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ABVE & The National Certification Test: A Source of Pride for VEs

By **Larry L. Sinsabaugh, PhD, D/ABVE**
Credentials Chair, American Board of Vocational Experts

As far as credentials go, your American Board of Vocational Expert (ABVE) status means something! It means you have done something above and beyond to demonstrate your forensic competence. You are a certified VE, something about which to be proud.

Certification means you have gone through an intense peer review process. You have submitted documents attesting to your credentials and educational achievement. You have submitted recommendations, proof from people who know your ability under fire and attest to your competence in forensic settings. You submitted a work sample for review. That work sample underwent a peer-review process and was critically analyzed by certified practicing VEs who evaluated the quality and content of your work-product including, the content, your reasoning, and the type of forensic recommendations contained therein. The whole process took time to complete, but it qualified you to sit for examination. Passing the ABVE examination, you were awarded certification at the Fellow or Diplomate level. Now the pride sets in, you did it! You are a certified VE. Things are looking good.

There will come a time in the future when you may need to discuss the certification process under oath, in depositions and at trial. If you do, here are some points to keep in mind. ABVE's core mission is *the certification of Vocational Expert (VE) competency* at the Fellow and Diplomate levels. In addition, ABVE also offers advanced and basic educational and training opportunities to its membership. Certification requires achieving a satisfactory score on the ABVE National Certification Test (ABVE NCT). This is ABVE's *standardized vocational expert certification examination instrument*. Here are some facts about the test to help you explain an overview of the certification and testing process, the instrument, its background and ABVE's focus of continuous improvement:

- ABVE has certified VE competency using the ABVE NCT for almost 15 years.
- Test development began in 1988 under the supervision of Harold Kulman, a past president of ABVE.
- Since 1990, the current test is reviewed by the ABVE Test Committee which is chaired by Dr. Billy J. McCroskey. After each administration, the Test Committee briefs the ABVE Board about technical issues. The continued quality review and validation process including history standards and norms, and statistics are reported periodically to the ABVE membership. The ABVE NCT has norms and cut scores that have been validated for levels of certification status (i.e., Diplomate and Fellow status).

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President's Message

By Don Jennings, ABVE President, 2005–2007



Recently an attorney in New Jersey contacted me about becoming involved in a case that he was representing. I was quite surprised when the second question he asked (the first had to do with fees) was, "Are you certified by the American Board of Vocational Experts?" I assured him that I was a certified vocational expert (VE). This led to further discussion and finally, a referral. The point of this little incident is to highlight the advantages of being certified by the only national organization that has specific criteria for certification. This certification requires providing work samples and passing a written examination. Let's not underestimate our position as a certifying agency which, in my opinion, will only increase with time.

As most of you are aware, we recently held an election for Board Members. We now have a new Board constituted of the following individuals:

Michael Graham, President Elect; Harold Kulman, Past-President; Craig Johnston, Treasurer; and Betty Lindsey Hale, Secretary. The remaining Board Members at Large are made up by Claude Peacock, Billy McCroskey, Larry Sinsabaugh, John Williams, and Rosalyn Pierce. My congratulations to the new Board Members and my continued encouragement to the Board members who have been in place and have been working hard over the last several years.

I would like to inform the membership of the areas of concern with which the Board will be dealing in the immediate future:

The first area of concern is the election of the President by the Board Members. Currently, our bi-laws state that all Board Members are elected by the membership. The officers, secretary and treasurer are also elected by the membership. Once the Board is constituted, the Board Members elect the President. The Board will discuss the possibility of making a bi-law change to allow the membership to elect the president. If you have any strong feelings about this, one way or the other, I would be delighted to hear from you. This will be a topic of discussion at the next several board meetings.

Other areas of concern with which the Board will be dealing include:

- Distance learning, a topic dealt with off-and-on over the last few years, but have never made any specific headway;
- Long range planning. We have reached the point in the organization where we must start making plans for the future and developing goals, both financial and organizational that will allow ABVE to maintain its stability over time;
- Increasing our contact with the Social Security Administration to help them establish criteria for their VE certification process. Claude Peacock is heading this endeavor.

