

The American Rehabilitation Economics Association

proudly presents

Planes, Trains



Autos AND Boats

AREA Annual Conference

June 21-23, 2018

Sheraton Austin Hotel at the Capitol 701 East 11th Street | Austin, TX 78701

PLANES, TRAINS, AUTOS AND BOATS

Join us for AREA's 2018 Annual Conference in Austin, Texas where we will be concentrating on damages valuation in transportation-related matters—including FELA and Jones Act cases. Do not miss this opportunity to enhance your skills and expand your practice into new subject areas.

Conducting expert damages analysis and supporting your opinions in court requires opportunities for professional growth and development. This year's lineup includes an Intermediate Boot Camp on calculating economic damages for railroad workers by **Dr. Malcolm Cohen**; and, an Advanced Boot Camp on valuation of employer-paid benefits in litigated matters by **Dr. Gene Treviño** and **Tom Roney**.

Main conference presentations on Friday morning will be kicked off by **Dr. Casey O'Neal** who will discuss "Taking Control of Your Court Testimony." The day continues with a case study on the earning capacity of self-employed vs. employed long-haul truck drivers by **Dr. Allyn Needham**. **Dr. Eric Christiansen** will discuss current literature and practices in age-earnings analyses. **Dr. Malcolm Cohen** will lead the afternoon line-up with methods of determining effective job searches, and Attorney **Kevin Camp** will discuss his experiences litigating railroad cases.

On Saturday morning, **Erik Volk** will take the lead with a case study examining the earning capacity of airline pilots. Attorney **Thomas Fitzhugh** will discuss his experiences and insights into litigating maritime cases. **Dr. Stan Smith** will examine current methods in calculating hedonic damages. In the afternoon, **John Berg** will share his recommendations for handling earning capacity assessments under the Jones Act. Finally, **Phillip Boswell** and **Dr. Jeffrey Joy** will lead the discussion on the ethical practices in forensic work.

Be sure to join us for Friday night's **President's Reception**. It is an excellent opportunity to network with both "old salts" and new. This informal event offers some of the best opportunities to discuss current issues in damages valuation and business practices. Be sure to bring a guest. Saturday will end with AREA's **Annual Business Meeting** at 4:30 pm, and your input is



necessary. A great deal of effort is involved in conference and strategic planning as well as the election of officers. Be certain to include your thoughts on this year's conference and what topics you want to experience in the future.

About AREA ...

The American Rehabilitation Economics Association is an association of vocational, economic, rehabilitation, and life care planning professionals. Our members are located throughout the United States, Canada and the Virgin Islands.

AREA has two MISSIONS:

- Recognizing the **integrative use** of vocational rehabilitation and economic loss assessment as a distinct discipline, and
- Providing a peer-exchange forum for vocational, economic, rehabilitation, and life care planning experts.

AREA supports professional growth by offering opportunities for **continuing education** at its Annual Conference. AREA interfaces with other vocational, economic, rehabilitation, and life care planning organizations to encourage the sharing of knowledge among related forensic professionals.

Established in 1989, AREA is the only **international certifying body** that has this unique blend of professions in loss assessment. AREA is the first professional association to establish a Registry of both Forensic Vocational and Forensic Economic Experts.

2018 AREA ANNUAL CONFERENCE

Planes, Trains



Autos **AND** Boats

'FRIEND OF THE ASSOCIATION' SPONSORSHIPS ARE AVAILABLE AGAIN THIS YEAR

For a minimum donation of \$250, this sponsorship provides recognition to you or your company as a supporter of the work of AREA.

All sponsors will be equally promoted in the conference brochure, in the *welcome* PowerPoint, at designated events (such as breakfast buffets, refreshment breaks and President's Reception) and, most importantly, from the podium.

You may also display limited company promotional items consistent with AREA's mission at the registration table.

Contact area@gasvcs.net if you are interested in sponsorship.

