

Workshop - RANZCOG

Writing expert reports and acting as an expert witness

Grow | Protect | Operate | Finance

Timetable

8.30 - 8.45	Tea and coffee
8.45 - 9.00	Welcome and introductions
9.00 - 9.15	Questionnaire What are the role and duties of an expert witness? What are the key things you need to know about being an expert witness? What are the pitfalls?
9.15 - 9.45	Discussion of role and duties of an expert witness Can you act as an expert? What issues can arise? What should you require in terms of instruction? What terms of appointment do you need to agree?
9.45 - 10.15	Break-out session – case studies Conflicts of interest; scope of expertise; letters of instruction; terms of appointment
10.15 - 10.30	Discussion of case studies
10.30 - 11.00	Morning tea
11.00 - 11.30	Report writing – an overview What are the key requirements? Are there model forms of reports? Is your report confidential?
11.30 - 12.00	Break-out session – case studies critiquing reports
12.00 - 12.30	Discussion of case studies
12.30 - 1.30	Lunch
1.30 - 2.00	Understanding court systems and presenting evidence effectively What is the process? What preparation do you need to do? What happens in court?
2.00 - 3.00	Practical demonstration – court simulations Act as a witness; present evidence; experience cross-examination
3.00 - 3.15	Afternoon tea
3.15 - 4.00	Practical demonstration – court simulations
4.00 - 4.15	Wrap up

Workshop outline

QUESTIONNAIRE

- What do you understand about the role and duties of the expert witness?
- Examples of issues that can arise – what would you do?

OVERVIEW OF THE ROLE AND DUTIES OF AN EXPERT WITNESS

- History and definitions
- Codes of conduct – what are your obligations professionally and to the court/tribunal?
- Pitfalls – conflicting expert evidence, hindsight bias, immunity

EXPERT APPOINTMENT

- Are you an expert and what is the scope of your expertise?
- When should you refuse to act as an expert?
- What specific instructions should you require?
- Terms of your appointment - what should you expect and require?

BREAK-OUT SESSION – CASE STUDIES (GROUPS OF 4)

- Identifying issues and knowing how to respond
- Practical examples including conflicts of interest, scope of expertise, letters of instruction, terms of appointment

REPORT WRITING

- Key requirements
- Model forms of expert reports
 - Formatting and structuring reports
 - Using appendices, supporting documentation, research, articles and papers
- Confidentiality and litigation privilege
- Sharing of reports with the "other side"

BREAK-OUT SESSION – CRITIQUING EXPERT REPORTS (GROUPS OF 4)

- Practical examples of expert reports

UNDERSTANDING COURT SYSTEMS AND PRESENTING EVIDENCE EFFECTIVELY

- An overview of the litigation process
- Appointment of court expert(s) and powers of the court to direct expert witnesses (conferencing; joint statements; hot tubbing)
- Preparing for a hearing – what do you need to do?
- Court etiquette and rules of evidence – what you can and can't say and do
- The process of presenting evidence and questioning (examination in chief, cross examination, and re-examination) - good techniques

PRACTICAL DEMONSTRATION – COURT SIMULATIONS

- Act as an expert witness, present your evidence and be cross-examined

Once you have attended the workshop you are encouraged to consider being registered to the RANZCOG Expert Witness list. More details can be obtained from <https://ranzcoг.edu.au/resources/expert-witness-register/>