

# 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 OCTOBER 2022

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

## WHAT A CONFERENCE WE HAD IN MAY!!



This was one of the most participation-friendly conferences we've held in years, containing experts spanning from the fields of forensic economics, vocational / earning capacity, and life care planning, all together and having fun. And, that was BEFORE we knew about the professional pole sport (dancing) competition that was also going on at the hotel. A couple of the members got some nice photos by the way. The Chicago weather gave us quite a variety, but the local cuisines were consistently delicious everywhere we went. We wanted to give a special thank-you to the presenters, whom made this conference a real stand-out event amongst others:

Allyn Needham, PhD, CEA '00  
Kristin Kucsma, MA  
George Barrett, MBA, MSRC, FVE '11  
William Houston Reed, PhD  
Roderick C. Stoneburner, MS

Dawn Cook, RN, CNLCP, CLCP  
Frank Slesnick, PhD  
Roman Garagulagian, PhD  
Victor Matheson, PhD  
Thomas Ireland, PhD

V. Robert May, III, RhD  
Anthony Andrews, PhD  
Travis Andrews, PhD  
Ronald Smolarski, MA, CEA '99  
Shannon Shipp, PhD, CEA '00



Additional conference photos may be seen throughout this newsletter, courtesy of AREA member Steve Bast, EA '22.

## A SPECIAL THANK YOU

AREA's Board would formally like to thank the people whom have made financial contributions to help fund this year's conference's President's Reception. The following people stepped up to the plate to assist, and they deserve our warmest THANK YOU for making possible this traditional conference component. Please give your hands up for: **Neil Bennett, Bill Reed, Allyn Needham and Enrique Vega!** You are our conference heroes!

## MARKETING EXPOSURE

Sponsors are now immediately sought for the periodic virtual webinars for requested donations of \$75 per sponsor. Newsletter sponsor options are also available in an advertising form.

Please contact Bob Paré at [rpare@consultativerehab.com](mailto:rpare@consultativerehab.com) for more information. We extend a big thank-you to all sponsors for your invaluable contribution to AREA.

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



Dear AREA Members and Friends:

A special thanks and recognition, once again, goes out to Ron Smolarski for his role and contributions as AREA's 2022 Conference Chair!

Following AREA's inspirational May conference (see more on this within this newsletter) in Chicago, the AREA moved forward to enter into our 33rd year as an Association. During the summer months, your Board was updated with Officers and Directors for the 2022-23 year as follows:

*Robert J. Paré, FVE —President*

*Rachel A. Duchon, FVE —President-Elect*

*Nora C. Ostrofe, CEA —Past President*

*J. Matthew Sims, FVE, RFE —Vice-President, External*

*Ronald T. Smolarski, CEA —Vice-President, Internal*

*Christina J. Hughes, EA — At-Large Board Member*

*Thomas M. Roney — At-Large Board Member*

*With Margy Ashby as our Secretary/Treasurer  
(long-term and non-voting)*

I am very proud to have the privilege of working with these inspirational and contributing members of AREA. Please do take a moment to thank them for their service, and to also let them know of your reflections, highlights, and concerns moving forward. Some positions change from year to year, and your Association is always eager to hear from additional members who want to be heard and more involved.

Looking forward, our Newsletter Editor, Matt Sims, has provided you with much information regarding the upcoming AREA conference in Reno, NV, in May 2023, along with other exciting topics.

Stay in touch, and stay tuned! Wishing you a prosperous and wholesome Fall Season ahead,

Bob Paré, FVE '19  
AREA President

## HALL OF PRESIDENTS

In development for our website is the **Hall of Presidents**. In honor of all of our past Presidents, we are undertaking a project of developing a webpage with the history of AREA's Presidents. We are planning to unveil this at our 2023 Annual Conference in Reno. More to follow in upcoming newsletters. If you have any questions, please contact Christina J. Hughes, MS, CRC, EA '19 – At-Large Board Member, [christina@chughesvs.com](mailto:christina@chughesvs.com).

