

the FORECAST

A Newsletter of the National Association of Forensic Economics



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2016 EEA Meeting:
throughout!

President's Letter

Larry Spizman, President, NAFE
larry.spizman@oswego.edu

Upcoming Meetings

William Brandt has put together an excellent program for the Western Meeting in Portland Oregon for July 1 (Friday) and July 2 (Saturday), 2016. For those planning to attend it should be a great conference.

The Southern Economic Meetings will be held in Washington, D.C. in November 2016. Gil Mathis is organizing the NAFE sessions. Contact Gill at gmathis@murryastate.edu if you would like to participate.

The NAFE International Meeting will be held in Bucharest, Romania on May 23, 2016. Contact Jack Ward for information.

The 2017 ASSA annual meeting will be held January 6-8, (Friday, Saturday, & Sunday) 2017 in Chicago, IL. Kevin Cahill and Scott Gilbert will be organizing the sessions.

Board of Directors Summer Meeting

The NAFE 2016 Summer Board of Directors meeting will take place in Chicago on July 22 and 23. If you have any items you would like the board to consider please email me. The NAFE board is always seeking ways to provide member support. •



Photos from the Eastern Meeting: 1) Panel Members - Kristin Kucsma, Steve Shapiro, Larry Spizman, Josefina Tranfa-Abboud, 2) James Girola



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Forensic Economics, Inc.

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The Forecast – A Newsletter of the National Association of Forensic Economics is published four times per year. Please send comments, suggestions, and news items to the Production Editor, Nancy Eldredge, at the addresses at the right. Submissions from NAFE members are encouraged - submissions guidelines are available online at <http://nafe.net/TheForecast>, or by contacting Lane Hudgins at lane@lh-analysis.com.

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From the Executive Director

Marc Weinstein, Executive Director, NAFE - February 19, 2016

*The following are the draft minutes of the most recent NAFE Membership Meeting, held January 3, 2016. The minutes make reference to four exhibits that are not published here but will be made available online at: <http://nafe.net/Board>. If you have any questions or corrections to the minutes, please contact me at mweinstein@teameconomics.com. These minutes, with any noted changes or corrections, will be presented for membership approval at the next Annual Membership Meeting to be held January 2017. Minutes from the NAFE Board of Directors Meeting, also held January 3, 2016, will be published in *The Forecast* following approval at the July 2016 Board of Directors Meeting.*

DRAFT MINUTES OF THE ANNUAL MEMBERSHIP MEETING JANUARY 3, 2016 San Francisco Marriott Marquis ASSA Annual Conference San Francisco, CA

1. Larry Spizman called the meeting to order at 5:00 PM and gave opening remarks.
2. Marc Weinstein presented the minutes from the January 3, 2015 Membership Meeting in Boston, MA and Mike Nieswiadomy noted a correction to be made.
 - A. Subsequent to the correction(s), it was moved and seconded (Tinari, Shapiro) that the Membership approve the Annual Membership Meeting minutes from January 3, 2015 (unanimously). The approved minutes are attached as Exhibit A to these minutes.
3. Marc Weinstein presented the Executive Director reports which included the Financial Statements prepared by The Block Teitelman Group and a Membership Report, both of which were attached to the agenda. These reports are attached collectively as Exhibit B to these minutes.
4. David Schap announced that the 17th Annual NAFE Winter Meeting will be held on Friday and Saturday January 29-30, 2016 at the Sheraton Suites Key West in Key West, FL. He and Arthur Eubank are organizing this year's meeting and they plan to have two sessions on Friday morning and two on Saturday morning. So far they have 15 people committed to attend and there's room for more. If you have any interest in attending, you should contact either one of them.
5. Craig Allen discussed the NAFE sessions at the Eastern Economic Association ("EEA") annual meeting in Washington, DC to be held February 26 - 27, 2016 at the Marriott Wardman Park Hotel. The last time the Easterners were in DC was 2008. Similar to past years, it was announced that one session will be held on Friday February 26, 2016 followed by a NAFE Cocktail Reception, and three sessions on Saturday February 27, 2016. The cocktail reception will be held across the street from the hotel at the Open City Diner. Craig also noted that an economist from the Treasury Department will present the "100 Year Yield Curve" and he expects a lively discussion.
6. Jack Ward announced that the 14th Annual NAFE International meeting will be held in Bucharest, Romania on Monday May 23, 2016 at the Intercontinental Hotel. Jack noted that the rates for the hotel were very reasonable but space for NAFE participants is limited but they have approximately 17 so far. If anyone was interested, they should contact Jack Ward.
7. Bill Brandt announced that NAFE's sessions at the Western Economic Association International ("WEAI") Annual Meeting will be held on Friday and Saturday July 1 and 2, 2016 at the Hilton Portland & Executive Tower located in Portland, OR. As in past years, Bill is planning to hold three sessions on Friday July 1st and three additional sessions on Saturday July 2nd. As of now, it appears there will be a minimum of 5 sessions and if anyone wants to present a paper to contact him. Bill also mentioned the Portland Blues Festival will take place at the same time as the Westerns and extend through July 4, 2016.
8. David Rosenbaum noted that the Missouri Valley Economic Association ("MVEA") Annual Conference will be held on October 27-29, 2016 at the Hyatt Regency in St. Louis, MO. However, it is most likely that NAFE will postpone holding sessions this year.
9. Frank Adams announced that the Southern Economic Association Annual Conference will be held on November 19-21, 2016 at the J.W. Marriott in Washington, DC. NAFE is planning to hold sessions due to DC being a popular location and the incoming Southern VP,

FYI *The latest from the* **JOURNAL OF FORENSIC ECONOMICS**

Contents of Volume XXVI, Number 1, published December 2015:

ARTICLES

Robert Baumann and David Schap
Medical Net Discount Rates: Updated and Re-examined

Kurt V. Krueger and Gary R. Skoog
Transitions Into and Out of Census Disability

Michael R. Luthy, Michael L. Brookshire, David Rosenbaum, David Schap, and Frank L. Slesnick
A 2015 Survey of Forensic Economists: Their Methods, Estimates, and Perspectives

COMMENTS

Nicholas Coleman
A Comment on "Employee Tenure and Economic Losses in Wrongful Termination Cases"

Charles L. Baum II
Employee Tenure and Economic Losses in Wrongful Termination Cases: A Reply to Nicholas Coleman

Edward Foster
Net Interest Rates: History and Measurement

SPECIAL SECTION

Assessing Economic Damages in Personal Injury and Wrongful Death Litigation in the States

Laura Taylor and William G. Brandt
Assessing Economic Damages in Personal Injury and Wrongful Death Litigation: The State of Washington

BOOK REVIEW

Frank L. Slesnick
The Myth of Achievement Tests – The GED and the Role of Character in American Life, edited by James Heckman, et al.

Welcome New Members!

The following is a list of new NAFE members for the period January 1, 2016 through March 31, 2016.

Gregory Billings, Washington, DC, U.S.
Nicholas John Buzas, Manhattan Beach, CA, U.S.
Robert Carter, Owings Mills, MD, U.S.
William Davenport, San Antonio, TX, U.S.
Dale R. Deboer, Highlands Ranch, CO, U.S.
Robert S. Elgin, Middleburg, VA, U.S.
Jill Fitzpatrick, Tallahassee, FL, U.S.
David Leffard, Atlanta, GA, U.S.
Susane Leguizamon, Hendersonville, TN, U.S.
Lori Liddell, Ridgeland, MS, U.S.
Richard Lockley, San Carlos, CA, U.S.
Keith D Malone, Tusculumbia, AL, U.S.
Genevieve L Peters, Calgary, AB, Canada
Brian Piper, Austin, TX, U.S.
Paul M Rodriguez, Wellesley, MA, U.S.
Marianne H Wanamaker, Knoxville, TN, U.S.

Gil Mathis, will be responsible for organizing the sessions with assistance from Frank and Marc Weinstein. If you want to present or discuss a paper, please reach out to Gil.

10. Marc Weinstein presented the results from the November 2015 elections for President-Elect, as well as Southern and At-Large Vice President Positions below. Frank Adams is the outgoing Southern VP and Kevin Cahill is the outgoing At-Large VP; their term to cease at the conclusion of this Annual Membership Meeting later today. Mike Nieswiadomy was elected President-Elect, Gil Mathis Southern VP, and Scott Gilbert At-Large VP. Marc thanked both Frank and Kevin for doing a great job for NAFE.

