

# AREA

AMERICAN  
REHABILITATION  
ECONOMICS  
ASSOCIATION

Bringing recognition to the combined use of vocational rehabilitation and economic loss assessment as a distinct discipline, and providing a peer-exchange forum for vocational, economic and rehabilitation experts who practice within this growing field.

NEWSLETTER SPRING 2022

Matt Sims, RFE '09, FVE '09 - Editor

## WITH GREAT SADNESS, THE LOSS OF A GIANT



It is with heartfelt sadness that one of our beloved members, **James D. Rodgers**, has passed away. Professor Rodgers was hospitalized in early February after coming down with COVID. He was an admired forensic economist and valued member of AREA since 1988. Dr. Rodgers taught Economics at Penn State University from 1969-1999. He has authored and published in several professional journals, including our own, *The Earnings Analyst*. He has held several different positions on professional boards. Those who knew him professionally were fortunate, as he had a wealth of experience and wisdom that he shared. Those among us who knew him together take comfort in sharing our condolences. He will be dearly missed by many. [Obituary](#)

## SAVE THE DATE!

**AREA 2022 Annual Conference** is in-person at the Millennium Knickerbocker Hotel in Chicago May 26-28, 2022. This will be the first live in-person conference we've had in two years. The theme is "Offsets: Earning and Mitigation in Post-COVID Litigation." Registration forms are beginning to roll in. You don't want to miss this conference! [Click here](#) for complete details.



**The next Certified Economic Analyst (CEA) exam** will be held the day after the conference concludes, on Sunday, May 29, and proctored by Tom Roney, AREA President-Elect. Those interested in sitting for the CEA exam must submit a [Certification Application](#) for review well in advance of the May conference. [Download](#) the Certification Process Instructions to get started. Contact [AREA](#) with any questions. AREA will be applying for up to 18.5 CEUs for conference attendance from ABVE, CRCC, CDMS, ICHCC (and CEA and CRE, of course) as well!

We continue with our vigilance and **updated appraisals on the COVID protocols** put before us in the Windy City. The latest we have is taken from the following link (<https://www.chicago.gov/city/en/sites/covid-19/home.html>) and found on AREA's [website](#).



Not on the **AREA email distribution list**? Email us with your contact info to [area@gasvcs.net](mailto:area@gasvcs.net).



**PRESIDENT'S LETTER** *by Robert J. Paré, MS, FVE '19*

Dear Members and Friends of AREA:

We made it! Spring 2022 has arrived. Within AREA, that especially means that our Membership Renewal Campaign is in full gear, we are seeking continued and new Friends of the Association, the Spring Newsletter is on-time and in your hands, and —of course— AREA's Annual Conference planning and registration is well underway. (Have YOU registered yet? You will be missed if not there!)

It takes a lot of energy from many folks to keep this all happening ... to keep all the balls juggling in the air, and to ongoingly excite, inform, and deliver the value of being an AREA association member. As a bottom line, we believe that **Membership Matters**. It is not something lightly entered into or continued. Dedicated professionals, like all serving on the AREA Board, make it seemingly easy to make it all possible for our peers. Serving (as volunteers, no less!) on the Board is not only an honor. It is a commitment and a duty, a paying-it-forward to those who have brought us to today, and to those who will sustain us into the future of our profession. So, I ask you, please remember once in a while to thank a Board member who is working very hard for you. Meanwhile, visit our [website](#) to be sure that you are familiar with each of the 7 of us.

But of course, AREA is not its Board, nor limited to it alone, by any means. The belonging through *membership* is the sustaining element of our existence. All member contributions—dues payment, volunteer service, application for certification and recertification, peer mentoring, making presentations, and personal promotion of AREA to others—define to who we are and will continue to be! There is no reason for us to not WEAR our AREA association with pride!

A recent thread on a listserv that I follow discussed the repulsiveness, if not fraud, regarding “experts” who claim ongoing membership in a professional association on their CV, and yet, do not honestly have such, or allowed it to lapse long ago. The common reply from responders to the thread spoke for itself in highlighting the value that paid professional membership holds not only for the person involved, but also for public acceptance and perception, and in the case at hand, in the legal setting. Membership is one way to show that one cares about their craft, and their commitment to the professional relationships, ongoing literature, and educational updates derived from their formal belonging.

