

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 WINTER 2023

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

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

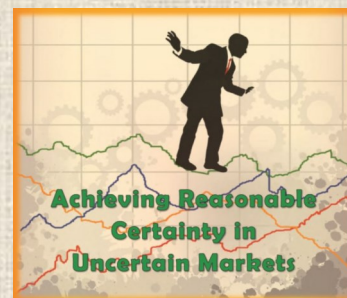
This year's fast-approaching conference is scheduled for **May 18-20, 2023**, at the Eldorado Resort Casino, in Reno, Nevada! The conference theme is "Achieving Reasonable Certainty in Uncertain Markets." A conference brochure will be available soon. Meanwhile, here is the link to the hotel's online registration:

<https://book.passkey.com/event/50382633/owner/49883457/landing>

AREA's ANNUAL CONFERENCE 2023!!

Ron Smolarski, MA, CEA '99 has lined up the speakers for this year's annual conference. He did that in a snap! His job must be easy. Here's the speaker list (with backup speakers) and topics as of February 10:

1. Jerome Paige, Ph.D. and Tom Dawson, Esq. — Medical Coverage, Reasonable Value & Economic Valuation in Life Care Plans: A Case Study
2. Dwight Steward, Ph.D. — Analyzing Employment Termination Damages In Special Cases: A View from Plaintiff and Defense Perspectives
3. Kevin Cahill, Ph.D. — The Ever-Evolving U.S. Workforce
4. Denis Boudreaux, Ph.D — Medical Costs, Inflation, and Current Interest Rates
5. Dubravka Tomic, Ph.D. — Calculation of Economic Damages in Matters Involving Allegations of Employment Discrimination and Sexual Harassment – Special Considerations
6. Philip Cross, Ph.D. — Forensic Economics and Class Actions: Private Provision of Probation Services
7. Edward Garcia, M.S., MAFF — A Practitioner's Lesson on Life Care Plan Valuation: The Basics of the Inputs, Formulas, and Presentation
8. David Pitts, FSA, MAAA — Lost Income / Fringe Benefit Valuation Services
9. Kristin Kucsma, M.A. and George Barrett, MBA, MSRC, CRC, CVE — Intermediate Boot Camp: Fundamentals of Earnings Loss Calculations α to Ω
10. Allyn Needham, Ph.D. — Advanced Boot Camp: Estimating the Economic Damages of the Self-Employed: Lost Profits or Lost Earning Capacity
11. Jeffrey Truthan, M.A., MSRC, CVE — U.S. Government and DOT Changes and Problems
12. Travis Andrews, Ph.D. and Anthony Andrews, Ph.D. — Ethical Practice in Forensic Testimony: Considerations for the Expert Witness
13. Kevin Blair, B.A., ASA — Business Ownership & Risk in Economic Damages to an Individual



AND MOST IMPORTANTLY, THE DAILY HOT BREAKFAST WILL BE BACK THIS YEAR!

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

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



Dear Members and Friends of AREA:

Welcome to AREA's first newsletter of 2023 and thank you to Matt Sims, AREA Vice President - External, who has diligently served again as its Editor, as well as kept us on task to get it ultimately published! So, we move forward. Yet again. Actually, not so much toward a "year," but more—from my perspective, toward each day. Each new one, built on the riches of the past, grounded in the sun of dawn, and with a constructive vision of tomorrow.

Speaking of the riches of the past. Did you know that AREA began at approximately the same time as the Americans With Disabilities Act? As such and being a multi-disciplinary professional association, we have served those with disabilities, notably in economic and vocational matters, for **33 years!**

As a bottom-up Association, the strength of AREA has always been in its members. During that time, we have kept a record of approximately 2 dozen resolute members who have been elected to serve as your President, and countless additional members who have served on the Board of Directors. Some have returned to their office in AREA after their term has expired (Nora Ostrofe and Allyn Needham stands out as 2 of many who are the most-recent Board members to again serve in some capacity after their official tenure; some have risen through the ranks, and others have served consecutive years, to ensure that the Association continues to not only survive, but to prosper. We owe a huge debt of gratitude to these Presidents and their Boards— not to be remiss in mentioning all AREA members— who all volunteer(ed) their precious time and singular talent (and yes, even unreimbursed personal finances— to include Tom Roney, Board Member at Large, among many others!) and safely bring us to this era of continual existence in supporting and promoting the membership whom we serve, and those persons with disabilities who rely upon our economic and rehabilitation expertise.