2016 NAFE Elections

President-Elect 2017-2018			
Answer Options	Response Percent	Response Count	
Michael L. Nieswiadomy	98.6%	138	
Other (please specify)	1.4%	2	
	answered question		140
	skipped question		13
Number	Response Date	Other (please specify)	Categories
1	Dec 2, 2015 3:45 PM	Jim Rodgers	
2	Oct 29, 2015 2:32 PM	A. Bentley Hankins, PhD	

Southern Vice President 2016-2018			
Answer Options	Response Percent	Response Count	
Gilbert Mathis Gilbert Mathis received a B.S. & M.S.	100.0%	135	
Other (please specify)	0.0%	0	
	answered question		135
	skipped question		18

At Large Vice President 2017-2018			
Answer Options	Response Percent	Response Count	
Scott Gilbert Scott Gilbert is an associate professor of	99.3%	133	
Other (please specify)	0.7%	1	
	answered question		134
	skipped question		19

11. Steve Shapiro presented his report on the Journal of Forensic Economics (“JFE”). He indicated that the December 2015 issue of the JFE is in production now. He mentioned that Jim Rodgers and Bob Male are still the Special Editors for the State Paper series but Laura Taylor will be the Special Editor for updates to previously published State Papers. He also mentioned that authors should exercise patience on the editing of the updated state papers as there are six in the pipeline now.

Steve then noted that the first annual Ward Piette Research Prize for 2014 was awarded Stephen Horner and Frank Slesnick for their paper entitled “The Valuation of Earnings Capacity Definition, Measurement and Evidence” last year. This year, Steve presented the second Ward Piette Research Prize to Ted Miller for his 1990 publication entitled “The Plausible Range for the Value of Life: Red Herrings Among the Mackerels.”

12. Larry Spizman presented Jack Ward with NAFE’s 30th Anniversary Award for his contributions to the formation of NAFE and his commitment to furthering the science of Forensic Economics. Jack accepted the award and discussed the first meeting in December 1986 in New Orleans. He mentioned that the entity of NAFE was formed in May 1986 with John Adams, Ruben Slesinger, and Eli Schwartz. Jack also noted Nancy’s contribution to NAFE and that the organization would be forever grateful for her contributions. At that point, Mike Nieswiadomy yelled out that Pam was Jack’s trophy and Jack told a story of his Summer in Rome, Italy in 1985 and proceeded to thank Pam and his family for their support over all the years.

13. Larry Spizman announced that NAFE is extremely grateful to Nancy Eldredge and her 30 years as NAFE’s only employee and the commitment and dedication she has displayed in furthering the organization’s mission. As such, Larry mentioned that NAFE has presented Nancy with the “Wine of the Month” Club and she will receive a bottle of wine monthly as a token of NAFE’s appreciation.

14. Marc Weinstein presented a poem entitled “NAFE’s 30-Year Conundrum” attempting to declare the correct pronunciation of NAFE. It was his supposition that NAFE, rhymes with safe and a copy of his poem is attached as Exhibit C to these minutes.

15. Lane Hudgins, Editor of *The Forecast*, reported on the direction of NAFE’s updated newsletter which is correlated with the 30-year anniversary of NAFE. The inaugural issue will

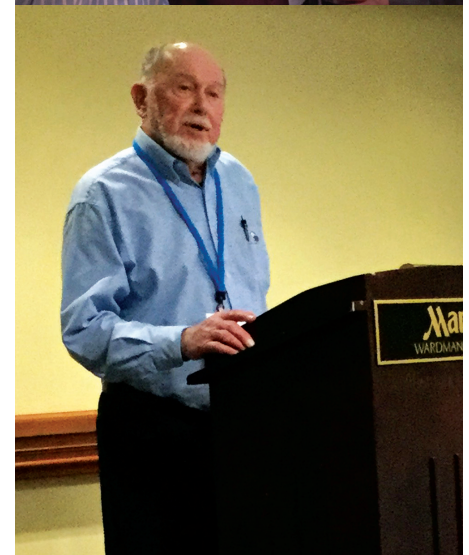
be the February 2016 issue and as in past years, there will be four per year (February, May August, November). Lane briefly discussed the format of the new newsletter and indicated that each issue will also include two feature articles of 1,500 words, or less and four rotating columns of 500 words or less. Lane further indicated that the newsletter will be mailed to all members for a while but alternative methods will be offered in the future including the Issuu format as was illustrated via the NAFE-L a few weeks back and/or a .pdf posting on the website. A “Call for Submissions” was circulated by Lane and is attached as Exhibit D to these minutes.

16. In Kurt Krueger’s absence, Steve Shapiro presented the “Past Presidents’ Award” to Michael Nieswiadomy and Elizabeth Gunderson for their outstanding service to the association. Mike was present to accept his award and Beth’s was mailed to her residence.

B. At 5:50 PM, since no additional business currently existed, it was moved and seconded (Anderson, Horner) to adjourn the Annual Membership Meeting (unanimously).

EXHIBIT LIST

- A: Minutes of the Annual Membership Meeting from January 3, 2015
- B: Financial Statements prepared by The Block Teitelman Group and a Membership Report
- C: “NAFE’s 30-Year Conundrum” presented by Marc Weinstein
- D: *The Forecast* “Call for Submissions” requested by Lane Hudgins •



Photos from the Eastern Meeting: 1) David Rosenbaum, Rick Gaskins, Hans Dutt 2) Ray Strangways

Things You Were Afraid to Ask (continued)

-As I said last issue, this section of The Forecast will feature answers to member's questions. To get up and running, I asked former NAFE Board Members two questions:

1) Thinking back over the past 30 years, what advice would you give a younger you?

And/or

2) What was the best advice you received when you were starting out as a forensic economist?

Answers to the first question can be found in the May 2016 issue, while this issue will focus on answers to the second question. If you recall, in the May issue Jim Rodgers had answered the first question saying he would have apprenticed himself to Phil Eden's group sooner. We will now start with Jim's answer to the second question. -lh

Regarding Q2, apprenticing myself to Phil Eden's group was the best thing I did because Phil Eden was an experienced FE and I got educated about everything from the ethics of being an FE, to data often used by FEs, to the type of retainer agreement that I should use. I would have otherwise had to learn everything by trial and error because there were no forensic economic organizations in the 1970s and no journals that I was aware of. I studied the articles Phil Eden wrote for AmJur Proof of Facts (death of a person in the labor force, personal injury of an employed person, death of a person not in the labor force (housewife, child, student) over and over because this was the only readings I had on the subject matter. *-Jim Rodgers*

You are working honorably within the context of the seventh amendment to the U.S. Constitution giving people the right to trial by jury. Your job is not to be comfortable and not to stay within the mainstream but to present your client's interest as rigorously as you can using the standards of your profession. *-Stan V. Smith*

I was one of the original FE's so there was no one to give me advice. My best "advice" came in the form of a question from a very good defense attorney who happened to cross-examine me in several railroad cases. With a newly minted PhD, I thought that I knew a great deal more than the defense attorney, especially cases involving railroad injuries. His one persistent question throughout my first deposition was the following: "Dr. Slesnick, what was the basis of fact for this particular assumption?" Whether it was his own background or questions provided him, I soon learned I couldn't just "wing it" and that I needed to back up all assumptions with reasonably sound empirical evidence. That is the advice I would give to any forensic economist. Before any deposition or trial, pretend you are cross-examining yourself with the toughest questions you can possibly ask, with particular focus on all of your assumptions.

-Frank Slesnick

You're the expert, so give your opinions with confidence and be prepared to defend what you did and why you did it. You are being paid for your opinion so make sure you can explain it so everyone can understand. *-Marc Weinstein*

Never let the attorney rush you into making a hasty reply. Be aware that many attorneys are trying to trap you into giving an answer that they want to hear. It can help to repeat the question in your own words to make sure you understood the question. This will help you formulate your response, then answer the question. Beware of questions like "Surely you would agree Dr. X that" *-Mike Nieswiadomy*

The best piece of advice I received was to avoid becoming an advocate. Lawyers advocate. Experts render opinions. Present your opinions clearly and with authority. If you are perceived as an advocate, expect to lose any value you otherwise may have had. *-Peter Formuzis*

Always be courteous and never allow yourself to be goaded into anger when being cross-examined. *-Ed Foster*

Do not take hard depo and trial questioning personally. That's the opposing counsel's job. Stay calm, answer questions truthfully and professionally. *-Frank Tinari*

Advice from Tom Ireland: Your opinion is *your* opinion. Don't offer an opinion that you personally cannot support or defend. And advice from Larry Spizman: Just start. *-Lane Hudgins*

Bend over backwards to be consistent whether retained by plaintiff or defense attorneys. *-Steve Shapiro*

Best advice I received? No matter how small, every case is risky ... for YOU! *-William Pearson*

Just tell the truth and do not hesitate to admit "I don't know." *-Rick Gaskins*

Answer to Question 2: Just answer the question. *-Dave Jones*

Of course there were some answers that needed to be answered in tandem:

Answer to Question 1: When in doubt keep it simple.

