



Spring 2005

Volume 22, No. 1

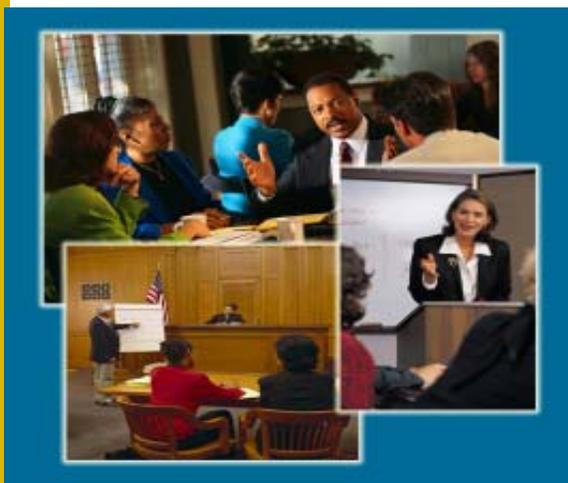
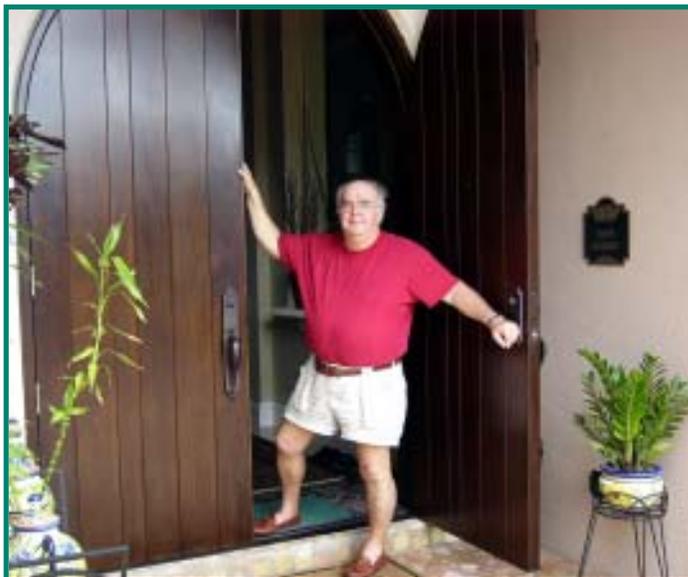
Official Publication of the
American Board of
Vocational Experts

About Scott - A Guy Who Loved ABVE

By Larry Sinsabaugh

Scott Streater passed away from us around four o'clock in the afternoon on Saturday March 5, 2005, while working at his computer in a small beach community near Nags Head, North Carolina. Scott was at peace when he died. As I remember, Scott was in my office many times over the last four years and we often talked by phone about ABVE "stuff" and whatever was on Scott's mind—mostly what was on his mind. Scott was a core ABVEer. He knew the organization like the back of his hand, and he enjoyed close working relationships with many of our membership. If ABVE was there, so was Scott. Yes, Scott loved ABVE.

CONTINUED ON PAGE 4



ABVE 2005 FALL CONFERENCE

**September 23-25, 2005
Sunny San Francisco
& You**

The American Board of Vocational Experts will join with San Francisco to host the 2005 Fall conference. Dr. Michael Graham and Ellen Nagourney have combined their experience and ideas to create a two-track array of learning experiences that will address those very topics that are used by expert witnesses who willingly put their reputations and credibility at risk each time they step into the witness box at a trial!

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President's Message

By Don Jennings, ABVE President, 2005-2007

With the election of a new Board, it is time for ABVE to look forward. However, unfortunately, with the death of Scott Streater, one of the original founders of ABVE, it is also a time to look back. Although, I only knew Scott for a period of about a year and a half, while we worked together on the Board, I came to respect his opinion and the level headedness in his approach. Since his death, I have talked with numerous ABVE members who knew Scott well, and I have been impressed with the warmth, love and empathy they felt Scott held for them, personally, and for our organization. As a founding member, Scott was active earlier in our organization and, recently, came back into the level of activity as a board member to assist in the direction in which he felt ABVE should move. The dedication of someone like Scott is what made ABVE what it is today. His level of commitment is something we should all strive to emulate.

As the new President, I am fortunate to have a very strong board with Michael Graham as President-Elect, who previously served on the Board, and as Past President. Cynthia Grimley continues as Secretary. She is also experienced in this job. The other board members include: Harold Kulman, Past President. Phil Spergel was appointed to fill the Treasurer post due to the death of Scott Streater; and the Member at Large positions are occupied by Bruce Growick, Billy McCroskey, Claude Peacock, Ron Peterson, and Larry Sinsabaugh. Committee assignments are posted on the ABVE Webpage.

Our Newsletter is a major source of communication for our members and was edited by Ellen Nagourney during a transformation period. Betty Hale will be the newsletter editor. Our Journal is now housed at Auburn University and is edited by Dave Martin.