## 2022 ANNUAL CONFERENCE PHOTOS *(more photos follow, courtesy of Steve Bast, EA '22)*



## MARK YOUR CALENDAR, OR TELL ALEXA TO SCHEDULE THIS FOR YOU

Next year's conference is scheduled for **May 18-20, 2023**, at the Eldorado Resort Casino, in Reno, Nevada! The conference theme is "Achieving Reasonable Certainty in Uncertain Markets." *Now, read the next section ...*

## CONTROVERSY? INTRIGUE? SOMETHING NEW? SOMETHING BLUE?



This is a call out to anyone who may be interested in presenting at AREA's 2023 Annual Conference, to be located in Reno, Nevada. Put your thinking caps on ... it could be you, another expert, an attorney, a judge, or maybe a specialist of some kind. It can be you plus someone else together – no need to do it alone! Oftentimes a simple presentation can lead to a published article, so don't be too shy. Either way, adding a presentation to your credentials is a great way to market yourself and make new friends in the profession. AREA conferences tend to be close-nit and interactive, and at this past conference there was one presentation that didn't even get past the first topic because of such excellent and positive

participation, which I think everyone appreciated and benefited from. It's easier than you think. Give it a try! Speak to someone else about doing it!

At our annual post-conference meeting, the following presentation topics were recommended. Please review and see if you or anyone you know of might be interested in discussing/presenting on one of these areas of interest:

- Railroad worker evaluations
- ADA status as pertains to report writing
- Development of "earning capacity" concept for foundation in reports
- Assessing the non-resident (immigration) worker
- LCP codes or coder information
- Military evaluations
- Wrongful discharge from employment and/or discrimination cases
- Sexually harassed Evaluatee
- Occupational Requirements Survey
- Worklife expectancy (and Life Expectancy) for persons with disabilities
- Sample Formats for reports
- Jones Act cases
- How to market a forensic practice
- Intake forms

For more information and suggestions, please contact our Conference Chair, Ron Smolarski, MA, CEA '99 at [ron@beaconrehab.com](mailto:ron@beaconrehab.com) with your ideas.

## WANT TO LEARN HOW TO HOST A CONFERENCE?

Ronald Smolarski, MA, CEA '99, will once again be in charge of putting on next year's conference. He is looking to mentor someone, and to write up a "manual" of sorts on how and what he does best – put on a fantastic conference! He learned a lot from his experience, and he wants to share his invaluable knowledge with someone, and write it all up for the benefit of our organization going into the future. Are you organized? Want to get to know future speakers? Want to get noticed? This is a great mentorship opportunity for one (hey, even two) lucky person(s). For more information, please contact Ron at [ron@beaconrehab.com](mailto:ron@beaconrehab.com).



## I'M NEW, WHAT DO I DO?

AREA's annual conferences have what we call pre-conference Boot Camp sessions. These are designed for those who want to learn about how to use Excel and economic statistics, wage growth rates, medical care growth rates, discount rates, worklife expectancy, life expectancy, earning capacity, present value calculations, and, a variety of advanced forensic economic topics, too. These sessions are to help you prepare to take our certification exam, and/or, to simply become a better and more educated forensic expert. Additionally, AREA's website contains a number of links to websites that contain additional and useful information. [Check it out!](#)



## 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!

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

## DO YOU HAVE WHAT IT TAKES??

The term of art is ... alphabet 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? Become an Earnings Analyst. You're welcome!

Attention "**Associate**" members! Have you gained 3 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.

## 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).

**WELCOME NEW MEMBER,  
WE'RE GLAD YOU'RE HERE!**

**Louis Lipinski** – Professional member

Louis makes the 8th new AREA member  
since last year's conference!



