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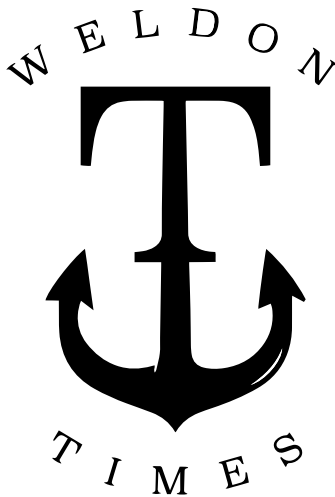
QUARTERLY

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Dalhousie University sits on Mi'kma'ki, the traditional territory of the Mi'kmaq.





Studying at the Hotspot

Monica Dairo (3L)

When I made the choice not to return to Halifax, I grieved.

Certainly, it made financial sense. I had to balance what I was losing with what I was gaining. My losses: being closer with my friends; my independence; my space at the law clinic – something I was looking forward to since I was a hopeful 0L; my *personal* space; and the 3LOL experience I've only heard about from excitable upper years.

My gains? Money saved, no landlord headaches, and more time with my family.

Through my attempts to mitigate my “losses” as much as I could, I learned how lucky I am to have both a family who respects my need for space and a high tolerance level for various unexpected and loud noises (I'd like to thank my 4-hour commutes during my undergraduate years).

How I'm finding my online experience

To be honest? I don't find it too challenging, perhaps owing to my conscious and deliberate effort to try to adapt and find little elements of happiness where I can. Plus, it's not like in-person classes were something I glided through either. I actually like studying online – and only partially because I can go to class in my pjs. It's equally satisfying to be able to manipulate lectures. Especially pausing them. I really like pausing them.

I've managed to organize all the online moving parts through, ironically, a weekly physical journal within which I pencil long- and short-term assignments and goals, personal commitments and anything in between. Also, I am very lucky to love what I'm studying, and the materials excite me enough to power through each week.

I connect with friends at law school through emails (obviously), Brightspace, online events,

“*I actually like studying online – and only partially because I can go to class in my pjs.*”

mindfulness classes, society meetings, and social media apps. It also really helps that one of my closest friends at law school is a Whatsapp enthusiast and often engages our group with a morning *Weli ek'sitpuk*.

Final thoughts

I am still determined to enjoy my final year and have adjusted to COVID the same way as I have other challenging things in my life: I honoured what I felt, told most if not all of those whom I love when I felt terrible, and then committed to living through the discomfort.

When the semester (school, life, family, global pandemic, etc.) got hard enough that the anxiety settled into my chest for more than a few hours, I learned to breathe, count three things that I am grateful about, and remind myself of what I can and cannot control. Then I organize and decide what to do next. And then, I do. Bit by bit, the anxiety eases. When it comes back, so do my breathing and my counting.

To whomever is reading this piece, I genuinely hope you are doing well and if not, are hanging in and holding on.

All in all, while I did grieve what I thought my 3L year would look like, I did manage to find small pieces of joy. And that is enough.



Online School from BC

Tom Barker (2L)

"So long LOSERS, fame and fortune here I come!" I yelled to my loving family, as the train pulled out of Vancouver's Pacific Central Station on its way to Halifax. The year was 2019, and I was on my way, Hogwarts Express-style, to a magical school in a far-off land. But unlike the low stakes of Harry Potter, I was venturing forth with the very important purpose of becoming not just a lawyer, but a fully-fledged adult (who didn't live in his parent's basement anymore). This is all to say that I really didn't expect to be crawling embarrassingly back into said basement less than a year later.

In coming back to Canada's #1 most hipster shoreline, I have once again fulfilled the age-old Vancouver student proverb - that home is where the parents are (until they finally kick you out for good). Though I imagine with Vancouver's house prices, most corporate lawyers are still living with their parents, too. And while having to constantly fight my little brother - who wants to use the home computer to play Minecraft - does seem like a setback in my quest for adulting, I have been able to impress my family with my new deep and mysterious knowledge in the language of law (such as "Can you pass me the milk? It's pursuant to the cornflakes.").

They say that breaking up is hard to do, and I may be looking back with rose-tinted glasses, but my newfound bi-coastal perspective makes me appreciate how much Nova Scotia takes pride in its cultural icons, from the bracing tales of Stan Rogers to the unaffected folk stylings of Maud Lewis. Much of BC's culture just makes me feel bad about the province, with people such as Joy Kogawa (BC has done terrible things to the Japanese community), Emily Carr (BC has cut down a lot of trees), and musical 'greats' like Bryan Adams and Nickelback (BC's cruelty knows no bounds).

While there are many things I miss about Halifax (friends, etc.), I feel comfortable, now that I'm at a safe distance of approximately 4,500km away, in saying that the one thing I will not be missing is the food. My main memories of Halifax's fine dining is its confusingly milky meat wraps and being a broken man (close to a Halifax pier) trying and mostly failing to open up a lobster. Coming back to the family home has also had immediate health benefits due to me eating a lot less frozen pizza. Also, my living surroundings are a lot less squalid than in 1L. Now that I think about it, maybe I wasn't doing that much adulting in Halifax after all.

"...my newfound bi-coastal perspective makes me appreciate how much Nova Scotia takes pride in its cultural icons..."