One of the main focuses of ABVE for the next two years will be to increase our membership. An initiative is also underway to determine if ABVE, as an organization, should interact with other organizations with whom we have common goals. Continued interest in developing a mentor program is also being evaluated by the Board, and, as always, the Board will strive to maintain its financial viability. Our organization is strong. New members are encouraged to become involved in committee work with the Board. The success or failure of our organization lies in the hands of our members, thus the more members actively assisting in the operation the better. I am always interested in hearing from members about their concerns about our organization. Please feel free to contact me at (215) 364-5780 or by e-mail: djenn826@aol.com

The Executive Board is looking forward to the next two years as an exciting and worthwhile time to be involved with ABVE.

Journal Guidelines Available

Those interested in submitting manuscripts for *The Journal of Forensic Vocational Assessment* can request specific guidelines from:

E. Davis Martin, Jr.
Phone: (334) 844-2083
email:

martiev@groupwise1.duc.auburn.edu

From The Editor's Laptop

By Ellen Nagourney

Welcome to the spring 2005 ABVE Newsletter. You will notice that we are transitioning to our new look. I hope that you find it useful, informative and enjoyable to read. When reading the Newsletter, please be sure to take note of the editorial staff. Each member agreed to set aside billable time to contribute to the Newsletter.

This issue honors Scott Streater a long time ABVE member who passed away while holding office as Treasurer. Although I had only known Scott for 18 months prior to his death, I enjoyed the professional and personal interactions with him. Others who knew and loved him pay tribute to Scott in this issue's feature article.

Please look at the index and through the entire Newsletter taking note of the new features I mentioned would be coming in my Winter Newsletter Editor's Message. The editorial staff welcomes your comments and feedback about any article published. We also welcome your submissions. Questions about submitting an article or comments should be directed to the Newsletter editor. Section Editors can be contacted as follows:

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In addition to our volunteers, the Newsletter is supported by ABVE Headquarters staff Carolyn Hair, Account Executive [carolyn@btfenterprises.com] and Shiela Locatelli Wallace, Designer/Typesetter [e-mail: Shiela@HandlingTheDetails.com]. Carolyn and Shiela pull the final product together into what you see as the Newsletter.

The ABVE Newsletter Committee welcomes dedicated volunteers. We currently have vacancies on the editorial staff for **Member Dialog Section Editor, Advertising Section**

Editor, Canadian News Section Editor, and Proofreaders. Contact the Newsletter Editor if you are interested in heading a section such as, proofreading, or advertising sales.

Another new feature, the Newsletter now features select professional advertising and a job board. Readers should note that **ABVE DOES NOT ENDORSE ANY PRODUCTS OR ADVERTISEMENTS.** Individuals, groups or organizations wishing to place an ads in future issues, need to review the how-to-section within this issue on page 10.

Mike Graham and I are looking forward to presenting a great conference for the membership September 22-25, 2005, at the Sir Francis Drake Hotel in action packed San Francisco, CA. Please join us there and look for more information about the conference in the next Newsletter.

A Student's Perspective

By Silvio Reyes

Greetings Students. I would like to announce that students of CORE and CACREP accredited Rehabilitation Programs are being included in the infrastructure of the American Board of Vocational Experts. I am Silvio S. Reyes, a doctoral candidate at Southern Illinois University, preparing for graduation this upcoming May of 2005. Since members are seeking a more active role within this organization on behalf of students, I (we) are encouraging more students to become involved as student members.

While attending the most recent ABVE Conference in Las Vegas, Nevada, I realized that I was the only student in attendance, which speaks to the future of the Profession. As students, we may want to strive to become Conference Attendees and find ourselves "in the know" as opposed to stumbling upon information at the tail end of its existence. This is an excellent opportunity for students to become involved in the activities of ABVE primarily because it prepares us for the transition into the vastly growing world of private rehabilitation. As professionals that have received mentorship from the leaders of today, we will have taken the preliminary measures through adequate training to empower ourselves as professionals of tomorrow through observation of the "pros" in action. While assessing their approaches to expert objectivity, we will ultimately expand our focus into the more lucrative opportunities, which are surfacing within the new era of private sector rehabilitation.

Send all information that speaks to the interest of students to Silvio S. Reyes, ABVE- Student Member, e-mail: sreyes40@hotmail.com.

About Scott Continued

In those early years of the association he and former wife Ruth, to whom he was married for 32 years, handled much of the ABVE paperwork and the treasury on their kitchen table—then ABVE HQ. At his memorial service, Ruth told me some stories about the early ABVE days. A perusal of past newsletters indicates Scott contributed much of the content.

Claude Peacock said Scott in the early days often held us together:

Scott was around from the beginning. In those early days we had many battles as there was little support for ABVE. We were opposed by academics, legal groups, and other professional associations. And, the private sector didn't see the need for us. Whereas some of us would get all "fired-up"; it was Scott's sense of timing, calmness and professionalism that made those early presentations meaningful to the very groups that opposed us... without Scott, there might have been no ABVE. He never gave up despite the odds and he brought us together. We were like a "band of brothers".

I didn't know Scott well when I first joined the association in the mid-1980s, but I always saw him at conferences. He was the one in the back of the room holding a cup of coffee, dressed in those kaki shorts, t-shirt, wearing boat shoes, no socks, of course, his trademark, and pacing back and forth with a scowl on his face that made him look as if he could use some prunes. It wasn't till we were planning the Williamsburg 2001 conference that we got to know each other well. That's when I learned that scowl meant nothing at all, it was just part of the persona that was Scott Streater.

