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San Diego Spring Conference

In a phrase, “fantastic, refreshing and fun.” Each and every presenter more than met attendees’ expectations, with thorough, thought-provoking and often entertaining presentations as well as extensive materials. “This is the best conference I’ve been to in five years” and “the speakers were awesome” were common comments throughout the weekend.

San Diego-based attorney Juanita Brooks, Esquire piqued everyone’s interest, energies, and spirit with her dynamic presentation on the *Quality of Expert Witness Testimony*. ABVE Immediate Past President Hank Lageman and current President Michael Graham provided the comprehensive, much appreciated half-day workshop *The Vocational Expert – Enhancing One’s Techniques and Business*.

Neuropsychologist Christine Baser, Ph.D. outlined the basic neuropsychological evaluation process and commonly used tests. It was evident in the research she did, to specifically address the vocational functioning and employability of persons with acquired brain injury.

Renowned Jury and Witness Consultant, V. Hail Starr, Ph.D., led us through the maze of *Appearance Awareness* in the courtroom and nationally acclaimed Texas-based attorney Frank Branson, Esquire offered a whole different perspective of impressions made by expert witnesses, through his very entertaining and enlightening videotaped depositions.

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Lindette Mayer, Ph.D., receives the David S. Frank Award

David S. Frank Award Goes to Mayer

Dr. Mayer is the recipient of the David S. Frank Award for her contributions to the organization. Currently in her fourth year of membership on the ABVE Board of Directors, she has been Editor of the ABVE Newsletter, Co-Editor of the ABVE *Journal of Forensic Vocational Analysis*, and also Publications Chair. In that capacity she was responsible for the aforementioned publications as well as the ABVE Website, the Membership Directory and additional publications such as the ABVE membership brochure. Dr. Mayer has also served as a member of the Credentials Committee and the Test Maintenance Committee for ABVE’s certifying exam. Having been a perennial presenter at ABVE’s conferences, Dr. Mayer’s future energies will be directed toward developing training and education programs for the ABVE membership. Dr. Mayer has also served as a resource to many individuals who have contacted her via email at lindphd@aol.com.

ABVE Fall Conference: The Changing Nature of Work

Mark your calendar now for the ABVE Fall conference to be held at the Williamsburg Hospitality House in Williamsburg, VA. The conference dates are September 14 – 16, 2001. The title of the conference is *The Changing Nature of Work: The past 200 years*. This conference is set to be both an informative get together and an opportunity to relax and enjoy a piece of colonial history which is the best example of what work was in the early portion of American’s colonization.

There will be three pre-conference value-added workshops to choose from covering new developments in estimated earnings, basic statistics, presentation techniques and VE best practices: *Learning From Each Other*. Sessions will include critical looks at how your work impacts on the rest of your life, the changing nature of disability analysis, a look at trends in testimony, new trends in medical and psychological diagnosis and testimony on mild traumatic brain injury. The advantages and disadvantages of labor market surveys will be presented, as well as a practicum in such surveys. There will be a continental breakfast roundtable discussion. Learn about VE testimony in veterans’ claims along with an assessment model for Minimal Brain Damage (MBD). Other speakers from both medical and forensic vocational areas will contribute to this outstanding learning event, held in one of the seats of American colonization in the western world. Williamsburg will afford you the opportunity to see and evaluate the work activity of over 250 years ago and give participants a background in the historical evolution of work on the continent right up too, and including today’s world of work.

So, hear ye, hear ye, hear ye, come one, come all to the wonderful world of colonial Virginia and the action and information packed Fall ABVE 2001 Conference. We all owe a debt of gratitude to the wonderful job that Larry Sinsabaugh has done, single handedly setting this conference on tract and packing it with interesting speakers who are focused on our needs in the forensic world.

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President's Message

By G. Michael Graham, Ed.D.

