



## EXPERT WITNESS TRAINING PROGRAM

14 & 15 NOVEMBER 2026 - RACV CITY CLUB, MELBOURNE, VIC

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### *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**

- Dr Phoebe-Anne Mainland – ACLM Course Facilitator & Expert
- The Honourable Justice Josh Wilson (Lecture & moots)
- Michael Gronow KC – Barrister (Lecture & moots)
- Darren Bracken – Barrister (Moots)

#### **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**

RACV City Club, 501 Bourke St, Melbourne VIC 3000- This is an in person, face to face session only.

#### **Duration**

This session is confirmed for 1.5 days - all day on 14 November 2026, and the morning of 15 November 2026, ending with lunch. The exact finish time may vary slightly depending on the final number of participants and the duration of discussions and moots.

#### **Fees**

AUD \$1,110 ACLM members (inc. GST) | AUD \$1,315 Non-members (inc. GST)

#### **Cancellation Policy**

A refund less \$150 administration fee will be provided for all cancellations received at least 30 days prior to the start date. Any cancellations after this point will be non-refundable. If you cannot attend due to illness we will issue a credit note to attend the next available course.



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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 a 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. *Preparing a Legal Medicine Expert Witness Report in Australia*, J Forensic Leg Investig Sci 2025, 11: 104 DOI: 10.24966/FLIS-733X/100104 (Emailed to participants)
- Buchanan, D. *Giving Expert Evidence in Court* (Emailed to participants)
- (Psychiatrists relevant) Guthell TG, Hilliard JT. *The treating psychiatrist thrust into the role of expert witness*, Psychiatric Services 2001; 52 (11): 1526 – 1527 (Emailed to participants)
- ACLM Preparation for Moot Court Checklist (Emailed to participants)
- ACLM Expert Report Writing Checklist (Emailed to participants)

#### *Additional resources*

- Codes of Conduct for Expert Witnesses – <https://legalmedicine.com.au/resources/expert-witness-code-of-conduct/>
- 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, 7<sup>th</sup> Edition, 2023

### *Mandatory submission: De-identified report & attachments*

*8 hours recommended preparation + 1 hour reflection*

Three documents must be submitted by the stated deadline: **Due Friday 23 October 2026.**

1. A de-identified or fictitious expert report/statement
2. Brief explanatory notes
3. Report Overview Proforma

Detailed instructions are sent following booking confirmation.



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### Program

The program times below are listed in local Sydney time - Australian Eastern Daylight Savings Time (NSW).

| Saturday - 14 November 2026 |                                                                                                                                                                                                                                             |                                                                                                                                    |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Time                        | Session                                                                                                                                                                                                                                     | Speaker                                                                                                                            |
| 8:30 am                     | Sign-in                                                                                                                                                                                                                                     |                                                                                                                                    |
| 9:00 am                     | Welcome and pre-reading refresher (15 mins)                                                                                                                                                                                                 | Dr Phoebe-Anne Mainland                                                                                                            |
| 9:15 am                     | Expectation of a witness from a Barrister & Solicitor (45 mins) <ul style="list-style-type: none"><li>• Complying with a subpoena</li><li>• The practice of giving evidence in court</li><li>• Ethical issues</li></ul>                     | Michael Gronow KC                                                                                                                  |
| 10:00 am                    | Tea break (15 mins)                                                                                                                                                                                                                         |                                                                                                                                    |
| 10:15 am                    | Expectation of a witness from a Judge (45 mins) <ul style="list-style-type: none"><li>• Admissibility of evidence</li><li>• Differences between 'hearsay', fact and opinion</li><li>• What the judge seeks from an expert witness</li></ul> | Justice Wilson                                                                                                                     |
| 11:00 am                    | Requirements of an Expert Witness (45 mins) <ul style="list-style-type: none"><li>• What the expert witness needs from the lawyer</li><li>• Preparation for court</li></ul>                                                                 | Dr Phoebe-Anne Mainland                                                                                                            |
| 11:45 am                    | Lunch (60 mins)                                                                                                                                                                                                                             |                                                                                                                                    |
| 12:45 pm                    | Courtroom Moot (5 moots x 20 mins each)                                                                                                                                                                                                     | Justice Wilson<br>Barristers lead and cross examine-<br>Michael Gronow KC & Darren Bracken<br>Moderated by Dr Phoebe-Anne Mainland |
| 2:30 pm                     | Afternoon tea (30 mins)                                                                                                                                                                                                                     |                                                                                                                                    |
| 3:00 pm                     | Courtroom Moot (5 moots x 20 mins each)                                                                                                                                                                                                     | (as above)                                                                                                                         |
| 5:00 pm                     | Day 1 end                                                                                                                                                                                                                                   |                                                                                                                                    |

| Sunday - 15 November 2026 |                                                 |                         |
|---------------------------|-------------------------------------------------|-------------------------|
| Time                      | Session                                         | Speaker                 |
| 9:00 am                   | Opening comments                                | Dr Phoebe-Anne Mainland |
| 9:05 am                   | Courtroom Moot resumes (5 moots x 20 mins each) | (as above)              |
| 10:45 am                  | Tea break (20 mins)                             |                         |
| 11:05 am                  | Courtroom Moot (5 moots x 20 mins each)         | (as above)              |
| 12:50 pm                  | Court close - Closing comments                  | Dr Phoebe-Anne Mainland |
| 1:00 pm                   | Lunch provided                                  |                         |

This program shows a 1.5 day program, with a maximum of 20 participants.