Planes, Trains



Autos **AND** Boats

THURSDAY, JUNE 21st

Dual-Track Boot Camp

9:00 am - 5:00 pm

Breaks: 10:15–10:30 am; 3:00–3:15 pm Lunch (on your own): 12:00–1:30 pm

INTERMEDIATE:

FELA/Railroad Workers: Calculating Economic Damages

Malcolm Cohen Ph.D. Employment Research Corporation (6.0 CEUs)

ADVANCED:

Valuation of Employer-Paid Benefits in Litigated Matters

Gene Treviño Ph.D. CEA Economic Evidence

Tom Roney Thomas Roney, LLC (6.0 CEUs)

FRIDAY, JUNE 22nd

Main Conference Begins

Opening Remarks and Welcome

8:00 am - 9:30 am

SESSION 1 Taking Control of Your Court Testimony Casey O'Neal Ph.D. Res Ipsa Litigation Support, LLC (1.5 CEUs)

Refreshment Break—9:30-9:45 am

9:45 am - 10:45 am

SESSION 2 Lost Earning Capacity of Long Haul Truck Drivers: Independent vs. Rank & File Truckers

Allyn B. Needham Ph.D. CEA Shipp Needham Economic Analysis LLC (1.0 CEU)

Refreshment Break—10:45-11:00 am

2018 AREA Conference Schedule

Thursday, June 21 Friday, June 22

Saturday, June 23

Boot Camp Main Conference President's Reception Main Conference Annual Business Meeting

(1.0 CEU)

9:00 am - 5:00 pm 8:00 am - 5:15 pm 5:30-7:30 pm 8:00 am - 4:15 pm 4:30-6:00 pm

FRIDAY, JUNE 22nd (continued)

11:00 am - 12:00 pm

SESSION 3 Should the Discount Rate Vary by the Worker's Age, Education Level, and Gender? Eric Christensen Ph.D. Eric W. Christensen, PhD., LLC,

LUNCH ON YOUR OWN-12:00-2:00 pm

<u>2:00 pm - 3:30 pm</u>

Economic Consultant

SESSION 4 One Billion Help Wanted Advertisements Database: Uses & Limitations Malcolm Cohen Ph.D. Employment Research Corporation (1.5 CEUs)

Refreshment Break—3:30-3:45 pm

<u>3:45 pm - 4:45 pm</u>

SESSION 5 Litigating Railroad Cases Kevin M. Camp Esq. Jones Granger Attorneys at Law (1.0 CEUs)

PRESIDENT'S RECEPTION

Friday: 5:30-7:30 pm

Location to be announced

REGISTRANT AND 1 GUEST INVITED.

DON'T MISS THE ANNUAL BUSINESS MEETING AND 2019 PLANNING SESSION

Saturday: 4:30-6:00 pm

ALL ARE WELCOME!

SATURDAY, JUNE 23rd

<u>8:00 am - 9:30 am</u>

SESSION 6 Case Study: Career Earnings of a Commercial Airline Pilot Erik Volk MA COHEN | VOLK Economic Consulting Group (1.5 CEUs)

Refreshment Break—9:30-9:45 am

<u>9:45 am - 10:45 am</u>

Session 7

Litigating Maritime Cases

Thomas C. Fitzhugh III Esq. Schouest, Bamdas, Soshea & BenMaier, PLLC

(1.0 CEU)

Refreshment Break—10:45-11:00 am

11:00 am - 12:00 pm

SESSION 8 Hedonic Damages for Dummies Stan V. Smith Ph.D. Smith Economics Group Ltd. (1.0 CEU)

LUNCH ON YOUR OWN-12:00-2:00 pm

<u>2:00 pm - 3:00 pm</u>

SESSION 9

Practice Recommendations for Handling Cases Under the Federal Jones Act

John F. Berg M.Ed. CDMS CRC ABVE/D IPEC Vocational Consulting, Inc. (1.0 CEU)

Refreshment Break—3:00-3:15 pm

<u>3:15 pm - 4:15 pm</u>

SESSION 10 Why Ethics Are Crucial in a Professional Practice

Phillip W. Boswell MA B.Ed. ABVE/F CCVE/F CVRP/F RRP Western Canadian Vocational Experts Ltd.