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Alumnus Biography:

Nico Jones

Jonathan Duru (1L)



An associate at the law firm Stewart McKelvey, Nico Jones' accomplishments illustrate his well-rounded skill set. An Upper Hammonds Plains native and 2018 Schulich Law graduate, Nico inherited a proud legacy. His paternal grandfather, Christopher Jones, was a member of the first Black volunteer firefighters' department in Canada. Established in 1966, it served the needs of the communities beyond the Upper Hammonds Plains locale. His mother, Gina, was the first Black female volunteer firefighter in Nova Scotia, joining the force in the 1990s. The community is one of many Black communities that have thrived despite both overt and covert Nova Scotian racism. In that era, "white" fire halls and firefighters were reticent to serve communities of colour. Unfazed by brash insults, Hammonds Plains community members of the mid-sixties used their resources to tackle their issues

head-on... and so created history. Nico is yet another trailblazer from the Upper Hammonds Plains community.

An avid football fan and an adroit player, Nico acknowledges that he was never the best. Regardless, his skill and dedication enabled him to attend McMaster University in Ontario. As a student athlete and member of the McMaster Football team from 2010-2012, he was a part of the school's first Vanier Cup championship team in 2011. With his Political Science and Economics credentials, law school was an envisioned target. To achieve that goal, he realized that the sport he enjoyed so much would have to take a backseat to his academic endeavors. Fortunately enough, many football skills are applicable to the legal profession. For one, the regimented nature of work and practice is key to success in both fields. Attention to detail is also required. Nico's transition from football to the law was facilitated by his experience with lengthy practices, film sessions and personal skills training.

Upon commencing his studies in 2015, Nico recounted the lack of diversity that differentiates Nova Scotian university settings from Ontario ones. Though law school presented unique challenges, the Indigenous Black and Mi'kmaq program, intramurals, and diverse pro-bono opportunities helped him cope with a transitory first year. Those opportunities included working with the Nova Scotia Barristers' Society and Students Canada. While first year was not a walk in the park, Nico came into his own in his second year. He credits this to valuable alumni contact resources, as well as the restructuring and reorganization of his notetaking and study habits. He recommends

“As persists today in some regard, law school subject-matter can sometimes be insensitive to the experiences of racialized communities.”

the following to those beginning their law school journey: do not procrastinate, and ensure that you learn from possible fail-safe mistakes. Before law school, his time with the Dalhousie Legal Aid Service helped him develop necessary skills. He got to “pick the brains” of law students and lawyers alike, sharpening his skills and fortitude. His interest in property law stemmed from his relationships with professors and alumni.

There are a few negative drawbacks to his Schulich experience that merit recounting. As persists today in some regard, law school subject-matter can sometimes be insensitive to the experiences of racialized communities. While Nico’s extroverted nature and diverse interests made it easier for him to acquire connections, he notes that other racialized students may not necessarily feel appreciated or respected in the Schulich setting. He encourages (as do I), a more tolerant and culturally competent approach in our interactions with each other.

Upon graduating in 2018, Nico completed a successful articling tenure. He now is an associate at Stewart McKelvey (or “Stew Mac,” as he terms it). He appreciates the open and diverse nature of his colleagues. A welcoming corporate culture serves to cultivate a sense of collegiality, which then

translates into fantastic work performance and output. When the workday is prolonged (sometimes extensively prolonged), having a team of smart and genuine individuals ensures that work remains enjoyable. Nico sees himself as a passionate learner and believes that he improves his craft daily. He describes himself as “efficiency-focused” due to his pro-environment beliefs and cost-effective approach to tasks. “Stew Mac” could be described in the same light. With the transition to the picturesque Queen’s Marque location, the company has moved to lessen its energy footprint. This has ensured that locally-sourced materials and reusable resources are of greater importance.

A typical workday consists of an 8 am office arrival, coffee breaks with longtime associates, and lots of fresh air. His adeptness in the field of property law has allowed him to conclude international transactions, something which he increasingly focuses on. In giving back to his community, he serves as the lawyer for the Upper Hammonds Plains Community Development Associations’ purchase of the firehall. For him, community spirit and development are of chief concern.

Nico’s mother Gina always emphasized “controlling your controllables”. For Nico, that has meant hard work, availability and attention to detail. All of those qualities (among others) have propelled him thus far and will assuredly take him further. When I spoke to him about the presence of many “Stew Mac” lawyers in Best Lawyers in Canada magazines, I told him that his inclusion would happen in the not-to-distant future. In his profound humility, he expressed the contrary. If he does not conclude as such, I certainly will. Nico’s skillset, community-centric backbone and sustained drive will manifest in more promotion, reward and opportunity. In my short time knowing him, it is safe to say that Nico’s mentorship and inspiration will catapult many others to success. A toast to his community and family for producing such an individual.



Summer Job Recruitment Tips for Private Firms

Darren Gill (3L)

Albeit delayed from its normal schedule, 1Ls and 2Ls are gearing up for a busy private firm recruitment season. Here are some tips to help you as you navigate the summer job recruitment world.

Applications. Make sure to triple check your resume and cover letter for spelling and grammatical errors – and then have a friend or two give it another read over. Some junior lawyers will even offer to proofread these for you, so make sure to take them up on their offer. A common mistake that students make is forgetting to change firm names when using the same template. Firms notice this and can often tell when you have used a generic cover letter. While most people use templates, try to have sections that you can customize for each firm, perhaps highlighting people you've spoken to, specialized practice groups or other unique characteristics.

OCIs. OCIs are your first chance to leave an impression. Keep in mind that at this point your resume and grades are already enough and have gotten you in the door: it's now time for you to shine. While it is helpful to practice responses for more run-of-the-mill interview questions ("tell us about yourself", "tell us about something not on your resume", "tell us about a time you...", etc.), try not to come off as rehearsed. Know each part of your resume so that you are prepared with a remark when asked about a specific experience or interest.

Call Day. Make sure to have a pre-planned schedule before call day, with a backup or two in case you don't get your preferred interview slot. Call day is stressful for everyone – take a deep breath and try not to lose your marbles.