From its beginning, ABVE has stressed continuing education (CE) as a way of maintaining and updating skills and knowledge. The easiest method of obtaining CE credits is by attending ABVE semi-annual conferences. In addition, other CE credits may be obtained by course work, readings, self study and workshops. Keep in mind that if you are taking an alternative means of obtaining CE credits, that we have

CONTINUED ON NEXT PAGE

Vocational Expert

President's Message Continued

sixteen core units/areas which must be forensic in nature in order to be accepted. Prior to taking any alternative program of instruction, I suggest that you obtain prior approval from Michael Graham, Chair of the Continuing Education Committee. There is a standard procedure to follow in order to obtain alternative CE credits. At the most recent board meeting, CE credits were discussed; the unanimous consensus was, CE credits applied for must be forensic in nature and fall within one of the sixteen core units/areas as listed in an article by Billy McCroskey published in the *Journal of Forensic Vocational Analysis* (2005, Vol. 8 (1), p. 40, Appendix C).

Although the nature of our work requires VEs to function in an adversarial arena, our relationships with opposing experts do not have to be negative. Our Code of Ethics is very clear about the way that we as experts should respond to, deal with, and, relate to other experts, particularly, opposing experts in our field. Maintaining a professional relationship with the opposing expert, is vital. Although VEs may have differences of opinion, these differences do not have to be projected in a negative or personal vein. I recommend all members should look at the ABVE Ethics Code concerning the area of professional relationships.

The Florida Conference, was excellent. The hotel was good and hospitality staff helpful despite, the location being somewhat out of the beaten path.

ABVE's upcoming conference in October will be in Philadelphia—The Cradle of Liberty. It promises to be a fun and exciting place. The program is loaded with strong educational workshops. I highly encourage you to attend this conference. The host hotel for the conference is located in the heart of downtown Philadelphia where all the action is! I look forward to seeing you in Philadelphia this Fall.

From The Editor's Laptop

By Betty Lindsey Hale, Newsletter Editor

The first Ethical Canon of the American Board of Vocational Experts' Code of Ethics states that, "*I shall behave in a legal, ethical and moral manner in the conduct of my profession, maintaining the integrity of the Code and avoiding any behavior which would dishonor my profession.*"

The third Ethical Canon of our Code states that, "*I shall act with integrity in my relationship with colleagues, other organizations, agencies, referral sources, and other professions.*" While legality is rather narrow in that it pertains to what is lawful or statutory in nature, ethical behavior implies that one conforms to accepted standards of conduct, especially in a professional sense, which of much wider scope and application. This concept is also encapsulated in the terms honorable and upright. Likewise, to have integrity means that one adheres to a code of values and behaves with utter sincerity, honesty, and candor.

The principles underlying two Canon of our Code of Ethics can be largely summed up in the word "character". The *Merriam-Webster Dictionary* defines character as, "*The complex of mental and ethical traits marking a person or group; reputation; and moral excellence.*"

As members of ABVE we should always keep these principles in mind, not only because we have signed a copy of the Code when we applied for certification, but because of the irrevocable damage that may be done, not only to our own professional reputation, but to the organization by our affiliation with ABVE, and to forensic vocational consultants as a whole in the eyes of other professions. These traits should encompass our lives to the point that we view them as an integral part of ourselves that will not be compromised regardless of the circumstances, rather than "situational ethics" that are merely donned for effect when the occasion calls for one to appear justified in the eyes of others. Unfortunately, this is not always the case as described in one of the examples cited by Rosalyn Pierce in the Ethics Column of this issue of the Newsletter. Since no man or woman is an island unto himself, we all must realize that our actions, especially in a professional context, have far reaching influence and we should, therefore conduct ourselves in a manner befitting the ABVE standards we purport. In closing, I offer a few quotes below as food for thought on this issue:

- "*Morality, like art, means drawing a line someplace.*" (Oscar Wilde)
- "*Character is like a tree and reputation like its shadow. The shadow is what we think of it; the tree is the real thing.*" (Abraham Lincoln)
- "*Nearly all men can stand adversity, but if you want to test a man's character, give him power.*" (Abraham Lincoln)
- "*Personality can open doors, but only character can keep them open.*" (Elmer G. Letterman)
- "*People with courage and character always seem sinister to the rest.*" (Hermann Hesse)

ABVE & NCT Continued

- The ABVE Certification examination has undergone multiple peer reviews and has been the subject of several objective validation studies.
- The ABVE National Certification Test has proven to be a reliable and valid instrument for the purpose it was developed.
- ABVE has had an active test committee for the better part of 15 years that reviews each test administration, updates the test and regularly reports findings to the ABVE Board of Directors (ABVE Board).

