

SAMLA Special National Seminar and AGM.

Part 1. Interviewing Skills for Medico-Legal Practitioners - Various Professional Perspectives. How to raise your game from the get-go.

Provisional Programme for 26 January is as follows:

8-8:30. Registration

8:30-8:45 Welcome (Dr HJ Edeling)

8:45-9:15 Romany Sutherland (Attorney) Interview techniques – Attorney’s perspective

9:15-9:45 Dr Sharon Munyaka (Industrial Psychologist) - Interview techniques – IP’s perspective with emphasis on “across cultural lines” interviewing

9:45-10:15 Marion Shaer (Mediator) - Interview techniques – Do’s and Don’ts

10:15-10:45 Questions

10:45-11:15 Tea

11:15-11:45 Adv Farrell SC Interview techniques

11:45-12:00 Questions

12:00-13:30 AGM

13:30-14:30 Lunch

Part 2 – New developments in the Legal Field: Implications of the State Liability Amendment Bill for Medico-legal practice

14:30-15:30 Attorney Andre Calitz - State Liability Amendment Bill

15:30-15:45 Questions

15:45-16:15 HJE - New workshop series explanation

16:15-16:45 Douglas Reed - Distance learning

16:45-17:00 Judge Claassen closure

Training workshop in preparation for the next series of SAMLA training workshops for 2019.

PART 1. Workshop Title: **Interviewing Skills for Medico-Legal Practitioners. Various professional perspectives on how to raise your game from the get-go.**

1. Ms Romany Sutherland (attorney) will speak on **The Initial Consultation / Interview with Client – The Attorney’s role (30 minutes)**

Establishing rapport with client;

“Decreasing the knowledge gradient” – showing compassion, empathy, understanding;

When an interpreter is needed;

Let them tell their story completely – “only when one has felt heard can one start healing”

Requesting that consultation be recorded instead of writing all down which results in loss of eye contact – constructing safe environment.

Summarise what has been said and ask for elaboration on aspects important to merits of the matter.

Once all has been heard - work backwards, request info on quantum to establish viability of claim financially; then causation and then negligence.

Make sure the time periods for investigating the viability of matter are fully understood by client;

Go through fee agreement paragraph by paragraph;

Drawing flow charts and pictures to assist in explaining legal principles and fee deductions.

References:

Randolph, P. (2016). *The Psychology of Conflict – Mediating in a Diverse World*. EPUB/MOBI eBook

Potgieter, J.M., Neethling, J., and Visser, P.J. 7th Edition. *Law of Delict*. LexisNexis.

2. Dr Sharon Munyaka (industrial psychologist) will deal with **Interview Techniques: Industrial and Organisational Psychologist's Perspective** (30 Minutes)

An interview is a conversation where questions are asked and answers are given. In gathering information for medico-legal reports, a conversation between a medical expert and a claimant is required.

According to Vorster, et al (In b. Roos, below), *the interview remains the primary and possibly the most important tool in the forensic assessment of an individual. The interview constitutes the main means for gathering information from a client, as well as the basic medium through which psychological or clinical impressions of the client are formed.*

Interviewing techniques will be discussed from a psychological perspective, to enable medico-legal practitioners to reflect on their techniques. Emphasis will be focused on interviewing across cultural- and language lines.

References

- a. Roos, V., Scholtz, J.G. & Wessels, C. (2016). *An introduction to forensic psychology*. Verbum Publishers.
- b. Roos, V. Ed (2016). *Understanding Relational and Group Experiences Through the Mmogo-Method*. Springer International, Switzerland.

3. Mrs Marion Shaer (mediator) will highlight **The Do's and Don'ts of Interviewing as a Mediator** (30 minutes)

There is a distinct difference in the type of questions in the different phases of a mediation and well as between different types of mediation. She will explain why and how to phrase questions to elicit the type of information that will be helpful in the mediation process and when and how to ask questions as a reality check.

The difference between various types of questioning, as well as the pros and cons of each type will be highlighted.

References:

- Brand, J; Steadman, F; and Todd, C. (2012). *Commercial Mediation. A User's Guide*. Juta, Cape Town.
- Boulle, L. (2001). *Mediation Skills and Technique*. Butterworths.
- Boulle, L and Nesic, M. (1st published 2001 / reprinted 2006) *Mediation: Principles Process Practice*. Tottel Publishing.

After the first three speakers there will be 30 minutes for discussion and questions

4. Stephen Farrell SC (advocate) will address delegates on **Interview Techniques Within the Medico-legal Context, Specifically from the Perspective of Counsel.** (30 minutes)

“The purpose for which counsel is consulted is often determinant of the nature and extent of the information which will be sought by counsel during the interview process. An appreciation of the purpose for which counsel is being consulted is therefore the first essential ingredient in ensuring that the interaction and interview are meaningful. Understanding the stage of litigation at which the interview with counsel is being conducted is similarly influential in ensuring that the interaction is fruitful. However, counsel is but one member of the litigation team. Within the context of the variable purposes for which, and stages at which, counsel is consulted in medico-legal litigation, I shall describe and explain strategies to enhance each litigation team members' role and influence in the interview process with counsel, to ensure synergy between team members during the interview, to ensure that the interview is inclusive, to instil appreciation in the client concerning material considerations in the litigation process during the interview, and to ultimately make the litigation team a successful one. The strategies will benefit the legal and expert litigation team members.

Given the ultimate role of counsel at trial, the litigation team members should also appreciate the significant roles which they respectively play in the investigations associated with, and leading up to, the trial which materially assist counsel in presenting a cogent case. Part of these investigations often involve interviews with litigants or third parties. The approach to, the permissible parameters of, and the appropriate manner of conducting interviews with litigants and third parties will be explained. In addition, I will impart what could permissibly be sought in the interview process to fulfil counsel's requirements and expectations.”

To conclude the training session, Adv Farrell will draw distinctions and highlight the differences in the emphasis of the interview from the different professionals' perspectives. (15 Minutes).

PART 2. Workshop Title: **The State Liability Amendment Bill – How will the Bill affect members of the public who have suffered harm?**

Andre Calitz (attorney) will address delegates on the implications of the provisions in the Bill, and will inter alia address the constitutional principles against which the Bill falls to be analysed. (1 Hour + 15 minutes questions and discussion).

The address will be based on the attached copy of a submission in this regard made to the Parliamentary Portfolio Committee for Justice and Correctional Services.