In a historic and very special way, we want to say "Thank YOU" to all involved, and especially to the Past Presidents of AREA under whose leadership we have continued and prospered. Watch for more ongoing information from Christina Hughes— Board Member at Large, regarding our building of a permanent Hall of Presidents on our website, and our *commemoration of Past Presidents at the upcoming 2023 AREA conference in Reno in May!*

Quickly skimming over the ever-involved work of your Board, we have recently been busy updating many concepts and language sections in several of our ongoing governing documents. Recognizing the new normal of our expenses, we also have been addressing ongoingly budgeting, and realigning AREA rates and fees so as not to be caught short while ensuring our steady financial status remains viable for a futuristic outlook. Our Conference Chair, Ron Smolarski— Vice President - Internal, and others have been very busy at work to ensure that once again, we have a successful conference and event. In other actions:

—Along with the annual Membership renewals approach, we ask you to keep in mind the **discounts** that are available with the multi-year payment of association dues. —We also have started a **New Member Drive** which will give both any new member, as well as their sponsoring member, a 1-year free listing as part of our **Friends of the Association**. —Meanwhile, we encourage all to participate in recruiting associated vendors to also join us as Friends of the Association. —The Board wants to also encourage all to seriously consider obtaining the **CEA** credential, AREA's highest, multi-discipline, and most unique among certifications available only through this association. Watch for quickly developing initiatives regarding the CEA under the leadership of your current President-Elect, Rachel Duchon. —Ongoingly, we urge all members who have earned **AREA credentials** to proudly list them along with your formal name on all official items of your identity! —And lastly, we remind you to review and publicly tout the **AREA Code of Ethics** to which we ascribe.

As we begin another very active year within and for the Association, we hope you may enjoy the information of this newsletter and appreciate what we collectively have done, do now, and will continue to do for one another. Let us know how we are doing.

Best of all- to all- in 2023!

Bob Paré, FVE '19
AREA President

CONSIDERING SITTING FOR THE CEA EXAM AT THE 2023 AREA CONFERENCE?

You should. Here's why:

- CEA certification can be invaluable to vocational experts, CPAs, MBAs, or economists wishing to expand their practice by taking on forensic economic work.
- CEA-holders have demonstrated their proficiency for calculating lost earning capacity, worklife expectancy, loss of economic support (wrongful death), lost household services, and the present value of life care plan costs. No other credential attests to such proficiency in forensic economic calculations.
- The CEA is the only certification that addresses the composite calculations of multiple personal damages in a litigation setting.
- Attorneys want experts with experience or special knowledge. CEA training provided by AREA can help those wanting to get into this field to be better prepared. And with experience and a passing test score, the CEA itself will provide additional support for those as they move forward in this field.

For more information, see the Membership & Certification section of the AREA website: <http://www.a-r-e-a.org>. In addition, feel free to contact CEA certificants among AREA's members as listed in the Membership section of our webpage.

– Courtesy of Nora Ostrofe, MBA, CEA '05

WANT TO LEARN HOW TO HOST A CONFERENCE?

Ronald Smolarski, MA, CEA '99, is once again in charge of speakers for annual conference. He is looking to mentor someone, and to write up a "manual" of sorts on how to do 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 Smolarski, MA, CEA '99 at ron@beaconrehab.com.

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. To contribute, contact: J. Matthew Sims, MS, MC, FVE '09, RFE '09 at sims@simsandwhite.com.

(1) No matter which physician you are basing your opinions on, send a letter to them for them to sign and return, not only to memorialize their opinions, but also to get disclosed. Memorializing opinions is useless if it is not properly disclosed in a case. Make sure they keep a copy of it too ... it doesn't help when it comes for them to testify, and they don't have a copy of it to review and remember. The letter can also be a form, such as a work restriction form or a future medical care recommendations form.

– Courtesy of J. Matthew Sims, MC, MS, FVE '09, RFE '09

(2) If testifying using Zoom, etc., make sure to turn your Alexa off first, even if it is a bit farther away. The last thing you want to have happen is this:

Attorney: Tell me about your education 'n training?

Alexa: Playing songs by Meghan Trainor.

