



# EXPERT WITNESS TRAINING DAY 2024

Saturday October 26th 2024 | Monash University (Clayton) & Online via Zoom

## Purpose

The Expert Witness Training Day will enhance participants' report writing skills and expert witness testimony by offering direct insights from prominent medico-legal experts, lawyers, barristers, and judges. Elevate your medico-legal best practices with firsthand learning from industry leaders.

## Learning Outcomes

- **Expertise in Report Writing:** Gain the ability to craft comprehensive and legally sound medico-legal reports that adhere to essential requirements, formatting, and quality standards.
- **Legal Knowledge:** Understand the intricate legal considerations surrounding expert witnesses, including letters of instruction and concepts such as liability, causation, and quantum assessments.
- **Examination Techniques:** Acquire effective examination techniques and the skills to conduct assessments with precision and professionalism.
- **Ethical Considerations:** Learn about the ethical and legal importance of consent, chaperones, and proper documentation in medico-legal examinations.
- **Selection of Expert Witnesses:** Recognise the crucial elements involved in selecting an expert witness, ensuring the right fit for legal proceedings.
- **Courtroom Preparedness:** Develop expertise in giving evidence in a courtroom setting, including courtroom rules, etiquette, and maintaining credibility as an expert witness.
- **Networking and Collaboration:** Engage in networking opportunities to connect with peers and industry leaders, fostering collaboration and learning from others' experiences.
- **Question-and-Answer Sessions:** Actively participate in interactive question-and-answer sessions throughout the training, addressing specific queries and concerns.

These comprehensive learning outcomes empower participants to navigate the complex intersection of medicine and law, ultimately enhancing their proficiency as expert witnesses.



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## Teaching Faculty

- *Ms Bree Knoester* - Founder & Principal Lawyer, Brave Legal
- *Mr Shaun Marcus* - Partner & Accredited Specialist in Personal Injury Law, Arnold Dallas McPherson | National President, Australian Lawyers Alliance
- *A/Prof Michael Robertson* - Chief Psychiatrist, MedHealth Group
- *Ms Sheeana Dhanji* - Barrister, Victorian Bar
- *A/Prof Jacqui Horan* - Associate Professor of Law, Monash University
- *Judge Christopher O'Neill* - Former Victorian County Court Judge
- *Dr David Blumenthal* - Barrister, Victorian Bar

## Who Should Attend?

This training is tailored for medical experts, allied health professionals, and healthcare practitioners seeking to advance their careers as expert witnesses in legal proceedings.

## Fees

- \$499 + GST (in-person & online)

## Delivery Mode

In person *and* online via Zoom

## Resources

- Expert Witness Training Day 2024 Modules
- Expert Witness Code Of Conduct
- Expert Report Writing

## CPD Points & Recognition

CPD points awarded for 6 hours of learning, recognised through your respective CPD Home.

## Cancellation Policy

Cancellations made more than 14 days before the event will be returned, less a \$100 operational fee. Any cancellations beyond this point will be non-refundable.



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## Event Details

- **Date:** Saturday 26th October 2024
- **Time:** 8:30 AM - 4:30 PM (AEDT)
- **Location:** Monash University Clayton Campus, 15 Ancora Imparo Way, Clayton VIC 3800

## Agenda

### 08:30 - 09:00 | Arrival and Registration

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### 09:00 - 09:15 | Welcome

- Acknowledgement of Country
  - Introductions
  - Agenda outline
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### 09:15 - 10:30 | General Sessions

#### Stream 1 - New Experts

*Presented by: Ms Bree Knoester - Founder & Principal Lawyer, Brave Legal*

#### *Introduction to Medico-Legal Work*

- Overview of medico-legal practice
- Importance of medico-legal reports
- Key differences between clinical and medico-legal practice

#### *Basics of Report Writing*

- Structure and content of a medico-legal report
  - Legal terminology and its application
  - Common pitfalls and how to avoid them
  - Q&A
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#### Stream 2 - Experienced Experts

*Presented by: Mr Shaun Marcus - Partner & Accredited Specialist in Personal Injury Law,*

*Arnold Dallas McPherson | National President, Australian Lawyers Alliance*

#### *Introduction to Medico-Legal Work*

- Overview of advanced medico-legal practices
- Updates on legal standards and guidelines
- Emerging trends and challenges in medico-legal work

#### *Advanced Report Writing and Review*

- Enhancing report clarity and impact
- Legal implications of expert testimony
- Peer review and quality assurance
- Q&A



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## Agenda (continued)

### 10:30 - 11:00 | Morning Break

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### 11:00 - 12:00 | Parallel Sessions

#### Stream 1 - Mental Health Experts

*Presented by: Ms Sheeana Dhanji - Barrister, Victorian Bar*

##### *Preparation for Court Testimony*

- Role of an expert witness in court
- Techniques for effective testimony
- Handling cross-examination

