



EXPERT WITNESS TRAINING PROGRAM

15 NOVEMBER 2024 - ONLINE (ZOOM)

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
- Dr Don Buchanan- Judge
- Professor John Devereux- Barrister
- Barrister #2 TBC

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.

Delivery Mode & Duration

Important: The training will run for the duration of Friday 15 November 2024 (1 day). It may extend to the morning of 16 November 2024 (1.5 days) depending on the class size. **You must arrange to be available for 1.5 days until advised otherwise.** The exact duration will be confirmed approximately 2 weeks prior to the course.

This session is being as an online virtual course via Zoom. We are providing this online course to assist those who cannot attend in person events due to travel distance or work commitments. We strongly recommend that the best experience for the moots is in person so, if possible, we encourage you to plan to attend an in person session instead of, or in addition to this online one.

Fees

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

Cancellation Policy

A refund less \$150 administration fee will be provided for all cancellations received by 30 October 2024. Any cancellations after this point will be non-refundable.

WWW.LEGALMEDICINE.COM.AU/EDUCATION/EXPERT-WITNESS-TRAINING-PROGRAM



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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 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

- 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/>
- Buchanan, D. *Giving Expert Evidence in Court* – Sent via email
- (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>
- ACLM Preparation for Court Checklist

Optional reading resources

- Australian Codes of Conduct for Expert Witnesses (except SA) – <https://unisearch.com.au/resources#expert-witness-code-of-conduct>
- Harmonised Expert Witness Code of Conduct – <https://ccjanz.gov.au/index.php/expert-witnesses>
- New Zealand Code of Conduct for Expert Witnesses – <https://www.legislation.govt.nz/regulation/public/2016/0225/latest/DLM6953324.html>
- Using the “Hot Tub”: How Concurrent Expert Evidence Aids Understanding Issues – <https://www.fedcourt.gov.au/digital-law-library/judges-speeches/speeches-former-judges/justice-raises/raises-j-20131012>
- Freckelton I. *Expert Evidence: Law Practice, Procedure & Advocacy*, Thomson Reuters, 7th Edition, 2023
- Expert Report Writing Checklist

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Pre-course Activities (continued)

Mandatory submission: De-identified report & attachments

8 hours recommended preparation + 1 hour reflection

Submit **all 3** of the following documents by **Wednesday 30 October 2024** via email to aclm9@legalmedicine.com.au.

Document #1. A de-identified or fictitious 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.

Important instructions for your report:

- Your report must be within your own area of expertise. It should contain an issue that would cause the expert to be called for expert opinion evidence.
- If you are submitting a de-identified (real case) report, your report should relate to matters finalised. It should not relate to matters which are subject to potential litigation/mediation or to be used in court proceedings to be held.
- If you have not previously written a report/statement, you may create a fictitious report based on your own clinical experience by creating a mock scenario.
- All reports (de-identified and fictitious) should show application of skills you learned on the Expert Report Writing course.
- 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.

A note on report 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.

Document #2. Attach brief explanatory notes

Attach brief explanatory notes showing how the ACLM Expert Report Writing course learning was implemented in your submitted report. Please attach notes as a separate 1 page document.

Document #3. Report Overview Proforma

Refer to your course confirmation email. Use the ACLM Report Overview Proforma to give an overview of your report and scenario. Overview forms will be provided to all attendees to familiarise the audience with your scenario prior to your moot.



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Continuing Professional Development

The following CPD information applies to a 1.5 day session. This will be adjusted to a total of 16.5 hours if the program is only 1 day in duration.

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:

The full Activity No. 407098 has been allocated 22 CPD hours in the RACGP 2023-25 CPD Program. Adjusted 1-day programs will be allocated 16.5 hours. If you have any concerns about this activity, you may submit a [GP Feedback form](#) to the RACGP.

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 Australian Eastern Standard Time.

Please check and ensure you join at the correct time for your location.

Please note: The training will run for the duration of Friday 15 November 2024 (1 day). It may extend to the morning of 16 November 2024 (1.5 days) depending on the class size. **You must arrange to be available for 1.5 days until advised otherwise.** The exact duration will be confirmed approximately 2 weeks prior to the course.

WA Start - 6:00am (AWST)

NT Start - 7:30am (ACST)

QLD Start - 8:00am (AEST)

SA Start - 8:30am (ACDT)

NSW/VIC Start - 9:00am (AEDT)

NZ Start - 11:00am (NZDT)

Time	Session	Speaker
7:30 am	Registration	
8:00 am	Welcome and pre-reading refresher (15 mins)	Professor Roy Beran
8:15 am	Expectation of a witness from a Barrister & Solicitor (45 mins) <ul style="list-style-type: none">Complying with a subpoenaThe practice of giving evidence in courtEthical issues	Professor John Devereux
09:00 am	Expectation of a witness from a Judge (45 mins) <ul style="list-style-type: none">Admissibility of evidenceDifferences between 'hearsay', fact and opinionWhat the judge seeks from an expert witness	Dr Donal Buchanan
09:45 am	Morning tea (15 mins)	
10:00 am	Requirements of an Expert Witness (45 mins) <ul style="list-style-type: none">What the expert witness needs from the lawyerPreparation for court	Professor Roy Beran
10:45 pm	Courtroom Moot (3 moots x 20 mins each)	Judge – Dr Buchanan Barristers lead and cross examine – Prof. Devereux & 2nd Barrister Moderator – Prof. Beran
12:00 pm	Lunch (45 mins)	
12:45 pm	Courtroom Moot (5 moots x 20 mins each)	(as above)
2:45 pm	Afternoon tea (15 mins)	
3:00 pm	Courtroom Moot (5 moots x 20 mins each)	(as above)
4:45 pm	Closing comments	Professor Roy Beran
5:00 pm	Court close	

This program allows for 13 participants on 1 day.



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Teaching Faculty



Professor Roy Beran – Neurologist & Professor (ACLM Facilitator & Expert)

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 FFLM (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.



Dr Donal Buchanan – Acting Magistrate (Coroner), Forensic Physician & Legal Practitioner

MBBS, FRACGP, FACLM, FACBS, MPH, JD, LLM (Health Law). Don Buchanan has been a full time forensic medical officer in Queensland for over 30 years, during which time he was director of state government medical officer services for 7 years. He obtained his medical degree at the University of Queensland and is a Fellow of the Australian College of General Practitioners and a Fellow of the Australasian College of Biomedical Scientists. Don is a past President of the Australasian College of Legal Medicine, and is an Honorary Life Fellow, Council Member and current Honorary Treasurer. He obtained a Master of Public Health from the University of Queensland in 1996 and was awarded a Juris Doctor (a graduate law degree) from the University of Queensland in 2003. He was admitted as a legal practitioner in the Supreme Court of Queensland in 2004. He is a member of the Bar Association of Queensland and has completed a Master of Laws (Health Law) from the Queensland University of Technology. He has worked as the deputy coronial registrar and is currently an acting magistrate (coroner) in the Coroners Court of Queensland.

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Teaching Faculty



Professor John Devereux – Professor of Law, University of Queensland (Barrister)

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.



2nd Barrister TBC

To be confirmed soon...