For those of you who did not attend the ABVE Spring conference in San Diego, the reins of the President were transferred from Hank Lageman to me, Michael Graham for the next year. Under Hank's leadership, ABVE passed some pretty huge milestones including modernizing and updating the ABVE Bylaws (the updated and Board-approved Bylaws will be on the ABVE website for all to view). A comprehensive and well-structured Policy Manual was developed and approved by the Board so that consistent and agreed-to methods of conducting ABVE business will prevail. With the assistance of Glenn Zimmermann, the Board has had some training in how to work together and to conduct the business of the organization. Also several new policies were discussed, developed, and adopted by the Board, which directly affect the membership. These new policies have been placed on the ABVE Website for review and activation by all members. These Policies address (a) The CEU Approval Process, (b) Annual Re-Certification Guidelines, (c) Re-Activation of Membership Status for those prior members who have allowed their membership to lapse and are now seeking reinstatement, and (d) Expansion of the Master's Degree Requirement for Membership Status. I urge you to log onto the ABVE website at www.abve.org to review these new policies. Members should use these new policies to their benefit, especially the policy on how to accomplish the CEU approval process for yourself or perhaps other organizations to which you belong and who sponsor or conduct training activities.

It is my strong desire to continue to move ABVE forward in positive directions this next year so that ABVE more specifically defines its mission as the major force in the certification of vocational forensic experts across the country. With this in mind, I have adopted the following theme for the 2001–2002 Board of Directors: *TEAMWORK – The ability to work together toward a common vision; the ability to direct individual accomplishments to organizational objectives; it is the fuel that allows common people to attain uncommon results.* Working as a team is so very vital for a Board of Directors if the realization of the organization's mission and the development of stronger "value-added" benefits to its membership are to be accomplished. I see the Board as the "training ground" for the organization's future leadership. The new Bylaws expand the number of "At Large" members on the Board. It is our hope that these members will grow in their awareness of the organization and their desire to attain the leadership positions of the future.

As the incoming President of ABVE, I have prioritized two major objectives to be accomplished by the collective efforts of your Board of Directors during my term. These include:

- (a) The development of on-line educational training modules that address the specific training and knowledge enhancement needs of the membership. These modules will be available online so that an ABVE member can, for a small fee, download the training materials, complete the study, take an exam to determine the degree of knowledge assimilation and receive CEU credit. Lindette Mayer and I are taking the lead in developing this aspect of ABVE's service array.
- (b) Increasing membership by using and expanding the "Regional Leadership" concept that Bart Hultine originated last year for his membership drive. I would like to solicit from our membership, the names of members who are interested in learning more about this concept and how it will be used in their region of the country. I envision phone trees being established, seminars being presented to regional members to enhance forensic skills, and additional members being brought on board from other organizations and independent VEs who are not now a part of ABVE. Please let me know if you are interested in this opportunity in your region.

In addition I want to develop the capacity to broadcast email to each ABVE member simultaneously. This will allow me to reach each of you for a "grass roots" contact between editions of the ABVE Newsletter. I want this capacity to keep you, informed of the Board's activities and developing issues of which we all should be aware. I also want to make sure that you have an increased aware-

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ABVE Membership Campaign

By Al Walker

Growth, as a professional association and as individuals, is the primary benefit of increasing our membership. New ideas and techniques, possible new referral sources, and new channels for networking are all brought to the association with the addition of members. In my opinion personal encouragement from individuals viewed as professional equals is the best method of recruiting new members.

Current ABVE members are encouraged to actively recruit individuals who likely would qualify for membership. Each member will receive a coupon worth \$100 towards a future ABVE conference once the individual has passed all phases of the application process and has been awarded the Diplomate or Fellow status.

If you know of a likely candidate and do not want to actively recruit the individual, please pass on their name, address and phone number. Someone from the Membership Committee will make the contact and encourage their application.

Additional efforts to increase membership include placing ads in related professional journals, presentations at forensic conferences, and mailings to members of related forensic associations.

Information for the Work Place

Video Treatises?

