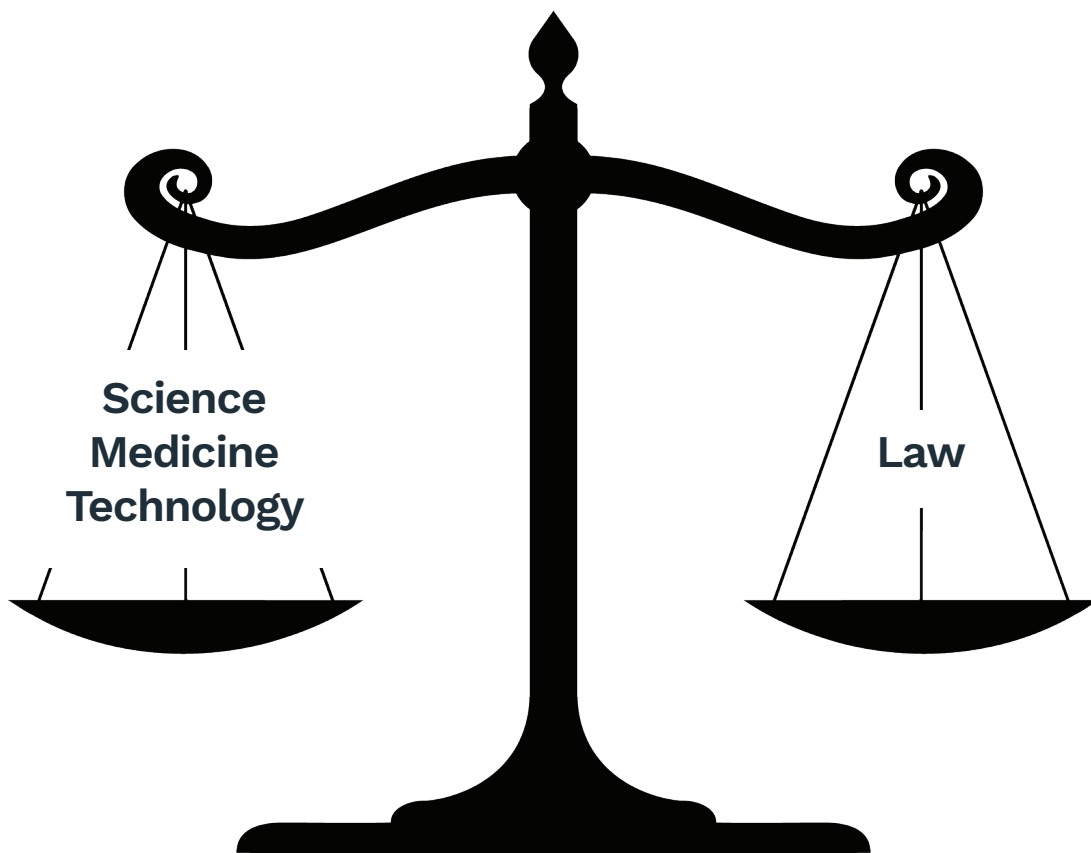




forensic
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Provision of Expert Evidence Workshops



Provision of Expert Evidence Workshops

Introduction

Expert evidence is given in courts of law by a range of professionals with a broad range of expertise in both the actual giving of evidence, knowledge regarding the operations of the courts and the legal framework within which they work.

Three groups who would benefit from this structured two day expert witness training program have been identified:

- trainees;
- practitioners who have given expert evidence for a number of years; and
- police members who have moved from areas where they were giving evidence of fact only to specialised areas where they are giving expert opinion.

This program is built on the program initially developed by ANZPAA|NIFS.

Learning Outcomes

On completion of this course, the participants will be able to:

- Discuss the development and amendment of relevant national and local legislation, case law and administrative law regarding the delivery of evidence in courts of law;
- Discuss the ethical considerations and requirements relevant to the provision of expert evidence;
- Discuss the structure of the Australian legal system including court hierarchy, organisational bodies, and personnel;
- Identify and discuss procedural and legal requirements and issues relating to the preparation and delivery of evidence;
- Identify relevant guidelines and instructions relating to the presentation of evidence;
- Discuss the layout of the courtroom;
- Discuss the proceedings of a trial;
- Identify the various types of evidence;
- Discuss the rules of evidence applicable to the Australian legal system;
- Discuss the use of appropriate presentation techniques during the delivery of evidence in a courtroom situation; and
- Demonstrate correct basic courtroom procedure and protocol.