It has been said that our Annual Conference is the highlight of what AREA does for its members! Having served in a Board capacity, I certainly may attest to that. So, to those who have already renewed with AREA, thank you! To those who have not renewed, or may be new to this Association, please do give serious consideration to belonging to this very unique association that puts Vocational Experts, Life Care Planners, and Economic Experts in the closest proximation to one another as it gets!

Wishing a great Spring for you and yours, in whatever form(s) that may take this year!

Sincerely,

Bob Paré, FVE '19  
AREA President

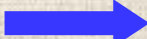
**2022 CONFERENCE  
BROCHURE COMING  
YOUR WAY!**



## DOES THE COMPETITION MEASURE UP?

Tired of reading the same boilerplate report over and over again? Instead of complaining, why not do something about it? Consider spreading the word about all that an AREA membership has to offer. Forensic work can be isolative sometimes, only knowing other experts if they are on the other side of the table, or if they use your report as foundation for their report.

At an AREA conference, you get to meet the *actual person* behind the pen (or word processor), even if they are of a different “damages” specialty. Send them a copy of this newsletter, and recommend membership in AREA!

Look at our New Members just this quarter! 

For more membership information, please contact our Vice-President, External, Matt Sims, FVE '09, RFE '09 at [sims@simsandwhite.com](mailto:sims@simsandwhite.com).

**Attention AREA members!** The DEADLINE to submit your annual dues and ethics renewal was March 15. If you haven't gotten them in yet, please do so ASAP (**no later than MARCH 31**). If you haven't receive the email in your inbox, please contact Margy at [area@gasvcs.net](mailto:area@gasvcs.net) at your early opportunity.

## WELCOME NEW MEMBERS!

**Jeremy Jackson** – Professional member

**Charlotte Otabor** – Associate member

**Nicholas Buzas** – Professional member

**Teresa Hearn** – Associate member

**WE'RE GLAD YOU'RE HERE!**

## DO YOU HAVE WHAT IT TAKES??

The term of art is ... Campbell's soup. Do you have an alphabet soup of professional CREDENTIALS next to your name yet? Did you also know that AREA's newest credential, “EA,” does not require trial experience? You're welcome!

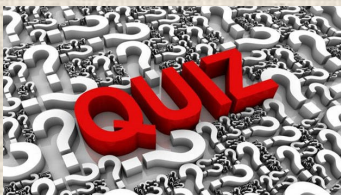
Right now, we have scheduled the **NEXT CEA EXAM** to take place the day after the conference concludes, on Sunday, May 29, proctored by Tom Roney, AREA President-Elect. Contact the [AREA](#) office about sitting for the exam!

Attention “**Associate**” members! Have you gained three years of experience to qualify as a Professional member? If so, level-up!!!

AREA is the only international certifying body that has this unique blend of professions in pecuniary damages and loss assessment. In addition to membership status, unique designations available only through AREA are the RFE (Registered Forensic Economist), FVE (Forensic Vocational Expert), EA (Earnings Analyst) and the CEA (Certified Earnings Analyst). Unlike some credentials, ours are actually named such that they truly spell out your specific area/s of expertise.

## NOT THE SAME OLD ROUTINE!

Check out AREA's new and improved website! Want to test your knowledge? Visit the website and see if you can find the answers to the following questions:



- Have you looked in the [Association News](#) tab of the website?
- What is the early registration deadline for our next Annual Conference?
- What does the credential RFE stand for?
- Who is our newest Board member?

## TIPS FROM A PRO

Many aspects of our lives have changed since the beginning of the COVID-19 pandemic. If you would like to share with us how this has impacted your professional practice, to include how you handle COVID-19 situations in your reports, your story may be included in the next issue of our newsletter.

CONTACT: Matt Sims, FVE '09, RFE '09 at [sims@simsandwhite.com](mailto:sims@simsandwhite.com)

**COVID-19 tip:** “I typically work in Arizona, Nevada, Utah and New Mexico,” says Matt Sims, MS, MC, FVE '09, RFE '09. “With the nonessential business closures during 2020 related to the COVID-19 pandemic, I’ve had to research State websites for the specific dates of closure, and keep these dates handy for cases involving earnings loss during the year 2020. I then adjust earnings down using these dates, for basically anyone in a non-medical occupation. It doesn’t take much to do, but I tell ya, if you don’t do it, expect to be questioned about it when you testify.”