These are well-established principles of modern evidence law. Now we come to a new issue that was before a federal appellate court recently for the first time. The question is: Can a training videotape made by and for experts be admitted into evidence under this "learned treatise" exception to the rule against hearsay? The Second Circuit Court of Appeals, apparently for the first time in federal courts, decided that issue in the affirmative in the case of *Costantino v. Herzog*, 203 F.3d 164 (2d. Cir. 2000).

- Videotapes produced by a recognized and authoritative professional body, on what the proper standard of care when facing an issue is, or what the proper methodology to be used is in a particular situation, can be admitted as evidence of what the standard or the methodology is under the learned treatises exception of Federal Rule of Evidence 803 (18).

Submitted by Cynthia Grimley

Michael Graham Receives Presidential Citation

By Hank Lageman, Past President

For the last several years Michael has been an invaluable resource to the Board and ABVE and has well prepared himself assume the office of president. He received the Presidential Citation for the second consecutive year.

- Mike served as treasurer during the transition from AMC to BTF and assisted in developing the smoothest transition possible including, a change in accounting systems, an independent audit of all funds, setting up new bank accounts and developing procedures with BTF for accountability and protection of association funds.
- Mike has worked diligently with corporate counsel and the bylaws committee to develop bylaws, procedures and policies that will remove all guesswork from how we conduct our affairs as an organization.
- Mike has also served as credentials chair and worked diligently assisting applicants in getting their applications screened more quickly, and has now included feedback to prospective members on the results of their peer review.
- Mike, together with myself and Lindette Mayer, developed reinstatement guidelines, clarity in CEU credit guidelines and opportunities for potential members who have a Master's degree in an unrelated field to use experience to attain professional certification in ABVE.

As your retiring president, I can see that much has been accomplished over the last several years and ABVE is truly reinventing itself. Feedback from conference attendees has been very positive. Our goal of assisting the membership in sharpening their razor's edge as experts and mutually sharing our expertise is appreciated and increases bonding within the group. It is Board members like Mike Graham who really help ABVE move forward with fervor and accomplishment. His contributions to ABVE are very much appreciated.

Spring Conference

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Economist Gerald Martin, Ph.D., noted frequent dilemmas encountered by economists as they attempt to translate vocational experts' data; and he offered several solid solutions to more effectively make the vocational-economic connection.

The Great Debate was moderated by Judith Drew as Anthony Gamboa and Brian Sullivan gave convincing presentations to take away much of the mystery of the Work Life Expectancy Tables. Both Dr. Gamboa's and Dr. Sullivan's perspectives were complimented with extensive writings and court findings.



Dr. McCroskey at a loss for words? Only while sitting between Judy Hultine and Jan Lowe at the San Diego Spring Conference.

Employment Law panelists focused on the ADA and the vocational expert's role on such litigation. Robert Hall, Ph.D., of San Diego State University and San Diego-based attorneys Rick Bergstrom and Josh Gruenberg provided tremendous insight and stimulated much discussion on this topic. The changes and challenges of this "living law" gave attendees much to think about in future case preparation.

Paul McDaniel and Hank Lageman highlighted the elements, factored into the job-match hiring process and discussed the legitimate (or not) use of such screeners.

Special thanks are extended to Conference Chair Janice Wexler for excellent planning of the conference.

The curiosity, commitment, questions and comments shared by conference participants clearly enriched each workshop. Despite the unseasonably cool temps and winds, the conference climate was warm and lively and comments throughout the weekend reflected a good time was had by all!

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ness that each of us are "in the loop" TOGETHER regarding the activity and issues affecting ABVE and your forensic practice.

Lastly, the Board will be engaged in a review of the test items on the ABVE Certification examination with the desire to make test items relevant to the major areas affecting the provision of expert vocational forensic work. We are a forensic organization and while each of us needs to have a knowledge base of the fundamentals that make up our profession as vocational specialists, it is my belief that the certification examination should have more focus on those relevant issues having to do with how we conduct our business as expert witnesses. Therefore, I believe that questions need to be added or substituted that address issues such as The Rules of Evidence and Discovery, Preparation for Direct and Cross Examination, The *Daubert*, *Joiner* and *Kumho* decisions and their impact on our testimony, Potential Liability of Experts for Their Work in Litigation, and Ethics. If you would like to serve with us on the committee developing such questions please contact me.