“It is ideal to come off as relaxed, social and a team player – but also your own unique person with your own personal attributes.”

In-Firms. You're almost there. While this year's in-firms are being conducted virtually, the basics still apply: always smile, dress to impress, exude confidence without cockiness, and be personable. At this point in the game, lawyers are looking for the students they could see themselves working with until 2 in the morning. It is ideal to come off as relaxed, social and a team player – but also your own unique person with your own personal attributes.

Other Tips & Tricks

- Zoom can make people come off as less social, less polished and less excited. While we have all become Zoom professionals over the past 9 months, try to do some mock interviews with a friend to get comfortable with the platform in an interview context.
- Make sure to have a quiet and clean surrounding and make sure you have a strong wi-fi connection. Consider using a pre-loaded Zoom background to hide your bedroom or purchasing an ethernet cable to

help with your connection (as low as \$10 on Amazon). These are small and easy things that can make all the difference for a second interview or an offer.

- Be cognizant about who you're speaking with when it comes to recruitment topics: others may become anxious, get stressed out, or may simply not care when talking about recruitment.
- Being well-rested makes all the difference when it comes to coming across as relaxed and confident. In addition to making you perform sub-optimally in interviews, being tired may make you anxious and worried.
- Reach out to upper years who have gone through the process: you'd be hard pressed

to find an upper year who wouldn't offer to read your resume/statements, give you some 1-on-1 tips, or even do a mock interview with you. The CDO is also a wonderful resource.

Try not to be disheartened if you don't advance with the firm of your choice, or if you don't come out of the process with a job. There are many other opportunities to secure summer jobs and articles. Also consider applying to mid- and small- size firms who have their recruitment drives after most other firms have hired their students.

It's important to note that government employers often look for very different attributes and traits in candidates. Make sure to speak to the CDO and upper-year students to get government-specific tips.



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An Introduction to the Dalhousie Public Policy and Law Society

Ben Foster (2L), Dal PPLS

The Dal PPLS is a society that brings together students interested in the intersection of law and public policy. We hope to create a community at Schulich of like-minded people to create good conversation, to offer the opportunity to strengthen professional networks, and hopefully to make a few friends. This year we have focused on a speaker series bringing students in conversation with Schulich graduates in positions of power who are influencing policy at the highest levels of government. Unfortunately, due to COVID-19 we haven't been able to host many in-person social events. For those, stay tuned to our social media channels after the second wave. A big chef's kiss to whoever creates the vaccine.

The Dalhousie Public Policy and Law Society (Dal PPLS) was grateful for the recent opportunity to host the Honourable Anita Anand in our "In Conversation with the PPLS" speaker series. Currently serving in the role of Minister of Public Services and Procurement, Minister Anand has previously been a legal academic, employed most recently as a Professor of Law at the University of Toronto, holding the J.R. Kimber Chair in Investor Protection and Corporate Governance. She has also served as the Director of Policy and Research at the Capital Markets Research Institute at the Rotman School of Management, and has previously taught law at Yale Law School, Queen's University, and Western University.

Hailing from Kentville, Nova Scotia, the Minister highlighted how the transition from academia to politics was made particularly meaningful to her as she became the first Hindu Member of Parliament and member of Cabinet. Another accomplishment was winning the party

nomination in her riding on the first ballot, beating a former provincial cabinet minister in the process, and then defeating the riding's former two-term Member of Parliament to win her seat of Oakville in the 2019 general election. On being selected for Cabinet, Anand stated that she was honoured to serve the public, while also communicating in an act of humility that she was not completely sure what the entire portfolio would entail.

For Anand, one of the most surprising parts of being a Minister of the Crown was the ability of one person to make a difference in the executive branch. She praised the ability of Canada's public service to rise to the challenge of COVID-19, recognizing how efficiently they coordinated across the country to address her questions and plans. On the topic of vaccines, she lauded that Canada's system of government was structured such that the potential candidates were recommended from a vaccine task force which consisted of experts in science and procurement fields who coordinate with the federal Public Health Office.

Our conversation with the Honourable Minister Anand was the second in our speaker series following our first guest, the Minister of Justice and Attorney General of British Columbia, David Eby. The Honourable David Eby, QC, (LLB '04) graciously spent an hour with the Dal PPLS in October (despite being in the middle of an election campaign) to share his experience about the coordination between the courts and the provincial government in ensuring that the justice system functioned smoothly during the pandemic.



The LSS in 2020

Lynn Sullivan (2L), LSS 2L Representative

Like any good, democratically elected organization, the LSS is grounded in a Constitution - the Dalhousie Law Students' Society Constitution. The LSS is the official voice of the collective interests of law students at all levels of the university and the wider community. The Board of Directors consists of elected and appointed representatives from the diverse student body at the Schulich School of Law. The Board generally meets 12 times per year and normally holds an Annual General Meeting toward the end of the school year, except for last year.

The mission of the LSS is not only to advocate on behalf of students, but just as importantly, to promote student engagement and inclusion while attending Schulich. There are over 50 student and faculty committees and societies that any law student can get involved in. And if there is an interest you have that is not represented, you can start a new society through the LSS. Everyone deserves to feel welcome at Schulich!

Most years, things run fairly smoothly at the LSS Board. During Board meetings, issues are raised and addressed, societies created, events organized, academic proposals made, and more. Then, someone gives an update on progress or how an issue was resolved, and we move on.

It has been said too often, but 2020 is no ordinary year for anyone, including the LSS. Like most things, the LSS AGM for last year was cancelled due to COVID-19 and was rescheduled to a virtual meeting on November 19, 2020. There was originally some concern about having a quorum of 30 students at the meeting to pass resolutions and to discuss the "Zoom law school" student experience. However, there was definitely no quorum issue as students came to listen and share their experiences.