Answer to Question 2: When in doubt keep it simple.

-Tom Roney

Answer to Question 1: Always tell the truth. Answer to Question 2: Tell the truth, always. *-David Schap*

And there was one answer that just couldn't be forced into the two-question paradigm:

I started before NAFE, and did not get much advice. I went to a seminar given by one of the FE founders, Rawleigh Ralls, and we spoke on the phone from time to time for 6 years, until he died. I learned a lot by talking with him and by doing defense reports, in which I could see what plaintiff's experts did, for better and for worse.

And

1. Go to a library with the JFE and JLE, and spend a week reading thru the journals.
2. Join NAFE and go to the ASSA and Western. These are the 2 best conferences.
3. Get on the list-serves for NAFE and AAEFE.
4. If you have like Las Vegas, try AAEFE.

-Gary Skoog

With Gary's suggestions we close The Forecast's first advice column. If you have a question you would like featured in The Forecast, please contact Lane at lane@lh-analysis.com and I will see what type of answers I can find. •



The Forecast Plays 20 Questions with William Rogers

- William Rogers is an Associate Professor of Economics at the University of Missouri at Saint Louis and has been a member of NAFE since 2014. I first met William at the NAFE sessions held in conjunction with the Missouri Valley Economic Association conference that year and he has been an active participant at several NAFE meetings since then. Thank you William for agreeing to this profile, and I am sure other NAFE members will enjoy getting to know you as much as I have. -lh

Where were you born and raised?

I was born and raised in Greeley, Colorado. Therefore, I have an irrational love for the Denver Broncos and disdain for the Raiders (regardless of the town they claim).

What did you want to be when you grew up?

I fully expected to be an Air Force fighter pilot, and even earned a congressional nomination to the Air Force Academy and West Point. Then I turned 18 and I began to look for a different sort of adventure.

Where did you go to school? *I completed my undergraduate at Hastings College, in Hastings Nebraska. My masters and doctorate were both completed at Colorado State University.*

First job? *My father owned his own automotive paint and supplies business, so I worked there since I can remember. I first worked stocking shelves and odd jobs, and then I worked mixing paint. A couple days after I received my license I began delivery service all over north central Colorado.*

How long have you lived at your current address? *I have lived at my current address for eight months or so, but I have lived in the Saint Louis area for about 12 years.*

What is one word that describes you?

William. I know you are not looking for a proper noun, but no other word has been made to describe me. My daughter occasionally calls me "Cylon" after characters in the 2004 Battlestar Galactica series.

When and where are you the happiest?

suspect happiness has an upper bound, and thus, there are many times and places that I am happiest. For example, I am typing up these answers at my university office over spring break. The air is cold this morning and the sun is shining. I am a happy guy.

What trait do you most admire in others?

I most admire determination and self-sacrifice.

Describe your perfect day? *When I get to heaven I will let you know.*

What is your favorite hobby? *What are these hobbies people keep asking about?*

Early bird or night owl? *I wake up early and go to bed early.*

Beach, city or mountains? *A city in the mountains is my dream.*

Who are your favorite writers? *I have a hard time picking favorites. I enjoy the full-length novels by Tim O'Brian, and the epic stories of Tolkien. I appreciate Krugman's skilled academic writing and his old popular works, but not his post-Noble columns. There are many other writers I also enjoy, but C. S. Lewis is the one I admire most. He wrote novels, short stories, poetry, and essays to an audience that varied from children to laymen to academics, and all with exceptional skill.*

Favorite Movie? *The Unforgiven comes to mind.*

Favorite Indulgence? *My favorite PG indulgence is probably Elder Scrolls V.*

Least favorite food? *I don't like muscles, oysters, or squid.*

What is the best present you ever received? *My parents bought \$300 worth of groceries and household supplies when I was first married. It meant a lot to me at the time.*

What is something you still want to learn?

Right now I'm learning more programming. If you were to die and come back as a person or thing, who or what would it be? I would come back as me in the future. But I guess that's cheating the question.

If you could say something to your younger self, what would it be? *I would tell myself to listen more to my father. Then find other admirable adults and listen to them.*

Any pet peeves? *I am not a fan of incomplete sentences.*

Cats or dogs? *(sigh)*

What drew you to the practice of forensic economics? *I was drawn to forensic economics and NAFE by the force of Tom Ireland. Who would resist such a force?*

What is your favorite thing about NAFE?

Compared to other professional associations, the people in NAFE are inclusive and helpful. At conferences I am routinely exposed to ideas that directly impact my work as an expert witness and as an academic, and the Journal of Forensic Economics is valuable publication. I hope to give back half as much as I have received. •

Practice Pointers for the Forensic Economist: A Civil Defense Attorney's Perspective

By: Lynn Rivera¹,

Lynn Rivera is a civil defense attorney at Burnham Brown, a pre-eminent business counseling and litigation firm in California and Nevada offering clients leading-edge expertise and strategic guidance. Ms. Rivera represents a wide variety of businesses in commercial litigation and in defense of complex tort and large loss cases involving claims of products liability, premises liability and negligence.

The forensic economist plays an important role in civil defense litigation. Generally, expert economists are well-versed in preparing a report valuing damages in litigation. They also are effective in testifying regarding their opinions at deposition and in trial.

However, in addition to the substantive knowledge regarding valuing damages, the forensic economist, like all experts, would benefit from considering the perspective of the civil defense attorneys that hire them. Civil defense litigation is intensive work that requires constant multi-tasking. Expert retention, while important, is merely one of numerous components of litigating a case. Civil defense attorneys also have to manage litigation budgets, filing deadlines, engage in case investigation, settlement negotiations, conduct discovery and depositions, draft motions, and prepare for hearings and trials. While two experts may be equally qualified when it comes to substantive work, sometimes the competitive edge involves acumen and knowledge of litigation practice which has nothing to do with economics at all.

Here is a non-comprehensive list of practice pointers that can, in fact, make the difference regarding whether the civil defense attorney that hires you the first time retains you again and recommends you to colleagues:

1. Keep Your Curriculum Vitae and Testimony History List Updated: The Federal and some State Rules of Civil Procedure require a complete testimony history to be produced with an accurate CV and expert report at the time of Initial Expert Disclosures. A savvy Plaintiff's attorney will use an incomplete history or inaccurate CV to impugn credibility. Many experts update their testimony list or CV after each time they provide testimony or publish an article, and certainly, that is the best practice.

2. Analyze Conflicts Carefully: Keep in mind that not only are experts governed by the ethical rules of conduct, but they are also governed by the ethics of their clients and the law firms that hire them. Before you agree to retention against a past or current client, inquire whether it is permissible under both the ethical rules and the client's and their law firm's rules. If you do not know, then simply ask.

3. Provide an Accurate Budget: Litigation is a business just like any other. Defense attorneys report to their clients who assign budgets. While with hourly retainer work mathematical exactitude is not required, certainly coming somewhere close to the estimated budget is. The civil defense attorneys and the clients that retain them are held accountable when a case goes over budget. It is better that it does not.

4. Advise the Attorney If You Exceed Budget: Often in litigation, there are circumstances you cannot control regarding additional supplemental reports or materials to review that no one anticipates. If you are going to exceed the budget, it is important to get the attorney's authorization. Never assume the civil defense attorney knows the work ordered exceeds the budget, even if you think they should.

5. KISS: Lawyers learn this acronym in law school, "Keep It Simple Stupid." In drafting your reports, keep it simple and consider your audience. Most civil defense attorneys and jurors dislike math and are not "numbers people." The expert report should be written so that any lay person can understand it. It is helpful to explain economic terms in the report even if only with a single sentence.

6. Proof Your Reports Carefully and Serve Them Early: A good civil defense expert never misses a deadline and never submits a report with typos. Try to avoid common mistakes by proofing your reports thoroughly, including checking for proper names, gender, dates, and jurisdiction. Serve your report to the attorney early to ensure the attorney has time to review and meet the filing deadline.

