



EXPERT WITNESS TRAINING PROGRAM

16 & 17 MARCH 2024 - PARRAMATTA, NSW

Course Overview

Aim

The aim of this course is for health care practitioners to develop the skills required to provide evidence to the Court as an expert witness.

Learning Outcomes

- Describe the roles and responsibilities of the various members of the legal profession involved in the court process.
- Write an expert medicolegal report that satisfies the requirements of the Court.
- Differentiate between 'hearsay', fact and opinion as forms of evidence.
- Plan and prepare to provide oral evidence in the courtroom.
- Integrate the theory provided in the prereading and interactive lectures with the practical delivery of expert evidence via role play (Courtroom Moot).
- Show the ability to describe a technical medical issue to lay people, avoiding the use of medical jargon.

Teaching Faculty

- Professor Roy Beran- ACLM Course Facilitator & Expert Witness
- Judge- Justice Grant Riethmuller
- 2 Barristers- Professor John Devereux
- Solicitor

Pre-requisite

The [ACLM Expert Report Writing course](#) is a pre-requisite to attend the Expert Witness Training Program. You will be required to provide evidence that you have already attended the ACLM Expert Report Writing course to be accepted into this Expert Witness Training Program.

Location / Delivery Mode

Parramatta, NSW. Exact venue TBC soon.

Fees

AUD \$990 ACLM members (inc. GST) | AUD \$1,190 Non-members (inc. GST)



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About the Course

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 an Expert Report Writing Course and Expert Witness Training Program to familiarise medical professionals as to what is required within such real-world situations.

Lectures

The Expert Witness Training Program 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.

Pre-course Submitted Report

Each participant is expected to submit a de-identified court-ready report at few 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.

Moot Court

The Moot Court 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. 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 reports are returned to the candidates upon completion of the course.





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Pre-course Activities

As part of this Activity, participants are expected to complete reading and activities as described below. A recommendation of time required is provided as a guide. CPD hours are allocated in accordance with these times.

Mandatory Pre-reading – 1 hour recommended

- Buchanan, D. *Giving Expert Evidence in Court* – Sent via email
- 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/>
- (Psychiatrists relevant) 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>

Additional reading 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
- ACLM Expert Report Writing Checklist – provided as part of the Expert Report Writing course materials

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Pre-course Activities (continued)

Mandatory Pre-course Submitted Report & Attachments – 8 hours recommended preparation + 1 hour reflection

Submit **all** of the following documents by Wednesday 6 March 2024 via email to aclm9@legalmedicine.com.au.

1. A de-identified expert report/statement

Your report will be critically marked by the course facilitator and used in the mock trials so that each participant will have the opportunity to be cross examined in a court-room style scenario. Marked reports will be returned at the end of the course.

Tips: If you have not previously written a report/statement, you may create one based on your own clinical experience by creating a mock scenario. Consider using the ACLM Expert Report Writing Checklist to ensure you have applied what you learned on the previous course.

Note: Any report previously submitted for the optional Expert Report Writing post-course activity cannot be reused. You must submit a completely different report for this Expert Witness course.

2. Attach short explanatory notes

You must attach short explanatory notes showing how the ACLM Expert Report Writing learning was implemented in your submitted report. Please attach notes as a separate document.

3. Report Overview Proforma

Use this form to give an overview of your report. Overview forms will be provided to all attendees to familiarise the audience with your scenario prior to your moot.

An Important Note on Report Writing Standards

This course is designed to prepare participants for the real world. It is expected that all participants will have attended the pre-requisite ACLM Expert Report Writing course and this should be reflected in the quality of report writing.

In the case of a submitted report being below an acceptable court-ready standard, the participant may be subject of a 'voir dire' and/or may be asked to repeat the course to attain a Certificate of Completion. Such a decision will be made by consensus of the Teaching Faculty and will be communicated to the participant on the day of the course, not prior. This process is to reflect real world outcomes.



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Continuing Professional Development

ACLM CPD Program recognition:

22 hours, Relevant to Legal or Forensic Medicine

CPD home submissions:

The following allocations are suggested by ACLM and will be shown on the attendance certificate. It is up to the attendee to check that the activity meets their own CPD home's requirements and to allocate the activity type according to their CPD home's guidelines.

Educational Activity: 7.5 hours

Reviewing Performance: 12.5 hours

Measuring Outcomes: 2 hours

Total: 22 hours

Program Level Requirements met:

- Maintaining and developing professionalism

RACGP CPD Program recognition:

This Activity No. 407098 has been allocated 22 CPD hours in the RACGP 2023-25 CPD Program. If you have any concerns about this activity, you may submit a [GP Feedback form](#) to the RACGP.

 RACGP CPD <small>Approved Activity</small>		
Educational Activities	Measuring Outcomes	Reviewing Performance
7.5	2	12.5
hours	hours	hours



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Program

The program times below are listed as local time.

