



EXPERT REPORT WRITING COURSE

18 FEBRUARY 2022 - VIRTUAL (ONLINE VIA ZOOM)

Course Overview

Aim

Participants will appreciate the essence and content of a good legal medicine report, and will evaluate and improve their skills to establish a high standard of report writing.

Learning Outcomes

Participants will:

- Understand the expert's role and the requirements for one to be considered an expert.
- Understand and critically review a letter of instruction from the solicitor.
- Appreciate when further material should be requested from the instructing solicitor.
- Know the essential elements required in an expert report, common to all Codes of Conduct.
- Understand the difference between assumed facts, facts and opinion.
- Understand how an opinion is properly constructed showing how any conclusions were derived.
- Appreciate the proper use of language, syntax and grammar in an expert's report.

About the Course

The Expert Report Writing course will benefit any health care professionals who may be called upon to prepare expert reports. It is a standalone course addressing the requirements of preparing an expert report.

For those wishing to further their training in being an expert, we encourage participants to extend their training by attending the ACLM Expert Witness Training Program which focuses on presenting an expert report in court.

This Expert Report Writing course is a pre-requisite to the [ACLM Expert Witness Training Program](#).

Location/Venue

Virtual – online via Zoom. Instructions will be sent to attendees after registration, closer to the date.

Fees

AUD \$500 ACLM members (inc. GST) | AUD \$650 Non-members (inc. GST)

Cancellation Policy

A refund less \$100 administration fee will be provided for all cancellations received at least 14 days prior to the course start date. Any cancellations after this point will be non-refundable.

WWW.LEGALMEDICINE.COM.AU/EDUCATION/EXPERT-REPORT-WRITING



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Preparation

Pre-reading

- Beran RG. *Legal medicine: How to prepare a report*, Australian Family Physician 2011; 40 (4): 246-248 <https://www.racgp.org.au/afp/2011/april/legal-medicine/>
- Guthell TG, Hilliard JT. *The treating psychiatrist thrust into the role of expert witness*, Psychiatric Services 2001; 52 (11): 1526 – 1527 <https://doi.org/10.1176/appi.ps.52.11.1526>

Recommended Resources

- Australian Codes of Conduct for Expert Witnesses (except SA) – <https://unisearch.com.au/resources#expert-witness-code-of-conduct>
- SA Code of Conduct – [https://www.courts.sa.gov.au/wp-content/uploads/wp-download-manager-files/court-rules/02-dc-court-rules/02-dc-court-rules-earlier/01-civil-rules/District%20Court%20Practice%20Directions%202006%20\(Part%20I\).pdf](https://www.courts.sa.gov.au/wp-content/uploads/wp-download-manager-files/court-rules/02-dc-court-rules/02-dc-court-rules-earlier/01-civil-rules/District%20Court%20Practice%20Directions%202006%20(Part%20I).pdf)
- New Zealand Code of Conduct for Expert Witnesses – <https://www.legislation.govt.nz/regulation/public/2016/0225/latest/DLM6953324.html>
- Freckelton I. *Expert Evidence: Law Practice, Procedure & Advocacy*, Thomson Reuters, 6th Edition, 2019

Post-course Activity - Due 2 weeks after

Each participant must submit a reflective statement outlining what they have learned from the course and what they intend to apply to their future report writing. A template will be emailed to you following the course.





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Program

The program times are listed as AEST time (Brisbane, QLD). Please check and ensure you join at the correct time for your location.

WA Start - 7.00am (AWST) (same for Singapore)

QLD Start - 9.00am (AEST)

NSW & VIC Start - 10.00am (AEDT)

New Zealand Start - 12.00pm

Time	Session	Speaker
8:50 am (QLD)	<i>Participants enter Zoom Meeting</i>	
9:00 am (QLD)	Welcome – 10 minutes <ul style="list-style-type: none">• Introductions and course outline	ACLM Facilitator – Professor Roy Beran
9:10 am (QLD)	Legal Brief – Part 1 – 45 minutes <ul style="list-style-type: none">• Introduction of the role of the expert, opinion etc• Legal considerations for being an expert• Opinion evidence• The special role of the expert• The ultimate issue rule	Barrister – Professor John Devereux
9:55 am (QLD)	Legal Brief – Part 2 – 45 minutes <ul style="list-style-type: none">• Working with solicitors• Various types of litigation and reports• Confidentiality• Consent• Solicitor-client privilege	Solicitor – Mr Harry McCay
10:40 am (QLD)	<i>Morning Tea – 20 minutes</i>	
11:00 am (QLD)	Legal Brief – Part 3 – 40 minutes <ul style="list-style-type: none">• Accepting instructions• Proofing a witness• Expectations of counsel• Codes of conduct & compliance• Necessary inclusion (resume)• Confirming expert status	Solicitor – Mr Harry McCay
11.40 am (QLD)	Breakout Groups – 20 minutes <ul style="list-style-type: none">• Scenario with solicitor instructions to be critically reviewed by participants (10 mins)• Report back to main group, review areas of concern	ACLM Facilitator – Professor Roy Beran
12:00 pm (QLD)	<i>Lunch – 60 minutes</i>	