7. Answer Emails Within 24 Hours: A busy civil defense attorney sends and receives a significant amount of emails per day

but is still expected to respond to clients immediately or within 24 hours. If an attorney sends you an email and requests a conference, there is likely a reason. It is very helpful to task completion and moving the file forward if you can respond within a day.

8. Remember Disclosure of the Entire File: If the case does not resolve, and depositions and discovery proceeds, an expert will be asked to disclose the entire file. Every good expert should anticipate that the request for file materials will include all documents, including email correspondence with the retaining attorney, and, depending on the jurisdiction, even draft reports.

9. Offer to Assist in Depo/Trial Prep: The best experts are the ones that are invested in the case and go above and beyond. Sometimes civil defense attorneys are buried in trial prep and could use assistance. An offer to assist is appreciated even if help is not needed.

10. Testify Succinctly and Know the Law: It is important to know the standard for admissibility of expert testimony prior to deposition. Generally speaking, expert opinion should be based on generally-accepted, peer-reviewed methodology and it should be testable and based on personalized fact. Testimony should be responsive to the question, not rambling. It is better to not recall than to answer incorrectly or struggle to answer a question you do not know the answer to.

In summary, the best expert economists provide a timely, accurate CV, testimony list and report within budget. They provide timely responses to questions from the attorney or the client and write reports that are written in plain language. The best experts, like the best attorneys, exceed expectations by being timely and accurate, knowing the case and the law, and offering their insight and assistance. •

¹Attorney, Burnham Brown, Reno NV. Contact at: lrivera@burnhambrown.com.



Photo from the Eastern Meeting: Marc Weinstein, Mark Lino

Video-Depositions: The horror, the horror

By: Lane Hudgins¹

I have always felt my dislike of being photographed stems from some recessive gene handed down to me from my mother's family. Of eastern European

descent, I believe they might have some Vampire hidden in their family tree, which would also explain my pale complexion and fear of the sun. But I digress.

Alas, this concern of being photographed is particularly problematic when I am faced with the prospect of a video-taped deposition. And it doesn't help that many bad-examples tend to show up as You-tube videos, passed around for the mirth of other forensic experts. Perhaps it would be best if I were a vampire and just disappeared on film, then at least I wouldn't have to worry about this atrocity befalling me.

Oh, I know the rest of you are always smooth, infinitely poised and polished, cool to the point of being able to chill water with your gaze. But not me. Calm and serene are not my natural state, especially when there is a video camera recording all my 'uhms' and 'ahhs' on a particularly bad hair day. To survive these ordeals, I have made a point of asking attorneys I know what they think makes for a good video-deposition. Their responses, surprisingly, have not been very helpful and are often contradictory, but I have persisted in my quest and from a variety of sources I have picked up some fairly consistent, reliable advice.

To start, as a long-time supporter of public-broadcasting I have spent my fair share of time in front of a camera asking people to "Please call now and make a pledge so this Mr. Rogers beach bag can be yours." From this experience, and from most of the attorneys I have spoken to, the rules of what NOT to wear on camera are quite uniform: 1. Don't wear white (it poses a problem for color balance), 2. Don't wear black (ditto), 3. Don't wear big or busy patterns or plaids (anything that might have been popular in the 70's or early 80's or could have come from Scotland is a problem), 4. Don't wear loud jewelry (if a housewife from Beverly Hills wears it, it might be too big for either a deposition or public television) and above all, 5. Don't wear herringbone (on camera it reads like you are being swarmed by ants

- not a good look.) What is good to wear? Soft colors, especially blue. Blue tends to look good on camera.

But knowing what not to wear is only half the battle. The next concern I had was where to fix my gaze. "Look at the deposing attorney, but occasionally glance at the camera like you are looking at the jury," was the advice I got at my first video-taped deposition; "Look straight at the camera, don't look at the attorney," was the advice I got at my second. Great. Now what should I do at the third?

After asking numerous attorneys before each of many subsequent video-taped depositions, I have not found a consistent response. What I have found, however, is an interesting and well-researched article published in the newsletter of the American Society of Trial Consultants entitled: "Does Deposition Video Camera Angle Affect Witness Credibility?" The research presented in this article suggests that it is not so important where the video-taped witness is looking, but rather that the witness seemingly makes eye-contact either with the judge and jury by looking straight at the camera, or with the deposing attorney, who may be positioned obliquely to the camera or even out of the frame. This article stresses that eye-contact, even with a party who is not on screen, is perceived by the viewer of the video and helps to establish the credibility of the witness. The article also gives mention to other factors, such as posture, appearance, and non-verbal gestures, that impact witness credibility. Many of these items seem like common sense, and a quick Google search will lead to a variety of articles written on these aspects of presentation, which are also important.

Beyond what to wear and where to look another concern is how much time you should reasonably take before answering a question. If a deposition is not being video-taped, for example, a long pause before answering will not be reflected in the record. This same pause might, however, look awkward as part of a video-taped deposition played to a jury. Timing is everything, right?

To get a better idea of how long is too long, it seemed to me that I needed an example, so I contacted a professional witness preparation service, New Media Legal Publishing (www.newmedialegal.com), to see what products they had that may be helpful to an expert witness facing a video-deposition. While this firm did not have a particular product geared to expert witnesses, or one that specifically addressed video-depositions, their video tutorial *Deposition Testimony: 5 Simple Rules* provided a great review of advice applicable to any type of deposition. The rules covered (Don't Speculate, Read the Documents, etc.) were spot on, but it was

the good deponent/bad deponent format of this video tutorial that was really illuminating. It was suddenly clear to me what elements of the bad deponent's testimony style I tended to embrace. After watching their tutorial I agree with the Russian proverb quoted on their website: "It is better to see once, than hear a hundred times." I just wish I had known about this resource 50-or-so depositions ago. The 'ah-ha' moments I had watching this tutorial seem to me to be worth the price. And though it was not stressed in the video, by watching the good deponent and the bad deponent I was left with a better sense of timing - my take away: rushing to answer a question is no better than taking too long a pause.

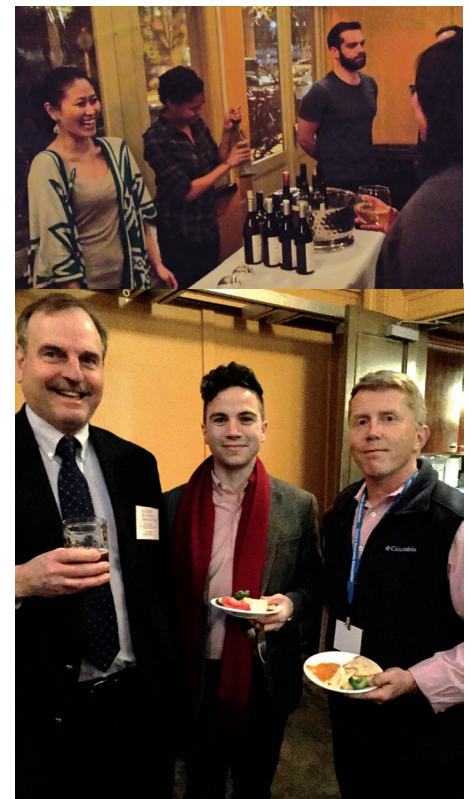
As my mission to become more comfortable with the prospect of video-taped depositions continues, I will endeavor to seek advice from all available sources - from online articles to professional services. I just hope light blue is my color. •

¹Consulting economist, Lane Hudgins Analysis, Murphysboro, IL. Contact at: lane@lh-analysis.com.

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Photos from the Eastern Meeting: 1) Friday evening social event, 2) David Schap, James Janos, Chris Young

Understanding Per Diem Pay

By: Gene A. Trevino, Ph.D.¹

Introduction

In the course of valuing economic loss suffered by individuals due to personal injury, wrongful death, and wrongful termination forensic economists will often encounter plaintiffs that were receiving per diem pay. Per diem pay is common among employees whom are required to travel. Because these types of cases are commonly encountered by forensic economists, it is paramount that they be conversant with the particulars of per diem pay; however, this issue has not been discussed in the forensic economic literature. The purpose of this article is to explain the basics of per diem pay and discuss some practical considerations forensic economists should be cognizant of when valuing the economic loss for a plaintiff that received per diem pay.