The AGM took its normal course through the agenda with some minor Constitutional amendments passed, Executive Committee members providing their annual reports, and the financial statements for the year prior getting approved. The liveliest discussion was about Zoom law school.

"This year has been tough for students, no matter their personal situation."

Put bluntly, this year has been tough for students so far, no matter their personal situation. The isolation, the inconsistency between class structures, and workload and frustration with mechanisms to provide substantive feedback was palpable. Students expressed a strong desire for more consistency in how courses are delivered and more manageable workloads.

The good news is that our concerns are being heard. The LSS President meets weekly with the Dean, other members of the LSS are in constant communication with law school administration, and professors appreciated the course evaluation feedback. The message is getting through and faculty share many of the same concerns. After the experience of midterms and a faculty Town Hall, faculty discussed issues they are seeing and what can be done about them. They see that students are struggling, and they agreed with the need for 'manageable' exams that are fair in these circumstances. The faculty too want a more uniform approach in terms of asynchronous and synchronous teaching times.

As a direct result of feedback from students, including at the LSS AGM, there were changes made to help ease the end of semester burden, including extra time for final exams and an extension to major paper deadlines. These changes affect all law students, while accommodations for individual needs are always available. The LSS is listening, wants to hear from you, and advocate for you to ensure that even in a year like 2020, everyone feels welcome and part of the Schulich community.



Lawyers Without Borders Student Division at Dalhousie University – One of Schulich School of Law’s Newest Societies

Mariah Crudo (1L): Director of Awareness,
Lawyers Without Borders Student Division at Dalhousie University

This year is the inaugural year of the Lawyers Without Borders Student Division at Dalhousie University. As the first Canadian university to establish a Lawyers Without Borders student division, Dal has set a precedent for other Canadian law schools – one that will have a mutually beneficial impact on the quality of experience offered to students and the communities that they reach.

Lawyers Without Borders (LWOB) is a non-partisan, independent, and universally-renowned charitable organization. With a mission to “advance global Rule of Law, build capacity and integrity in the world’s justice sectors and support transitions and development”, LWOB has diversified access to justice by taking a programmatic approach to the Rule of law initiative. With projects informed and executed by volunteer lawyers, law students, and judges, LWOB maximizes international resources to achieve its mission.

“With a mission to “advance global Rule of Law, build capacity and integrity in the world’s justice sectors and support transitions and development”, LWOB has diversified access to justice by taking a programmatic approach to the Rule of law initiative.”

As one of these international resources, Lawyers Without Borders Student Division at Dal contributes to the LWOB mission by raising awareness on current issues concerning access to justice. Despite the barriers

presented by the COVID-19 pandemic this year, the student society has set an ambitious agenda consisting of formal debates, moots on Rule of Law, workshops, lectures, seminars, and the creation of a human rights newsletter.

The society’s first event of the year, Access to Justice in East Africa, offered a promising beginning. The event welcomed Newfoundland Court of Appeal Judge William H. Goodridge to draw on his experience as a Canadian representative assisting in the enhancement of judicial independence in Kenya, Uganda, Tanzania, and Ethiopia. In addition to shedding light on Canadian efforts to increase judicial independence internationally, Justice Goodridge also shared stories from his personal experience to illustrate some contrasting demonstrations of the Rule of Law in various countries. When discussing his time in Vietnam, Justice Goodridge spoke of how citizens threw shoes to express disapproval of judicial decisions. Upon his arrival in other countries, Justice Goodridge also spoke of a chaotic and overwhelming response from local press – mistakenly identifying him as the “Chief Justice from the Supreme Court of Canada” and sensationalizing his presence in the area.

Access to Justice in East Africa provided students with a bold and colourful glimpse of what the pursuit of access to justice and the Rule of Law might look like on a global scale. With such a thought-provoking conversation led by the reputable Justice Goodridge and a robust response from event attendees, the event was undoubtedly a success.

As Lawyers Without Borders Student Division at Dalhousie University prepares itself for the upcoming semester, the executive team encourages students to keep their eyes peeled for upcoming events and opportunities. We can assure you, you do not want to miss what’s next!



Do you know the history of casebooks and the Socratic method?

Zainab Adejumobi (1L)

Casebooks are the hallmark for learning about the common law. Law students spend countless hours reading cases, briefing cases, trying to ascertain the rule in a case, etc. To a curious-minded 1L student with no prior experience with casebooks, it feels like being born anew into a different world. While we strive to join in and keep up with the rest of the law school crowd, I stopped to ask, what is the history of casebooks? Why do we learn common law the way that we do?

Earlier in history, law schools taught using a lecture method, and students had textbooks. Law teachers tested students mainly on the basis of memorization. However, in the 1870s, a man by the name of Christopher Columbus Langdell came into the picture. He was first a professor, then later a dean at Harvard Law School. It was Langdell who changed the law school learning system. He argued that students could not achieve legal proficiency by memorization, so he proposed a system of rule application. To this end, he selected a series of cases and compiled them into a collection, and he taught his class with them.

Langdell is the first person in the world known to have used a series of cases to teach law classes. In class, he called on students to state the case, and every time they stated the case, he would ask, "Could you suggest a reason?" Langdell wanted students to learn the decision of the case and the reasoning. This system expected students to discover the law by themselves. The Socratic method also traces its roots to Langdell's case method. Cold-calling students and asking them questions was a part of ensuring that students were paying attention to rule application and not just memorization.