One of the first comments that I received in response to an e-mail about Scott's memorial service was from Claude Peacock, "*Thanks for this - but damn hard to see through all the tears - can't tell you how much I'm going to miss him - hell of a man.*" By the way, Scott was one of the few people who could read and speak fluent McCroskey, an obscure Minnesotan scholarly dialect that is robust with research symbolism and computerisms. I stayed with Scott over the course of several days some time ago at the Outer Banks while Scott mentored me in the effective use of McCroskey's software program. That is how I know Scott could speak fluent McCroskey. At Scott's insistence the first thing we did, however, was to visit the fire department rather than work with the software. The fire department was another of Scott's passions and a place where he spent much of his time. There, he worked in the background strengthening that organization much like he did with ABVE.

As a tribute to Scott, I invited others who knew him to comment about their experiences. People noticed Scott's willingness to share his insights and his dedication to ABVE.

Ron Peterson writes,

Scott was a very dedicated professional Vocational Expert. Beyond that he was a caring and supportive individual. Given that combination, he always had positive contributions to make to ABVE that would help guide us. We will miss his expertise and his wisdom as well as his friendship.

Paul Batchford, in one phrase sums up what many have told me about Scott,

"He did what he said and said what he did... A very straight forward guy..."

Lindette Mayer was one of Scott's longest colleagues and wrote,

I knew Scott Streater back in the 1980s before joining ABVE. I met him first at an ABVE meeting but I knew of him through Dave Frank long before. Since that time, it has been a pleasure to spend many hours with Scott, either at his home or mine, or on the phone discussing business, research, family, or wine. Scott was one of the earlier Treasurers of ABVE and most recently re-elected as such. He handled the "keys to the vault" long before there was a management company and his "care" of ABVE's assets was as thorough and important as his devotion to his friends and colleagues. Scott was always a good "sounding board" and his "inputs" to a situation were always "thought through", and were unemotional and objective. His love for boating took him on a two year jaunt in recent years, exploring the Gulf, the Carib and the East Coast. His devotion to his friends, his colleagues and his boys was admirable. His reminiscences, his professional input and his concise and logical wisdom will be missed by not only his family and friends but his colleagues.

Dick Baine remembers Scott as

One of the first persons that I met when I attended my first conference in Seattle, several years ago was Scott who came up and introduced himself to me and immediately made me feel welcome. We discussed areas of practice interests, etc., and at the end of the conversation I felt as if I had made a contact that was "real" and not superficial. Over the years since, Scott always had a kind word at each meeting and I found his questions and comments at general sessions to be informative as well. On the board he brought a sense of calmness and thought, and he will be sorely missed by all.

Michael Graham reflects,

Scott will always be that bow-legged guy in shorts at the ABVE conference who walked about the floor posing "thought-provoking" questions that seemed to snap me back to the real purposes of ABVE as a nation-wide professional organization. I came to realize that behind a gruff exterior beat a gentle caring heart that would always respond to any call for assistance from anyone. I recall that Scott was not one that would dwell on "HIS" troubles when in my presence; he was always asking about ME and my professional development and prodding me to be more in service of our profession. Scott impressed me as a person who would never "go gently into the quiet night" He had a lion's demeanor that often belied his gentle spirit and I will miss his "shadow ego" for my professional development and his friendship that was always given so freely.

Billy J. McCroskey, best friend of Scott for many years, reflects upon a recent visit from Scott's son,

Will Streater visited with me and we talked at length about his dad and the many good times I had with Scott. We talked about deer hunting and fishing trips and other fun times we had on those trips down in Winona, Minnesota. We talked about Scott's interest in research. I showed Will my copy of Scott's Dissertation. He read his father's hand-written note to me in the front of his Thesis... I told Will, Scott had been my best friend since I came to Minnesota in 1980. Our talks meandered to some of the results of our research and I told him how valuable Scott's inputs had been over the years. I truly loved Scott and will miss him.

Several people like Charles DeMark told me that Scott was accessible and he listened. Charles writes,

One thing came across clear, Scott was enthusiastic about ABVE. Scott and I were just starting to become friends. I could tell that he was a real professional by the way he talked. He gave me some valuable information about the history of ABVE and he had very strong feelings about its future. He lived in Southern Shores, NC which is only an hour's drive from my home and we had talked about getting together for dinner with our spouses and telling fish stories. I will miss him. I could tell he was a nice person.

To Cynthia Grimley, Scott was more than just accessible. He cared very deeply so much so as to mentor,

During the late 1980's not long after ABVE was formed I met Scott Streater. I was so new to the field of forensics and very new to ABVE. I also felt very intimidated by my "older" and more experienced peers. Scott Streater is one who took me under his wings and helped me learn. He taught me to recognize the importance of standards and measurement. He taught me how to understand and be able to explain the rationale for all my opinions from a "scientific approach". Scott drifted away from his direct involvement in ABVE for a few years while he traveled. When he returned it was like he was never gone. Scott was a regular contributor to the ABVE newsletter while I was the editor. His articles primarily were about standards and trying to get the message across for all experts to be the "best you can be". Scott was very well read and shared so much knowledge in so many areas. The passing of Scott is especially difficult for me since he was one who nominated me for the David Frank Award which I received at this past Spring conference. Scott as well as David Frank were my early mentors who helped me tremendously to get my start in forensics. I could always count on Scott to be there as a sounding board whether it be the staffing of a case or just listening to the trials and tribulations of being a sole practitioner. Scott was one of the best listeners a friend could have. He always remained calm while giving his sound advice even if he did not agree with the direction or course of action that was being taken. He was always objective. I feel so grateful to have been able to share part of my life and have such a dear friend as Scott. He may be gone from our physical presence but his memory will live on forever.