Per Diem Pay

Per diem is Medieval Latin for “by the day” or “for each day” (Merriam-Webster, 2016). In the parlance of human resource accounting per diem refers to the daily payments made to employees, whom are required to travel, for meals & incidental expenses and lodging. Many employers chose to pay a per diem in lieu of directly reimbursing employees for travel expenses. Direct reimbursement entails record keeping, receipts, and processing checks along with other administrative burdens. The use of standard per diem rates as a basis for reimbursement reduces recordkeeping for both employers and employees. Per diem pay is also popular because, under a qualified per diem plan, the payments are tax-free.

Per diem pay can be bifurcated into meals & incidental expenses and lodging. Meals include breakfast, lunch, and dinner. Incidental expenses include room service, laundry, dry cleaning, pressing of clothing, and tips for food servers and luggage handlers. Lodging includes accommodation for overnight stays in hotels, motels, and apartments. In order to qualify for per diem pay, an employee must incur expenses at least 50 miles from home and stay overnight. Under a qualified per diem plan, an employee must have an established tax home. A tax home is defined as the regular or the main place of business regardless of where an employee maintains their family home (U.S. Department of the Treasury. Internal Revenue Service, 2016). If employees do not have a tax home, then they are considered itinerant employees and are not eligible to receive tax-free per diem pay because they are never away from home.

There are two substantiation methods for per diem rates: the federal per diem method and the high-low method (U.S. Department of the Treasury. Internal Revenue Service, 2011). The federal per diem rates for meals & incidental expenses are published annually by the U.S. General Services Administration and are effective October 1st which is the beginning of the federal fiscal year. The lodging rates are updated monthly due to seasonality. These are the rates used for federal employees that are required to travel. The federal per diem rates differ depending on location because they are based on an area’s cost of living. The per diem rates published by the U.S. General Services Administration are for travel within the Continental United States. Per diem rates for foreign travel are published monthly by the Defense Travel Management Office. The high-low method relies on a high IRS per diem rate for major cities, e.g. New York, and a relatively lower per diem rate for all other cities.

There are two types of per diem plans employers can elect. The two per diem plans are an accountable plan and a non-accountable plan.

Accountable Plan Under an accountable plan, also known as a qualified plan, per diem pay is not included as income in “box 1” on an employee’s Form W2; however, per diem amounts paid in excess of the federal per diem rate are considered income and are subject to federal income taxes and payroll taxes. If an employee’s per diem pay does not cover the full amount of an employee’s expenses, and the employee is not reimbursed for the excess expenses, then the excess expenses are deductible as personal itemized deductions subject to a 2% gross income floor and a 50% meals and entertainment limit (CCH, 2015).

In order for a per diem arrangement to qualify as an accountable plan, the IRS states that employees must do the following (U.S. Department of the Treasury. Internal Revenue Service, 2015).

1. Pay or incur expenses that are deductible while performing service as an employee. The expenses must have a business connection.
2. Adequately account for expenses within 60 days of being paid or incurred.
3. Return any excess reimbursement or allowance within a reasonable time period. Depending on the facts and circumstances, the Internal Revenue Service suggests that a reasonable time period is between 30 to 120 days.

Under an accountable plan the record keeping requirements are relaxed as long as the per diem amount does not exceed the federal per diem rate. At a minimum an employee must keep records of the time, the place, and the purpose of the expense (U.S. Department of the Treasury. Internal Revenue Service, 2016). As long as per diem payments do not exceed the federal per diem rate, expense reports are filed with the employer, and excess amounts are returned, the arrangement is considered a qualified per diem plan and the payments are not subject to federal income taxes and payroll taxes.

Nonaccountable plan A nonaccountable plan is a per diem arrangement that does not meet the requirements of an accountable plan. Under a nonaccountable plan all per diem pay is included as income in “box 1” on a plaintiff’s Form W2 and is subject to income taxes and payroll taxes. Because per diem pay is included in income, employees can deduct travel expenses.

Per Diem Pay and Economic Loss

When valuing the economic loss for plaintiffs that received per diem pay an adjustment to the plaintiff’s earnings base may be warranted. This section will present guidelines for analyzing per diem pay under an accountable plan and under a nonaccountable plan.

Accountable plans When plaintiffs received per diem pay under an accountable plan and adequately accounted for their expenses, no further analysis is required. Because the plaintiff received per diem pay in accordance with the federal per diem rates, the forensic economist can safely assume that these monies were spent, accounted for, and any excess amounts were returned. However, if an employee paid or incurred expenses greater than the amount of per diem payments received, and was not reimbursed for the excess amount, then the excess amount should be deducted from the earnings base because it represents a net cash outflow, which effectively reduces earnings. Unreimbursed expenses can be found on Form 2106 entitled “Employee Business Expenses” in the plaintiff’s personal tax return.

Because of the relaxed recordkeeping requirements of an accountable plan, employees who travel modestly can keep the portion of the per diem payments they do not spend. For example an employee may stay with relatives and not incur lodging expenses. This may be a possible element of economic loss; however, documenting such a loss may be difficult. Any adjustment to the earnings base for per diem amounts not spent should be made at the forensic economist’s discretion in light of the plaintiff’s circumstances.

Nonaccountable Plans Under a nonaccountable plan, per diem pay is included as income on an employee's Form W2 and there will likely be itemized deductions for travel expenses paid or incurred. Under a nonaccountable plan, travel expenses should be subtracted from the employee's earnings base. Not deducting these expenses would overstate the plaintiff's earnings because per diem payments, intended to cover travel expenses, were included in income. Under a nonaccountable plan an employee does not have to account for per diem payments; hence, some forensic economists may erroneously treat these payments as income. Treating per diem payments as income, under a nonaccountable plan, will overstate earnings. In order to adjust the earnings base for per diem pay under a nonaccountable plan forensic economists can either reduce earnings for per diem pay or subtract the travel expenses that are being deducted.

Generally, unreimbursed expenses should be subtracted from a plaintiff's earnings when calculating economic loss. Although unreimbursed expenses are generally subtracted from earnings – there can be exceptions. One exception is when a plaintiff chooses to make unnecessary expenditures. As per the Internal Revenue Service, an expense does not have to be required in order for it to be considered necessary. A necessary expense is an expense that is helpful and appropriate for a given business (Department of the Treasury. Internal Revenue Service, 2016).

When plaintiff's choose to make expenditures that are not required to fulfill their job duties, unreimbursed work related expenses should not be subtracted from earnings. An example would be if a plaintiff chose to stay at a five star hotel rather than a more economical alternative. To reduce earnings for discretionary unnecessary work expenses will understate a plaintiff's earnings. Forensic economists should understand the nature of the expense in order to determine whether an expense is necessary.

When valuing the economic loss for a plaintiff who was receiving per diem pay, it would behoove forensic economists to operate from the mindset that per diem pay is not a substitute for wages. Per diem pay is intended to cover an employee's expenses when traveling and should not be considered a component of total compensation. The split between per diem pay and wages should not be anyone's subjective decision, i.e. one should not be able to choose between lower wages and per diem pay or higher wages and no per diem pay. Revenue Ruling 2012-25 discusses how per diem pay that is paid in lieu of wages is considered wage recharacterization and does not meet the business condition requirement for an accountable per diem plan.

Conclusion

Forensic economists often encounter plaintiffs who were receiving per diem pay and should be conversant with the particulars of per diem arrangements. Per diem related adjustments to a plaintiff's earnings will depend on the plaintiff's circumstances and are often made at the discretion of the forensic economist.

Prior to making per diem related adjustments to a plaintiff's earnings, forensic economists should understand the subject per diem arrangement, consider the plaintiff's individual circumstances, and review all the relevant documentation. •

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Creating Niches as a Forensic Economist – a Personal Reflection

By: Thomas R. Ireland¹

Jack Ward's "Personal Recollection" in the February 2016 issue of *The Forecast* began with his story of his first accidental introduction to forensic economics when asked by a local attorney to calculate the loss suffered by survivors of a man killed in an automobile collision. My own involvement began similarly when I was asked in October of 1974 to calculate losses following an automobile accident. I have since forgotten whether the case was a personal injury or a wrongful death, but I remember that I was contacted by telephone based on the recommendation of the dean of my business college at the University of Missouri - St. Louis (UMSL). I remember telling the attorney who had called me that I did not know anything about what the requirements of law were, but that any economist could calculate the present value of a lost stream of future payments. The attorney told me, "I will teach you," and I said "okay," and thus began a major adventure in my life.

