



ACLM

AUSTRALASIAN COLLEGE
OF LEGAL MEDICINE

Expert Witness Training Program

14 & 15 MARCH 2020

OVOLO THE VALLEY, BRISBANE, QUEENSLAND

Overview

Legal Medicine encompasses the interchange between medicine and law and nowhere is this more apparent than when clinicians are invited to provide expert witness testimony. This is provided as either the treating clinician or to provide an independent assessment of a circumstance within the domain of the clinician's expertise. Being an expert witness requires providing a report and/or attending a court or tribunal and is often stressful for the clinician concerned.

The Australasian College of Legal Medicine (ACLM) runs training programs to familiarise medical professionals as to what is required within such situations. The course includes didactic lectures to offer advice as to what is expected of the expert by the instructing solicitor, the barrister and the adjudicator (such as the judge). It instructs the clinician how to behave within set situations. There is also provision of didactic / interactive advice from an experienced expert witness.

Each participant is expected to submit a de-identified Court-ready report at least three weeks prior to the course. These reports are critically marked to provide advice as to how they can be improved and they serve as a basis to be led and cross-examined in a moot (a mock trial) involving real lawyers in a courtroom environment. This introduces the participants to all facets of expert witness training with the aim of both meeting the expectations of the legal profession while concurrently not ignoring that which is due to the expert by way of compensation and consideration.

Moot Court

The Moot Court begins after lunch in the afternoon on Day 1 and continues on Day 2.

The moot is based on the case reports/material submitted by each candidate which the 'expert' marks and provides to each of the barristers and the judge before the day so that they can coordinate who will do what and if necessary the order of the cases. The barristers alternate between leading and cross examining.

Before each candidate enters the witness stand they are asked to give an overview of the material facts of the case in which they are appearing as a witness, in order for the audience to understand the nature of the case.

After each moot, the performance of the candidate is openly discussed with all participants invited to comment and a summary given before the start of the next case. The marked copies are returned to the candidates upon completion of the course.





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Program

| Time | Session | Speaker | Didactic | Interactive |
|-------------------------|--|---|-------------------------|--|
| DAY 1 - SATURDAY | | | | |
| 7:45 am | Registration | | | |
| 8:00 am | Welcome and pre-reading refresher | Prof. Roy Beran | | |
| 8:15 am | Expectation of a witness from a Solicitor <ul style="list-style-type: none">• What a lawyer is seeking in a report• Complying with a subpoena• Differences between a solicitor and a barrister | Solicitor- Andrew McKenzie | Powerpoint presentation | 15 minutes Q&A included |
| 9:15 am | Expectation of a witness from a Barrister <ul style="list-style-type: none">• The practice of giving evidence in court | Prof. John Devereux & Mr George Kalimnios | Powerpoint presentation | 15 minutes Q&A included |
| 10:15 am | Morning tea | | | |
| 10:45 am | Expectation of a witness from a Judge <ul style="list-style-type: none">• Admissibility of evidence• Differences between 'hearsay', fact and opinion• What the judge seeks from an expert witness | Judge Michael Burnett | Powerpoint presentation | 15 minutes Q&A included |
| 11:45 am | Requirements of an Expert Witness <ul style="list-style-type: none">• What the expert witness needs from the lawyer• Preparation for court | Prof. Roy Beran | Powerpoint presentation | 15 minutes Q&A included |
| 12:45 pm | Lunch | | | |
| 1:45 pm | Courtroom Moot | Judge Burnett Barristers Prof. Devereux & Mr Kalimnios lead & cross examine Prof. Beran - facilitator | | Courtroom moot. Each attendee must participate using their de-identified case study. Feedback and group discussion after each participant. |
| 3:00 pm | Afternoon tea | | | |
| 3:15 pm | Courtroom Moot | (as above) | | (as above) |
| 5:00 pm | Court close | | | |



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| DAY 2 - SUNDAY | | | | |
| 9:00 am | Courtroom Moot resumes | Judge Burnett Barristers Prof. Devereux & Mr Kalimnios lead & cross examine Prof. Beran - facilitator | | Courtroom moot. Each attendee must participate using their de-identified case study. Feedback and group discussion after each participant. |
| 10:30 am | <i>Morning tea</i> | | | |
| 10:45 am | Courtroom Moot | (as above) | | (as above) |
| 12:30 pm | <i>Lunch</i> | | | |
| 1:30 pm | Courtroom Moot | (as above) | | (as above) |
| 4:15 pm | Court close & concluding comments | | | Final Q&A |
| 4:30 pm | <i>Program close</i> | | | |