## 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)

- 1) **Do you know the hat trick in Excel?** I am probably wrong, but when I went to graduate school, the professors called the ^ symbol (SHIFT 6) a “hat,” because it looks like a hat. This symbol is used to raise a number (before the hat), by the exponent of the number (after the hat). If you wanted to raise the number 5 by an exponent of 3 (*i.e.*,  $5 \times 5 \times 5$ ), you’d type in a cell the following: “=5^3” (*quotes added*). The equal sign before the 5 starts the math formula. The hat raises the number 5 by the power of 3. This can be useful when applying growth and discount rates over the years (year 1, year 2, year 3). – *Contributed by J. Matthew Sims*
- 2) **If you make a joke at trial**, only tell a *self-deprecating* joke. You never know who you could offend otherwise, or why. If you joke about yourself, you are safe. – *Contributed by Dr. Barry Ben-Zion*
- 3) **Flying First Class** — *This tip applies more to the self-employed.* First, as a cheap, money-pinching, Levi’s blue jeans-wearing, SpaghettiOs®-eating kind of economist, it took me 20 years to finally-finally-finally figure out that it’s worth paying for First Class airline tickets on flights longer than, say, an hour-and-a-half. Why? Because there is plenty of room in those big seats to open your laptop and get some billing work done – enough billing time to pay for the upgrade. Second, no worries about overhead space, at all. Third, there is plenty of room to lean the seat all the way back without annoying anyone, and, stretch your legs out as you please. It’s truly no problem in First Class. Fourth, and you’d never think of this one, you get to use “priority lanes” to check in luggage and such, and there’s no real line there ... really. Fifth, free wine and free snacks (yes, I know you’ve already paid for it), and the wine is served in an actual glass-glass, not a plastic cup. Sixth, did I mention free wine? (I’m writing this tip while flying in First Class, so give me a break). Seventh, it actually and honestly feels wonderful to fly in First Class, from at least a stress-management standpoint. Eighth, if you are flying for work, tell your clients they can either pay for your hourly travel time in coach while you cannot bill on any case due to the cramped space, or, they can pay for your First Class ticket while you bill on other cases ... they’ll pay for the ticket! This is actually a real thing here folks. Ninth, you get a nice, clean and available bathroom, while others in coach stand in a line. Tenth ... you look better in First Class, and, the people next to you smell nicer, too. You know there are times when someone walks by you and they just plain smell nice? Those are the people who fly First Class. Folks, I only wish I had figured this tip out many years ago; I hope you gain from my experience. – *Contributed by J. Matthew Sims*



## WHAT ON EARTH DOES THE VICE PRESIDENT OF EXTERNAL AFFAIRS DO?

Many members do not know the nuts and bolts of being a Board member. This section profiles one of the AREA Board positions, as excerpted from the AREA Bylaws ...

Article IV. The Officers, Section 7: Vice President of External Affairs. The Vice President of External Affairs shall be a member of the Board of Directors and the Publications Committee. He/she shall be responsible for the coordination, development and printing of the organization's newsletter with editorial review and approval by the President, and shall supervise all membership drives. He/she may also be asked to oversee other publications and materials authorized by the Board of Directors.

**MEETINGS**— Participate in monthly Board meetings via Zoom.

**NEWSLETTER**— This is currently a quarterly publication, with no set publication dates.

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| <ul style="list-style-type: none"> <li>a. Obtain previous newsletter draft (a Word document), and essentially edit it with new information, such as:</li> <li>b. Get 3 new case law citations of interest (from Tom Ireland's website).</li> <li>c. List new members, and list newly earned credentials of members.</li> <li>d. Come up with new "Tips from a Pro."</li> <li>e. Conference updates, and webinar updates.</li> </ul> | <ul style="list-style-type: none"> <li>f. Update requests for articles and speakers regarding current topics of interest (look at various listserv postings).</li> <li>g. Profile a Board member and/or a Board position.</li> <li>h. Submit to President for review and edits.</li> <li>i. Secretary to take the source document, format it into the publication software of choice, and send a draft of the newsletter to VP-External and President for review/edits. It is then posted on the AREA website and a source link emailed to the membership.</li> </ul> |
|---|---|

### MEMBERSHIP

New Members:

1. Secretary will send new membership application submittals to you for review.
2. Review [requirements](#), and see if the application is complete.
3. If complete, notify the Secretary that the applicant meets the prescribed criteria. If incomplete, notify the Secretary (and applicant) of the application deficiencies.

Old Members:

1. Secretary will provide a list of members who have not renewed their annual dues.
2. Call these folks *and* email them, to see if they intend to continue their membership.

**CONFERENCE**— Attend AREA's Annual Conference (including in-person Board dinner, Annual Business Meeting, and President's Reception).

**FINAL**— Towards the end of the 2-year term, identify potential candidates to succeed you as the next Vice President of External Affairs.



## **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 to the TEA. 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 benefited 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 before, please follow the instructions below. Further, if you have problems, please reach out for assistance.

#### TEA Access Instructions:

- Visit <https://theearningsanalyst.com/> to register.
- At the top right of the home, please click on the “Register” link and follow the instructions.
- From that point forward you will have full member access to the journal using the member/subscriber link on the right-hand side.