**Need to finish a report in a crunch?** Medical chronologies can be a lot of fluff, but they could be very minimalistic if time is of the essence. Try starting your report with the conclusions, then only put in what is necessary to support your conclusions, and meet your methodology’s standards.

— Matt Sims, FVE '09, RFE '09



## ALL ABOARD! BOARD MEMBERS WANTED

It’s that time of year again. The time has come to consider becoming a member of AREA’s Board. The two-year term (2022-2023) commences this summer. If you have a desire to work toward the advancement of the goals and mission of AREA, please consider this opportunity to be instrumentally involved in the leadership of AREA. The Board meets monthly via Zoom, where we formalize the meeting agenda, discuss the budget, discuss old business, discuss committee and position updates, discuss new business, vote on decisions, and plan the next board meeting. It’s easier than you think. Come in, the water is fine!

Board positions that will become available for our next vote include:



1) **President-Elect** – This person will become the President, needs to be (or can become) a CEA, FVE, or RFE before becoming President. *Note that Rachel Duchon, FVE '12 will be running for this position.*

2) **Vice-President, External** – Responsible for Newsletter and Membership. *Note that Matt Sims, FVE '09, RFE '09 will be running for a second term in this position.*

3) **At-Large Board Member** – This is a voting Board position with no formal area of responsibility. You can choose how you’d like to help the organization! *Note that Brad Coffey, FVE '06 will be running for this position.*

## IS THE 2020 DATA GOOD ENOUGH?

The U.S. Census Bureau is releasing their 5-year data from the American Community Survey in mid-March. Last October, the Census Bureau released the survey's 1-year estimates only in an experimental format with a warning that it may not meet the agency's statistical quality standards. The Census Bureau said it revised its methodology in the 5-year estimates to reduce gaps in data collected in 2020. "After evaluating the effectiveness of this methodology, the Census Bureau determined the resulting data are fit for public release, government and business uses, and understanding the social and economic characteristics of the U.S. population and economy," the agency said in a statement.

## HEAR YE! HEAR YE!

Is your practice growing? Have you recently been promoted? Have you been recognized with a special award, or become a member of a Board, etc.? Are you twitterpated? Or expecting a brand new family member? Don't keep it to yourself ... We want to hear it and post it under "Member News" on the AREA webpage. To begin, please email Matt Sims, FVE '09, RFE '09 at [sims@simsandwhite.com](mailto:sims@simsandwhite.com).



### CONGRATULATIONS!!

to **Ron Smolarski, CEA '99** and his firm  
Beacon Rehabilitation Services, Inc.

AREA wanted to share the good news that



**Beacon Rehabilitation Services Inc.** has been recognized as a 2021 Better Business Bureau (BBB) Torch Award for Ethics winner. Beacon Rehabilitation Services, Inc. proudly accepted the Better Business Bureau of Eastern Michigan and the Upper Peninsula's 2021 Torch Award for Ethics for businesses with 1-10 employees. This designation is awarded to accredited businesses that "display an outstanding level of ethics and integrity in all that they do. These organizations generate a high level of trust among their employees, customers, and those within their communities." The judges said, "This organization demonstrates a high level of commitment to ethical practices for its employees, industry, patients, and the legal arena. They follow the CRCC code of professional ethics and have received many awards. The firm's testimonies and demonstration of community and leadership further solidify their commitment to ethical practices."

"I am privileged and proud to have helped hundreds of adults and children over my 40+ year career, including those suffering from brain damage, Cerebral Palsy, amputations, spinal injuries, transplants, burns, and other forms of personal injury," said Ronald Smolarski, Founder and Director. "I am honored to receive this very special and meaningful award."

## THE EARNINGS ANALYST (“TEA”)

### BECAUSE “BEST JOURNAL ON THE PLANET” IS NOT A TITLE WE COULD USE

Along with the Collegium of Pecuniary Damages Experts (CPDE), AREA co-publishes The Earnings Analyst (TEA) Journal. Do you have an interesting case? Don't keep it to yourself, tell us! TEA is a peer-reviewed professional journal that provides a great opportunity for those working in the field of forensic economics, vocational analysis, or life care planning to publish. If you have information which has been researched and proven effective in analyzing your forensic work, please consider submitting an article. Your experience, research and findings can help many in our field be better at their work. If you have questions about how to make a submission, please contact Nora Ostrofe, Rachel Duchon or Cloie Johnson through the journal's website, <https://theearningsanalyst.com/>.