The breadth and depth of information about the ABVE NCT's development, the validation process, and some of the written public announcements pertaining to the certification examination follows. You can use the references on this list to answer that famous Daubert-like question, "What has been published about the test?"

Sinsabaugh, L. L. (2006, Winter). *Clearing the air. The Vocational Expert*, 22 (3), 4, 5.

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McCroskey, B. J., Lageman, H. J., Streater, S. E., Peterson, R. A., Stein, D., Mayer, L., & Dennis, K. L. (2000). The Historical Development and Statistical Analysis of the American Board of Vocational Experts (ABVE) National Certification Examination: Norms, Reliability, Validity and Cross-validation, *The Journal of Forensic Vocational Analysis*, 3 (1), 3-14.

Stein, D. (1994). Request for ABVE Certification Examination Questions. *The Vocational Expert*, 10 (2), 2.

Frank, D. S. (1990, November). Credentials Committee report. *The Vocational Expert*, 7 (4), 2.



Yes, don't forget to cite this article too. In the near future the *Journal of Forensic Vocational Analysis* will publish an electronic monograph about the ABVE NCT, its foundational, history, and technical information about the instrument.

The ABVE NCT has been, and is administered to applicants seeking certification at the Fellow and Diplomate level at ABVE biannual conferences since 1990. The next administration will occur in Philadelphia at the ABVE Fall 2006 Conference, in October. Another fact, the ABVE NCT has been discussed and input sought from ABVE members at the association's business meetings over the last fifteen years. ABVE conference promotional material announces the test

administration schedule for all upcoming conferences. The ABVE organization holds the administration of the ABVE NCT the day preceding the conference.

Well here it is, if you have undergone the certification process and have taken the ABVE NCT, it's OK to be proud, you earned the feeling! At ABVE, we applaud those who take-on this demanding certification process and succeed in putting the ABVE certification initials (F/ABVE or D/ABVE) after their name.

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

FALL CONFERENCE IN PHILADELPHIA, PA

October 13-15, 2006



Philadelphia has been thought of as a “blue collar town”, one with a strong work ethic. However it is also a cosmopolitan city, rich with culture and of course, history. There is the world famous Philadelphia Orchestra, the ballet, theater, an opera company, an outstanding art museum, the Franklin Institute, the Mutter Museum, Maritime Museum at Penns Landing, and the many historic sites including Independence Hall, the Liberty Bell, Betsy Ross’ House, Constitution Hall, the new Constitution Center and others.

We encourage everyone to come to our ABVE Conference in Philadelphia in October 2006, not only for the “sights and sounds” of the City, but more importantly, for an outstanding program with world famous presenters and experts in our field including Robert Sadoff, MD, an internationally famous forensic psychiatrist; Nathaniel Mayer, MD, a head injury specialist and Director of the Drucker Head Injury Institute; Leonard Kamen, DO, physiatrist with a specialty in muscular skeletal injuries; Andrew Verzilli, PhD, Professor Emeritus of Economics, Drexel University; Mark Wagner, PhD, neuropsychologist and Diplomate ABVE and a host of other outstanding presenters. The topics are rich and meaningful and can only make us more proficient, effective vocational experts.



Phil Spergel, Conference Chairperson, provided not only the previous information on the conference itself, but also the following information as a sample of the top regional attractions in the Philadelphia area. Thank you Phil!

Academy of Natural Sciences, 19th Street & the Parkway, (215) 299-1000, www.acnatsci.org . Permanent: Living Downstream; Alien Invaders, Dinosaur Hall, Live Animal Center, and more. \$10; \$8.25 seniors. Open 10 a.m. - 4:30 p.m. Tuesdays-Fridays, noon-4 p.m. Saturdays and Sundays.

Bartram’s Garden, 54th Street & Lindbergh Blvd., (215) 729-5281. www.bartramsgarden.org . Botanical garden on 45-acre parkland and 18th century home of botanist John Bartram. Hourly tours noon-4 pm Tuesdays-Sundays. Guided house tours \$5, \$4 seniors and students.

Ben Franklin’s Ghost at Lights of Liberty. Interactive “synthetic interview” exhibit: Dr. Franklin answers questions about his life. PECO Energy Liberty Center, 6th & Chestnut Streets, (215) 542-389. www.lightsofliberty.org . 10am-6pm daily.