Jeffrey D. Joy Ph.D. CEA Vocational Dynamics, LLC (1.0 CEU)

Break before Annual Meeting-4:15-4:30 pm

Refreshment Breaks: 10:15–10:30 am; 3:00–3:15 pm Lunch on your own: 12:00–1:30 pm

INTERMEDIATE BOOT CAMP

FELA/Railroad Workers: Calculating Economic Damages

Goal: Present a "how-to" workshop on calculating typical economic damages in FELA cases.

Objectives:

- 1. Participants will develop an understanding of the differences between FELA cases and other injury / death cases.
- Participants will learn how to calculate earnings capacity of railroad workers pre-injury. (Post injury earnings capacity is determined by a vocational rehabilitation expert.)
- 3. Participants will learn what deductions from gross wages are typically made.
- 4. Participants will be able to select appropriate net-discount rates and effective tax rates acceptable in FELA settings.
- 5. Participants will learn how to calculate lost fringe benefits and railroad pensions.
- 6. Participants will learn what should be in an FELA report.

This intermediate boot camp will cover pressing issues in FELA case loss calculations, including net wages, projection of future earnings capacity, and work life of railroad workers. Participants will also review an appropriate basis for establishing discount rates as well as differences in taxation considerations depending upon the jurisdiction of the case. Participants will have an opportunity to review case studies and complete damages calculations in small group settings.

PRESENTER: Malcolm Cohen Ph.D. Employment Research Corporation ADVANCED BOOT CAMP

Valuation of Employer-Paid Benefits in Litigated Matters

Goal: Review commonly encountered economic losses related to employer-paid medical, 401K, defined pension plans and disability benefits.

Objectives:

- 1. Review methodologies related to valuation of economic losses.
- 2. Learn how to succinctly express findings in reports.
- 3. Explore and discuss nuances related to life expectancy, tax implications and government pensions.
- Participate in small group and individual activities on key concepts.

The speakers will discuss employer-paid benefits as an element of economic loss in personal injury, wrongful death, and wrongful termination. Specifically, this boot camp will cover the following commonly encountered employer-paid benefits: medical, 401K, paid time off, disability, defined benefits pensions, and social security. In addition to discussing the foregoing employer-paid benefits, the methodology for their valuation will also be discussed and demonstrated. Nuances associated with the valuation of some of the benefits will also be discussed. Such nuances will include tax consequences if employment cases, social security benefits valuation, military and government benefits, and nuances involving life expectancy.

PRESENTERS: Gene Treviño Ph.D. CEA

Economic Evidence

Tom Roney Thomas Roney, LLC



MAIN CONFERENCE

FRIDAY, JUNE 21st

SESSION 1 ... 8:00 AM - 9:30 AM

Taking Control of Your Court Testimony

Dr. O'Neal will speak about the science behind what makes good testimony, common pitfalls, and misconceptions about how to most effectively testify. Participants will review a variety of easily implementable strategies for how to prepare when called to testify. Relaxation and cognitive strategies for managing nerves as well as the neuroscience -based strategies for effective communication will be discussed.

PRESENTER: Casey O'Neal Ph.D. Res Ipsa Litigation Support, LLC (1.5 CEUs)

Refreshment Break—9:30-9:45 am

SESSION 2 ... 9:45 AM - 10:45 AM

Lost Earning Capacity of Long Haul Truck Drivers: Independent vs. Rank & File Truckers

Long haul truck drivers are the back bone for providing goods to businesses throughout the U.S. Some of these drivers are employed by the trucking company drawing W-2 wages and benefits from their employers. Others are independent truckers. They are paid as contract labor and show their net income on the Schedule C's of their 1040 income tax returns. This session will review the data needed for assessing the lost earning capacity of each type of driver. Focus will be on assessing the earning capacity for rank and file drivers as well as independent truckers. We will discuss the nuances in gathering employment and payroll data, the benefit of having vocational assessments, and the offset of mitigation income. Ultimately, the session will discuss how to define and calculate the lost earning capacity of these drivers and present the findings in its present value form.