Attorney: I think your Alexa is going.

Meghan Trainor: (*lyrics*) If your lips are moving, if your lips are moving.

Me: Alexa off.

Meghan Trainor: (*lyrics*) If your lips are moving, then you're lyin' lyin' lyin' baby.

Me: Alexa Off!

Attorney: For the record, Meghan Trainor is not testifying.

– Courtesy of J. Matthew Sims, MC, MS, FVE '09, RFE '09, and Michelle Aliff, Ph.D.

BECOME AN AREA BOARD MEMBER!

Demonstrate your Professionalism with Pride!

It's that time of year again. The time has come to consider becoming a member of AREA's Board. The two-year term (2023-2024) 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) **Vice-President, Internal** (responsible for Conference and Ethics)
- 2) **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!)

TECHNICALLY SPEAKING, WHAT IS A WORK RESTRICTION?

As far as I am aware, there is no one single definition of 'work restriction,' or what it actually means aside from a layperson's perspective.

In my opinion, a work restriction can be technically defined as a method or means of treating human diseases, injuries, ailments, infirmities or deformities, and, it is prescribed by a licensed physician (or licensed psychologist) out of medical necessity.

Where do work restrictions come from? The answer is ... a physician's Scope of Practice, which is usually documented in the relevant state's licensure laws. Physicians, and each state will likely have different wording for their laws regarding the practice of medicine, have a scope of practice that says something like this as:

"offering or undertaking to prevent or to diagnose, correct and/or treat in any manner or by any means, methods, or devices any disease, illness, pain, wound, fracture, infirmity, defect or abnormal physical or mental condition of any person," and, "rendering a determination of medical necessity or a decision affecting the diagnosis and/or treatment of a patient."

Source: Federation of State Medical Boards, "Assessing Scope of Practice in Health Care Delivery: Critical Questions in Assuring Public Access and Safety," (page 5). The following is something similar, and is from the Arizona Revised Statutes, 32-1401, under Definitions:

22. "Practice of medicine" means the diagnosis, the treatment or the correction of or the attempt or the claim to be able to diagnose, treat or correct any and all human diseases, injuries, ailments, infirmities or deformities, physical or mental, real or imaginary, by any means, methods, devices or instrumentalities, except as the same may be among the acts or persons not affected by this chapter. The practice of medicine includes the practice of medicine alone or the practice of surgery alone, or both.

Note the words "by any means, methods" ... this wording is what allows physicians to write work restrictions. In contrast to physicians, here's what Arizona law says for professional counselors (ARS 32-3251, Definitions):

10. "Practice of professional counseling" means the professional application of mental health, psychological and human development theories, principles and techniques to:

- (a) Facilitate human development and adjustment throughout the human life span.*
- (b) Assess and facilitate career development.*
- (c) Treat interpersonal relationship issues and nervous, mental and emotional disorders that are cognitive, affective or behavioral.*
- (d) Manage symptoms of mental illness.*
- (e) Assess, appraise, evaluate, diagnose and treat individuals, couples, families and groups through the use of psychotherapy.*

TECHNICALLY SPEAKING, WHAT IS A WORK RESTRICTION? (continued)

With professional counselors, the scope of practice is limited to ... "psychotherapy." Now, with vocational experts, many have the credential CRC, and the Scope of Practice from the CRCC's website is this:

- *assessment and appraisal;*
- *diagnosis and treatment planning;*
- *career (vocational) counseling;*
- *individual and group counseling treatment interventions focused on facilitating adjustments to the medical and psychosocial impact of disability;*
- *case management, referral, and service coordination;*
- *program evaluation and research;*
- *interventions to remove environmental, employment, and attitudinal barriers;*
- *consultation services among multiple parties and regulatory systems;*
- *job analysis, job development, and placement services, including assistance with employment and job accommodations; and*
- *provision of consultation about and access to rehabilitation technology.*

With CRC, the scope of practice is limited to, I'll say, counseling (psychotherapy). Once you understand the various scopes of practices, where you can find them, and what they actually say, you will be much better able to protect yourself against a challenge, and/or you'll be much better able to critique others who are not following them.

– Courtesy of J. Matthew Sims, MC, MS, FVE '09, RFE '09

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. These credentials may help you market yourself out to new clients.