Betsy Ross House, 239 Arch Street, (215) 686-1252. www.betsyrosshouse.org . Meet Betsy Ross: costumed impersonator answers questions about Colonial life. 10:30 am - 3:30 pm. Tuesdays-Sundays. Circa 1740 Georgian-style home of flag maker; with flag room, memorabilia display. 10am-5pm Tuesdays-Sundays \$3; optional 25 minute audio tour \$5.

Edgar Allan Poe House, 7th & Spring Garden Streets, (215) 597-8780. [www.nps.gov.edal](http://www.nps.gov/edal) . Home of the author, 1843-44. Guided tours 9am-5pm Wednesdays-Sundays.

Elfreth’s Alley, 2nd Street between Arch & Race Streets, (215) 574-0560. www.elfrethsalley.org . Oldest residential American street (30 hours, built 1728-1836). Open to public: Mantua Maker’s Museum House (No. 126) Windsor Chair Maker’s House (No. 124). \$2, 10am-5pm. Thursdays-Saturdays, noon-5pm Sundays.

Franklin Institute, 20th Street & the Parkway, (215) 448-1200. www.fi.edu . Sonic Vision: digitally-animated rock music show. \$8. Show times at 9, 10, 11, and midnight Fridays-Saturdays. Fels Planetarium: with Space Comman exhibit shows Tuttleman Imax Theater: call (215) 448-1111 for current shows. \$13.75, \$11 seniors; \$18.75, \$16 seniors with Imax; \$9 all ages Imax only. Hours: 9:30am-5pm daily.

Independence National Historical Park, Independence Visitor Center, 6th & Market Streets, (215) 965-2305 (TTY: 215-597-1785) [www.nps.gov.inde](http://www.nps.gov/inde) . 20 Buildings open to the public, including Visitor Center (8:30am-5 pm daily), Independence Hall, Congress Hall (both 9 am-5pm daily), Carpenter’s Hall (10 am-4pm Tuesdays-Sundays), Old City Hall (10am-1pm daily). Information on daily programs, activities, tours at Visitor Center. Most sites free.

Liberty Bell Center, Market Street between 5th & 6th Streets, (215) 965-2305. www.nps.gov/inde . Home of the Liberty Bell; with exhibits on Bell’s origin and role as symbol of freedom. 9am-5pm daily.

National Constitution Center, 525 Arch Street, (215) 409-6600. www.constitutioncenter.org . Honors, explains impact of famous document (1787 copy of display): plus more than 100 interactive exhibits, Signer’s Hall, American National Tree, theater, more. \$9 and \$7 seniors. 9:30am-5pm daily and 9:30-6 pm Saturdays.

National Liberty Museum, 321 Chestnut Street, (215) 925-2800 www.libertymuseum.org . “Ben & Me”: exhibit with artifacts about Ben Franklin from 1800’s, children’s mugs & plates with Franklin’s maxims on them. Closes 11/06. Liberation: spoken-word presentation celebrates art of peaceful communication. 1-3pm last Sundays of month. \$5 and \$4 seniors, 10am-5pm Tuesdays-Sundays.

National Museum of American Jewish History, 55 North 5th Street, (215) 923-3811 www.nmajh.org . 10am-5pm Mondays-Thursdays, 10am-3pm Fridays, noon-5pm Sundays.

Welcome to the Following New Members

ABVE is pleased to announce that our ranks continue to grow and welcomes the following new members:

Daniel Sidhu - Fellow

Fran Plaisted - Fellow

Cheryl Chandler - Fellow

Judith Najarian - Diplomate



Future ABVE Conferences

Mark Your Calendars
Now!

Fall 2006: Philadelphia, PA

Spring 2007: Scottsdale, AZ

Fall 2007: Toronto, Canada

**For the Latest Details
Visit**

www.ABVE.net

CHANGE IS IN THE AIR

**By The Honorable R. Michael Booker, Attorney At Law
Social Security Claims Representative
R. Michael Booker, P.C.
Sylacauga, Alabama**

The Commissioner of Social Security has proposed changing portions of the Social Security appeal structure to, you guessed it, make the system more efficient. If you are a “chicken little”, you believe that these changes are aimed at removing variables (including attorneys, vocational experts, and medical experts) from the determination of disability under the Social Security Act. The “chicken littleists (CL)” would consider the long range effect of a more efficient system as allowing the Commissioner of Social Security to ultimately determine disability while ignoring the basic fundamentals of “due process of law”. The CLs would point to the Veteran’s Administration disability determinations as fodder for their concern.