Many people told me that Scott had an inviting way about him that made people feel comfortable. Although he could get fired up over something, overall, he was a gentle soul. Glenn Zimmermann echoing this sentiment,

Scott from the very first meeting with him made me feel very welcome. As we worked together over the years it became very easy to become good friends. He was a big man in a small body who had a very gentle and kind soul.

One of my two sons accompanied me on the long drive from Richmond to the memorial service for Scott held at the *Southern Shore's Volunteer Fire Department*. This was my first meeting with Scott's two sons, Will and Mark; my second trip to the fire station. I was amazed by Mark's and Will's hospitality. They welcomed me like I was a part of the family. I was taken aback by their speech patterns and by their accents. It was as if I was talking with younger versions of Scott. As the saying goes, "the acorn doesn't fall far from the tree." It didn't take long for the fire station's assembly room to be packed. Firefighters young and old, newg's and vets, and people from the community including Coffee John, all present to honor Scott. By the way Scott's newest adventure was to become a coffee roaster. Next to the lectern was Scott's firefighter pack and helmet. The reception room posted pictures of Scott at different points in his life and on display was his kilt with crest and bagpipe mouthpiece. A Scottish bagpiper was present. The flowers sent from "ABVE-ers" touched the hearts of those who knew and loved Scott.

CONTINUED ON NEXT PAGE

What's New with Membership?

By *Claude Peacock*

This will up date you on some of the new things we are attempting. Membership has been separated into two sections; one will remain Recruitment and the other Enhancement. Jan Lowe, Cynthia Grimley, and Bob McGinn are working with me to help interface with other groups and bring in more individual members on the Membership side.

The new *Enhancement Section* is being developed with Dick Baine and Betty Hale. We are actively seeking data and articles to help you expand your current practices and provide more information concerning the developing technology in many areas. Personally I am excited that we will be able, working with the Journal and Newsletter, to help bring this to you on a regular basis - to help keep all of you "ahead of the curve" in the changing times. Please let us know your wants and needs so we can put our efforts in the right directions.

Claude Peacock can be contacted at Phone (205) 585-4273 Fax (205) 621-9031 or e-mail: cfpeacock@mindspring.com

Welcome to the Following New Members

Congratulations to the following new members, who have applied for membership, upgraded their status or reinstated their membership. Welcome to all!

Jason Miller, Associate

Holly Berquist, Associate

Shelley Hathaway, Associate

Todd Gendreau, Associate

Lisa Trustin, Associate

Marie Kisiel, Associate

About Scott Continued

Scott was about to begin a new page in his life with Judy. Scott was a close family friend of Judy and her husband who also had recently passed away. Judy's husband and Scott were best friends. These two deaths within such a short time have been difficult for Judy to endure.

At the end of the memorial service, my throat was particularly choked-up with the saddest of feelings as the *Kitty Hawk* fire dispatcher radioed to the station, and the fire bell tolled three times... and, the piper played *Amazing Grace*. I do not think I will ever forget the sound of the high pitched radio squelch [scqussss] and the announcement that came over the station's loudspeaker, "... *Last page for Scott Streater*." In my mind, there is no doubt, folks in ABVE, Minnesota and North Carolina loved and will miss Scott—a sign of a life well lived. Scott loved the fire department and he loved ABVE. Like some of the other founding fathers and mothers of the *American Board of Vocational Experts*, Scott's presence was almost institutionalized—*now he is!* ABVE will miss Scott and his contributions. Right now, *I miss my friend too...*

Legislative Update

By *Terry P. Leslie*

The reason for this column is to share information with our peers regarding any legislative changes which may affect our practices. It is not uncommon for me to see reports that do not follow the laws of the State of Pennsylvania. As many are aware, Pennsylvania is a total offset state based on the 1980 decision in *Kaczkowski v. Bolubasz*. However, House Bill 1802 which was signed into legislation in 2002 changes this for medical malpractice litigation. The text of the law referencing reduction to present value is found in Section 510 and is as follows: Future damages for loss of earnings or earning capacity in a medical professional liability action shall be reduced to present value based upon the return that the claimant can earn on a reasonably secure fixed income investment. These damages shall be presented with competent evidence of the effect of productivity and inflation over time. The trier of fact shall determine the applicable discount rate based upon competent evidence. This became in effect immediately as of the signing of the legislation in March 2002.

