



UNIVERSITY OF TORONTO  
FACULTY OF LAW

MARY AND PHILIP SEEMAN HEALTH LAW, POLICY & ETHICS SEMINAR SERIES

Alana Klein, Associate Professor, Faculty of Law,  
McGill University

## The Renewal of the Judicial Function in the Protection of Health: Visions in Constitutional, Criminal and Private Law

Commentator: Kate Glover Berger,  
Assistant Professor, Faculty of Law,  
Western University

Thursday, October 18, 2018 12:30  
- 2:00  
Solarium (room FA2), Falconer Hall  
84 Queen's Park

Canadian courts are playing a growing role in shaping health policy, with a greater tendency to recognize social and political issues related to health as justiciable. This can be attributed both to increasing rights-based challenges to laws that are viewed as threatening citizens' health, and to an understanding of law as a determinant of health. Courts started to look more closely at the scope, terms and quality of health care delivery, often through constitutional challenges to legislation. There is also growing recognition of the complex links between approaches to criminal justice and mental and physical health problems. In private law, the judicial contribution to health policy is characterized by a new vision of the role of civil responsibility as an ex ante mechanism for the regulation of health risks. Professor Klein will analyze the contribution of modern legal normativity to the achievement of social objectives related to health. She will focus on how the judiciary, in applying constitutional, criminal and private law rules, views its role in the design, implementation, and revision of social policies related to health.

Alana Klein is an Associate Professor at the Faculty of Law, McGill University, where she is co-convenor of the Research Group on Health and Law. She earned her SJD from Columbia Law School in 2011, her BCL and LLB from McGill University, and her BA degree from Concordia University. She teaches and researches in the areas of health law, criminal law and human and constitutional rights. Recent and current projects have focused on matters including harm reduction, criminalization of disease and law's role in governance.

**A light lunch will be provided**

For more information about this workshop, please send an e-mail to  
[events.law@utoronto.ca](mailto:events.law@utoronto.ca)