On the other hand, the “non-chicken littleists” (NCL) will approach these changes as business as usual. The NCLs have seen changes come and go through the years with only minimal negative change in the process. The NCLs will recognize that the statues from which the Commissioner receives his/her power to regulate established the definition of disability under the Social Security Law and that that definition of disability contains medical and vocational considerations. While the Commissioner may be able to erode the definition of disability by regulation, the basics of the definition will remain inviolate unless the United States Congress changes that definition. What are the chances that that definition will be changed? Probably zero. Why? With a Republican Congress and White House for at least 6 years, has

there been any meaningful Social Security legislation? Consequently, a tweak here and a tweak there, here a tweak, there a tweak, is about all that we should expect. The philosophy of the NCLs should prevail.

There is a bigger issue here. Is the Social Security disability program broken in the first place? Is the program serving its intended purpose of providing income to the severely disabled during times of extended (12-month duration) need? Sure there are Administrative Law Judges that throw money at disability claimants like they are the federal government (Ha, Ha) and can print more if needed. But, in general, the State Disability Determination Units and the Administrative Law Judges apply the law as it was intended—to approve 35% to 45% of all individuals hearty enough to persevere through the process—survival of the unfittest.

Let us make improvements in the processing of disability claims; make improvements in the technology associated with disability claims; but, do not significantly change a program that is based on due process of law and that is accomplishing its intended purpose.

June 2006: New Procedures to Shorten the Credentialing Process

By Larry L. Sinsabaugh, Credentials Chair

In the past, the credentialing process has been fraught with problems and delays; mostly because applicant files sit, and sit, and sit and sit... at ABVE HQ, waiting receipt of references and sometimes transcripts. In the future, applications will no longer be held in this limbo because ABVE is changing the process. In the future, all applicants requesting peer review will file their credentials package when it is complete—meaning, the application package is filed only when the applicant has collected and assembled all of the parts (i.e., application, three sealed letters of references, CV/resume, sealed education transcripts, two work product(s) and the fee); only then will the package be deemed complete. Once ABVE HQ receives the completed applicant packet, staff will coordinate with the Committee Chair, the assignment of peer reviewers. This new process will become effective June 1, 2006.

Once ABVE HQ receives the completed applicant packet, staff will coordinate with the Committee Chair, assignment to the peer reviewers. This new process will become effective June 1, 2006.

Completed applicant packets are sent to ABVE Reviewers for examination. A standardized checklist is used by the reviewers to structure the review. The process is so streamlined that reviewers have cleared all of the applicants awaiting Peer Review within two

weeks from the time the packets were received by reviewers. This time frame has been achieved for the last three conferences. It is if “speed-pass” has come to ABVE. ABVE is proud of the turn-around rate. This comes from having good people serving on the Credentials Committee, people who take their role seriously and do timely reviews. We could not meet this tight deadline without the faithful and diligent service of those who serve on the Credentials Committee. Reviewers often have differing rationales for opinions expressed to criteria, but overall, status ratings (i.e., denial, Fellow or Diplomate) have yielded considerable inter-rater consistency, good evidence for a high degree of reliability. This happens because reviewers take the job seriously and give prompt and diligent consideration to each applicant’s work-product. After all, the reviewers are Vocational Experts.

Applicants requesting admittance to the *ABVE National Certification Test* (ABVE NCT) must have their completed application packet filed with ABVE HQ at least 60 days before the test administration date. Otherwise, the applicant will not be permitted to be examined, and the application will be carried over until the next administration of the test. The ABVE NCT is administered the day before the biannual conference begins.

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.

The Minnesota Office of Hearings and Appeals Social Security Administration (SSA) is soliciting individuals interested in providing vocational expert (VE) services. To qualify as a VE, a person must have extensive expertise in rehabilitation, counseling, and placement of individuals with disabilities into the work force. For an appearance at an SSA hearing, VEs are reimbursed \$75-\$110 per case. Four to five cases are scheduled in a typical day. Hearings are held around the State and the VE can determine where and how many hearing s/he would like.