As a member of AREA and/or CPDE, you are benefitted not only with great collegial discussion and camaraderie, but with access to the peer-reviewed journal *The Earnings Analyst*. As you may know, peer-reviewed journals provide foundation for generally accepted methodologies and research within our practices which highlights our knowledge, training, experience and specialized knowledge.

Your unlimited access to *The Earnings Analyst* begins with a simple registration for access. If you have not done this yet, please follow the instructions below. Further, if you have problems, please reach out for assistance.

Below are the instructions:

Please go to <https://theearningsanalyst.com/> to register. At the top right there is a registration tab. Click on this link and follow the instructions. From that point forward you will have full access to the journal using the [member/subscriber](#) link on the right-hand side.

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## THE EARNINGS ANALYST

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Official Journal of the  
American Rehabilitation Economics Association  
produced in collaboration with the  
Collegium of Pecuniary Damages Experts

**Articles**

*Jeroen Walstra*  
Earnings and length of professional careers of jockeys in the United States

*Kaycea Campbell, Adrian McFarlane, and Anupam Das*  
On the use of exchange rate models in damage compensation calculations

*Jeroen Walstra*  
Earnings and career length of professional MLS Soccer players in the United States

**Practice Notes**

*William F. Landsea*  
Practice Note: Race, Racial Identity, and Forensic Economics

*Kaycea Campbell*  
Practice Note: Experimental Designs for Damage Calculations

Volume 17
[www.TheEarningsAnalyst.com](http://www.TheEarningsAnalyst.com)
2021

## THE EARNINGS ANALYST (TEA)

CALL FOR PAPERS – Special Issue (Jim Rodgers)  
SUBMISSIONS GUIDELINES by 4/8/2022  
<https://www.theearningsanalyst.com/submission-guidelines/>



Jim Rodgers had so much impact upon the forensic economics field. We have been shaken by his passing and know the chasm that he has left. The Earnings Analyst is calling for papers, thoughts, memories, notes, research, and any and all messages that friends and colleagues wish to share. This is a Memorial Edition that will be published for Jim Rodgers. Jim's contributions to AREA, CPDE, and TEA will be the focus of this issue. The link for submitting your work is provided above or below. Please ensure that your submittal is print-ready, and please include your name and e-mail address. Jim will be deeply missed. We ask that all submittals be uploaded by 4/8/2022 for a timely publication.

Submit HERE!

 Visit the TEA website at:  
<https://www.theearningsanalyst.com/>

Address TEA inquiries to

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## MY NAME IS ....

In each newsletter, we are profiling a member or two of the Board. Have you met ...



### **Christina J. Hughes**

MS, CRC, EA '19

At-Large Board Member

Christina Hughes is a Certified Rehabilitation Counselor (CRC), having worked in both private and public sector vocational rehabilitation since the late 80s. She holds a master's degree in Rehabilitation Counseling and bachelor degrees in Psychology and Art.

Christina has been a member of AREA since 2008 and became a Professional Member in 2019. She currently holds an Earnings Analyst (EA) membership with AREA. In addition to providing vocational assessments and damages analyses in personal injury cases, she works with veterans providing assessments for vocational rehabilitation services, career and benefit counseling, and job readiness services.

Christina is married and has three college-aged children, two dogs, and a cat. In addition to spending time with her family, she enjoys bird-watching and taking photographs of the outrageously gorgeous sunsets that generously bless the high desert Eastern Sierra foothills where she resides.

## **Advertise with AREA's FRIENDS OF THE ASSOCIATION program**

Our costs are rising!

We know, so are yours. And these are challenging times financially and from all corners, it seems.

*So maybe AREA can assist with a win-win for us as well as your company or practice.*

Please consider advertising that puts your name in front of many, and at a nominal cost, especially when compared to many other options available to you.

AREA's "Friends of the Association" (FOTA) program has traditionally been known for its one-time generous mention at the Annual Conference. While we have kept that item at the same rate of \$250, advertising now continues for a full year beginning on the date of subscription. It then continues on the next year's conference brochure, and on the AREA website at no additional charge. In addition, advertising options are also now available\* as ...