In Langdell's own words, he said:

"It is true that my name is generally associated with what is regarded as a new mode of teaching; but the only reason for that is that I happened to be the first to use that method, and hence I have furnished the chief target for the shafts of criticism with which it has been assailed. Others who have followed me have used the method with more success than I have".

“Langdell argued that students could not achieve legal proficiency by memorization, so he proposed a system of rule application.”

Citations:

McClurg, A. (2017). 1L of a Ride, A Well-Traveled Professor's Roadmap to Success in the First Year of Law (3rd ed.). West Academic Publishing.

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The Pros & Cons of Virtual Mooting

Nicole Kelly (3L)

I think it goes without saying that we're experiencing an unusual year at the Schulich School of Law. With very little time to adapt to online learning, it feels like we've been thrown into the deep end and forced to do our best with the changes. One great example of this was my experience as a Smith Shield mooter this year, which was held over Zoom in October. While it was very intimidating to be a guinea pig for this

“Mooting online allows you to moot from the comfort of your own home and eliminates some of the stresses associated with trying to get to Weldon in a freshly ironed suit.”

Zoom Moot format, I'm glad I can share some of what I learned from the experience to help others prepare for its benefits and challenges. Below, I will outline some of my pros and cons to virtual moot.

First, I will start with the pros (of which there are many). Mooting online allows you to moot from the comfort of your own home and eliminates some of the stresses associated with trying to get to Weldon in a freshly ironed suit. Instead, you can

moot at home (if your living situation permits) and you don't even have to wear a suit! As long as your top-half is presentable, no one knows what you're wearing on the bottom. That being said, it might be a good idea to have black pants/jeans on the bottom just in case you have to stand up for some reason.

Second, moot online allows you to have more control over the situation. If you're afraid of public speaking, you can set Zoom to "presenter mode" so that you can only see one person speaking at a time. This way, it feels like you're just having a relaxed video chat with a professor and it takes away from some of the intimidating aspects of the moot. Another benefit to this setup is that you don't have to memorize your arguments. While I strongly recommend being familiar with your arguments and ready to be flexible with the order, you can set up a script or a PowerPoint that walks you through your arguments. As long as your eyes aren't clearly reading from left to right, no one will be the wiser.

Third, it is easier to practice online moot. The best way to get comfortable with your arguments is to practice, practice, practice! The week leading up to your moot, it will be really helpful if you can meet up with your friends, family, or classmates and practice reciting your arguments. You'll quickly learn that an argument that you think is very compelling and easy to understand is not as digestible for someone who isn't as familiar with the topic. You might also learn that you've been pronouncing a very basic word wrong your entire life (I embarrassingly only recently learned that "albeit" was not pronounced "al-bite" during one such practice). The flexibility of online scheduling will make these practices

very convenient and allow you to practise in front of a variety of audiences.

Now onto some of the drawbacks of online mooting. As with all technology, it takes some getting used to and adaptability. There was a particular moment during the Smith Shield where my microphone became muted half-way through my arguments. I panicked because I had no idea what to do. Eventually I collected myself and figured out how to get my mic working again. Little did I realize that this whole episode happened in less than 10 seconds and no one was even aware it had happened. Unfortunately, these things will happen and there's nothing we can do to prevent them. All you can do is keep a smile, move on, and remember that what seems like a devastating mistake to you is probably minor or even unnoticeable to others.

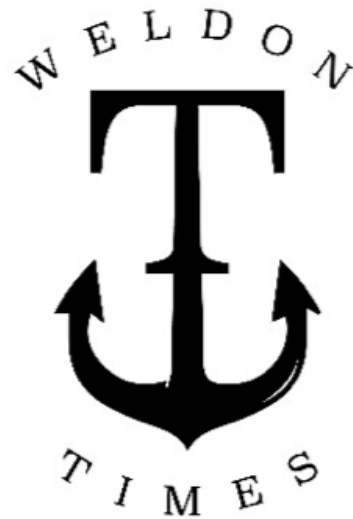
Another con to Zoom mooting is the issues that arise from faulty internet connections. While it's a little uncomfortable when there's a delay between the video and audio or when the video freezes, it is just a reality of online mooting and nothing to be embarrassed about. The same goes for friends, family members, and pets in the background of your Zoom video. Obviously, it's more ideal to have a plain wall as your background with no other distractions, but we all have to do the best we can with our living situations, and no one will penalize you for these things that are out of your control!

My final observation on Zoom mooting can be either a pro or a con, depending on your preference. On comparing my online mooting experience to my in-person mooting experiences, I definitely felt like the Zoom format was much less formal. As all of our meetings and classes are now online, the Smith Shield felt similar to so many other Zoom meetings and it was pretty surreal at the end to realize it was over. If you're the type of person who thrives off of the courtroom environment, this more relaxed environment might be a little difficult for you. If you're the type of person who prefers a less formal setting, you might really enjoy the conversational aspect of Zoom mooting.

Either way, I hope this article has been helpful for preparing for your 1L and 2L moots

this winter. I know it can be a stressful and overwhelming experience while you're going through it, but you'll feel so relieved when you're on the other side. The important thing is to be as prepared as you can and make sure to celebrate when it's all over!

“All you can do is keep a smile, move on, and remember that what seems like a devastating mistake to you is probably minor or even unnoticeable to others.”





The Dalhousie Feminist Legal Association's Fall Panel

Allison Hearn (2L), DFLA

On November 24, the Dalhousie Feminist Legal Association (DFLA) held a panel centering around Reproductive Health Struggles during COVID-19. Our panelists were: Alisa Lombard, who is a partner at SWL Legal in Saskatoon, Saskatchewan, as well as lead counsel on a proposed class action against forced sterilization of Indigenous women; Martha Paynter, RN, who is a scholar, nurse, and activist who works in abortion and postpartum care alongside advocating for prison abolition; and Professor Kerri Froc, a law professor at the University of New Brunswick who specializes in feminist legal theory and constitutional law, as well as a former staff counsel for LEAF, the Women's Legal Education and Action Fund.