BEGINNING IMMEDIATELY

All new members of AREA—registering between now and the annual conference in May—have the option to be listed as a Friend of the Association (a \$250 value!) at no charge during their first year. As a further incentive, existing members who recommended the new person's membership also are given the option to be listed as a Friend of the Association at no charge, for 1 year. – Bob Paré, MS, FVE '19

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!

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 honor all past Presidents at our 2023 Annual Conference in Reno. More to come in upcoming newsletters. If you have any questions, please contact Christina J. Hughes, MS, CRC, EA '19 – At-Large Board Member at christina@chughesvs.com.

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.

ABVE CONFERENCE ANNOUNCEMENT

The American Board of Vocational Experts is holding their **Annual Conference from March 16 – 19, 2023 at beautiful San Diego Mission Bay Resort**. The theme is "ABVE 2023, Exceeding Our Mission, Expanding Your Possibilities." Registration is now open . . . you may sign up at <https://abve.net/conferences/2023-abve-annual-conference/>. ABVE looks forward to seeing you there.

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, you can contact J. Matthew Sims, MS, MC, FVE '09, RFE '09 at sims@simsandwhite.com.

VOCATIONAL ECONOMISTS NEED FRIENDS, TOO!

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.

If you are a Friend of the Association, you'll get exposure. We have more Friends than ever right now. Thank you: Beacon Rehab; Premier Vocational Experts; Re-Employment Resources, LC; Jeroen Walstra, CEA; Jacqueline Crawford-Apperson, MS, CRC; Consultative Review & Rehabilitation; Shipp Needham Economic Analysis; VME VocMedEcon; OSC Vocational Systems; SkillTran; Thomas Roney, LLC; William Houston Reed, PhD, LTD; Ronald L. Rosenberg, PhD; and Terry Dinneen.

Please contact Bob Paré, MS, FVE '19 at rpare@consultativerehab.com for more information. We extend a big thank-you to all sponsors for your invaluable contribution to AREA. And thank you to Ron Rosenberg, PhD, CEA '97 for your contribution to this section!

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/>.

TEA's Volume #18 HAS BEEN RELEASED! Current articles include: “CMS Health Care Price Projections and Issues for Damages Experts, Updated for 2021-2030” — “Estimating the Loss of Social Security Benefits” — and “Exploring the Possibility of Worklife Expectancies for Specific Disabilities.”

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 simple registration for access at <https://theearningsanalyst.com/>. 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 member access to the journal using the *member/subscriber* link on the right-hand side. If you have problems, please reach out for assistance.

HAVE YOU MET ...

In each newsletter, we try to profile one or more members of the Board. Introducing ...



Nora Ostrofe, MBA, CEA '05, CVA, is a forensic economist who calculates economic damages in a wide variety of practice areas: business interruption, business valuation, class action (product liability and FELA and state wage and hour), elder abuse, employment (Fair Pay Act, Federal whistleblower, FELA and state wage and hour, and wrongful termination), marital dissolution, mortgage fraud, pension and stock option valuation, and personal injury (asbestos, Jones Act, life care plan valuation, medical malpractice, wrongful death) litigation. She is retained frequently as a damages expert in employment cases. She has testified as an expert witness in depositions, arbitrations, and trials, and has served as a consultant in settlement negotiations. She has qualified to testify in Alaska, California, Iowa, and Washington superior courts and in Federal Court. She accepts assignments within the continental United States, Alaska, and Hawaii.

Ms. Ostrofe serves as Vice President with J.S. Held, LLC. She manages the valuation of economic damages for numerous asbestos defense firms as well as for asbestos defendants in all cases venued in Alameda, San Francisco, and Solano Counties. She regularly teaches CLE classes in valuing economic damages.

Ms. Ostrofe has a Bachelor of Arts degree in economics from the University of California at Los Angeles, a Master's degree in Business Administration from St. Mary's College, and a Certificate in Accounting from the University of California, Berkeley, where she also received a teaching credential in English and Social Science.

She has published articles in the *Journal of Legal Economics* and *The Earnings Analyst*, for which she is a co-editor. She also regularly writes reviews of business and economics books for *Publisher's Weekly*.

Ms. Ostrofe is a Certified Earnings Analyst through the American Rehabilitation Economics Association (AREA) and a Certified Valuation Analyst through the National Association of Certified Valuation Analysts (NACVA).