- a sponsor for a specific AREA's Webinar - \$25, or
- a sponsor for an AREA's Quarterly Newsletter - \$50.

Call us for more information, or use the easy drop-down menu from our webpage [HERE](#) to get started!

A BIG "Thank You!" goes out to [all already involved](#) and posted on the [website](#).

## RECENT CASE LAW OF INTEREST TO FORENSIC ECONOMISTS AND VOCATIONAL EXPERTS

*Dr. Thomas Ireland, Professor Emeritus of Economics at the University of Missouri-St. Louis, has graciously been keeping a webpage with a collection of published court cases that are of interest to all of our professions. His website is located at <http://www.umsi.edu/~irelandt/index.html>.*

*Scrolling down to the link titled Legal Decisions Developed or Revised During 2021, the following three cases presented here in this newsletter. Some of the citations contain a further explanation by Dr. Ireland himself. There are many more cases listed at this link and on the website, and you are encouraged to search through it.*

① *Adriatic Marine, LLC v. Harrington*, 2020 U.S. Dist. LEXIS 26514 (E.D. LA 2020). Glenn Hebert, as the vocational expert for Harrington, had calculated Harrington's 2019 income as \$85,684. Adriatic Marine submitted tax returns showing that Harrington had only earned \$36,993 in 2019, resulting in a substantial overstatement of Harrington's losses. Based on this error, Hebert was excluded from testifying. G. Randolph Rice, an economic expert whose report was based on Hebert's calculation, was also excluded from testifying. A request from Harrington to submit corrected reports was also denied.

② *Smith v. Chrysler Group*, 2017 U.S. Dist. LEXIS 232222 (E.D. TX 2017). This decision of Federal Magistrate Judge Keith F. Giblin excluded the "per diem" economic testimony of Dr. Gary D. Kronrad regarding mental anguish and loss of companionship and society and Kronrad's testimony about household services because Kronrad's testimony about household services made no effort to ascertain the actual service contributions of the decedent or the decedent's health conditions prior to his death.

③ *Budagov v. Char*, 2020 N.J. Super. Unpub. LEXIS 1869 (N.J. Super. 2020). Judge De La Cruz denied a defense motion to exclude the testimony of plaintiff economic experts Kristin Kucsma and Kenneth Betz regarding loss of household services, but granted a defense motion to exclude their testimony regarding loss of companionship services of a man with double amputation of his legs. Kucsma and Betz had provided a total value for the household services of the injured plaintiff and estimated

that 80% to 100% of his ability to provide household services had been lost. The decision did not discuss how the total value was calculated, but

indicated that the defense had also provided an alternative expert report for the loss of household services and would also be permitted to testify about that expert's opinions. The defense expert was not named. With respect to the claim for loss of the plaintiff's companionship, Judge De La Cruz said:

The economists' opinion on these claims for loss of companionship services are all based on activities that are non-economic in nature. These non-economic claims are within the purview of the jury's discreet evaluation, as they involve evaluation and credibility findings regarding the loss of intimacy, companionship, marital relations, and acts of love that are unique and individual to this couple. . . These non-economic claims are based on plaintiffs' relationship and are not items that are within the purview of an economist to place a price tag on.



*To ensure you receive future newsletters and educational announcements from AREA, please email "ADD ME TO YOUR DISTRIBUTION LIST" with your name, firm name, cell phone number, and preferred email address to [area@gasvcs.net](mailto:area@gasvcs.net). Thank you!*

## AREA'S VALUED AND CURRENT FRIENDS OF THE ASSOCIATION

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**BEACON  
REHAB**

*Established 1979*

Certified Life Care Planner CLCP  
Forensic Economist CEA  
Vocational Expert IPEC, CRC, ABVE/D, CVE  
Certified Functional Capacity Evaluator CDEII



**PREMIER VOCATIONAL EXPERTS**

*Life Care Planning & Rehabilitation Services*

**C**onsultative **R**ever & **R**ehabilitation



**RE-EMPLOYMENT  
RESOURCES, L.C.**

Jeroen Walstra, CEA  
Earnings Analyst



**SHIPP NEEDHAM**  
Economic Analysis, LLC



**Thomas Roney LLC**  
*Economic Consulting*

**VME**  
**VOCMED ECON**