A Thank You to ABVE

By *Judy Brickhouse*

I would like to thank those of you from ABVE who sent their condolences, flowers and expressions of sympathy with the recent passing of my beloved Scott. You have brightened the memory of a Man who truly loved and whole-heartedly believed in the purpose of the ABVE organization. He would have been so gratified by your remembrance of him, just as I am. He had such a high regard for this organization and keeping its original purpose alive. I can't tell you how many times I have heard "It's all about measurement, without measurement you got nothing." All of you know what he meant by this and he thought I did too. I am asking all of you to "keep his memory alive by abiding by his assessment in the practice of measurement".

I find Scott's death so hard to deal with because he was such a giving, caring person, never out for himself but always for the good of someone else. I can tell you that he didn't suffer and his end was quick and painless. I can still hear one of his famous quotes, "Don't sweat the small stuff". Losing you Scott is not "small stuff!"

Please know how much he valued each and every one of you and your friendship was something he cherished. The best memorial you could give to him is to carry on with his dreams and goals for ABVE. Thank you all from the bottom of Scott's heart and mine.

Judy

2005 Fall Conference Continued

The purpose of this two-track conference format is to provide a “*Starter Tool Kit*” for those specialists who are new to this very different arena of a vocational expert witness in an adversarial setting, and to also provide a group of topics as an “*Advanced Tool Kit*” for those who have used their skills in this arena for some time but need to “punch up” specific skill-areas. Participants are free to attend either track as they see their own need for knowledge.

There are many professionals in California, and perhaps other states around the country, who have had to seek other venues in which to continue their careers since the Worker’s Compensation Vocational Benefit has been decimated by changes in the regulatory laws. These professionals and others will benefit by understanding the very foundations of a forensic practice as reflected in the “*Starter-Tool Kit*” topics such as evidentiary law, methodology, the discovery process and the marketing one’s new practice. On the other hand, the more “seasoned” experts will gain from knowledge areas such as, “*How to connect with the jury,*” “*How to tighten up one’s methodology in the pressure of Daubert like challenges,*” and “*How to properly utilize the AMA Guides in determining residual work capacities.*”

This conference will have specific sessions directed toward the developmental status of each expert from the beginner to the more seasoned. From each dynamic presentation, the participant will be able to add to their individual “Tool Kit” which will have a direct application to their practice once they arrive back at their office. Coupled with all the offerings of this conference is the opportunity to be in San Francisco in the Fall. It is a great time to be in this beautiful city and enjoy its history and magnificent sights. Dr. Graham is making certain that each participant (along with their family members) will have access to a plethora of materials obtained from the San Francisco Visitors Bureau to guide them about the City and its historic sites. He suggests that you come and stay a few extra days to enjoy this great California City. Conference topics will be sent out soon to all ABVE members. However, the following represents a *partial listing* of the conference agenda to stimulate your interest and to encourage you to make your reservations now to assure your California Experience!

“STARTER TOOL KIT” TOPICS

1. How to Start and Manage a Forensic Practice
2. Fundamentals Elements Of A Lawsuit
3. Marketing Your Forensic Practice
4. What Attorneys Look For In An Expert Witness
5. Expert Witness Liability

“ADVANCED TOOL KIT” TOPICS

1. The Importance of Methodology
2. Connecting With The Jury
3. Handling Cross-Examination
4. Understanding The AMA Guides To The Evaluation Of Permanent Impairment In The Creation of a Vocational Impairment Profile For Forensic Opinions.
5. How Best To State An Opinion?

Dr. Graham notes that to these “On Point” Topics, this conference will bring back the activity of structured “*Round Tables*” in which the attendees will have the opportunity to participate with 3 different round table topics during a 2.5 hour session. The many round tables will reflect conference topics, and will be manned by conference speakers and ABVE seasoned experts. Dynamic discussions and questions from these sessions will be posted on the ABVE List Serve the conference in order to gain additional insight and participation from ABVE members who were not able to attend this San Francisco conference. Your individual “Tool Kit” will again benefit from this interactive “Round Table” experience as well as the follow-up interactive On-Line experience of ABVE’s List Serve.

Hotel Reservations

Sir Francis Drake Hotel
\$ 149.00 s/d, plus tax - 800.227.5480
www.SirFrancisDrake.com
make reservations early, space is limited

Member News & Updates

By John Czarick

David M. Soja, CRC/LPC, ABVE, owner of CRC SERVICES with offices in MA and CT referred 2 experienced colleagues from his vocational firm to ABVE for induction as Diplomates; published an article on the use of VE’s in CT workers compensation claims and expanded his vocational practice beyond vocational forensics to evaluation, job placement and career counseling to recent disabled war Veterans and civilian career changers. David’s firm was recently recognized by the Springfield College, Graduate Dept. of Rehabilitation Studies as “rehab role models” for rehab-counseling graduate students.

To submit information about an accomplishment about yourself or another ABVE member, please contact John Czarick via John.Czarick@cascadedisability.com

Future ABVE Conferences

Mark Your Calendars Now!

Fall, 2005: San Francisco, CA

Spring, 2006: St. Petersburg/
Ft Lauderdale, FL

Under New Management: Newsletter, Journal and Website

By Larry L. Sinsabaugh

Picture yourself driving down Main Street in any small town in America. You look into shop windows and see a sign stating, "UNDER NEW MANAGEMENT". Well this is what is happening to the ABVE's publications.