She is a former President and current Board Member of the American Rehabilitation Economics Association (AREA) and a member of the American Association of Economic and Financial Experts (AAEFE), the National Association of Forensic Economics (NAFE), and the Collegium of Pecuniary Damage Experts (CPDE).

CASE LAW OF INTEREST TO FORENSIC ECONOMISTS AND VOCATIONAL EXPERTS

In case you haven't heard yet, 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.umsl.edu/~irelandt/index.html>.

Scrolling down to the link titled Masterlist of Legal Decisions Since 1/1/2010. The following few 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 in this link and on the website, and you are encouraged to search through it.

Mize-Kursman v. Marin Community College Dist., 202 Cal. App. 4th 832 (CA App. 2012). The plaintiff had suffered a salary reduction following whistle blower complaints and had continued to work at the lower salary for several years. At the time of trial, she was 65 and four months in age and was projected by economist Dr. Barry Ben-Zion to work another 3.83 years to age 69.14. Ben-Zion had calculated both loss of pay and reduction of pension benefits, with a total loss with a present value of \$351,935. The defense had presented evidence that the plaintiff could have chosen to retire in lieu of continuing to work, showing that her retirement amount exceeded her pre-reduction salary. The jury found in favor of the plaintiff but awarded no damages. The Court of Appeals held that this was reversible error because available retirement benefits could not be used to reduce lost earnings. The Court reversed the decision and remanded for retrial on damages. The case then settled. Thanks to Barry Ben-Zion for assistance with this description.

Warner v. Talos E R T L L C, 2022 U.S. Dist. LEXIS 31316 (E.D. LA 2022). This case involved the wrongful death of Walter Jackson, who had a son in a previous marriage, and was now living with a different wife. Smith had been retained on behalf of the son, but had treated Jackson, his previous wife, and their son as a family unit for purposes of calculating the following damages son: (1) wages and employee benefits, (2) household and family services, (3) value of life, and (4) society and relationship. In response to Talos's motion, the plaintiff withdrew the third and fourth categories, but maintained (1) and (2). It appears that Smith was retained only on behalf of the son from the previous marriage and not the decedent's current wife, but only damages for the son were being considered. Judge James D. Cain, Jr, pointed out that the decedent's only relationship with the son was long distance telephone calls, and that decedent's only financial contributions in support

of the son were payments "somewhere" between \$200 per month and \$1,000 per month, and limited the loss period to age 18 for the son. Smith was otherwise allowed to testify about lost wages and lost family services.

Coterel v. Dorel Juvenile Grp., Inc., 2015 U.S. Dist. LEXIS 185451 (W.D. MO 2015). The defense had moved to exclude the testimony of Dr. Kurt V. Krueger based on Krueger's interpretation of language in Section § 537.090 of the Missouri Wrongful Death Act stating that: If the deceased is under the age of eighteen, there shall be a rebuttable presumption that the annual pecuniary losses suffered by reason of the death shall be calculated based on the annual income of the deceased's parents, provided that if the deceased has only one parent earning income, then the calculation shall be based on such income, but if the deceased had two parents earning income, then the calculation shall be based on the average of the two incomes. Krueger interpreted that language to mean that the language created a separate category for awarding parents of a minor child who was wrongfully killed such that parents were entitled to an amount equal to the average earnings of the parents starting immediately and continuing for the life expectancy of both parents. The defense economic expert was unnamed, but apparently argued that the parents had suffered no loss of financial support resulting from the death of the child. Judge Steven R. Bough denied the motion to exclude Krueger, allowing both Krueger and the defense expert to testify based on their respective understandings of the meaning of § 537.090. The subsequent trial reached a defense verdict that was appealed to the 8th Circuit and affirmed, but without reference to how damages should have been calculated.



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 with ADD ME TO YOUR EMAIL LIST in the subject line. Thank you!

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



**BEACON
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Established 1979

Certified Life Care Planner CLCP
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Certified Functional Capacity Evaluator CDEII



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Jeroen Walstra, CEA
Earnings Analyst



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Jacqueline Crawford-Apperson,
M.S., C.R.C.
Forensic Vocational Counselor
Springfield, MO



Thomas Roney LLC
Economic Consulting



TERRY DINNEEN

**A Founding Member and
Past President of AREA**