New Board members by the membership for the year 2001-2002 include:

- Harold Kulman – Marietta, PA Member at Large (1991 ABVE President)
- Cindy Grimley –Lexington, SC Secretary
- Bruce Growick – Columbus, Ohio Member at Large

In addition, I have assigned each Board member a specific Committee Chair as listed below. I encourage you to contact the Board member on whose committee you might like to serve. Talk with the Board members to determine the goals and objectives of that committee for this next year, become a committee member, and get involved in your organization. Again, keeping in mind my presidential theme of TEAMWORK for this year, become an active member of the team that determines the form and function of ABVE.

2001-2002 ABVE Committee Chairs

- G. Michael Graham–Strategic Planning & Certification/Credentials
- Cindy Grimley–Newsletter Editor & Internal Membership
- Al Walker–Co-Chair Membership Development
- Lindette Mayer–Educational Development, Outreach Membership, Website Monitor
- Richard Baine–Continuing Education/CEU Approvals

- Ronald Peterson–Research & Grant Development
- Bruce Growick–Publications–Journal
- Janice Wexler–Conference Development Resource
- Harold Kulman–Policy Structure & Development, Historian
- Hank Lageman–Ethics & Standards, Past President Council Chair

The ABVE Listserv is up and running but very inactive. I urge each of you to take a few minutes to get yourself logged on. It is a very fast and simple process. Go to the website at <http://www.abve.org/mailman/listinfo/abve> and register. Once you are registered the process is simple, fast and informative. It can be a great place to solicit expert advice on the "how to" stuff or to obtain resource data, websites, etc., from your colleagues. I serve as the current monitor of this Listserv and welcome your participation.

Have a great year and I look forward to visiting with each of you during our next ABVE Conference in Williamsburg, VA, this Fall.

Welcome to the Following New Members

Jenipher Gaffney, Diplomate
Bobbi Jo Layman, Diplomate
Steve Ehlert, Diplomate
Brian Preston, Diplomate

Charles Kincaid, Fellow
Bobby Hammond, Fellow
Ellen Nagourney, Fellow
Beverly Brooks, Fellow
J. Andrew Rodriguez, Fellow

Alex Ambroz, M.D, Associate
Howard Caston, Associate
Augusto Penafiel, Associate

Members Upgraded from Fellow to Diplomate

Stephanie Sleister, Ph.D.
Terry Leslie

Notice to Members!

The Annual ABVE Membership Directory will be printed in June. Please take a few minutes to visit the ABVE Web Site at:

<http://www.abve.org>

and verify that all your listing information is correct and up-to-date. If you find anything that should be changed, contact ABVE Headquarters immediately by phone, fax, or email.

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Research Council Seeks Members

By Ron Peterson

The purpose of the Research Council is to stimulate, generate, and support research relevant to Vocational Experts. One study has already been accomplished on the issue of Absenteeism & Employability, submitted by Art Kaufman. This is in review for publication. To make the Research Council effective, we need to have ABVE members join the Council to encourage research efforts and review research proposals. ABVE has many talented and well-qualified members who can give this area significant support. Please consider joining the effort. If interested contact Ron Peterson, P.O. Box 1930, Payson, AZ 85547-1930.

Journal Guidelines Available

Those interested in submitting manuscripts for *The Journal of Forensic Vocational Assessment*

can request specific guidelines from:

Bruce Growick, Ph.D.

Tel: (614) 292-8463

Fax: (614) 292-4255

Email: growick.1@osu.edu

ABVE Fall Conference 2001

Hospitality House

Williamsburg, VA—Fall 2001

September 14–16, 2001

Conference Chairpersons

Scott Streater & Larry Sinsabaugh