

***Evaluation of Joint Professionalism Training***  
***9:00 am – 4:00 pm, October 12, 2018***  
***Essay Assignment***

Due: Monday, November 12, 2018 at 10:00 am (*via* assignments.law@utoronto.ca). 500 word limit—approximately 250 words for each question. Please use the Faculty of Law written work cover page, identify yourself by your pseudonym, and be sure to include the word count. These essays will be marked on a credit/no credit scale.

Please choose **two** of the following four questions to answer:

**QUESTION 1:**

What are the connections between self care, perseverance and ultimate success? How might those connections play out during the first year of law school? During your legal career?

**QUESTION 2:**

Please discuss Justice Nakatsuru's efforts to humanise the criminal justice system. Use examples from *Armitage*, *Morris*, or *Jackson*.

**QUESTION 3:**

In addition to men and women resolving to hold themselves to a higher standard of ethics and professionalism when it comes to encountering and countering everyday bias in the work place, what measures can be put in place to redress the trauma and significant career impediments suffered by victims of sexual assault and sexual harassment in the legal community? What role might the Law Society of Ontario play in addressing these harms? In your answer, refer to Section 6.3 of the Rules of Professional Conduct, which reads as follows:

**SECTION 6.3 SEXUAL HARASSMENT**

**Definition**

6.3-0 In rules 6.3-1 and 6.3-3, sexual harassment is one incident or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature

- (a) when such conduct might reasonably be expected to cause insecurity, discomfort, offence, or humiliation to the recipient(s) of the conduct;
- (b) when submission to such conduct is made implicitly or explicitly a condition for the provision of professional services;
- (c) when submission to such conduct is made implicitly or explicitly a condition of employment;
- (d) when submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, allocation of files, matters of promotion, raise in salary, job security, and benefits affecting the employee); or
- (e) when such conduct has the purpose or the effect of interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.

**Commentary**

[1] Types of behaviour that constitute sexual harassment include, but are not limited to,

- (a) sexist jokes causing embarrassment or offence, or that are by their nature clearly embarrassing or offensive;

[Amended - January 2009]

- (b) leering;
- (c) the display of sexually offensive material;
- (d) sexually degrading words used to describe a person;

- (e) derogatory or degrading remarks directed towards members of one sex or one's sexual orientation;
- (f) sexually suggestive or obscene comments or gestures;
- (g) unwelcome inquiries or comments about a person's sex life;
- (h) unwelcome sexual flirtations, advances, or propositions;
- (i) persistent unwanted contact or attention after the end of a consensual relationship;
- (j) requests for sexual favours;
- (k) unwanted touching;
- (l) verbal abuse or threats; and
- (m) sexual assault.

[Updated - April 2018]

### Prohibition on Sexual Harassment

6.3-3 A lawyer shall not sexually harass a colleague, a staff member, a client, or any other person.

#### **QUESTION 4:**

Following is an excerpt from the Report by the University of Toronto, Faculty of Law, International Human Rights Program titled “Invisible Citizens, Canadian Children in Immigration Detention,” (<https://ihrp.law.utoronto.ca/sites/ihrp.law.utoronto.ca/files/PUBLICATIONS/Report-InvisibleCitizens.pdf>). Read the scenario below, and list at least two of the Rules of Professional Conduct that would apply to this family’s lawyer. (<https://lso.ca/about-lso/legislation-rules/rules-of-professional-conduct>). Describe the factors that would determine whether a lawyer would be competent to deal with Rhea, Nathan, and David’s legal issues. How can law schools best impart those skills to their students?

*Rhea is a single mother of two boys, Nathan and David, aged 9 and 14 years. Rhea had been living in Canada since 1999, after fleeing her country of origin due to severe domestic violence. “My body is like a map of abuse,” she said. Both of Rhea’s sons have health issues that require her constant care.*

*Rhea was in her apartment with her sons when CBSA officers arrested her in October 2016. According to Rhea, the CBSA officers said, “We cannot take the children,” and asked whether there was someone who could take care of them. Ultimately, the officers left Nathan and David with Rhea’s estranged brother. “But my brother is busy, he doesn’t have children, and he has no way of taking care of my kids,” Rhea said. “[CBSA officers] don’t care about my children. They didn’t care that my children were crying, that they were a mess. They didn’t care about leaving my children on a street corner with a stranger to take care of them.”*

*Rhea did not have legal representation at her first detention review hearing. She notified the Immigration Division adjudicator that she is ready to leave Canada, but needs “a chance to pack [her] stuff and get [her] children ready.” The adjudicator refused to release her from detention. Although Nathan and David came to the detention centre to attend the hearing, they were not allowed inside the hearing room. “My sons wanted to hug me, but [CBSA] did not allow them to come inside. They didn’t give me a reason, they just said ‘no.’”*

*At the time of the interview, Rhea had been detained a few days, and her children were severely affected by her detention. “They call me and we just cry,” she said.*

*“What I really want are my children. I need to be there with them because they really need me. ... All that I’m fighting for is my kids.” p. 27.*