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Time	Session	Speaker
1:00 pm (QLD)	The Expert Report – Part 1: Preparation – 45 minutes <ul style="list-style-type: none">How your report is usedCommissioning and the letter of instructionAccepting the briefDiscussing terms and conditionsMaterials required	ACLM Facilitator – Professor Roy Beran
1:45 pm (QLD)	The Expert Report – Part 2: Content & Structure – 60 minutes <ul style="list-style-type: none">Essential requirementsContentStructureForm	ACLM Expert – Dr Phoebe-Anne Mainland
2:45 pm (QLD)	The Expert Report – Part 3: Common Pitfalls – 30 minutes <ul style="list-style-type: none">Group discussion to critique a sample report, highlighting common pitfalls	Group discussion led by Dr Phoebe-Anne Mainland
3:15 pm (QLD)	<i>Afternoon tea – 15 minutes</i>	
3:30 pm (QLD)	Break Out Groups – 45 minutes <ul style="list-style-type: none">Participants break into 4 groups with each of the faculty spending 10 minutes with each group in a tutorial type arrangement.Example Letter of Instruction will be given to participants, and they will begin drafting a paragraph of outline of an expert report.	All tutors
4.15 pm (QLD)	Open Q&A session – Up to 45 minutes	Panel discussion led by Facilitator
5:00 pm (QLD)	<i>Program close</i>	



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Teaching Faculty



Prof Roy Beran – Neurologist & Professor

Roy is trained as a consultant neurologist and accredited sleep physician, in addition to working within legal, military and aviation medicine. His qualifications include: MBBS, MD, FRACP, FRACGP, Grad. Dip. Tertiary Ed., Grad. Dip. Further Ed., FAFPHM, FACLM, FRCP, FACBS, B Leg. S, MHL and FFLM (Hon). He is a Conjoint Professor of Medicine in the South Western Clinical School at the University of New South Wales and Liverpool Hospital, Professor in the School of Medicine at Griffith University, Queensland, and Professor Chair, Medical Law, at Sechenov Moscow First State University, Moscow, Russia. He is a founding Fellow of the Australasian College of Legal Medicine, a Past President thereof, having stepped down in 2011, and only the second elected Honorary Fellow of the College. He currently sits on Council and is a joint Head of Teaching Faculty of ACLM. He is also an Honorary Fellow of the Faculty of Forensic & Legal Medicine of the Royal College of Physicians (London).



Prof John Devereux – Professor of Law, University of Queensland

John Devereux teaches and researches the law of torts at the UQ Law School. He has a special interest in medical law, most notably in the areas of competency to consent to medical treatment and in epilepsy and the law. A Rhodes Scholar, John has worked as a lawyer in a variety of contexts including as a Barrister, as a consultant to a multi-national law firm, a Law Reform Commissioner for Queensland, a legal member of the Social Security Appeals Tribunal and as a Defence Force Magistrate. John was formerly Lecturer in Law at Keble College, Oxford University and Assistant Dean of Magdalen College, Oxford University. He is a former Associate Vice Chancellor of A.C.U. John is an Honorary Fellow of the Australasian College of Legal Medicine and joint Head of Teaching Faculty.



Dr Phoebe-Anne Mainland – Anaesthesiologist, FACLM

Phoebe Mainland is a consultant anaesthesiologist, a Fellow of both Australian & New Zealand College of Anaesthetists (ANZCA) & Hong Kong College of Anaesthesiologists (HKCA). She continues to hold appointment as Honorary Clinical Associate Professor, Department of Anaesthesia and Intensive Care, Chinese University of Hong Kong. Phoebe read for MA (Medical Ethics & Law) from King's College, London and has sat on various committees related to these interests including health ethics committees and a medical defence organization advisory committee. Phoebe was admitted as a Fellow of Australian College of Legal Medicine in 2008 and is a Council Member and Vice-President Academic as of 2019. She is also a Member of the Academy of Experts (UK). Phoebe was 2017/18 President of the Medico-Legal Society of Victoria. In 2015 she was awarded a Churchill Fellowship for her project related to patient safety.



Mr Harry McCay – Senior Solicitor, Avant Law

Harry has practised as a solicitor since 1988 and almost exclusively in Health Law areas involving medical and dental negligence claims, disciplinary and criminal proceedings against doctors and dentists, inquests and related proceedings since the beginning of 1989. Harry is admitted to practise in the Supreme Court of ACT, the Federal Court of Australia and the High Court of Australia. He was a Senior Associate with Flower & Hart and Tresscox before joining the former UNITED Medical Protection. He has lectured on various Health Law subjects to medical students of Griffith University. Harry opened Avant's ACT office with the General Manager Medical Advisers for Avant, Dr Peter Henderson, in 2016.