For about four years, I had only a few cases each year, almost all of which were reviewing reports of Dr. Leroy Grossman of St. Louis University. I loved the cases, but did nothing to promote obtaining new cases than to accept assignments if they happened to come in. This was very much a sideline to being a full-time college professor. Eventually, my deposition was taken in one of my cases and the next week the opposing attorney called to ask me to work on one of his cases, this time on the plaintiff side. I said "okay" and my involvement with forensic economics became deeper because I was working on cases on both sides. In the establishment of my career as a forensic economist, nothing has worked better to expand my practice than my depositions. Being hired for a case by an attorney who took your deposition from the other side of a case is both flattering and an indication that you are projecting the kind of neutrality that an expert should project.

By the time NAFE formed in 1986, I had been working as a forensic economist for almost twelve years. Looking back, I realize that I was strongly influenced by the methods used by Leroy Grossman, whose work I had seen many times up to that point. However, I had also arrived at my own opinions about how to go about being a forensic economist in many other ways that stood me in good stead as I began to interact with forensic economists from other parts of the United States. Stories like Jack's and mine were common among those who founded NAFE. Each of us was a product of his (and we were almost all males at that time) own experiences. The richness of our early interactions came from the fact that each of us had to independently develop our own answers to questions. Because of those independent experiences, we had a great deal to offer each other, which we shared at our meetings and in the papers we published in the early days of our journals – and in the books we began to collaborate in producing.

Out of those independent experiences, we began to create a literature together whose existence means that it would be

almost impossible for someone to start in the same way that the founders of NAFE began our own careers. Today, an economist who accepted an assignment in the same way that Jack and I accepted an assignment in the 1970's would probably be eaten alive the first time that economist confronted an attorney who was prepared by an experienced forensic economist who was familiar with the literature we have produced since 1985. We now have 30 years of literature published in the *Journal of Forensic Economics*, the *Journal of Legal Economics*, the *Litigation Economics Review/Litigation Economics Digest*, and *The Earnings Analyst*. In addition, because of the collaborations among forensic economists formed within the NAFE and the American Academy of Economic and Financial Experts (AAEFE), a number of books in the area of forensic economics have appeared. That literature, which did not exist in the 1970's, is a wealth of available knowledge, but it is also a barrier that confronts a new and inexperienced person who might try to enter the field of forensic economics as I did, Jack Ward did and as many others did in the 1970's. In our field, what you don't know can hurt you and what you need to know to be reasonably successful requires much more effort to absorb.

This same development of an extensive literature, however, has also created new opportunities for those who have reasonable command of the existing literature. One can remain a generalist, working on cases that involve all types of litigation, from commercial damages to anti-trust to employment discrimination to personal injury to wrongful death, or one can specialize. One can develop "niches," areas in which you have a good deal more experience and knowledge than the average forensic economist. Early on, I made the decision to limit my practice to cases in personal injury, wrongful death, and the damages portion of wrongful termination/employment discrimination. I regularly pass on other types of cases to other economics experts who have experience and special knowledge in those areas. Given the amount of information being produced in those three areas, I felt that those areas were enough for me to try to keep up with.

Fifteen years ago, however, a narrower "niche" came my way. Thomas Havrilesky died. He had been the "go to" person to oppose the admissibility of hedonic damages testimony. This was an area in which I had written several papers and cases that would probably have gone to Tom Havrilesky now came my way. Not only did this happen because of my published papers, but also from recommendations that came from other forensic economists I had met through my involvement in NAFE and AAEFE. Today, I may get telephone calls from anywhere in the United States in which I am asked to assist defense attorneys in opposing hedonic damages testimony. Travel, when it happens, results in large billings and I rather enjoy traveling.

Subsequently, I created another "niche" for myself by publishing papers that oppose the use of what are now called the Gamboa-Gibson work-life expectancy tables. This "niche" already existed when I published a paper on "Why the Gamboa-Gibson Work-Life Expectancy Tables Are Without Merit (*Journal of Legal Economics*, 2009, 15(2):105-109). That paper can be found by "Googling" the terms "Gamboa," "Work-Life Disability" and other similar terms and has resulted in one or two telephone calls a year because the title indicates exactly what an attorney confronting the use of those tables is interested in understanding.

None of my publications has, by itself, created very large numbers of assignments for me, but I have gotten assignments that stemmed from various different papers that I have published. As a general rule and in all cases involving me, niches are not created overnight. I have gotten cases on the plaintiff side because I have published papers making it clear that I do not think that expenditures of a surviving spouse on a decedent spouse should be considered when calculating losses in wrongful death actions. I have gotten cases involving the death of a child because of books I co-published with Jack Ward on that subject.

Overnight development of niches can happen, as it did happen for Stan Smith on December 12, 1988. On that date, Paul M. Barrett published a front-page story in the *Wall Street Journal* about Stan Smith entitled "The Price of Pleasure: New Legal Theorists Attach a Dollar Value to the Joys of Living." This made Stan Smith an overnight sensation with something very new to offer plaintiff attorneys. Stan Smith is still reaping the benefits of word-of-mouth advertising among plaintiff attorneys that began with that story in the *Wall Street Journal*. That story stemmed from decisions of the 7th Circuit about the case of *Sherrod v. Berry*, in which Stan Smith testified in 1984. Stan Smith's first case as a forensic economist effectively became the basis upon which he established the most significant niche of any forensic economist during my career.

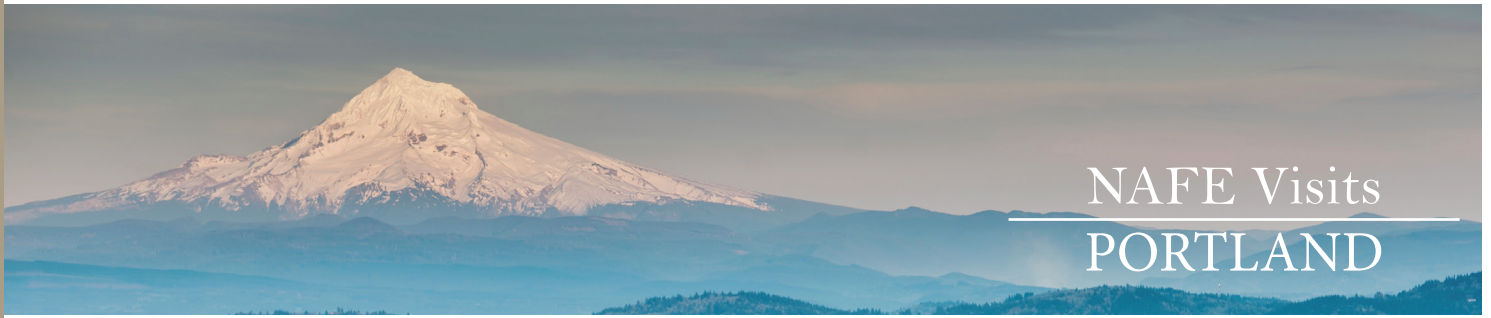
Every forensic economist who would like to expand his/her practice or develop a national practice might consider thinking about what you believe would make you someone attorneys would want to hire for special types of cases in which you have much more knowledge and experience than an average forensic economist. Then, you might think about what you might do to make it possible for attorneys who are looking for that kind of specialization to find you. In many ways, that is much easier than it was in the 1970's when I started because modern technology, particularly internet search engines, makes it possible for attorneys to find information it would have been impossible to find in the 1970's. If you publish a paper, remember that the most important words in that paper are the title because that is what search engines will find. Make sure that your abstract will tell an attorney what you would like for the attorney to know about your paper. •

⁴Professor Emeritus of Economics, University of Missouri at St. Louis. Contact at: ireland@umsl.edu.



Photos from the Eastern Meeting: 1) NAFE session, 2) David Rosenbaum, Carolyn Cho, 3) Moses Sawney, Larry Spizman, Richard Lockley, 4) Jennifer Polhemus.

NAFE Visits Portland - Oregon's Largest City



NAFE Visits PORTLAND

- To go along with NAFE's 6 Sessions, here are suggestions for 5 things to do (including a blues festival!), and 4 great places to eat. Portland enhances its beautiful natural surroundings with a healthy dose of urban vitality and a relaxed yet sophisticated lifestyle. Spectacular parks and gardens flourish throughout the City of Roses. Historic landmarks and neighborhoods show off the city's commitment to preserving its rich past, while Pioneer Courthouse Square, a bustling pedestrian-only space in the heart of what is now the city center, reflects the effective urban planning that makes Portland so pleasant.

