



McGill Research Group on
Health and Law
Groupe de recherche en
santé et droit de McGill



UNIVERSITÉ D'OTTAWA
CENTRE DE
**Droit, politique
et éthique de la santé**

UNIVERSITY OF OTTAWA
CENTRE FOR
**Health Law,
Policy and Ethics**

Graduate Health Law Colloquium

Colloque de 2e et 3e cycles en droit de la santé

4–5 May 2017
Faculté de droit, Université McGill

4 May 2017

Room 312 New Chancellor Day Hall

Entry via 3660 Peel st.

13 h—13 h 30

Welcoming of participants

13 h 30—13 h 40

Welcoming Remarks—Professors Alana Klein and Lara Houry

SESSION 1

13 h 40—15 h

13 h 40—14 h 20

Geoffrey Conrad (DCL cand., McGill, sup.: Prof. Alana Klein)

Contingent Portrayals of ‘Our’ Community: A Case Study of Legal Discourse in Section 7 Cases Involving Health

*Chair: Alana Klein,
Faculté de droit,
Université McGill*

14 h 20—15 h

Annie-Pierre Ouimet-Comtois (cand. au LL.D., Université de Montréal, sup. : Prof. Catherine Régis)

Le pouvoir subjectif du juge en matière d’hospitalisation contre le gré des patients psychiatriques : impact sur l’évolution de la santé mentale des patients et sur la pratique des psychiatres.

15 h—15 h 15

Break (*servi dans la salle 310 NCDH, en face du 312*)

SESSION 2

15 h 15—17 h 15

15 h 15—15 h 55

Ma’n H. Zawati (DCL cand., McGill, sup.: Prof. Lara Houry)

From individual autonomy to reciprocity: population biobank and the duty to inform

*Chair: Audrey Ferron-
Parayre, Faculty of
Law (Civil law),
University of Ottawa*

15 h 55—16 h 35

Susan Rogers Van Katwyk (PhD cand., Univ. of Ottawa, sup.: Profs. Steven Hoffman & Jeremy Grimshaw)

Developing an approach to assessing the political feasibility of an international agreement on antimicrobial resistance

16 h 35—17 h 15

Marie-Andrée Girard (cand. au LL.D., Univ. de Montréal, sup.: Prof. Catherine Régis)

Impact de l’encadrement légal sur la pratique collaborative: étude en méthode mixte

17 h 15—17 h 20

Closing remarks for the day

18 h 30

Dinner (at participants’ expense/aux frais des participants)
Restaurant Aux Lilas, 5570 av. du Parc (quartier Mile-End)

5 mai 2017
Salle 312 New Chancellor Day Hall
Entrée via 3660 rue Peel

9 h—9 h 30

Arrival and Breakfast

SESSION 3

9 h 30—10 h 50

9 h 30—10 h 10

Stephen Richards (PhD cand., Univ. of Ottawa, sup.: Prof. Jennifer Chandler)
Fetal Alcohol Spectrum Disorder as a Factor in Sentencing Decisions

*Chair: Colleen Flood,
Faculty of Law
(Common law),
University of Ottawa*

10 h 10—10 h 50

Robin Whitehead (PhD cand., Univ. of Ottawa, sup.: Prof. Jennifer Chandler)
Achieving Accountability for Unjustified Use of Force Against Persons with Mental Health Disabilities

10 h 50—11 h 05

Break (*servi dans la salle 310 NCDH*)

SESSION 4

11 h 05—12 h 25

11 h 05—11 h 45

Sarah Berger Richardson (DCL cand., McGill, sup.: Prof. Hoi Kong)
What we talk about when we talk about food safety: where scientific facts meet moral truths in the design of food safety regulations

*Chair: Richard Gold,
Faculty of Law, McGill
University*

11 h 45—11 h 25

Adam R. Houston (PhD cand., Ottawa Univ., sup.: Amir Attaran)
A Prescription for Pharmaceutical Reform