We opened our panel with a discussion surrounding what reproductive justice is. Our panelists offered powerful insight into the experiences of the people they work with and the lives of women we often don't hear about. All three of our panelists discussed the mystery that is often associated with abortion; the secrecy, presumed shame, and controversy. Something I did not know, however, was that over 30 per cent of women have had abortions. As Martha noted, we must realize and promote the fact that abortion is a normal healthcare procedure. Lifting the veil on reproductive health is key to ensuring reproductive justice. Unfortunately, COVID has derailed many of these efforts. Martha noted that advocates have been locked out of prisons since March.

Sticking with me while I wrote this article was a response to the question of "what can we do as law students to better promote reproductive justice?" Professor Kerri Froc opened up this discussion by coining the phrase "constitutional ambassadors". In essence, as law students, we are privileged to learn the intricacies of the rights we have and do not have, and we should be teaching others about the rights

they have and do not have in an accessible way. Earlier on the day of the panel, a DFLA and Schulich alum wrote to us and said that she was proud to see that we were carrying on so much of the work that she once did while at Schulich. Our response was a poem from the brilliant Rupi Kaur:

i stand
on the sacrifices
of a million women before me
thinking
what can I do
to make this mountain taller
so the women after me
can see farther

Sitting in on this panel that focused on a topic that affects me, as a woman, so powerfully reminded me of why I came to law school. To hear from three women who have dedicated their lives to increasing the possibilities available to us rejuvenated my motivation in a time when I desperately needed it (thanks, exams). Equally inspiring is DFLA's Section B 1L Rep, Kiran, who took the reins and moderated our panel flawlessly. In a time when so many of us can feel discouraged, I am reminded by such incredible women around me of the influence we can have.

Needless to say, our first panel of the year was an incredible success, and we are so thankful to those who joined us and, of course, to our three panelists. DFLA has a long list of causes that we plan on supporting and bringing attention to next semester, and we can't wait to get started.

Here's to hoping that some of you will join in!



Dry Cell Discrimination: The Unconstitutionality of Dry Cells in Women's Prisons

Roisin Boyle (1L), Dalhousie Prison Law Society

Prisons attempt to combat drug use through a variety of methods, including dry cells. Under section 51(b) of the *Corrections and Conditional Release Act* ("CCRA"), if the institution believes on reasonable grounds that an incarcerated person is carrying contraband in a body cavity, that person may be detained in a cell without running water or plumbing fixtures on the expectation that the contraband will be expelled. The incarcerated person is kept apart from others and is under constant surveillance. Their excrements are subject to examination. According to the United Nations, dry cells are a form of solitary confinement.

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The constitutionality of dry cells has recently been called into question. The Elizabeth Fry Society of Mainland Nova Scotia ("EFMNS"), which works to support women in their interactions with the criminal justice system, would move to strike down section 51(b), or at least have it reevaluated in light of its disproportionate impact on women.

Emma Halpern of EFMNS emphasizes the sex discrimination inherent in the provision. Section 46 of the CCRA defines body cavity as "the rectum or vagina." This suggests a belief that people with vaginas may be suspected of carrying contraband in their vaginal cavity. Unlike other cavities, though, vaginas do not naturally expel items. People with vaginas can therefore be detained for longer periods of time while the correctional officers wait for illicit substances to be produced. Section 51(b) effectively allows for anyone with a vagina to be indefinitely confined in a dry cell.

In March 2019, the Ontario Court of Appeal ruled that solitary confinement for longer than 15 days constitutes cruel and unusual punishment and should be prohibited. This conclusion aligns with international human rights

standards. Earlier this year, however, a woman named Lisa Adams was held in a dry cell for 16 days at the Nova Institution for Women when she was suspected of transporting methamphetamines into the facility in her vagina after she had been out on parole. Adams requested a cavity search to prove she was not hiding anything. She was denied several times. After claiming other health concerns, Adams eventually convinced a doctor to give her a vaginal exam; the doctor found nothing. Essentially, Adams was kept in a dry cell for longer than should be permitted according to Canadian and international human rights standards because the institution's authorities thought she was smuggling drugs, and Adams had no opportunity to prove otherwise. With the support of the Elizabeth Fry Society, Adams is now challenging section 51(b) of the CCRA, claiming the law violates multiple *Charter* sections including section 7, which guarantees the right to life, liberty, and security of the person, and section 15 which guarantees equality before and under the law.

The Correctional Service of Canada ("CSC") admits that keeping Adams in the dry cell for 16 days was unlawful, but they consider the detainment to be an isolated incident of maladministration rather than evidence of the unconstitutionality of the dry cell provision itself.

The Court has yet to render its decision regarding whether there was a *Charter* violation or simply a mistake to be addressed on administrative grounds. If the Court finds a *Charter* violation, the government will likely appeal. If the detainment is deemed to have been a case of maladministration, Adams and EFMNS will likely appeal in an effort to eliminate or limit these provisions that allow human rights infringements and discrimination.

Citations:

¹ The United Nations defines solitary confinement as "the confinement of prisoners for 22 hours a day without meaningful human contact."

² *Canadian Civil Liberties Association v Canada (Attorney General)*, 2019 ONCA 243.