What Not To Miss

Washington Park

4033 SW Canyon Rd. Portland, OR 97221. 3 miles West of Downtown explorewashingtonpark.org

Award-winning roses from around the world, a grass amphitheater, and a walkway honoring every queen of the city's annual Rose Festival since 1907, are among the treasures of the 4-acre International Rose Test Garden in Washington Park, the oldest public garden of its kind in the US. In the same park, plants, stones, and water are arranged to reflect the essence of nature in a distinctly traditional Japanese Garden.

Columbia River Gorge

Cascade Locks, OR 97014. 17.5 miles East of Downtown

Explore the diverse Oregon scenery, including the banks of the Columbia River as it flows through a magnificent gorge and the spectacular summit of Mount Hood. Along the way, the route takes in five waterfalls, the bountiful orchards that surround the Hood River, and the picturesque Timberline Lodge.

Willamette Valley

48.3 miles South of Downtown. willamettewines.com

The rich, wet, temperate valley that surrounds the Willamette River as it flows north from Eugene to join the Columbia River has yielded a bounty of fruits and vegetables for 150 years. Four decades ago, the valley's soil was also found to be ideal for growing grapes, especially the pinot noir, pinot gris, and chardonnay varietals.

Waterfront Blues Festival

waterfrontbluesfest.com

Every year, enjoy 3-5 days of blues from local and nationally acclaimed artists. This year, the festival will be held on July 1-4. How fortunate the NAFE sessions are scheduled for July 1 & 2!

Powell's City of Books

1005 W Burnside St, Portland, OR 97209. 0.9 miles North of Downtown. powells.com

The largest independent bookstore in the world houses more than a million volumes and is one of Portland's most popular spots.

Dining Options

Eating establishments in Portland run the gamut, from five-star gourmet restaurants, bistros and pubs, to noodle houses and sushi bars, to fast food and take-out. Coffee shops, doughnut, bagel and bake shops, and ice-cream stores are all also easy to find. Here are 4 examples of Portland's finest eating establishments.

Higgins Restaurant & Bar

1239 SW Broadway, 97205 Tel (503) 222-9070

A light-filled, multi-level space inspired by classic Parisian bistros, chef Greg Higgins' landmark restaurant is a shrine to seasonal, sustainable cuisine. The menu features inventive preparations of produce, meats, and fish from local farms, ranches, and waters, and the wine list has a strong Northwest focus.

Jake's Famous Crawfish

401 SW 12th Ave., 97205 Tel (503) 226-1419

A Portland institution and tourist destination, this 1892 fish house boasts nearly three dozen kinds of fresh fish and seafood daily. The menu offers them steamed, stuffed, seared, sautéed, and sauced, but you can get most things simply grilled, often the best choice.

Blue Star Donuts

1237 SW Washington St, 97205

Tel (503) 265 8410

If there's one thing that Portland is known for it's doughnuts, and with their creative flavors and organic, locally sourced ingredients Blue Star Donuts is definitely one of the best places to eat them.

Roots Organic Brewing Co.

1520 SE 7th Ave., 97214 Tel (503) 235-7668

No trip to Portland is complete without a visit to a brewpub. This leader in organic brewing offers superbly made, creative quaffs including a bracingly hoppy India Pale Ale, a massive Imperial Stout, and a Heather Ale based on a 3,000-year-old recipe. Cheers! •



Meeting Updates

International Meeting

Preliminary meeting schedule

13th Annual International Conference of the National Association of Forensic Economics
Bucharest, Romania – May 23, 2016
Organized by: Jack Ward,
John Ward Economics,
ward@johnwardeconomics.com

We are expecting 14 participants at the NAFE International Meeting to be held in Bucharest later this month. The meeting will feature several presentations and a Round Table discussion moderated by Bob Bohm. There will also be an opening reception May 22 and a gala dinner the evening of May 23. Along with our NAFE members we will likely also have guests from Bucharest – local economists and friends of Art Eubank, who is among the NAFE participants.

The preliminary meeting schedule is as follows:

Monday, May 23

8:00-8:15	Introductions
8:15-9:00	The ACA and Life Care Plans - Steve & Phyliss Shapiro
9:00-10:00	Round Table – Most Unusual Case of the Year – Moderator: Bob Bohm
10:00-10:15	Coffee Break
10:15-10:45	Ethics & Professionalism in Forensic Economics – Jack Ward
10:45-11:15	Influential Observations: Not Your Average Joe – Sybylle Scholz
11:15-11:45	Open Session
11:45-1:00	Group Lunch
1:00-1:40	Use of Geographic Analysis in the Estimation of Commercial Damages – Cristina Benton
1:40-2:30	Panel/Paper: TBA
2:30-3:10	Panel/Paper: TBA
3:10-3:25	Coffee
3:25-4:05	Panel/Paper: TBA
4:05-4:30	Issues of Practice and Next Year

-Jack Ward, Organizer

Western Meeting

Schedule of Sessions

Western Economic Association International 91st Annual Conference
Portland, Oregon – June 29 - July 3, 2016, Note: NAFE Sessions will be July 1-2, 2016
Conference Information: <http://www.weai.org/AC2016b>
Hotel: Hilton Portland & Executive Tower, Oregon
Housing Link: <http://www.weai.org/2016HotelInfo>
Organized by William G. Brandt, Vice President – Western Region
bill@brandtforensiceconomics.com

There will be six NAFE sessions held July 1st and 2nd in conjunction with the Western Economic Association International's annual conference at the Hilton Portland & Executive Tower in Portland, Oregon. NAFE sessions will be Friday and Saturday with a Social Event tentatively planned for the evening of Friday, July 1st. As you can see from the schedule that follows, there is still a need for discussants and session chairs. Please contact me if you are willing to fill one of these roles.

Friday, July 1

Session I: 8:15 AM-10:00 AM

Chair: William G. Brandt

Pension Generosity in Oregon and its Impact on the K – 12 Workforce
Presenter: Kevin E. Cahill, Discussant: Antonio Avalos

Social Security Losses in Personal Injury
Presenters: Michele Angerstein-Gaines and Stephen M. Horner, Discussant: Peter Formuzis

Issues Involving Damages in the Wrongful Death of a Child
Presenter: Thomas Roney, Discussant: Larry Spizman

Session II: 10:15 AM-12:00 PM

Chair: Marc A. Weinstein

Ricci v. DeStafano: Another View Through Jittery Eyes
Presenters: A. E. Rodriguez and Steve Shapiro, Discussant: TBD

Compensation for Loss of Unreplaced Past Health Coverage in *Moore v. Health Care Authority*
Presenters: David F. Stobaugh, Esq. and David Wilson, Discussant: TBD

Neutralizing the Adverse Effect of State and Federal Income Taxes on Lump Sum Awards in Employment Cases
Presenters: Mike L. Nieswiadomy and Tom Loudat, Discussant: Jonathan S. Shefftz

Session III: 2:30 PM-4:15 PM

Chair: Mike Brookshire

Economic Windfalls and the Affordable Care Act: A Policy Proposal
Presenter: Victor Matheson, Discussant: TBD

Estimation Risk in Determining the Present Value of Life Care Plans
Presenter: Scott Gilbert and William G. Brandt, Discussant: Christina Tapia

Using Modified Autoregressive Equations to Predict the Future Cost of Medical Care
Presenter: Tom Carroll, Discussant: TBD

Social Event: TBD, tentative start time 6:00 PM

Saturday, July 2

Session IV: 8:15 AM-10:00 AM

Chair: TBD

Uses and Misuses of Single Firm Event Studies in Litigation
Presenter: Steve J. Shapiro, Discussant: Robert R. Trout

I Will Pay More for Voting Stock, Right? (analysis of non-voting discount)
Presenters: Chris Young, James Janos and Jeffrey Sisco, Discussant: TBD

Before and After Analysis: An Application of Structural Break Testing to the Determination of Economic Damages
Presenters: Logan Kelly and David Sienko, Esq., Discussant: William Rogers

NAFE Events

Mark Your Calendars!

