Ontario ruling this summer, the clause had been used four times before: applied once by Quebec, Saskatchewan, Alberta, and Yukon – except the Yukon application was never finalized.

In 1988, Quebec used the clause to protect residents' rights in using French-only signs for their businesses. In 1986, Saskatchewan utilized the clause to protect labour rights. Interestingly, Alberta utilized the clause in

2000 to amend the marriage act to declare marriage as exclusive for heterosexual couples. However, the Supreme Court eventually declared marriage as a Parliamentary interest and ultra vires of the Alberta Legislature. The Albertan example offers one possible resolution to Ford's use of section 33.

The Supreme Court of Canada has good reason to question such seat-shrinking tactics.

In *How Democracies Die* (2018), Harvard professors Steven Levitsky and Daniel Ziblatt discuss the multiple means by which democracies in modern history have unexpectedly fallen. In a chapter titled *Subverting Democracy*, Levitsky and Ziblatt discuss the different ways authoritarian leaders "shatter the democratic institutions that [were] supposed to constrain them" through democratic means. Regardless of the various schemes deployed by the leaders, it is common tactics – like reducing seat number as to increase control over council – that "are adopted under the guise of pursuing legitimate...public objectives, such as... 'cleaning up elections' and improving the quality of democracy".

This is precisely what Ford claims was the objective of cutting the seat number: "our plan would replace a broken City Hall, one where meetings can last for days and nothing gets done — a system that isn't working" and "crumbling infrastructure right underneath our feet". Regardless of the intent and justification of Ford's actions, utilizing the notwithstanding clause may create an uncomfortable precedent.

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Supreme Court Briefing

FALL DOCKET | OCTOBER 2018

J.W. and REO Law Corporation v. Canada (AG)

*Relevance - Civil Procedure | Administrative Law
Manitoba | Civil | By Leave*

A nun grabbed the appellant's penis at a residential school. The appellant filed a claim for compensable sexual abuse under the Independent Assessment Process of the Indian Residential Schools Settlement Agreement (IRSSA). A Hearing Adjudicator found that the appellant had failed to meet the technical requirement of establishing that the nun's action had a sexual purpose and denied the claim. The decision was reviewed and upheld by review adjudicators. A Request for Direction was filed pursuant to the IRSSA before a Supervising Judge. The Judge found that the review adjudicators had failed to correct the error of the original hearing adjudicator that the appellant needed to prove sexual purpose. Canada appealed on the grounds that the Supervising Judge misinterpreted the terms of the IRSSA and exceeded his jurisdiction. The Manitoba Supreme Court allowed the appeal and concluded there is no judicial review of adjudicator decisions pursuant to the IAP and IRSSA. The original decision was reinstated.

Barton v. R.

*Relevance - Criminal Law | Criminal Procedure
Alberta | Criminal | By Leave*

The victim's cause of death was blood loss from an injury in her vaginal wall. She died in the bathtub of the accused's hotel room. The accused claimed the victim bled to death after he fell asleep and that the injury was an accident that occurred during consensual sexual activity. He admitted that the victim was a sex worker he had hired. The Crown argued the injury was intentional and the accused was guilty of first degree murder. Alternatively, the Crown argued manslaughter on the grounds that the victim did not consent and the injury occurred in the course of a sexual assault. The accused was acquitted by a jury. The Court of Appeal granted an appeal, set aside the acquittal and ordered a new trial.

Le v. R.

*Relevance - Constitutional Law: Charter Rights [ss. 8, 9, 24(2)] | Criminal Procedure
Ontario | Criminal | As of Right*

The appellant argues his rights to be free from arbitrary detention and unreasonable search were violated in the events preceding his arrest and evidence should be excluded under s.24(2). He was convicted on drug and firearm offences at trial. Appeal dismissed by the majority of Ontario Court of Appeal. Dissent would have allowed the appeal, excluded the evidence and directed a verdict of acquittal on the grounds that a Charter violation occurred and admission of evidence at trial would bring the administration of justice into disrepute.

R. v. Cyr-Langlois

*Relevance - Evidence | Criminal Procedure
Quebec | Criminal | By Leave*

Accused was stopped while driving and brought to the police station for a breathalyzer test. He was placed in an interrogation room alone while one officer prepared the breathalyzer test and another officer facilitated his right to counsel. Breathalyzer tests require a 20-minute observation period prior to testing in order to determine whether subject has belched or vomited bringing alcohol into the mouth which would affect the test results. The test results showed a blood alcohol level exceeding 80mg per 100ml of blood. At trial the accused brought a preliminary motion rebutting the presumption that the test results were valid on the grounds that the necessary observation period was not completed thereby depriving the Crown of evidentiary presumptions under s.258 of the Criminal Code.

Warrant Officer Gagnon v. R.