##### *Mastering Courtroom Skills*

- Advanced techniques for giving evidence
  - Dealing with complex questioning and cross-examination
  - Maintaining professionalism under pressure
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#### Stream 2 - Musculoskeletal Experts

*Presented by: A/Prof Jacqui Horan - Associate Professor of Law, Monash University*

##### *Preparation for Court Testimony*

- Role of an expert witness in court
- Techniques for effective testimony
- Handling cross-examination

##### *Mastering Courtroom Skills*

- Advanced techniques for giving evidence
  - Dealing with complex questioning and cross-examination
  - Maintaining professionalism under pressure
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### 12:00 - 13:00 | Medical Perspective

#### Courtroom Testimony & Skills from a Medical Perspective

*Presented by: A/Prof Michael Robertson - Chief Psychiatrist, MedHealth*

- Legal implications of medical reports
- Case studies and discussions
- Role of an expert in court
- Presenting evidence effectively
- Q&A



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## Agenda (continued)

13:00 - 14:00 | Lunch Break & Networking

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14:00 - 16:30 | Mock Trial & Closing Remarks

### **Mock Trial and Courtroom Simulation**

*Adjudicated by: Judge Christopher O'Neill - Former Victorian County Court Judge, A/Prof Jacqui Horan - Associate Professor of Law, Monash University, Dr David Blumenthal - Barrister, Victorian Bar & A/Prof Michael Robertson - Chief Psychiatrist, MedHealth*

- Introduction to the mock trial scenario
  - Role-play scenario featuring participants such as expert witnesses, barristers/lawyers, a judge, and a jury
  - Real-time feedback from experienced legal professionals
  - Group discussion and debrief on performance and learning points
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### **Closing Remarks & Q&A**

- Summary of key takeaways
- Open floor for questions and discussions
- Certificates of participation

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## Pre & Post Course Resources

### *Expert Witness Training Day 2024 Videos*

- [Introduction](#)
- [Report Writing](#)
- [Courtroom Etiquette](#)

### *Australian Codes Of Conduct For Expert Witnesses (Except SA)*

- <https://unisearch.com.au/resources#expert-witnesscode-of-conduct>

*(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>

*Practitioners Trac Of General. Legal Medicine. Australian Family Physician.*

- <https://www.racgp.org.au/afp/2011/april/legal-medicine>



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## Teaching Faculty



### Ms Bree Knoester

*Founder & Principal Lawyer | Brave Legal*

Ms Bree Knoester is recognised as one of Australia's top personal injury lawyers. With over 20 years of experience as both a barrister and solicitor, she has represented clients in some of the largest compensation settlements in Victoria.

Ms Knoester combines empathy with tenacity, demonstrating a profound understanding of the law and a fearless commitment to advocating the interests of her clients. She recognises that experiencing injury or illness due to someone else's negligence can be a challenging and traumatic ordeal, and she strives to achieve outstanding results with care, compassion, precision, and determination. Her practice areas include dust diseases, WorkCover, public liability, medical negligence, and institutional abuse.

Due to her extensive experience and impressive client outcomes, Ms Knoester has won numerous industry awards, including 'Lawyer of the Year' in Personal Injury Litigation and Medical Negligence (Best Lawyers® in Australia 2020, 2023), as well as being recognised as a Preeminent practitioner in Work Injury Compensation and Asbestos & Dust Diseases by Doyle's Guide (2020 – 2023, 2016 – 2023).

Her firm, Brave Legal, has also been honored with the Excellence in Employee Health and Wellbeing award at the Australasian Law Awards for the past two years.



### Mr Shaun Marcus

*Partner & Accredited Specialist in Personal Injury Law | Arnold Dallas McPherson | National President | Australian Lawyers Alliance*

Shaun Marcus is a highly experienced Personal Injury Lawyer based in Melbourne, Australia. In 2016, he joined Arnold Dallas McPherson and furthered his career to become a partner in 2019.

With over 15 years of experience, he specialises in various personal injury claims, including WorkCover claims, TAC accident claims, asbestos-related injuries, public liability claims, and medical negligence. He currently serves as the National President of the Australian Lawyers Alliance and is a member of the Law Institute of Victoria's Personal Injury Law Accreditation Committee.

Mr Marcus has actively contributed to reforming Personal Injury Law in Victoria and has previously served on the WorkCover Advisory Committee, providing guidance on workers' compensation laws.



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## Teaching Faculty



### **A/Prof Michael Robertson**

*Chief Psychiatrist | MedHealth Group*

Associate Professor Michael Robertson is a distinguished and accredited Psychiatrist recognised for his extensive expertise and contributions to the field. With a strong foundation in both clinical and forensic psychiatry, he brings a wealth of knowledge and experience to his practice.