In February, the Board made some significant changes with regards to the Journal. In March, the Board assigned me to work in the area of publications. First let me introduce myself, I am Larry Sinsabaugh your Publications Chair. I was recently elected to the Board, but have been a member of the Association for many years. At my very first Board meeting I was tasked with oversight duties for the Newsletter, Journal and Website and also to review any printed information created by the Board on behalf of the Association. Please send any suggestions concerning these publications to me at the address below:

Larry L. Sinsabaugh, Ph.D.
Diplomate, American Board
Vocational Experts
**ABVE Board Member &
Publications Chair**

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ABVE Newsletter

The last two Newsletters were edited by Ellen Nagourney. She and her hard working committee of section editors have organized to bring you news about the Association and the forensic environment. She introduced a new concept to the Newsletter, "Sections Editors." These special assistant editors focus on unique and specialized areas important to our membership. Recently Ellen decided not to continue as Editor of the Newsletter. She will be succeeded by Ms. Betty Hale as Editor of the Newsletter. Betty is a relatively new member and she comes highly recommended to this position. She can be contacted at:

Betty Hale, Fellow/ABVE
Editor, ABVE Newsletter
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The Newsletter has high value to our organization. The work done by the Editor and the Assistant Section Editors contribute to the overall positive perception of our organization by fellow members and outsiders. The Newsletter is a *window into our culture*. Work on the Newsletter is important work. It is hard work and sometimes it is frustrating work. Newsletter activities happen to be some of the most intensive volunteer experiences one can have within this organization. Moreover, the Newsletter is vital to the health of our association's communication because it is the vehicle that keeps our membership posted and updated about events, ideas, changes, and accomplishments. At the next conference, please take a moment when you see these people, especially our past Editor, the new Editor, and the Section Editors, stop and say "thanks—thanks for donating your time!"

The Journal

The *Journal of Forensic Vocational Assessment* is now housed at Auburn University in the Department of Rehabilitation and Special Education under the Editorship of E. Davis Martin, Jr., Ed.D. You can expect to see changes in the format and look of your next Journal. Dr. Martin can be reached at:

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The Journal is seeking dedicated ABVE Diplomate and Fellow members who have review experience and are willing to analyze and evaluate manuscripts for content and mechanics. This is a working volunteer job. Those selected by Dr. Martin must be willing to meet critical publication deadlines and Journal criteria. Applicants interested in becoming reviewers should send Dr. Martin a letter describing their qualifications along with a statement of purpose listing the reason(s) to be selected. All applicants should also include their curriculum vitae as a part of the application process.

The Journal is soliciting manuscripts. Submit all manuscripts to Dr. Martin. At present, the Journal is in the process of editing and reviewing a manuscript about the *ABVE National Certification Test*, its background, the statistical evidence for reliability, validity and efficacy.

ABVE Webpage

ABVE Headquarters publishes our virtual ABVE web home page. You can find it at URL: <http://www.abve.net/>. Shortly, it will be updated to include the recently elected officers. When you have an opportunity, log on to the Website and look it over. We will be making some important changes to the website. It is *very important* to know what you, the membership, would like to see included on the website. In particular, *look at your membership posting for accuracy*. If you notice an error, immediately contact ABVE Headquarters by e-mail [abve@abve.net] with the error and the correction. Contact Larry Sinsabaugh with your suggestions and comments about the Website. Comments will be organized into categories and present the Board for consideration and authorization.

As you can see, your ABVE Publications are "UNDER NEW MANAGEMENT". As Publications Chair, my vision for the future is to be *collaborative, collegial*, and to provide you, the membership, with the information you need to maintain and enhance your vocational expert practice.

The Value of Professional Membership What's In It For You?

By G. Michael Graham

It has been said that getting involved with your professional organization is perhaps the most significant contribution you can make toward your own career.

While we each are busy each day with our own unique career path, no other venue can fulfill all of one's networking, educational and intellectual needs, not to mention all the collegial talk that goes on in the bars at conferences, than active participation in one's professional organization. Furthermore, it is difficult to keep up with the ever-changing industry and business trends and strengthening existing skills and developing new ones while immersed in your demanding day-to-day job responsibilities.

So what can "active" participation in the American Board of Vocational Experts do for YOU? You will unquestionably develop new skills — many of which you may not otherwise learn on the job. For example, budgeting, strategic planning and implementation, accountability for system-wide operation, public speaking from interaction within Board meetings to delivering a talk at a conference, working cooperatively on Committees to advance nation-wide objectives, planning events and nation-wide conferences, writing and running meetings. These are not typical daily vocational expert functions but will nonetheless serve you well in advancing your career and expanding your knowledge base.

Professional involvement also adds significant value to your resume. The contacts you make through the ABVE organization can prove to be invaluable and are often your best resources and allies when looking to advance your career or, perhaps, to change your present job. The investment of time and money is minimal compared to the gains you receive in return when it comes time to cash-in on your newly developed skills or seek the assistance of your newfound associates. You expand, exponentially, your network of colleagues who can provide answers to situations you are facing professionally, can validate your efforts as a vocational expert, and who can provide resources unknown to you in the moment.