PRESENTER:	Allyn B. Needham Ph.D. CEA	
	Shipp Needham Economic	
	Analysis, LLC	(1.0 CEU)

Refreshment Break—10:45-11:00 am

SESSION 3 ... 11:00 AM - 12:00 PM

Should the Discount Rate Vary by the Worker's Age, Education Level, and Gender?

How should we discount future earnings? Should we apply the historical relationship between bond yields and growth rates or has this historical relationship permanently changed since the Great Recession? Should our discounting approach differ by the age, education level, and gender of the worker? This session will explore net discount rates and how we should account for what economists call the Age Earnings Profile when discounting future earnings.

PRESENTER: Eric Christensen Ph.D.

Eric W. Christensen, PhD., LLC, Economic Consultant (1.0 CEU)

LUNCH ON YOUR OWN-12:00-2:00 pm

SESSION 4 ... 2:00 PM - 3:30 PM

One Billion Help Wanted Advertisements Database: Uses & Limitations

Participants will become familiar with a new research tool for evaluating the labor market in loss of employment, injury and divorce cases. Participants will explore how the Help Wanted Advertising database can be introduced as part of expert testimony relating to available jobs in litigated matters. Techniques for statistical and qualitative analysis of the data will also be discussed. Methods for relating the help wanted advertising research to available jobs and labor market conditions will be presented.

PRESENTER: Malcolm Cohen Ph.D. Employment Research Corporation (1.5 CEUs)

Refreshment Break—3:30-3:45 pm

SESSION 5 ... 3:45 PM - 5:15 PM

Litigating Railroad Cases

Attorney Kevin Camp will discuss the legal framework in litigating railroad injury cases under the Federal Employers' Liability Act (FELA). The audience will gain an understanding of the types of damages and liability involved in typical railroad claims as they relate to the role of vocational and economic experts.

PRESENTER: Kevin M. Camp Esq. Jones Granger Attorneys at Law (1.5 CEUs) AREA's Annual Business Meeting will be held Saturday, June 23rd (4:30-6:00 pm) in the conference meeting room.

ATTENTION! There will be a table at the Friday evening, June 22nd (5:30-7:30 pm) President's Reception for those interested in the **GET-TOGETHER FOR OLD SALTS AND NEW.** This gathering is for newer members, for members wanting input about changes in their existing practices, and for members who have advice and support to share.

SATURDAY, JUNE 23rd

SESSION 6 ... 8:00 AM - 9:30 AM

Case Study: Career Earnings of a Commercial Airline Pilot

Will present a case study valuing the expected career earnings of a commercial airline pilot. Topics will include: pilot education and training requirements, pilot compensation (pay and benefits), involvement of labor unions, and present value estimation of career earnings. Presentation will address some unique features of pilot employment, including company-specific based seniority pay, and mandatory retirement age.

PRESENTER:	Erik Volk MA	
	COHEN VOLK Economic	
	Consulting Group	(1.0 CEU)

Refreshment Break—9:30-9:45 am

SESSION 7 ... 9:45 AM - 10:45 AM

Litigating Maritime Cases

Attorney Fitzhugh is a frequent lecturer and author on maritime law topics and the Longshore Act. He will discuss the legal framework in litigating maritime cases. The audience will gain an understanding of the types of damages and liability involved in typical Longshore claims as they relate to the role of vocational and economic experts.

PRESENTER:	Thomas C. Fitzhugh III Esq.	
	Schouest, Bamdas, Soshea	
	& BenMaier, PLLC	(1.0 CEU)

Refreshment Break—10:45-11:00 am

SESSION 8 ... 11:00 AM - 12:00 PM

Hedonic Damages for Dummies

Loss of Enjoyment of life damages were first assessed based upon economic testimony in court in a Section 1983 civil rights violation case in the 7^{th} Circuit (N.D. IL) in 1985. On appeal, the *en banc* court agreed that the

testimony was "an invaluable guide to the jury." The term *Hedonic Damages* was coined to distinguish such damages from the decedent's lost earnings and lost services. Since then Economists have been providing such testimony nationwide in just about every state and federal jurisdiction.