Course Content

The course consists of preparatory work, lectures and discussions, pre-trial conferences with legal practitioners and moot courts held in real court rooms.

Involvement of the Organisation

This program can only be delivered with the support and involvement of the organisation(s) to which the participants are attached. Some of the preparatory work can only be undertaken by and on behalf of the organisation(s). This includes the initial contact with the courts, judiciary and legal practitioners using materials provided by Forensic Foundations.

Training

Completion of this workshop will satisfy, in part the requirements of section 6.2.5, ISO/IEC 17025 Application Document Legal (including Forensic Science) – Appendix. July 2018.

Assessment

Formal assessment (if required) can be conducted by two workplace assessors.

Preparatory Work by the Participants

PART A

Preparation of a presentation on one of the following topics. These can be conducted individually (10 min) or in pairs (15 min).

1. Formation of a law from policy development to proclamation or amendment in your jurisdiction.
2. Legislation under which experts give evidence in your jurisdiction including Statements and legal reports produced from your organisation and defined by legislation.
3. The Court hierarchy in your jurisdiction including appellant jurisdictions.
4. Inquisitional verses Adversarial judicial systems.
5. Personnel and layout in the various courts in your jurisdiction including the makeup and role of the jury.
6. Procedures in the various courts in your jurisdiction (including protocols, subpoena, summons, oaths/affirmation, evidence in chief, cross-examination, re-examination, voir dire).
7. The application of the organisation's quality management program in the legal process.
8. The 5 Common Law rules of expert evidence used to qualify a witness.
9. The relevance of the comments with respect to admissibility of expert evidence made by Heydon JA in Makita (Australia) Pty Ltd v Sprowles {2001} NSWCA 305 and upheld in the case of Dasreef Pty Limited v Hawchar (2010) in the High Court of Australia.

10. Court rules and practice directions applicable to expert evidence in your jurisdiction.
11. ANZFSS Code of Professional Practice and its applicability to Expert Evidence.
12. The challenge of the communication of complex concepts to lay audience.
13. Cognitive bias and the challenge to forensic science evidence.
14. The following cases discuss the issue of 'reliability'. Discuss the approach taken in each case (i.e. case law):
 - Daubert
 - R v Hien Puoc TANG [2006] NSWCCA 167
 - Tuite v R [2015] VSCA 148
 - IMM v R [2016] HCA 14

Please note these topics can be undertaken by up to four participants.

PART B

Preparation of case notes and a legal report, by the participant regarding the results of analysis/examination of a mock case, which will be provided to the participant. The mock case will be tailored to the participants' areas of expertise and their levels of training.

The case notes will be treated as a 'real' case and will undergo all relevant quality assurance checks.

The legal report will be in the correct format for their organization.

These reports will form the basis of the evidence that shall be given during Module 4.

Face to Face Workshop (2 DAYS)



DAY ONE

Presentations and discussions including participants and the facilitator.

DAY TWO

Practical session using prepared case:

- pre-trial conference with counsel
- evidence-in-chief, cross-examination and re-examination
- review of performance.

Each participant will have the opportunity to give evidence and have their evidence reviewed on two occasions.

Illustrative Timetable

FRIDAY

9.00 – 9.10	Welcome and Introduction to workshop
9.10 – 10.15	Science vs the Law; the investigative process vs the forensic process; legal systems
10.15 – 10.35	Morning Tea
10.35 – 12.00	Common law; legislation and evidence
12.00 – 12.30	Lunch
12.30 – 2.30	Expert Evidence
2.30 – 2.50	Afternoon Tea
2.50 – 5.00	Expert Evidence continued

SATURDAY

9.00 – 9.10	Introduction – Pre-trial conferences	
9.10 – 10.40	Pre-trial conferences	Each of the Barristers spends 15 minutes with witnesses individually. Each witness has two pre-trial conferences with different advocates
10.40 – 11.10	Morning Tea	
11.10 – 1.10	Moot Court Session 1 Emphasis on qualifying as an expert	Each court will hear evidence from 6 witnesses (20 minutes for examination in chief, cross-examination and feedback)
1.10 – 2.00	Lunch	
2.00 – 4.00	Moot Court Session 2 Emphasis on area of expertise/ test results/ opinions given	Each court will hear from 6 witnesses from a different group
4.00 – 4.30	Conclusion and final remarks	

For further information please contact our office

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