³ United Nations General Assembly, "United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)" (2016), online (pdf): <cdn.penalreform.org/wp-content/uploads/1957/06/ENG.pdf>



Dalhousie Law Graduate MP Anita Anand on Adapting During COVID Times

Delani Thiel (2L)

On 19 November, the Public Policy and Law Society virtually hosted Dalhousie law graduate, the Honourable Anita Anand. She is the Member of Parliament for Oakville, Ontario, and the Minister of Public Services and Procurement. She's only been an MP and Cabinet Minister for little more than a year, but she has already accomplished so much in that time. Minister Anand couldn't have known what she was agreeing to when she took over the department, but her ministry has played a critical role in Canada's COVID response. She invited questions on this and discussed her transition from teaching law at the University of Toronto to federal politics.

Born and raised in rural Nova Scotia, Minister Anand reminisced about her time in the province and the enduring friendships she created, including with Dalhousie's Dean of Management, Kim Brooks. Though Minister Anand loved being a professor and interacting with students, she embraced the challenge of running for public office. She described the arduous work of campaigning and her surprise at being appointed to the cabinet. When facing challenges, Minister Anand's philosophy of setting smaller, short-term goals helped her to adapt and become comfortable with the uncomfortable.

This skillset was certainly put to good use this year. Since the COVID pandemic began, Minister Anand's portfolio has been responsible for securing contracts for vaccines and increasing the domestic supply of masks and other personal protective equipment. Minister Anand proudly described her ministry's contribution to Canada's COVID response plan and her gratitude for her team's hard work and dedication. At the time of the presentation, the initial news of promising COVID vaccines had just been released. Working tirelessly to negotiate contracts with seven potential manufacturers to increase the likelihood that Canadians will have access to

effective vaccines was undoubtedly gratifying news for Minister Anand. Attendees enquired about increasing the government's transparency with respect to these contracts, but Minister Anand described the difficulty of balancing the public's interest in transparency with the need for flexibility in reacting to such an unprecedented situation.

“It has been a challenging year for all of us and online law school is less than ideal. But it is important to remember how lucky we are to be in this position.”

Throughout the conversation, Minister Anand stressed the importance of public service and giving back to our communities. When deliberating about whether to run in the 2019 election, one of Minister Anand's friends asked, “If not you, then who?” Minister Anand decided to take the risk because she recognized that she had the knowledge, skills, and duty to make a positive impact. Even as a professor, she would tell her students, “Rome is burning outside of these walls, but we have this privilege of being able to have a legal education”. That message certainly resonates this year. It has been a challenging year for all of us and online law school is less than ideal. But it is important to remember how lucky we are to be in this position. And now that there are glimmers of hope on the horizon in the form of vaccines, it is inspiring to see how one of our own Dalhousie law graduates is playing a critical role in helping us to return to normal life.



The Game is Still Being Played, but Where's the Referee? The University Needs a New Ombudsperson

Amy Hill (2L), DSAS

Imagine you are having an issue at the university. Perhaps you are concerned about abuse of power by a professor, or bullying between students. Who you gonna call? Well, the answer is not Ghostbusters. Between 2016 and early 2019, the answer would have been the Ombudsperson. Today? You might try to resolve the issue yourself, or reach out to the Dalhousie Student Advocacy Service (DSAS), but there is currently no Ombudsperson to go to at Dalhousie.

Let's start with a bit of history. From 1971–2013, Dalhousie had a University Ombudsperson funded by the DSU and the University's Student Services office. The position was held by undergraduate and graduate students, but it was seen as fairly ineffective and the office was disbanded in 2013. The conversation, however, was not over.

In 2014, there was talk of how to support students by the Senate and Board of Governors, but the specific call for a University Ombudsperson came in June 2015 from recommendation 24 of the *Report of the Task Force on Misogyny, Sexism and Homophobia in Dalhousie University Faculty of Dentistry*.

In 2016, a hiring committee selected Diane Hawco as University Ombudsperson on a two-year contract. As Ombudsperson, Ms. Hawco and her office would serve as "an accessible, independent, impartial and confidential office through which students may pursue the fair and equitable resolution of any university-related concern." In her first 10 months, it was reported that Ms. Hawco was in 235 meetings of which 119 were with students, her office responded to 29 phone and email queries, and they conducted follow ups on those activities. It was busy.

In January of 2019, however, the Ombudsperson departed following issues which "brought to light differences in expectations and approach between the Ombudsperson and the University." Since that departure, Dalhousie has been without a University Ombudsperson. At the Dalhousie Student Advocacy Service (DSAS), we are concerned.

First, if you are not a DSAS advocate or do not know anyone who is, let me quickly explain to you what we do. We are a service

of over 70 volunteer 1L, 2L and 3L law students funded by the DSU to represent students accused of academic or non-academic misconduct. We also help review Dalhousie's policies, and do education and outreach work.

DSAS used to work closely with the Ombudsperson to address systemic issues at Dalhousie. Since January 2019, with no Ombudsperson, students are now coming to DSAS for support on issues which would have previously gone to the Ombudsperson. While DSAS has the ability to help students with these cases, they are often incredibly complex and take a lot of resources to properly support the student and address the issue.

So, where does that leave us? The question is not whether there should be an ombudsperson at Dalhousie. *The Stropole Report* reviewing the Ombudsperson Office clearly states that there should be one. The question is rather *when* will we get another ombudsperson. The Ombudsperson Advisory Committee is hoping to hire an ombudsperson this year. Dalhousie in the past, however, has resisted hiring a new ombudsperson since Ms. Hawco departed in January 2019. Students need this office. The Ombudsperson is meant to hold the university accountable to students when administrators struggle to hear student voices.

From the perspective at DSAS, and to quote our External Relations Manager Leah Robertson, "with the ombudsperson challenging larger policies and systemic barriers, and DSAS continuing individual student advocacy, a much more effective form of student advocacy can exist at Dalhousie."