The exact duration depends on number of participants and may fluctuate on the day depending on discussions and moots.



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### *Teaching Faculty*

*ACLM reserves the right to update teaching faculty subject to availability.*

#### **Dr Phoebe-Anne Mainland – Consultant Anaesthesiologist; ACLM Vice-President Academic, FACLM**

Dr Phoebe Mainland is a consultant anaesthesiologist, a Fellow of Australian & New Zealand College of Anaesthetists (ANZCA) & Hong Kong College of Anaesthesiologists (HKCA). 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 appointed as a Council Member as of 2019 and is currently the Vice-President Academic. She is also a Fellow of the Academy of Experts (UK). Phoebe was 2017/18 President of the Medico-Legal Society of Victoria. In 2015, Phoebe was awarded a Churchill Fellowship for her project related to patient safety. Phoebe was appointed to Medical Panel (Victorian Government tribunal) in 2013 and is a Presiding Member for hearings. Phoebe has been an expert witness for cases in civil, criminal and coroners' courts and has given opinions for investigations of standards of professional practice including to medical boards.



#### **The Honourable Justice Josh Wilson – Federal Circuit and Family Court of Australia, Division 1**

The Honourable Justice Josh Wilson is a justice of Division one of the Federal Circuit and Family Court of Australia and is the judge-in-charge of the National Arbitration List of that Court. His Honour obtained undergraduate qualifications in law in 1982 and later, postgraduate qualifications including a Master of Laws and two separate Doctors of Philosophy, one in extradition law and the second on the intersection between family law and the equity doctrine. In 1987 his Honour commenced to practise as a barrister, after reading with Mr Ross Robson QC, later Robson J of the Supreme Court of Victoria. In 2008 his Honour took Silk practising for most of his years at the Bar in commercial and equity cases at trial and at appellate level. As a Silk his Honour broadened his practice into family law. In 2015 his Honour was appointed to the Federal Circuit Court of Australia and in early 2019 he was elevated to the Family Court of Australia. In early 2020 his Honour was appointed as judge-in-charge of the National Arbitration List and upon the commencement of the Federal Circuit and Family Court of Australia in September 2021 his Honour has been the National Arbitration List judge of both divisions of the Court.



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#### **Michael Gronow KC – Barrister, Victorian Practicing Counsel**

In 2025, Michael Gronow KC was appointed as a Judicial Registrar of the Federal Court of Australia. Prior to that, he was a barrister based in Victoria for 28 years. He specialises in Bankruptcy and Insolvency Law, and is the author and co-author of books on company liquidation, bankruptcy and insolvency, as the co-editor of Australian Bankruptcy Cases (New Series). He has published journal articles in Australia and overseas on a range of topics including Insolvency, Arbitration, Intellectual Property, Equity, Professional Negligence, Trade Practices and Remedies. He has been appointed a Senior Fellow at the University of Melbourne Law School where he has taught for more than 20 years, an Accredited Mediator and a Fellow of the Chartered Institute of Arbitrators. He is a former winner of the Victorian Bar Pro Bono Trophy and a former President of the Medico Legal Society of Victoria.



#### **Darren Bracken – Barrister, Victorian Practicing Counsel**

Darren Bracken practices broadly in the civil jurisdiction providing strategic advice and advocacy in both common law and commercial proceedings. He has over 20 years of experience at the Bar and was a Coroner at the Coroner's Court of Victoria for five years until his return to the Bar in February 2023. Darren has appeared in cases involving debt disputes, insurance disputes (acting for both insurer and insured), professional indemnity claims, defamation proceedings, building disputes. Confiscation Act matters, Sentencing Act claims for property and compensation and a wide range of complex claims including class actions/group proceedings. His broad experience allows efficient and insightful assessment of facts, law and circumstances resulting in early identification of a case's strengths and difficulties. His strong communication skills result in his clients feeling engaged and confident that their interests are being enthusiastically advanced. He has appeared in many Supreme Court and Court of Appeal cases dealing with applications for compensation under the Sentencing Act including many of the 'Esso/Longford applications' and subsequent appeals. He has appeared at the Racing Appeals Tribunal, the Racing Appeals and Disciplinary Board and the International Court of Arbitration for Sport. Darren has recently been awarded a Masters Degree in Bioethics by Monash University. He is a member of the Deakin University Human Research Ethics Committee and the Bellberry Limited Human Ethics Research Panel.





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### *Continuing Professional Development*

The following CPD information applies to a 1.5 day session.

#### **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

#### Osler CPD home recognition:

This activity is an Osler Approved Activity for the Osler CPD Home.



ACLM does not upload activities to CPD homes on behalf of participants. You must self-submit to your CPD home to claim points.