## **2022 ANNUAL CONFERENCE PHOTOS**



*(All photographs in this issue courtesy of  
AREA member Steve Bast, EA '22)*



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

*The following is in regards to the **Mirror Image Approach**. A special thanks goes to those who have posted on the FE-L listserv on this topic recently. They are the inspiration for this topic.*

The Mirror Image Approach is an approach to selecting growth and discount rates, by taking a historical average. The length of history used, is dependent on the duration of the damages from the DOI through the projected future (i.e., the worklife; the life expectancy). So, if an earnings loss is being projected out 10 years, then a 10-year history of average earnings growth and/or interest rates would be used. If an earnings loss is projected out 30 years, then a 30-year historical average is used.

The argument for, is that the growth and discount rates are NOT cherry picked by the economist; therefore, the economist is being unbiased. The arguments against include (a) there is no economic theory or publication that supports this approach. (b) The mirror image approach is an arbitrary choice, purely dependent on a random event, which is based on an individual's age. With every individual being evaluated, this approach provides for different growth and discount rates than it would in other similar individuals. Case in point, with a case involving two Plaintiffs of different ages injured in the same accident, there would be different growth and discount rates used for each, during the same calendar years. Here, it would be very difficult to defend this approach.

*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>.*

*The following three cases are 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.*

*Henkle v. Cumberland Farms, Inc.*, 2017 U.S. Dist. LEXIS 217367. Defendants challenged the admissibility of projections of future medical expenses by Roderick Moe, CPA. Moe had used the mirror image approach, which Judge Donald M. Middlebrooks described as follows:

In order to determine the present value of Henkle's future medical expenses, Moe multiplied Henkle's future medical expenses by a projected percentage increase in costs per year ("growth rate") for six categories of medical

[care] to calculate the growth rate for each category, Moe calculated the average yearly change in medical costs for that category over the past 24 years. Moe selected the past 24 years as the relevant time frame for determining changes in medical expenses in order to "reflect the future 24 years of medical costs," which represent Henkle's life expectancy.

Judge Middlebrooks pointed out that Moe provided no indication that his method for determining growth rates by the "mirror image" approach was generally accepted or defended in any existing publication, and cited *Ollis v. Knecht*, 751 N.E. 825 (IN App. 2001), which had rejected a different economic expert who had also used the "mirror image" approach.

*Ollis v. Knecht*, 751 N.E. 2d 825 (Ind. App. 2001). Dr. Terrence Parks used a "mirror image approach" for projecting the plaintiff's loss of earnings. Dr. Parks assumed that the plaintiff's death caused a loss of fourteen years of earnings and therefore used a fourteen-year period from the past to project future wage increases and the future discount rate. In a 702(b) hearing, Dr. Parks was unable to name a peer reviewed publication that supported the mirror image approach, though he claimed that Gerald Martin's book (unidentified by title) supported the mirror image approach. Dr. Parks did not provide a full citation to Martin's book. Since Dr. Parks was unable to provide any citation to support his assertion that this method was generally accepted within the field of economics, his testimony was not allowed.

*To ensure receipt of future newsletters and educational announcements, please email your name, firm name, cell phone number, and preferred email address to [area@gasvcs.net](mailto:area@gasvcs.net) with ADD ME TO YOUR EMAIL LIST in the subject line. Thanks!*



### CORRECTION

In our last AREA newsletter, James D. Rodgers, PhD, was mentioned to have taught at Pennsylvania University. AREA apologizes for the misstatement and herewith corrects the record by noting that Dr. Rodgers taught at Pennsylvania State University.

— J. Matthew Sims, MS, MC, FVE '09, RFE '09

AREA's CURRENT and VALUED  
**FRIENDS OF THE ASSOCIATION ... THANK YOU!**



**BEACON  
REHAB**  
*Established 1979*

Certified Life Care Planner CLCP  
Forensic Economist CEA  
Vocational Expert IPEC, CRC, ABVE/D, CVE  
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**Jeroen Walstra, CEA**  
**Earnings Analyst**



**SHIPP NEEDHAM**  
**Economic Analysis, LLC**

**Jacqueline Crawford-Apperson,**  
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