Citations:

Stephen Stropole, "Review of the Ombudsperson for Students: Dalhousie University Report" (16 September 2019) [PDF File].

Ryan McNutt, "A Resource for Students: Dalhousie Ombudsperson Office to be Implemented Fall 2016" (News Release, 31 March 2016), online: Dalhousie University <www.dal.ca/news>.

³ United Nations General Assembly, "United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)" (2016), online (pdf): <cdn.penalreform.org/wp-content/uploads/1957/06/ENG.pdf>

MEET YOUR 1L SECTION REPS



1L Representative (Section A)

Grace Mangusso

Grace is a proud East Coaster from Quispamsis, New Brunswick. She completed a Bachelor of Philosophy in Interdisciplinary Leadership Studies and a minor in Business Administration at the University of New Brunswick in Fredericton. Grace comes to Schulich Law with a love of learning and an eagerness to critically examine the systems, structures, and authorities that shape our collective life. She aims to use her legal education to influence meaningful and actionable change, wherever it may take her.

Grace is excited to be the 1L Executive Member on the LSS in addition to her role as the Section A Representative. She looks forward to using these opportunities to help her classmates navigate law school online, get creative with virtual and in-person events, and make positive contributions to the Weldon community. Outside of school, you can find Grace practicing yoga, on the hunt for



1L Representative (Section B)

Graham Headley

Graham was born and raised in Calgary, Alberta, until his family got tired of eating steak and trash-talking the Oilers every day and moved to Halifax. It was in Halifax that he would complete a Bachelor's degree in Political Science at Saint Mary's University. From there he spent four years working in customer service in Calgary, honing his schmoozing and gardening skills. Going to law school has always been his dream, and he is extremely grateful that he can pursue that dream somewhere as familiar as Halifax.

Graham sits on the Budget Committee and is very excited to help serve his fellow students as the Section B rep. If ever you need to find him, he is likely just hanging out with his cat Oreo, cooking, or headed to Dalplex to lazily pick things up and put them down. Graham is looking forward to a great year with you all!

1L Representative (Section C)

Allison Nash

My name is Allison Nash and I am the 1L Section C Rep! I have an undergrad degree in Business Administration, where I double-majored in Strategic Human Resource Management and Marketing. I worked full-time for two years for an environmental waste company before coming to law school. I primarily worked in the accounting department, but also held roles in administration and billing. In my spare time I like to play with my dog, watch Netflix and spend time with friends. I can't wait to get to know everyone and represent Section C to the best of my ability!





Highlighting Weldon Alumni of Past, Present & Future

Darren Gill (3L)

I look to do two things by highlighting just some of our distinguished alumni. First is to showcase and honour what they have accomplished. Whether it be in politics, business or civil society, our alumni have paved the way in their respective fields and become leaders, activists and trailblazers. Secondly, I look to show what is possible with a Dalhousie legal education. While our formal education teaches us to become sharp and reasoned legal minds, the Weldon tradition has also informed us of the “big picture”: unselfish public service, genuine collegiality and substantively making our country and world better.

The Schulich School of Law (colloquially and formerly known as the Dalhousie Law School) has a rich history of alumni reaching national heights. NDP MLA and Attorney General of BC David Eby (LLB '05) and Liberal MP and federal Minister of Public Services and Procurement Anita Anand (LLB '92), both recently welcomed to Dal by the Public Policy & Law Society (see the article by Ben Foster on page 10), are but two of the more recent Dal alumni with major cabinet portfolios. The recent Conservative Party of Canada leadership race was a contest between two other alumni: Erin O’Toole (LLB '03) and Peter MacKay (LLB '90). O’Toole is now the Leader of the Official Opposition of Canada. Of course, former Leader of the Green Party of Canada Elizabeth May (LLB '83) and former MP, minister, academic, current Chancellor of Dalhousie University and corporate director and practitioner Anne McLennan (LLB '74) are but two more on the long list of prominent Dalhousie alumni in Canadian politics.

Dalhousie alumni have reached great heights in the business world as well. Nova Scotia’s very own, the late Purdy Crawford (LLB '55), rose to become one of Canada’s top corporate lawyers and an executive and director of major Canadian corporations. The many Dalhousie alumni in leading corporate and business

roles in Halifax, Toronto, Calgary, Vancouver and elsewhere in Canada are leaders in their respective fields, while also being known for their friendliness and comradery. Alumni such as David Zemans (LLB '91), Managing Partner of international firm Milbank LLP’s Singapore office, and David Rooney (LLB '99), the Corporate Head of Silicon Valley powerhouse Cooley LLP’s Palo Alto office, continue to lead impressive practices.

“Whether it be in politics, business or civil society, our alumni have paved the way in their respective fields and become leaders, activists and trailblazers.”

Equally impressive are the alumni who have confronted the major societal issues of their time and who continue to do so, including the late African-Nova Scotian civil rights activist Rocky Jones (LLB '92) and current President & CEO of the World Wildlife Foundation Canada Megan Leslie (LLB '04). Former Puisne Justice of the Supreme Court of Canada, the late Bertha Wilson (LLB '58), was the first female justice on the SCC and the first female partner at any major Canadian law firm when she joined Osler, Hoskin & Harcourt’s partnership in 1968 – shattering glass ceilings for women in the legal field.

As I wrap up my last months here at Dal Law, I am confident that the graduates of 2021 and those of future years will carry on the Weldon tradition as we build on the successes of the Dalhousie alumni who have helped make Canada an even better place to be.

Does your society have an
event coming up?



If so, your advertisement could go here!

Please contact Alanna Meyer at
wt.business.manager@gmail.com

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