LUNCH

12 h 25—13 h 30

Lunch

Served in room 310 NCDH

SESSION 5

13 h 30—15 h 30

13 h 30—14 h 10

Stefanie Carsley (DCL cand., McGill, sup.: Prof. Angela Campbell)
Surrogate Motherhood in Theory and Practice: Exploring Preconceptions about Surrogacy in Canadian Law and Policy

*Chair: Karen Eltis,
Faculty of Law (Civil
law), University of
Ottawa*

14 h 10—14 h 50

Jean-Philippe Chênevert (cand. au Doct., Univ. de Montréal, sup. : Prof. Catherine Régis)
Le droit au service des citoyens ou comment façonner l'imputabilité des acteurs du réseau de santé québécois par le droit. Une analyse postmoderne de la légitimité des formes d'interventions juridiques.

14 h 50—15 h 30

Joséane Chrétien (DCL cand., McGill, sup.: Prof. Daniel Weinstock)
Legislative Framework of Human Enhancement: A Healthy Concern?

15 h 30—15 h 35

Closing remarks

BIOGRAPHIES OF PARTICIPANTS BIOGRAPHIES DES PARTICIPANTS

SARAH BERGER RICHARDSON is a doctoral candidate in the Faculty of Law at McGill University, where she holds a Joseph Armand Bombardier CGS Award. Her research focuses on the relationship between science and ethics in food law and policy, particularly in relation to food safety regulations and meat production. Sarah is a member of the Law Society of Upper Canada. She completed her LL.M at Tel Aviv University, where she was a research fellow at the Manna Center in Food Safety and Security. Previously, she was a law clerk at the Supreme Court of Israel and the Canada Agricultural Review Tribunal.

STEFANIE CARSLY is a doctoral candidate at McGill University's Faculty of Law. Her dissertation examines Canadian legal responses to surrogate motherhood and explores the experiences, practices and perspectives of Canadian lawyers who advise and represent surrogate mothers and intended parents. She has published work on surrogacy in the *University of British Columbia Law Review*, and on assisted reproductive technologies more broadly in the *Canadian Journal of Family Law*, the *Health Law Review* and *Dalhousie Law Journal*. Her doctoral research is supported by the Joseph-Armand Bombardier Canada Graduate Scholarship and the Queen's Fellowship from the Social Sciences and Humanities Research Council (SSHRC).

JEAN-PHILIPPE CHÉNEVERT (Me) est titulaire d'un LL.B et d'une maîtrise en administration des services de santé de l'Université de Montréal. Avocat ayant pratiqué le droit de la santé pendant plusieurs années, il effectue en 2016 un retour à la faculté de droit comme doctorant. Ses recherches portent notamment sur la gouvernance, les politiques publiques et l'imputabilité des acteurs du système de services de santé et de services sociaux.

JOSÉANE CHRÉTIEN is a doctoral candidate interested in health law and ethical issues. She holds a master degree in comparative and European Law from the University of Oxford and a master degree from the University de Montréal. She is a member of the Québec Bar since 2003 and worked as a litigator for more than 10 years. She is a Research Fellow of the McGill Research Group on Health and Law.

GEOFFREY CONRAD is a doctoral student at McGill University's Faculty of Law, where he also obtained his bachelor's degrees in civil and common law. His principal research interests are in judicial decision-making and constitutional theory. His doctoral thesis explores the challenges that pluralism poses to constitutional adjudication involving the principle of proportionality, notably in the case of section 7 of the Canadian Charter of Rights and Freedoms.

MARIE-ANDRÉE GIRARD (Dre) a choisi, après avoir obtenu son doctorat en médecine de l'Université de Sherbrooke en 2004, de faire sa résidence en anesthésiologie et de poursuivre aussi son intérêt pour l'éthique et le droit en obtenant une maîtrise en droit de la santé à l'Université de Sherbrooke pendant sa résidence. Elle complète actuellement un doctorat portant sur l'impact de l'encadrement juridique sur la collaboration interprofessionnelle dans les établissements de santé québécois.