PRESENTER: Stan V. Smith Ph.D. Smith Economics Group Ltd. (1.0 CEU)

LUNCH ON YOUR OWN-12:00-2:00 pm

SESSION 9 ... 2:00 PM - 3:00 PM

Practice Recommendations for Handling Cases Under the Federal Jones Act

This is for those with little or no experience in Jones Act evaluations or those who need a tune-up. No regular professional or University training exists for this work. The Jones Act is unique to Maritime injuries, typically experienced on injuries related to the operation of commercial fishing vessels, container freight barges, tug boats, and pleasure cruise ships/vessels. The attorneys must find specific actions or inactions causing the alleged injury(s). These rules are often viewed archaic and established many decades before. Rules differ substantially from standard personal injury or other worker compensation insurance systems, though share many common elements in economic and vocational loss. No "vocational rehabilitation" is commonly available to this workers compensation system, so the plaintiff is forced to file a lawsuit to the boat owner(s), insurance firm or both to collect a settlement based mostly upon economic loss or loss of wage earning capacity. They do receive "maintenance and cure" or a small daily rate of lost wages (\$25-\$50/day no matter the history of wages or earning capacity) based upon the assumed cost of a vessel to keep a worker aboard, room and feed. "Cure" is the medical aspect to attempt medical cure if possible. Many worker compensation models in the U.S. offer a "schedule" of injury based upon medical impairment ratings. Jones Act does not, though must have a solid medical finding as the basis for establishing economic loss.

PRESENTER: John F. Berg *M.Ed. CDMS CRC ABVE/D IPEC* Vocational Consulting, Inc. (1.0 CEU)

Refreshment Break—3:00-3:15 pm

MAIN CONFERENCE

SESSION 10 ... 3:15 PM - 4:15 PM

Why Ethics Are Crucial in a **Professional Practice**

Ethics go to the heart of who we are, how we act and how we want others to view us. Ethics provide guidelines for what is acceptable and what is not acceptable however even the best code cannot address every situation.

Codes of professional ethics identify those moral principles and standards of behavior that professions, institutions, and organizations believe will assist them in distinguishing between right and wrong, and ultimately in making good moral judgments.

This presentation explores how one's code of ethics is able to assist professionals practicing in the forensic arena so that they may serve the public good.

PRESENTER: Phillip W. Boswell

MA B.Ed. ABVE/F CCVE/F CVRP/F RRP Western Canadian Vocational Experts Ltd.

Jeffrey D. Joy Ph.D. CEA Vocational Dynamics, LLC (1.0 CEU)

Break before the Annual Meeting-4:15-4:30 pm



*including 1.0 ethics credit from CRCC & CDMSC for attendance at Session 10 of the Main Conference

ABVE	CRC	As always, CEUs are
CDMS	CVE	available for AREA's
CLCP		CEA/CRE credentials.

IMPORTANT REMINDER: Those holding a CEA and/or CRE must attend at least one (1) AREA conference every three (3) years in order to recertify. Upon written request, CEAs and CREs may ask for a one-time one-year extension of this requirement for a fee of \$100.

 $\underbrace{\frown}$



Hotel Pricing & Reservations

2018 AREA Conference will be held at the Sheraton Austin Hotel at The Capitol located at 701 East 11th Street, Austin, TX 78701 (512-478-1111).

A block of rooms has been reserved at a rate of \$159/night for a single or double guestroom (\$179 triple rate, \$199 guadruple rate). Rates are available 3 days prior and 3 days after the event dates of June 20-24, 2018, subject to availability of guest room rate and type at the time of the reservation request.

The cut-off date for reserving rooms in the room block is 5 pm (Austin time) on Wednesday, May 23, 2018. After the cut off, it is at the hotel's discretion whether to accept additional reservations, which will be subject to prevailing rates and availability.