Of course, ABVE benefits from your active participation as well. By becoming involved, you not only help to chart the course for the

future of ABVE, and in turn the industry in which we all work, but you help to grow the group by encouraging a free-flowing expression and exchange of fresh ideas.....YOUR ideas! Your voice, your membership, of course counts as the overall number ascribed to the ABVE membership, but more importantly, your membership grows the strength of the organization's impact on those who share the same goals. The more professionals become certified by the American Board of Vocational Experts, the more the legal community will seek out those who demonstrate the skills, knowledge, credibility and integrity encompassed by ABVE's stated purposes (the preamble of ABVE By-Laws) and the collective energy of its membership.

A personal benefit (one that I am grateful for daily) is the life-long friendships created by working side-by-side with other vocational experts to achieve these goals and seeing ideas come to fruition. Seeing these new

friends every six-months at a conference and feeling like "it was only yesterday" that we were speaking and sharing, is another personal benefit that I would not diminish at any time.

When your career is going well, it may be easy to forego making the effort to associate with your professional peers and to continue to broaden your industry knowledge, and when you are struggling to build your practice and obtain that next retention as an expert; it is equally difficult to carve out some time for association business, but learning and networking are on-going necessities to maintain the career success you have achieved thus far. Yes, being an "active" member of ABVE is a mutual benefit to both your career and the on-going development and impact of the American Board of Vocational Experts Become active today!

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Job Board

The ABVE Newsletter will run Job Board ads free of charge for members and their businesses. Non-members may list a Job Board ad based upon our established advertising rates.

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Advertising NEW to The Newsletter

The ABVE Newsletter now accepts selected advertisements. Although ABVE does not endorse any product or service from our advertisers, advertising sales benefit our entire membership. If you work with a professional or organization who's products or services would benefit others in our membership, please encourage the business or individual to contact us about advertising in the Newsletter.

Q & A Corner

By Philip Spergel

The Q & A Corner affords our membership the opportunity to anonymously submit questions to be answered and/or discussed in a future issue of the Newsletter.

Question: How Long Should Records Be Kept & When Can They Be Disposed?

One of the issues that arise in our practice is how long records need be maintained. The answer is dependent on the type of records and the rationale for why they are being kept. This is not only a professional conduct question but, in part, one governed by state and federal law.

In reviewing the ABVE Code of Ethics, there is no clear statement regarding record retention. In a publication issued by the Association of State and Provincial Psychology Boards entitled *Avoiding Liability in Mental Health Practice*, authored by Randolph P. Reaves (2001), he notes that the "Specialty Guidelines for Delivery of Services by Clinical Psychologists" (APA, 1981) suggests that a full patient record be maintained three years after the completion of services or after the date of the last contact, whichever is later. Further, they suggest that either the full record or a summary record be maintained for an additional 12 years with the disposal of such records no sooner than 15 years after the completion of services and the last contact, whichever comes later. With minors, it is even longer - at least until the child reaches majority plus the number of years that the applicable statute of limitations will take to run.

The 1987 *Consolidated Manual of the Joint Commission on Accreditation of Healthcare Organizations* states that the patient records be maintained for five years from the date they are officially closed unless a longer time is required by applicable laws (state and/or federal). For example, the state of New Jersey requires records be maintained for six years. However, if you are a practicing Clinical Psychologist in that state, you would have to retain the records longer based on the "Specialty Guidelines for Delivery of Services by Clinical Psychologists."

Often providers' concerns are related to the IRS and the possibility of an audit of personal or corporate tax returns. The statute of limitations for most IRS actions (fraud being a major exception) is three years. Nevertheless, it is recommended by most CPAs to retain records for four or five years.

Another issue is how we dispose of records. Ethically, perhaps even more than legally, records should be disposed of in a manner that assures confidentiality, particularly with the advent of Health Insurance Portability and Accountability Act (1996) or HIPAA. Records should be shredded and not placed in trash bags. With regard to the latter, there is always the possibility that the bags could be opened and read by others. This could certainly be embarrassing and a source of litigation.

As Chairperson of the Ethics Committee, I feel that we, ABVE as an organization, should have clear guidelines on record retention and disposal. Of course, we will have to abide by federal and state laws. In my practice, since I rarely treat private patients, I do the following:

1. When cases are settled or after the matter has been litigated by trial, all records except those generated by me (the interview, testing and the report) are shredded (medical records, employment records, depositions, et cetera).
2. After ten years, including "open cases", records (except those generated by me) are disposed of via shredding. The records that I have generated are kept indefinitely.

I am not proposing that ABVE members follow my procedures. What I am recommending and presenting to the Board is that ABVE develop a policy with regard to retention and disposal, with the understanding that each state mandates the keeping of records differently and membership must consult his/her own state code about his issue.

Dialogue: Member to Member

The Member to Member is intended to provide a forum for members to present and discuss ideas about anything related to our professional practices. Submit your questions and/or comments to the Q&A Section Editor, Maui Garza via mauig@bossig.com

Item 1:

I was recently confronted with an ethical issue in a divorce matter. I was engaged by counsel for the husband and was asked to perform a vocational evaluation on the estranged wife. Of course, the purposed was to reduce support payments. It was my charge to determine her skills, aptitudes, abilities and interests and to identify the type of work she could perform as well as to indicate the pay rate for such positions.

