

**1) LEARNING OUTCOME STATEMENT**

- a) The intention of the workshop is to train medico-legal practitioners to write, understand and evaluate medico-legal reports in cases of traumatic brain injury, for the simple purpose of assisting judges to make fair and equitable judgements. The training will be relevant to different groups of practitioners, as follows : -
- i) Neurosurgeons and neurologists – to properly assess survivors of traumatic brain injury and write rational scientific reports, employing the necessary degrees of attention to detail, factual analysis and reference to scientific literature, as well as logical reasoning.
  - ii) Quantum experts – to evaluate the factual and scientific bases, as well as the reasoning processes, of opposing neurosurgeons or neurologists who express differing opinions, and to form a reasoned view on which is the more natural and consistent with objective test findings and actual performance in the laboratory of life.
  - iii) Attorneys, advocates and judges – to better understand neurosurgical and neurological reports; to evaluate the factual and scientific bases and reasoning processes therein; and to enhance effectiveness in leading evidence and cross examination, as well as evaluation of evidence in the light of other factual evidence and expert findings.
  - iv) Medical practitioners in unrelated disciplines – to provide examples of medical diagnostic and reasoning processes that are helpful in the evaluation of impairments of a complex- or abstract nature.

**2) FRAMEWORK AND METHOD OF TRAINING DAY 1**

- a) The first day, 2 March 2019, will be devoted to essential knowledge acquisition, to be conducted in 6 training sessions by members of the expert panel, nl
- i) Dr. Herman Edeling (neurosurgeon), Mr. Trevor Reynolds (clinical/neuro psychologist), Ms. Eleanor Bubb (educational psychologist), Dr. Odette Guy (speech therapist), Ms Pip Jackson (physiotherapist), Ms. Barbara Donaldson (industrial psychologist), Judge Neels Claassen, Adv John Mullins SC, Adv Ian Dutton, Prof Ethelwynn Stellenberg (nursing expert), and Mr Jimmy Kyriacou (philosophy and jurisprudence lecturer).
- b) Each training session will consist of a formal lecture, as well as comments by other members of the expert panel and questions/answers/comments by course participants in all venues. The topics of the lectures will be :-
- i) What the Court, as well as legal representatives and other experts require of expert medico-legal reports on persons with traumatic brain injury. [Adv John Mullins SC].
- ii) Clinical aspects of traumatic brain injuries. [Dr Herman Edeling].
- iii) Medico-legal assessment of traumatic brain injuries after MMI. [Dr Herman Edeling].
- iv) Special considerations in relation to “mTBI” (mild traumatic brain injury). [Dr Herman Edeling].

## **SAMLA-UCT PRACTICAL TRAINING WORKSHOPS IN MEDICO-LEGAL PRACTICE**

### **Workshop 1 - Traumatic Brain Injury (2 March 2019 To 16 March 2019)**

- v) Special considerations in relation to paediatric brain injuries. [Dr Herman Edeling].
- vi) Recommendations for improving the existing system. [Dr Herman Edeling].
- c) The program for day 1 will be concluded with instructions for the assignments to be completed in syndicates. [Expert Panel].

### **3) SYNDICATE ASSIGNMENTS**

- a) Each participant will be required to complete an assignment and attend a syndicate meeting to discuss the assignments before the 2<sup>nd</sup> (concluding) day of the workshop.
- b) All of the general resolutions re syndicates and assignments, as accepted by the Faculty on 16 February 2019, and as posted on the UCT VULA website and SAMLA forum, are applicable to the syndicate assignment work for workshop 1 on traumatic brain injury.
- c) In addition, the following specific resolutions will apply to the requirements workshop 1 on traumatic brain injury.
  - i. In view of the short time available between the 1st and 2nd days of the workshop, students will not be required to write a full medicolegal report on traumatic brain injury.
  - ii. Instead students will be provided with a fact sheet (containing actual facts pertaining to an anonymized real case), and will be required to write a brief report providing answers to specific questions relating to the case.

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- iii. Each question will be pertinent to a core learning objective of the workshop, and each answer must be supported by logical reasons based in fact.
- iv. For purposes of clarity, fairness and understanding of the core learning objectives, questions will be limited to those for which there is only one logically correct answer, leaving no room for speculation or subjective opinion.
- v. All relevant facts specific to the anonymized real case will be found in the fact sheet, and all generally relevant facts will be found in the lecture notes, copies of which will be provided to students.

### **4) FRAMEWORK AND METHOD OF TRAINING DAY 2**

- a) The second day of the workshop, 16 March 2019, will start with 2 golden thread lectures, nl
  - i) Analytic scientific reasoning. [Mr Jimmy Kyriacou].
  - ii) Academic report writing. [Prof Ethelwynn Stellenberg].
- b) The remainder of the second (concluding) day will be devoted to report back from the syndicate leaders, comments on the assignments and syndicate reports by members of the expert panel, and interactive general discussion on the subject matter of the workshop, as well as illustrative case reports presented by members of the expert panel and a final learning wrap-up comment by Judge Claassen.

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- c) The training will refer to 15 relevant scientific publications, including inter alia : -
- i) YOUMANS NEUROLOGICAL SURGERY (6TH EDITION) – Chapters 322 to 342 – Winn 2011.
  - ii) MEDICO-LEGAL REPORTING IN ORTHOPAEDIC TRAUMA – CHAPTER 22 HEAD INJURY – Bryan Jennett – Ed Michael A Foy and Philip S Fagg – 2002
  - iii) REPORT TO CONGRESS ON MILD TRAUMATIC BRAIN INJURY IN THE UNITED STATES; STEPS TO PREVENT A SERIOUS PUBLIC HEALTH PROBLEM – Julie Louise Gerberding – Centers for Disease Control and Prevention (CDC) – Sue Binder – National Center for Injury Prevention and Control – September 2003