Interested Vocational Experts should forward a resume and letter of interest to:
Judge Townsend-Anderson,
Hearing Office Chief
Office of Hearings and Appeals
330 South 2nd Avenue, Suite 650
Minneapolis, MN 55401
FAX: (612) 348-1255

Advertising In 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 Betty Lindsey Hale at blhale@insightbb.com about advertising in the Newsletter.

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@auburn.edu

Are You the Expert Attorneys Call First?

By Meredith Hamilton

Credibility, credentials, communication skills — all are important qualities in an expert witness. But before any of that is even relevant, your potential clients must first know you exist.

According to a study by ITSMA, 77% of decision makers find service providers, including consultants, using the web — even if they have referrals. 91% of the legal community uses the Internet for legal research including researching experts (American Bar Association, Legal Technology Resource Center, 2005 Tech Survey).

So it behooves you to increase your web presence. You can do this in a professional manner in several different ways (without resorting to tacky pop-ups or banner ads!). There is much more to being found on the web than a website, but it's a good place to start.

- 1) Website - Although several years ago an expert with a local practice could get by without a website, these days, everyone should have one. A website is affordable, increases your visibility (especially if search engine optimized), provides more information to those you've given your business card, and allows easy access to your contact information. I often just Google the person's name from the website, when I have misplaced a phone number or address.
- 2) Write Articles—for attorney publications, business journals, trade publications, etc. In addition to enhancing your credibility, this practice can increase your visibility on the Internet. Almost all print publications now also have an online version, so when the subject matter of your article or your name is put into a search engine, a link to you is more likely to come up.
- 3) Press—This ties in nicely with number two. For any newsworthy event or item, such as having an article published you can submit a Search Engine Optimized press release online. Basically any of the excuses you would use to send a professional announcement is a reason to do a press release (<http://tinyurl.com/mzcpt>). A press release is designed and written with key words that your prospects can search for an expert in your field, both in the text, and in background elements that only the search engines see. This serves two purposes: (1) Get exposure to the media and may be contacted for a quote or an interview; and, (2) Increase your visibility in the search engines and thus with potential clients looking for your expertise on the Internet.
- 4) Associations—Be active in your trade association or organization. Take a leadership position, spearhead a committee, etc. and your name will likely appear on their website — again giving you valuable exposure and credibility within your industry/field. This increases your chances of being found by attorneys needing your particular services.
- 5) Internet Expert Witness Directories—We have compiled a list of some of the Internet expert witness directories. You may also want to investigate referral services that have Internet sites. But investigate wisely and use your own due diligence before listing with directories and then monitor the results. How many inquiries came from that listing? How many turned into client work? There is no one directory that is right for every expert. Geography, area of expertise, experience, types of cases, etc., make it a decision unique to every expert as to which one will be the most effective. Additionally, each directory promotes itself differently and based on that, there are probably some on this list that would not be effective for most experts.

CONTINUED ON NEXT PAGE

**** This list is not exhaustive and does not constitute endorsement of any particular directory**

General Internet Expert Witness Directories

www.alllaw.com
www.bestlawyers.com
www.ca-experts.com
www.expertlaw.com
www.expertpages.com
www.experts.com
www.findlaw.com
www.hgexperts.com
www.jurispro.com
www.lawinfo.com
www.lawsonline.com
www.morelaw.com
www.romingerlegal.com
www.theattorneystore.com
www.witness.net

Internet Expert Witness Directory - A Reproduction of Newspaper Ads

www.lawyersweeklyexperts.com
Lawyers Weekly Newspapers

Expert (not Expert Witness) Directories

Example:

www.expertclick.com

The Yearbook of Experts,
Authorities & Spokespersons

Internet Expert Witness Directories that are also Print Directories

www.abve.net
American Board of Vocational Experts
Membership Directory
www.almexperts.com
ALM Experts - Expert Witnesses &
Consultants Directories
www.ambest.com
Best Directory of Recommended
Insurance Attorneys & Adjusters
www.astm.org
ASTM Directory of Scientific &
Technical Consultants & Expert
Witnesses
www.barlist.com
The Claim Services Guide
The Insurance Guide
www.cagworld.com
Casualty Adjuster Guide
www.expert4law.org
Southern California Directory of
Experts & Consultants

www.martindale.com
The Martindale-Hubbell® Buyer's
Guide
www.national-experts.com
The National Directory of Expert
Witnesses
www.seak.com
National Directory of Independent
Medical Examiners (TM)
National Directory of Experts (TM)
www.sfbar.org
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Ethical Questions & Answers

By Rosalyn Pierce, M.A., C.R.C., C.D.M.S., N.C.C., C.C.M., L.R.C.