Relevance - Criminal Procedure

Federal Court | Criminal | As of Right

The appellant was acquitted by the General Court Martial on a charge of sexual assault. The Crown appealed the acquittal. The majority of the Court Martial Appeal Court found that the Chief Military Judge had made errors of law justifying a new trial and allowed the appeal. In its view, the Chief Military Judge could not put the defence of honest but mistaken belief in the complainant's consent to the trier of fact, the court martial panel, without first considering, as a matter of law, the statutory limitations on the use of that defence set out in s. 273.2 of the Criminal Code. One judge dissenting, would have dismissed the appeal. In his view, the defence of honest but mistaken belief in consent had an air of reality in this case and the Chief Military Judge had correctly put it to the panel.

R. v. Normore

Relevance - Criminal Procedure

Newfoundland & Labrador | Criminal | As of Right

Numerous charges were brought against the accused in relation to a break in and assault. At trial the victim of the assault (also the property owner) was called as a witness by defence counsel. The victim refused to answer a question put to him by defence counsel. The Trial Judge did not attempt to elicit an answer from the victim believing the answer would have no significance to the trial. The accused was convicted of attempted murder, uttering death threats, breaking and entering and committing an indictable offence therein. The accused appealed on the grounds that the Trial Judge had made a reversible legal error by not compelling the victim to answer the question. The majority of the Newfoundland and Labrador Court of Appeal allowed the appeal and ordered a new trial. One dissenting judge found the Trial Judge did not err on the grounds that the victim's refusal did not render the trial unfair or prevent the accused from freely and fairly defending himself.

Myers v. R.

Relevance - Criminal Procedure

British Columbia | Criminal | By Leave

The accused was arrested following a high-speed car chase and charged with assault and firearms offences. The accused was held until trial and ultimately plead guilty to several charges. The appeal relates to the 90-day bail review period under s.525 of the Criminal Code.



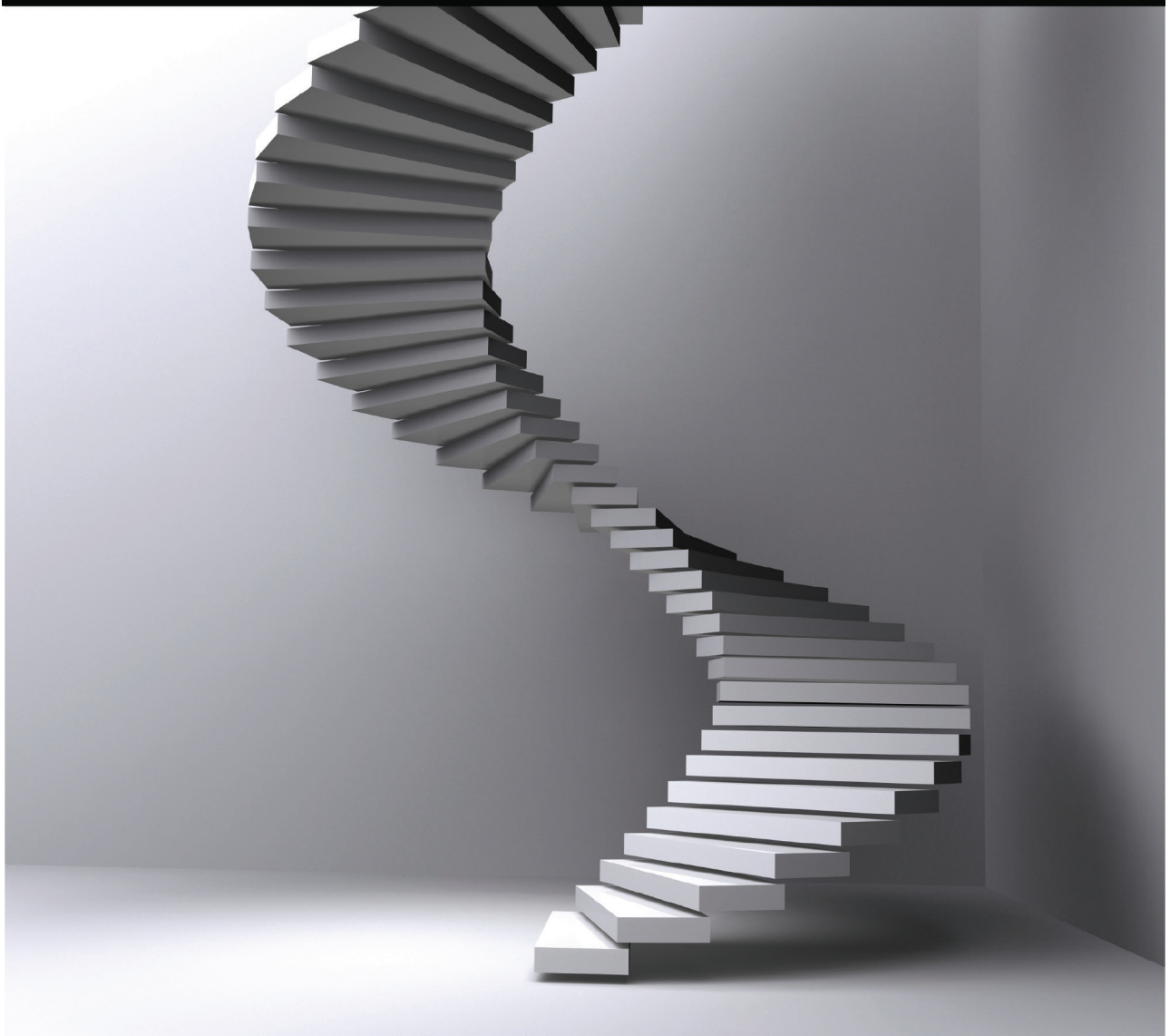
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Dispatch from Los Angeles