Time	Session	Speaker
DAY 1 - SATURDAY 16 MARCH 2024		
8:00 am	Registration	
8:30 am	Welcome and pre-reading refresher	ACLM Facilitator & Expert-Professor Roy Beran
8:45 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
9:45 am	Expectation of a witness from a Barrister <ul style="list-style-type: none">• The practice of giving evidence in court	Professor John Devereux
10:45 am	Morning tea	
11:15 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	Justice Grant Riethmuller
12:15 pm	Requirements of an Expert Witness <ul style="list-style-type: none">• What the expert witness needs from the lawyer• Preparation for court	ACLM Facilitator & Expert-Professor Roy Beran
1:15 pm	Lunch	
2:00 pm	Courtroom Moot (4 moots x 20 mins each)	Justice Grant Riethmuller 2 Barristers lead and cross examine- Professor John Devereux & TBC ACLM Facilitator- Professor Roy Beran
3:30 pm	Afternoon tea	
3:45 pm	Courtroom Moot (4 moots x 20 mins each)	(as above)
5:00 pm	Court close	



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Program

The program times below are listed as local time.

Time	Session	Speaker
DAY 2 - SUNDAY 17 MARCH 2024		
8:30 am	Registration	
9:00 am	Courtroom Moot resumes (4 moots x 20 mins each)	Justice Grant Riethmuller 2 Barristers lead and cross examine- Professor John Devereux & TBC ACLM Facilitator- Professor Roy Beran
10:30 am	Morning tea	
10:45 am	Courtroom Moot (4 moots x 20 mins each)	(as above)
12:15 pm	Court close & concluding comments	
12:30 pm	Lunch	

Note: Schedule shows a maximum of 16 moots. Moots will end earlier if a smaller class.



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Cancellation Policy

A refund less \$150 administration fee will be provided for all cancellations received by 1 March 2024. Any cancellations after this point will be non-refundable.

Please do not attend if you are sick with a contagious illness such as COVID-like symptoms. If you are unable to attend due to this reason, please contact us for a credit note to attend the next available course.

Contingency Planning

If a situation occurs which significantly affects the majority of participants' ability to attend in person, the course may either be postponed to a later date or held entirely online. Any such decision will be communicated to all as soon as possible if this circumstance arises. By registering, you agree to attend the course virtually on the same dates, should this circumstance arise.

Health & Safety

As part of our commitment to making this event safe you must comply with the following directions:

- **Do not attend this event if you are unwell with a contagious illness such as COVID-like symptoms.** Contact us for a credit note to attend the next available course.
- Face masks are not mandated, but they should be worn in indoor settings and where physical distancing is not possible if you have been exposed to a contagious illness recently.
- Wash and sanitize your hands frequently and follow hygienic practices when coughing or sneezing.
- It is your responsibility to check the latest border, travel and quarantine restrictions to ensure you are safe and able to travel to and from this event. This may include applying for a travel permit.



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Teaching Faculty



Professor Roy Beran - Neurologist & Professor

Roy G. Beran is a consultant neurologist and accredited sleep physician. His qualifications include: MBBS, MD, FRACP, FRACGP, Grad. Dip. Tertiary Ed., Grad. Dip. Further Ed., FAFPHM, FACLM, FRCP(Edin), FAAN, FANZAN, FACBS, B Leg. S, MHL and FFFLM (Hon). He is a Conjoint Professor of Medicine at the University of NSW; Professor in the School of Medicine at Griffith University, Queensland; Conjoint Professor, Medical School, Western Sydney University; and Professor, Chair, Sechenov Moscow 1st State University, Moscow, Russia. Following Russia's invasion of Ukraine, he refused to re-sign with Sechenov University. He is: a founding Fellow of the Australasian College of Legal Medicine (ACLM); Past President thereof, stepped down in 2011, still on Council and awarded Honorary Life Fellowship. In 2019, he was appointed 'Joint Head of Teaching Faculty'. He is the Australian Governor and was elected as President of the World Association for Medical Law (WAML), in 2022, a position he still holds, having previously been Secretary General, Executive Vice President and Regional Vice President. He was the first Honorary Fellow of the Faculty of Forensic & Legal Medicine of the Royal College of Physicians (London). He has published: almost 400 papers, book chapters and letters to the editor; presented in excess of 430 papers at national and international meetings; written or edited 17 books; serves on numerous editorial boards; and is the editor in chief of the international journal, *Medicine and Law*, the official journal of the WAML.



Justice Grant Riethmuller - Judge of the Federal Circuit and Family Court of Australia (Division 1)

Justice Grant Riethmuller is a Judge of the Federal Circuit and Family Court of Australia (Division 1) based in Parramatta. Until 2021 his Honour was a Judge of Division 2, sitting across all jurisdictions of the Court, including Family Law, Industrial, Bankruptcy, Migration, Consumer Protection and Admiralty. He holds a Bachelor of Laws degree from the Queensland Institute of Technology and a Master of Philosophy degree from the University of Melbourne. From 1987, he practised as a barrister in a wide ranging practice. In addition, he lectured part time in Civil Procedure at James Cook University until his appointment to the bench in 2004.



Professor John Devereux - Barrister, Professor of Law at the University of QLD

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.