ADAM R. HOUSTON works at the intersection of health, human rights and globalization. He has collaborated with organizations like Treatment Action Campaign, the Pacific Islands AIDS Foundation, Avocats sans frontières Canada, and the Institute for Justice & Democracy in Haiti. His research focus is legal interventions addressing infectious and noncommunicable lifestyle diseases in a global context.

ANNIE-PIERRE OUIMET-COMTOIS (Me) est avocate depuis 2007, titulaire d'une maîtrise en droit et politiques de la santé de l'Université de Sherbrooke et doctorante à l'Université de Montréal. Elle a pratiqué comme avocate dans le domaine du droit de la santé et de la psychiatrie légale pendant près de neuf (9) années et est membre du Comité scientifique et d'éthique à la recherche du CISSS de Laval. Ses recherches portent sur l'interrelation des domaines du droit et de la santé en matière de psychiatrie légale. Elle s'intéresse à l'application des procédures légales, telles les demandes de gardes en établissement, par les professionnels de la santé et les juges, ainsi qu'à leurs impacts sur les patients.

STEPHEN RICHARDS graduated from Swansea University with a First Class LLB in 2013. Whilst at Swansea he founded and served as President of Human Rights Action as well as volunteering for Asylum Justice. He moved to Ottawa in January 2017 and is currently doing his LLM under the supervision of Professor Jennifer Chandler. Prior to his legal studies Stephen worked in Estate Management and Investment Banking.

SUSAN ROGERS VAN KATWYK is an epidemiologist and PhD candidate in the University of Ottawa's School of Epidemiology, Public Health and Preventive Medicine. She is also a Research Associate with the Global Strategy Lab at the uOttawa Centre for Health Law, Policy and Ethics. Her dissertation research focuses on the effectiveness of policy and regulatory interventions to fight antibiotic resistance. Susan has a first-class honours degree in Biochemistry and Women & Gender studies from Mount Allison University. In addition to working with the Global Strategy Lab, Susan is a contributor to the UsefulScience website and was formerly an editor of the University of Ottawa Journal of Medicine.

ROBIN WHITEHEAD is currently a PhD Candidate at the University of Ottawa, Faculty of Law. She holds a J.D. from the University of Toronto and is a member of the Law Society of British Columbia. Her research examines the interface of policing and the mental health system, with a particular focus on the impacts of police policies and practices on the human rights of persons with mental health disabilities

MA'N H. ZAWATI (Me) is a lawyer and the Executive Director of the Centre of Genomics and Policy at McGill University. He is also an Associate Member of McGill's Biomedical Ethics Unit since 2013. His research focuses on the legal and ethical aspects of biobanking as well as the legal duties and liability of health care professionals in both the clinical and research settings. He has published numerous articles on issues such as access to genomic databases, the return of research results/incidental findings, the legal liability of physicians and the closure of biobanks. Mr. Zawati has also presented on these topics in Canada and internationally. Recently, the Young Bar Association of Montreal named him as one of its "Lawyer of the Year" awardees for 2014.

PARTICIPATING PROFESSORS PROFESSEURS PARTICIPANTS

Jennifer Chandler (Ottawa), Karen Eltis (Ottawa), Audrey Ferron-Parayre (Ottawa), Colleen Flood (Ottawa), Richard Gold (McGill), Lorian Hardcastle (Ottawa), Lara Khoury (McGill), Alana Klein (McGill).

ORGANIZING COMMITTEE COMITÉ ORGANISATEUR

McGill University — Université McGill

Prof. Lara Khoury	Ms. Anna Gilmer, BCL/LL.B. candidate
Prof. Alana Klein	Ms Véronique Saad, BCL/LL.B. candidate

University of Ottawa — Université d'Ottawa

Prof. Colleen Flood	Prof. Lorian Hardcastle
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USEFUL INFORMATION INFORMATION UTILE

Wi-Fi access can be obtained through Eduroam which is accessible everywhere on campus.
Une connexion wi-fi est possible par le biais d'Eduroam qui est accessible partout sur le campus.

MAP OF THE NEIGHBOURHOOD / CARTE DU VOISINAGE

Vers le resto/Twds the restaurant

