



## AMERICAN REHABILITATION ECONOMICS ASSOCIATION

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### **CODE OF STANDARDS AND ETHICS AMERICAN REHABILITATION ECONOMICS ASSOCIATION**

#### **PREAMBLE**

This Code of Professional Standards and Ethics has been developed by the Ethics Committee of the American Rehabilitation Economics Association, to guide its members in providing the range of forensic services that are specific to the expert giving vocational and/or economic opinion in litigation.

Cases involving serious injury or loss, both from a past and future perspective, continually challenge our ability to combine knowledge and experience in the fields of medical and vocational rehabilitation, applied economics and law, in the calculation of damages.

The American Rehabilitation Economics Association, herein known as AREA, recognizes the growing importance of this task, and the need to develop the highest standards for service delivery, work product, and overall level of professionalism.

Whether retained on a consultative or expert witness basis, our membership is encouraged to use only the most independent and objective methods, based on careful research, when arriving at conclusions. All information should be presented in non-partisan form, to preserve the integrity of our craft, and bring credit to our discipline.

Forensic practitioners affiliated with AREA accept responsibility for complying with the Ethical and Technical Standards set by this organization. We do so with an increasing commitment to the application of Rehabilitation Economics in trial settings, and with an understanding of our primary roles as educators.

#### **THE CODE OF ETHICS**

The Code of Ethics consists of two sections: the Standards for Service Delivery, and the Rules of Professional Conduct. Both sections represent the minimum acceptable level of ethical behavior required of each AREA Member. The following ethical standards and principles are designed to act as guidelines to direct the vocational and/or economic expert's performance, but in no way are they to be considered an exhaustive formula for ethical behavior. Rather, the professionals who accept these standards recognizes that their reputation for ethical behavior enhances both their practice and the profession as a whole. These standards are a means to that end.

#### **STANDARDS FOR SERVICE DELIVERY**

- 1) The provision of services and the submission of reports shall respond to the purpose of the referral. Forensic practitioners have the responsibility to identify the nature and extent of services to be provided before proceeding. Members offer accurate and complete representation of their professional and educational qualifications.

- 2) The opinion and/or testimony of an AREA Member shall be limited to the fields of expertise that Member has demonstrated on the basis of education, training, and experience in using applied rehabilitation and/or economic techniques. Members are aware of the limitations of their competence and attempt only those services for which they are qualified. They realize that competency is a result of continuous education, and are diligent to keep themselves informed of current theories, methods, and research.
- 3) Defense of work product, whether in verbal or written form, shall be presented in a manner that demonstrates competency in outlining the relevant vocational/economic issues. Simple, understandable language should be used to describe methodology, sources of information, and conclusions.
- 4) The member has an obligation to withdraw from a referral relationship, if it will result in a violation of the Ethical Standards of AREA, or if it is felt to be inconsistent with the spirit of those Standards. Members will not knowingly place themselves in a situation or relationship which has the potential for clouding their objectivity and creating a conflict of interest.
- 5) Members shall adhere to all tenets of the doctrine of client confidentiality. Disclosures of information during the litigation process shall be restricted to what is relevant, necessary and verifiable, with respect to the involved client's right to privacy.
- 6) Members will assure they have all foundational evidence and information required to render a fair and defensible opinion. It is incumbent on members to thoroughly analyze and consider all applicable data, and conduct independent research of their own, when forming conclusions. Members must guard against the misuse, distortion, or suppression of the data which they present. They accept the responsibility to correct those who misuse, distort, or suppress these data.
- 7) All Members shall maintain a current Vitae, reflecting pertinent data on the education, training and experience that qualifies them as a forensic vocational and/or economic expert.
- 8) Members shall not accept cases on any contingency basis. While liens are eschewed they are sometimes standard practice in particular trial settings, e.g., WCAB. Full payment of liens is required upon case resolution and is never contingent on outcome or awards.
- 9) In forecasting damages, members are to utilize accepted vocational and economic methodology when addressing discount and growth rates, present value, rate of benefits, worklife capacity, etc., as appropriate to the case and its local jurisdiction.
- 10) Members respect and uphold the legal and civil rights of those individuals whom they evaluate. Sexual overtures and intimacies of any nature within a professional setting are unethical.

#### **RULES OF PROFESSIONAL CONDUCT**

- 1) Members shall render only those services which they are technically competent and qualified to perform.
- 2) Members shall act with integrity regarding colleagues in rehabilitation economics and other professions. AREA members will refrain from actively soliciting case specific business from a referral source if that source has previously retained another professional.