2016

NAFE International Meeting
Bucharest –
May 23, 2016

Western Economic
Association International
Portland –
June 29-July 3, 2016

Missouri Valley
Economic Association
St. Louis –
October 27-29, 2016
(No NAFE Sessions Planned)

Southern Economic
Association
Washington, D.C. –
November 19-21, 2016

2017

American Economic
Association – ASSA
Chicago –
January 6-8, 2017

NAFE Winter Meeting
Location not yet finalized –
January 27-28, 2017

Eastern Economic
Association
New York City –
February 22-26, 2017

Session V: 10:15 AM-12:00 PM

Chair: Tom R. Ireland

Complying with Rule 26 in Life Care Planning and Economic Testimony in
Crouch v. John Jewell Aircraft

Presenters: Tom R. Ireland, Frank L. Slesnick, Gary R. Skoog, Stephen Horner and
Robert H. Taylor

Session VI: 2:30 PM-4:15 PM

Chair: TBD

The Bond Ladder Fallacy

Presenter: Dave Tucek, Discussant: Tom Roney

Influential Observations: Not Your Average Joe (treatment of outliers in a dataset).

Presenter: Sibylle Scholz, Discussant: Karen Smith

Estimating the Lost Value of Household Services from the American Time Use Survey

Presenter: Tom Carroll, Discussant: Mike L. Nieswiadomy

-William Brandt, Vice President – Western Region

Midwestern Meeting

No NAFE Sessions Planned

Missouri Valley Economic Association 53rd Annual Meeting

St. Louis, Missouri - October 27-29, 2016

Conference Information: <http://mvea.net/>

Hotel: Hyatt Regency at the Arch

As reported in the February 2016 issue of The Forecast, NAFE will not be sponsoring sessions at the MVEA meeting this year, but as a long time sponsor of the MVEA we still encourage NAFE members to attend. Also, please check out the MVEA's new website with photos from last year's meeting at <http://www.mvea.net/conferences.html>. Pictures from the NAFE sponsored President's Reception and NAFE session participants are included.

-David Rosenbaum, Vice President – Midwestern Region

Southern Meeting

Call for Papers and Discussants

Southern Economic Association 86th Annual Meetings

Washington, DC – November 19-21, 2016

Conference Information: <https://www.southerneconomic.org/conference/>

Hotel: JW Marriott Washington DC

Housing Link: <https://aws.passkey.com/g/51198570>, or call 1-800-393-2503

Organized by Gilbert Mathis, Vice President – Southern Region,

gil.mathis@murraystate.edu.

For the NAFE sessions at the Southern Economic Association meeting we have commitments for two papers, a speaker from the Bureau of Labor Statistics, and a group for a panel discussion. We welcome additional presenters and discussants. We plan to have a full day and hopefully good attendance. Additional information at <http://www.southerneconomic.org>.

-Gil Mathis, Vice President – Southern Region

National Meeting

Call for Papers and Discussants

Allied Social Science Associations

Chicago, Illinois – January 6-8, 2017

Conference Information: <https://www.aeaweb.org/conference/>

Organized by Kevin Cahill, Center on Again & Work at Boston College, cahillkc@bc.edu
and Scott Gilbert, Vice President – At Large, gilberts@siu.edu

The NAFE paper sessions at the 2017 Allied Social Science Associations (“ASSA”) conference are being planned for January 6 and 7, 2017 in Chicago, Illinois. If you would like to present a paper, please email a brief abstract (preferably as a pdf file) to Kevin Cahill. Also if you plan to attend the conference and would like to discuss a paper, kindly inform Kevin via e-mail. For additional information regarding the ASSA conference, click on the conference website at: <https://www.aeaweb.org/conference/>.

*-Kevin Cahill, Past Vice President – At Large,
and Scott Gilbert, Vice President – At Large*

Winter Meeting

Photo Recap – January 2016 Winter Meeting in Key West

Included in this issue are some of the photos from the January 2016 Winter Meeting held in Key West, Florida. Attendees included: Fred Abraham, Charlie Baum, Merle Dimbath, Art Eubank, Ed Foster, Rick Gaskins, Jeremy Hagler, Homan Hijiran, Tom Ireland, Robert Minnehan, Oscar Padron, David Schap, Gary Skoog, Frank Tinari, and Jack Ward.

Upcoming Winter Meeting News:

Call for Papers and Discussants

Eighteenth Annual NAFE Winter Meeting

January 27-28, 2017

Organizers: Art Eubank, art@eubankeconomics.com and Charles Baum, baumeconomics@gmail.com.

The 2017 NAFE Winter Meeting will be on Friday, January 27 and Saturday, January 28, 2017. Please mark these dates on your calendar to “save the date.” The meeting location has not been finalized as of this date, but we are in the process of making the location decision, which will be announced shortly.

Paper proposals and roundtable/panel discussion proposals are invited for four sessions, two each on Friday and Saturday mornings, January 27 and 28, 2017. Session Chairs and Discussants are also being sought for these sessions. In addition to paper presentation sessions, other sessions are planned on the topics of (a) recent case experiences and (b) issues associated with running a forensic economics practice.

Charles Baum has generously offered to assist Art Eubank with organizing the 2017 NAFE Winter Meeting. Although his sabbatical has ended, David Schap will continue to offer advice on the organization of the Winter Meeting. Please contact Art Eubank or Charles Baum for additional information.

-Art Eubank and Charles Baum, Organizers.

Eastern Meeting

Recap – NAFE in Washington, D.C.

The February 2016 Eastern meeting in Washington, D.C. attracted 35 attendees, including 10 area residents from government, academia and private consulting. Two former Washingtonians, Steve Shapiro and David Rosenbaum, were also on hand. In the NAFE sessions, eight papers were presented in three sessions, which included a presentation on long-term yield curves by special guest James A. Girola of the U.S. Department of the Treasury. The final NAFE session featured a panel discussion on current developments in expert testimony for the defense. Panel participants were Kristin Kucsma, Steve Shapiro, Larry Spizman, and Josefina Tranfa-Abboud, moderated by Craig Allen. The Friday social at Open City Diner featured great food, great atmosphere and the entire Steve Shapiro family. And if all that wasn't enough, participants had the pleasure of strolling across the street to see the newborn panda at Washington's National Zoo.

Upcoming for the Eastern Region:

Call for Papers

Eastern Economic Association 2017 Conference

New York, NY – February 24-25, 2017

Conference Information: <https://www.qu.edu/eea/conferences/>

Hotel: Sheraton New York Times Square

Organizer: Craig Allen, Vice President – Eastern Region, c.allen.fcas@gmail.com.

NAFE will hold four sessions at the Eastern Economic Association 2017 conference, February 24-25, 2017 at the Sheraton New York Times Square Hotel in New York, NY. There will be a late Friday afternoon session, followed by our traditional social event. There will then be three sessions on the Saturday. Those interested in presenting papers are encouraged to Contact Craig Allen, outgoing Eastern VP at c.allen.fcas@gmail.com.

Updated information about the Eastern Economic Association and its conferences can be found at: <https://www.qu.edu/eea/>

-Craig Allen, Vice President – Eastern Region

Meetings of Other Associations

American Rehabilitation

Economics Association

Registration Now Open

AREA 2016 Annual Conference

Philadelphia, PA – June 2-5, 2016

Hotel: Wyndham Philadelphia Historic

District Conference Information:

www.a-r-e-a.org/

Hotel Link: www.wyndham.com/group/events2016/47153_AREA2016/main.wnt

American Academy of

Economic & Financial Experts

2017 Meeting Schedule Not Yet Available

AAEFE 29th Annual Meeting

Conference Information: check www.aafee.org/annual-meeting for updates.

Hotel: Wyndham Philadelphia

Historic District Conference

Information: www.a-r-e-a.org/

Hotel Link: www.wyndham.com/group/events2016/47153_AREA2016/main.wnt.



Photos from the Winter Meeting: 1) Art Eubank, David Schap and Gary Skoog enjoying Key West 2) PJ Taucer and David Schap at Southernmost Point, Key West FL, 3) 3 Merle Dimbath, Jack Ward and Jeremy Hagler at the NAFE Winter Meeting

theFORECAST

Volume 30 • Issue 1 • February 2016

Journal of Forensic Economics

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NAFE Events

Mark Your Calendars!
-meeting details inside

2016

NAFE International Meeting
Bucharest – May 23, 2016

Western Economic Association International
Portland – June 29-July 3, 2016

Missouri Valley Economic Association
St. Louis – October 27-29, 2016
(No NAFE Sessions Planned)

Southern Economic Association
Washington, D.C. – November 19-21, 2016

2017

American Economic Association – ASSA
Chicago – January 6-8, 2017

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Eastern Economic Association
New York City – February 22-26, 2017