Why it's important to register through AREA's room block: IF AREA meets 80% of its Minimum Guest Room Revenue requirement, attendees will receive complimentary high-speed wireless internet in their guest rooms and a 50% discount on self-parking in the Sheraton's attached parking garage. AREA will receive complimentary high-speed wireless internet in our meeting space and a 10% discount off conference AV charges.

TO RESERVE:

Conference attendees are responsible for making their own individual room reservations. To reserve, please call the Sheraton's group reservations center 888-627-8349. Be sure to reference "A.R.E.A. Workshop" when calling. Or reserve online at https://www.starwoodmeeting.com/Book/ AREAWorkshop. The group rate is available until May 23, 2018.

Check-in time is 3:00 pm on the date of arrival; check-out time is 12:00 noon on the day of departure. Early check-in is based upon availability and arrangements must be made directly with the hotel at 512-478-1111. Late check-out options must be addressed directly with the Front Desk.



Planes, Trains, Autos and Boats

SHERATON AUSTIN HOTEL AT THE CAPITOL - AUSTIN, TEXAS • JUNE 21-23, 2018

INFORMATION FOR BADGE & CONFERENCE PACKET REGISTRANT LIST. (Please print or type.)

FIRST NAME	MIDDLE INITIAL	LAST NAME	HIGHEST DEGREE & CREDENTIALS
PROFESSIONAL TITLE		COMPANY NAME	
ADDRESS		CITY	
STATE/PROVINCE		ZIP/POSTAL CODE	COUNTRY (if not U.S.)
OFFICE #		DU <u>DON'T</u> WANT THIS NUMBER N THE LIST OF ATTENDEES.	FAX # CHECK IF YOU DON'T WANT THIS NUMBER PUBLISHED IN THE LIST OF ATTENDEES.
E-MAIL		FIRST NAME FOR BAD	GE
Conference materials will be	e provided to attendees via website a	ccess (alternate means by thum	o drive). Attendees are encouraged to bring laptops.
SPECIAL NEEDS? Let us ki	now and we will do our best to accom	imodate you:	
Check all boxes for which Cl	EU's are requested: ABVE		
MAIN CONFERENCE	REGISTRATION	Click I	nere for complete AREA membership information.
			d attend the Conference, or include a completed membership ROVAL OF MEMBERSHIP. (FIRST-TIME MEMBERS ONLY.)
AREA Member* Non-Member Special Guest ^a	_	\$350 This regis 	Guest" is defined as an AREA professional focus spouse or companion. tration category includes admission to social functions and participation once sessions with a spouse or companion, but excludes Continuing n Units. All member-eligible spouses/companions are limited to three ses at this rate before full non-member registration is expected.
	TRATION The Boot Camp is NOT inclu T CAMP you wish to attend: IN Early-Bird Registration	ded in the Main Conference registration FERMEDIATE— "FELA/Railroad Worke Calculating Economic	ers: <u>ADVANCED</u> — "Valuation of Employer-Paid
	No later than 05/25/18	After 05/25/18	CLICK HERE to pay your conference
AREA Members and Non-M	embers 🗌 \$450		registration fees through PayPal.
DISCOUNTS AVAILABLE	Non-members registering for bo	th Main Conference AND Boot C	Deduct \$150 from total registration fee. Camp: Deduct \$50 from total registration fee.
PAYMENT INFORMA	TION Make checks payable to "A		
			for receipt according to the following schedule. directly with the hotel at which you are staying.
0	n or before May 25, 2018 • Betwee FULL REFUND	en May 26 and June 11, 2018 ● REFUND LESS \$75	After June 11, 2018 NO REFUND
Step 1: EMAIL OR	FAX COMPLETED REGIST	RATION FORM TO: area	@gasvcs.net • FAX 619.839.3817
	R CHECK OR MONEY ORDE NE THROUGH PAYPAL	er to: "Area," po box	19941, SAN DIEGO, CA 92159