Opposing counsel and the estranged wife were cooperative and the vocational evaluation was performed. She had transferable skills and an earning potential. She was a former elementary school teacher and though she had a work history she had been absent from the labor market for several years.

I authored a report and forwarded it to the attorney who hired me. I enumerated the positions she could perform at that time and the rate of pay she could expect to earn. She retained her teaching license but really required re-introduction to the profession. I felt that if she wanted to return to that career it would be best to do so initially as a substitute.

Approximately a month after I sent my report, the estranged wife called my office requesting a copy. My secretary informed her that she could have her attorney provide her with one. She thanked my secretary and I thought “that would be that”. A couple days later, she called back stating that her attorney did not receive a copy of my report. I told her I would contact her estranged husband’s attorney to determine the source of the problem.

That same day, I did call the lawyer who retained me, relating the request of the estranged spouse. He told me that he was not going to use my report for “strategic reasons” and that under no circumstances should I give her a copy. I told him I thought that once I generate a report it was discoverable. He disagreed, stating it was a “work product” – simply a draft and confidential between the lawyer and expert. It was my feeling that the wife was entitled to the report. He stated he and the wife’s attorney had agreed that my report would not be used in the matter and, in fact, the opposing counsel did not receive a copy of my report. What to do?

I handled the matter by requesting that he, the attorney who engaged me, write a “letter of protection” to me instructing me not to issue the report to anyone, noting he would take responsibility for any punitive action. He did so and that appears to have resolved the matter.

Was what I did proper? My decision to do what I did was predicated on the theory that the lawyer who engaged me was my client and not the estranged wife who was the evaluatee. Was there other ways in which I could have handled this? What would you have done? Phil Spergel, Ed.D.

Item 2:

As a psychometrist who conducts vocational assessments, I find that client’s who are in pain, or experiencing headaches do not always do that well on tests of mental ability, certainly not at the level you would expect given their background. I realize that test anxiety and pain symptoms would have an impact on test performance. However, I had no quantifiable scientific evidence of this.

Recently, I attended a workshop about migraines. When I brought the subject up, the speaker indicated that there was evidence that migraines cause cognitive decline or a lowering of IQ. I was referred to this website: http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=pubmed&dopt=Abstract&list_uids=10971660 and found that some research had been conducted on the subject “reversible cognitive decline accompanies migraine and cluster headaches”. Given the diversity of clients that ABVE members work with, I was wondering if similar experiences were had, and what your opinions might be on this subject. Does anyone know of further research done in this area? Corinne McAuley, M.S.Ed.

Publication Update

This section consists of new publications that might be of interest to our membership.

Data & Information Resource

The Data & Information Resource (DI Resource) is designed to provide the user with the identification of specific governmental databases which fall within particular categories of information. By identifying major sources of information and related resources, you are able to quickly and economically draw upon data and resources provided by the federal government. Government data are generally considered very reliable by the courts, and these data are rarely disallowed in court proceedings. This information can be used as foundation data as well as drawing upon reliable resources of information in the development of testimony for cases involved in state and federal courts.

Professionals who might find this resource useful are: vocational rehabilitation consultants, vocational economists, rehabilitation nurse consultants, ADA specialists, life care planners, and other professionals in related disciplines.

The DI Resource has been divided into nine major resource categories. The links in the DI Resource differ in content, format, and capabilities for printing information, but are, nevertheless, sites which are generally easy to use with functions that are self-evident. This is available from by Elliott & Fitzpatrick <http://www.elliottfitzpatrick.com/piresource/>

How to Excel During Cross-Examination Techniques for Experts that Work

By Steven Babitsky, Esquire and James J. Mangraviti, Jr., Esquire.

This practical survival guide for expert witnesses reveals all of the techniques and “tricks” used by trial attorneys during cross-examination. Each technique is identified, explained and illustrated with actual and sample trial testimony. As an expert witness, your “marketability” will increase once you master cross-examination.

Case Management For Rehabilitation Health Professionals - Second Edition Catalog # B04, ISBN 0-9721642-1-9, \$59.95

A comprehensive text that brings together the knowledge underpinning case management practices in sufficient breadth and depth to prepare students and case managers for the demands of actual practice. A text book for students in pre-service-training programs and a collateral reading resource for those who wish to gain a deeper knowledge about case management. (Chan, Leahy, Saunders, ed., 2004).

“Expert Witness Website - Liability or Asset?” \$69.00

A one-hour audio class, conducted by Rosalie Hamilton (2004), the Expert on Expert Witness Marketing and author of “The Expert Witness Marketing Book.” Order the recording and transcript and hear the answers to:

- Should an expert witness have a website?
- Can an expert promote his litigation support practice on a website with another practice or business?
- Does your website communicate the objective you had in mind?
- Does it reflect the appropriate image to your prospective legal clients?
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Learn the guidelines to follow on what is appropriate and effective in a website when targeting attorneys. Discover what an expert consultant website should feature and what should be excluded (and, yes, the rules are different from those for sites designed for the general public).

To submit information about a new publications to **Jenipher Gaffney** jsgaffney4@aol.com

The American Board of Vocational Experts, never has and currently does not endorse the use of any specific tests, test batteries, or commercial products.