- 3) When appropriate, Members shall provide adequate orientation/information to clients, so that the results of any physical capacity assessment or vocational testing can be placed in the proper perspective, with other factors relevant to the development of the economic loss picture. Members inform their clients and those whom their clients represent of the purposes, methods, and goals of all tests and procedures. Special care shall be taken of such orientation in the case of minors.
- 4) Members shall avoid even the appearance of impropriety, in the performance of their professional services. Questions of fee payment are discussed and agreed upon at the outset of any consulting relationship. Contingency fees or payment based on an award are unethical.

Whenever there is questionable certainty, Members should refrain from the specific activity or type of conduct, until the matter is clarified. An opinion from the Executive Committee or a fellow AREA Member should be sought at that time.

- 5) Members should not accept more cases than what is both feasible and ethical, to render timely and objective findings. When a member can no longer be of use to a client, he or she should not continue a consulting relationship. If possible, the member refers the client to another professional who is better able to provide the service or product needed by the client.
- 6) Members shall keep abreast of new developments, case law, concepts, trends and practices that are essential to the maintenance of technical competency and informational congruency.
- 7) Each Member shall be prepared to report on applicable areas of training and continuing education they have taken in connection with their craft, upon the request of any party to the litigation.
- 8) Professional files, records and reports are to be kept under conditions of security, and provision shall be made for their destruction when appropriate. Likewise, Members shall thoroughly brief all non-professional persons who must have access to the client's records, about the confidential standards to be observed.
- 9) Persons holding the designation of Certified Earnings Analyst (CEA), Certification in Rehabilitation Economics (CRE), Registered Forensic Vocational Expert (FVE), or Registered Forensic Economist (RFE) are expected to honor the responsibility and respect the limitations placed on the use of the selected credential, and act accordingly. The certification process for CRE ended as of 4/15/94. AREA members previously certified with this designation (CRE) might maintain this certification as long as they maintain membership in AREA, and adhere to the Code of Ethics of AREA.
- 10) Insofar as the most basic responsibility of vocational economics experts is the accumulation and interpretation of data, the utmost care must be taken to ensure the integrity of the testing procedures and the testing instruments that are used.
  - A. Members must offer a full and comprehensive orientation for all to whom tests are administered.
  - B. Members are responsible for verifying the validity and reliability of any tests, which they administer in the course of providing services or conducting research.

- C. Members report the results of their tests fully, acknowledging in particular any reservations which they might have with the procedures or the results. They recognize that some tests require special training and therefore do not administer or interpret any test, which they are not qualified to administer.
  - D. Members acknowledge that the chief duty of their profession is not merely the accumulation of data, but equally important is the interpretation of that data. They will therefore take special care to ensure that their interpretations are supported by sufficient data.
  - E. Members take special care in the interpretation of data concerning individuals from groups outside of test norms.
- 11) Credit in all publications is ordered in accordance with the contribution made by each contributor, with the chief contributor listed first. Acknowledgements of previous, pertinent research, unpublished as well as published, that has influenced the work must appear in specific citations.
  - 12) Members do not simultaneously submit manuscripts that are identical or essentially similar in content to two or more journals. Manuscripts that have been previously published in whole or in major part may not be republished without a statement acknowledging the permission of the original publisher.
  - 13) When advertising services or products, members may not present membership in AREA as an endorsement of this service or product, through either direct statement or implication. Members must also avoid any statement which, through omission or commission, is misleading or misrepresentative in any way.
  - 14) Members recognize their responsibility to act at all times in an ethical fashion, and willingly remove themselves from any professional relationship that is unethical. If a member is aware of any unethical relationship or practice involving another member, he or she will first attempt to make that member aware of the unethical nature of the relationship or practice and strive to correct the situation. Only after such an effort has failed will he or she report the relationship or practice.
  - 15) A signed Ethics Renewal statement shall be submitted annually. Otherwise, certification, registry and professional membership designations are considered null and void.
  - 16) AREA members will respect the rights and reputation of the Association and its members when making oral or written statements. In those instances where they are critical of policies, they will attempt to effect change by constructive action within the Association.
  - 17) No AREA member shall effectuate or participate in the wrongful removal of the Association's files or other materials, nor to take into personal ownership property of the Association. Materials prepared as part of the Association's work will be considered property of the Association.
  - 18) AREA members will not write, speak, nor act in ways that lead others to believe that they are officially representing AREA, unless such written permission has been granted by the Association.