A/Prof Robertson has a Bachelor of Medicine, a Bachelor of Surgery, a Doctor of Philosophy, and a Fellowship with the Royal Australian and New Zealand College of Psychiatry. His sub-specialties include post-traumatic stress disorder and intergenerational trauma.

A/Prof Robertson is based in Sydney and currently serves as the Chief Psychiatrist at MedHealth, where he provides clinical support to the psychiatrist panel and offers expert leadership in mental health service delivery across the organisation. Additionally, he also serves as the Course Coordinator for the Ethics and Mental Health Module at the University of Sydney and as a visiting Fellow at the Sydney Jewish Museum.

His commitment to advancing mental health care is evident in his various roles and positions, making him a respected figure in the psychiatric community.



### **Ms Sheeana Dhanji**

*Barrister | Victorian Bar*

Ms Sheeana Dhanji is a skilled legal practitioner specialising in general commercial law, public law, and administrative law. With over a decade of experience as a commercial litigator and advocate, she excels in areas where the law intersects with public interests.

Ms Dhanji accepts briefs to appear, both led and unled, in all levels of State and Federal Courts for general commercial disputes, public and administrative law matters, and coronial inquests, representing a diverse clientele that includes corporations, government departments, and individuals.

Drawing on her instructing experience in both the Supreme Court and the Federal Court, she is a dependable advisor throughout all stages of litigation, skilled in drafting pleadings and preparing both written and oral witness evidence, with a particular focus on expert evidence.

Ms Dhanji holds a Bachelor of Laws and a Bachelor of Arts (Hons; Renaissance History and Italian) from Monash University, and assesses Evidence Law at Deakin University.





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### A/Prof Jacqui Horan

*Associate Professor of Law | Monash University*

A/Prof Jacqui Horan is a courtroom researcher and Associate Professor, as well as a member of the Victorian Bar (academic). She leads two Australian Research Council Linkage projects focused on interviewing 111 Australian jurors to understand their perceptions of expert evidence.

Since the opening of Monash Law Faculty's moot courtroom, A/Prof Horan has served as the academic lead for this research platform, overseeing the faculty's moot program. Before joining Monash in 2018, she coordinated the 'Trial Practice and Advocacy' course at Melbourne University Law School for 15 years, teaching advocacy to legal practitioners through various continuing education programs.

Prior to her academic career, A/Prof Horan worked as an Associate for the Honourable Mr Justice Sir James Gobbo AC at the Supreme Court of Victoria and at Mallesons Stephen Jaques. As a barrister, she specialised in professional negligence and misconduct, serving as an accredited mediator and VCAT-appointed conciliator. She was primarily briefed by disciplinary bodies such as the Legal Profession Tribunal, Victorian Lawyers RPA, the Dental Board of Victoria and the Medical Practitioners Board of Victoria.



### Judge Christopher O'Neill

*Former Victorian County Court Judge*

Judge Christopher O'Neill was admitted to practice law in 1979. After spending 12 years as a solicitor in general practice, he joined the Victorian Bar in 1991, focusing on common law, including personal injury, medical negligence, professional disciplinary tribunals, and coronial inquests.

In 2007, he was appointed as a Judge of the County Court, serving in both common law and criminal jurisdictions. He held the position of Judge in Charge of the Common Law Division from 2015 to 2018. Notably, from 2019 to 2021, he was the Judge in Charge of the Appeals and Post Sentence Applications (APSA) List, overseeing the Court's work on post-sentence orders. Judge O'Neill retired from the County Court at the end of 2021.

Beyond his judicial responsibilities, Judge O'Neill has been deeply committed to legal education. He has lectured at the Victorian Bar Readers' Course, taught judgment writing at the County Court and the Judicial College of Victoria, and provided advocacy training in Papua New Guinea and the Solomon Islands, demonstrating his dedication to sharing knowledge and supporting others in the legal field.



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### Dr David Blumenthal

*Barrister | Victorian Bar*

Dr David Blumenthal is a Victorian barrister primarily practising in public law, with a special interest in the intersection of law and public policy.

Before joining the Bar, Dr Blumenthal was Chief of Staff to Mark Dreyfus KC MP, overseeing the federal Attorney-General's portfolio in both Opposition and Government. He also served as a Senior Adviser in Climate Change and Environment, focusing on assessments under the EPBC Act.

Prior to work with the federal government, Dr Blumenthal taught criminal and international law at the University of Melbourne, and worked as an independent legal consultant on parliamentary inquiries, the Royal Commission into the Metropolitan Ambulance Service and the ACT Coroner's Inquiry into the 2003 Bushfires. Dr Blumenthal has also worked at the Victorian Department of Justice, and commenced his legal career at Mallesons in dispute resolution and litigation.

Dr Blumenthal holds honours degrees in Arts and Law, and a PhD in Political Science from the University of Melbourne.