Q.

Vocational expert Jones has been practicing for 30 years, her practice is flourishing and she is well respected by her colleagues and the legal community. VE Jones has allowed her C.R.C and A.B.V.E. certifications to expire. She laments that she doesn't have the time to attend conferences, read professional journals and text books, attend seminars, or take classes pertaining to her field. What effect will this omission have on VE Jones?

A.

Rule 8.2 of the American Board of Vocational Experts Code of Ethics states that "vocational experts will continually strive through reading, attending professional meetings, and taking courses of instruction to keep abreast of new developments, concepts, and practices that are essential to providing the highest quality of services to their clients".

Q.

VE Conrad was attending a convention out of town and went bar hopping. He became intoxicated, snorted cocaine, and jumped on top of the bar, stripping down to his underwear. He was seen soliciting a prostitute while wearing his A.B.V.E. conference name tag. How should a professional like VE Conrad conduct themselves in public when on business in or out of town?

A.

Canon 1 of the American Board of Vocational Experts says: "Vocational experts shall behave in a legal, ethical and moral manner in the conduct of their profession, maintaining the integrity of the Code and avoiding any behavior that would dishonor the profession."

Court Decisions Affecting VE Testimony in SSA Disability Hearings

The following excerpts regarding vocational expert testimony within the SSA Disability context were found on the NOSSCR Disability Blog. This site provides a wealth of information related to SSA and has links to other blogs focusing on Workers Compensation, LTD, and other areas where vocational issues are relevant.

January 22, 2004—Barrett v. Barnhart, 355 F.3d 1065 (7th Cir. 2004)

Decision from Judge Posner which points out the need to cross-ex VE's regarding the basis for numbers in response to hypothetical questions. Also notes the need for connecting the evidence to a finding that the claimant is not disabled.... Summing up the duty of explanation,

The cumulative effect of the administrative law judge's errors and omissions was to fail to build a rational bridge from the evidence to the finding that Barrett was not totally disabled. E.g., *Lopez ex rel. Lopez v. Barnhart*, 336 F.3d 535, 539 (7th Cir. 2003) (per curiam); *Steele v. Barnhart*, *supra*, 290 F.3d at 941; *Zurawski v. Halter*, 245 F.3d 881, 887 (7th Cir. 2001); *Green v. Apfel*, *supra*, 204 F.3d at 781; *Fagnoli v. Massanari*, 247 F.3d 34, 41-42 (3d Cir. 2001); see generally *Pension Benefit Guaranty Corp. v. LTV Corp.*, 496 U.S. 633, 654 (1990); *Bill Branch Coal Corp. v. Sparks*, 213 F.3d 186, 191 (4th Cir. 2000).

January 24, 2005—Hackett v. Barnhart, No. 04-1047, __ F.3d __ (10th Cir. Jan. 24, 2005)

The Tenth Circuit, in an opinion by Circuit Judge Harris L. Hartz, affirms most of the ALJ's decision but reluctantly reverses and remands for further proceedings with regard to a conflict between the VE's testimony and the DOT:

We therefore must reverse this portion of the ALJ's decision and remand to allow the ALJ to address the apparent conflict between Plaintiff's inability to perform more than simple and repetitive tasks and the level-three reasoning required by the jobs identified as appropriate for her by the VE. To reverse and remand on this ground almost four years after the hearing before the ALJ is unfortunate. Plaintiff was represented by counsel at the hearing; and had this conflict been raised at that time, the ALJ could have responded by explaining or changing his ruling. Indeed, there is nothing in the record before us to indicate that the conflict was raised until the district court proceeding that commenced two years after the ALJ hearing.

The Supreme Court has ruled, however, that a plaintiff challenging a denial of disability benefits under 42 U.S.C. 405(g) need not preserve issues in the proceedings before the Commissioner or her delegates. See *Sims v. Apfel*, 530 U.S. 103 (2000). The Court found that the ALJ correctly determined the claimant's RFC and that the ALJ's credibility finding was supported by substantial evidence. The Court also concluded that a Colorado worker's compensation award of permanent and total disability was adequately considered by the Appeals Council.