Studying Law in Trump's America

Emma Chapple 3L

Greetings from the Golden State! In February, I decided to take advantage of Schulich Law's 3L exchange program and put my name in for a semester at Southwestern Law School in Los Angeles, CA. In early August, I crammed my things into three suitcases and went west. Here's how things are going so far.

It goes without saying that I, and my fellow classmate who is also in the United States this semester, picked an interesting time to study law south of the border. As I write this, Brett Kavanaugh, the nominee to fill Justice Kennedy's vacant seat on the U.S. Supreme Court, is testifying against Dr. Christine Blasey Ford, the woman who this morning recounted her attempted rape at his hands. This kind of thing is inescapable – the televisions at the gym, usually turned to ESPN, was playing the hearing. There's a sense of urgency, a palpable anger.

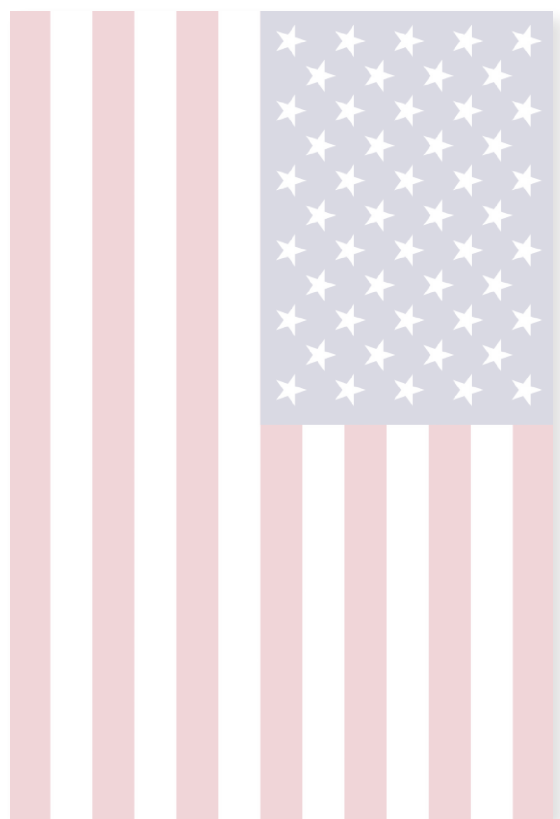
I'm taking an immigration law course, where the policies of the current administration have thrown many of the old laws into dispute. Classes are bookended with "we don't know what will happen now." I even get to share how American policies are having an effect on Canada – for example, how revoking temporary protected status for American asylum seekers has translated to more irregular border crossings at home.

It's important for me to note that I am studying in a state that comfortably went to Hillary Clinton in 2016. I am squarely in "coastal elite" territory. I'm more likely to be faced with incredulousness over the fact that Canada has three major political parties than the fact that I believe in a public healthcare system. Then again, I've yet to share my comparatively extreme views on stronger gun control laws.

The new friends (and a few Uber drivers) I've met are more entertained by the fact that the Queen is our Head of State, or that I have to go to a dedicated store to buy alcohol (side note: wine here costs \$3.99 and you don't have to go through a separate entrance to get it).

I'm certainly enjoying my time in LA – I've been to a movie premiere, Disneyland, and I stroll down the Hollywood Walk of Fame to get my groceries. But I would be remiss to say that I don't miss politics that aren't so divided among party lines, and it's surprisingly hard to find peanut butter that measures up to my beloved Kraft Natural. It is nice being able to shop at a Target again, though (RIP Target Canada, gone but not forgotten).

Finally, to any 1 and 2Ls considering an exchange, I would say "do it!" In just over two months I've learned about the justice system of one of our biggest allies (despite how much our leaders don't see eye to eye at the moment). I've been able to share how our own system works. It might feel like a big chance to take in your final year, but what I've taken away so far has made it worthwhile.



Cannabis is Legal



As of October 17th, the Government of Nova Scotia will allow adults to consume cannabis in a private residence. Consumption in any indoor public place, workplace and in and around many outdoor spaces such as bar and restaurant patios will be prohibited. The minimum age to purchase and consume cannabis will be 19 years or older. Adults 19 years and older will be permitted to carry up to 30 grams of cannabis in a public place.

To mark this shift in the law, the next issue of Weldon Quarterly will come with a twist: we fire up the conversation and try to hash out the issues as we take a trip through the implications of legalization. Do you have a blunt opinion? We invite you to pass along your budding thoughts.

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