

COLLEGIUM OF PECUNIARY DAMAGES EXPERTS
2010 Annual Conference and Business Meeting
Orleans Hotel and Casino, Las Vegas, March 12-13, 2010

MEETING DATES AND TIMES

Thursday, March 11

Pre-Conference Social Gathering:

Rick Gaskins will be the host and contact person for gathering of those that have arrived and want to meet and visit on Thursday at 6:30 for a warm up, and 9:00 for the social. The gathering locations and his cell phone number will be posted on C-e.

Friday, March 12

Session #1 9:00 – 10:15 am (15” R&R) 10:30 – 11:45 am Salon A

Lunch 11:45 am – 1:00 pm

Session #2 1:00 – 2:15 pm (15” R&R) 2:30 – 3:45 pm Salon A

Social Debriefing 4:00 – 6:00 pm Room _____

Meet for snacks and drinks to continue discussing the events of the day, plans for the evening and the next day, etc.

Saturday, March 13

Session #3 9:00 – 10:15 am (15” R&R) 10:30 – 11:45 am Salon A

Lunch 11:45 am – 1:00 pm

Annual Business Meeting 1:00 pm – 1:30 pm Salon A

President Laura Taylor presiding

This meeting will be conducted in accordance with the CPDE Bylaws. Members are urged to refer to the Bylaws for information on prescribed issues and content.

Session #4 1:30 – 2:45 pm (15” R&R) 3:00 – 4:15 pm Salon A

Social Debriefing 4:30 – 6:00 pm or so Room _____

Meet for snacks and drinks to continue discussing the events of the day, plans for the evening and the future, etc.

PROGRAM (as of 2/19/10)

The following topics are listed in the proposed order of presentation. The plan is for the topics to run during the scheduled session times until a conclusion is reached, at which time the next topic will begin. The Program Coordinators will monitor the presentations and discussions and conclude and begin topics as needed, as well as possibly changing the order of topic presentation to maximize efficiency and member benefit.

FOCAL TOPICS

Present Value Discounting for Pecuniary Damages

Organizers/Moderators: Bill Landsea, Gil Mathis & Rob Schlegel

For this session participants will examine and discuss the task of projecting streams of money into the future and discounting those streams back to present value for litigation. Issues to be examined include:

1. Legally acceptable economic and financial methodology.
2. Issues related to the "status of the economy" (e.g. recession, etc.).
3. Issues related to duration and risk from alternative perspectives.

Personal Consumption and Pecuniary Damages Analyses

Organizers/Moderators: Bob Male, Rick Gaskins & Parker Cashdollar

The plan is to present, discuss, and examine perspectives and experiences regarding many of the core methodological issues when determining personal consumption (and personal maintenance) rates for our analyses. Come prepared to share your insights and expertise on this topic. Issues to be examined include:

1. Sources of data and their valid and reliable use (taxes, savings rates, etc.).
2. Benefits value as earnings/income.
3. Earnings AND retirement income – "lost years" cases.
4. Venue issues (single vs. future family, PC vs. Maintenance, etc.).
5. Paper: "Subrogation in Nebraska" by Michael O'Hara & Graham Mitenko

Disability: Issues and Methods for Pecuniary Damages Analyses

Organizers/Moderators: Tom Roney, Kent Jayne, and George Barrett

Issues related to appropriately including the effects of pre and post-incident disability into pecuniary damages analyses will be examined and discussed. Issues to be examined include:

1. Disability data sources and their use.
2. The integration of disability into earning capacity and worklife expectancy.
3. Disability "Worklife" tables.

Household Services Analyses

Organizer/Moderator: Laura Taylor

This session will examine the issues and methodology related to evaluating the economic losses related to the diminished ability to produce household services following injury. Issues to be examined include:

1. Sources of data.
2. Use of data sources.
3. Important issues: work, demographics, health, Life Care Plans, personal consumption, etc.
4. Paper: "Historical wage growth and suitable proxies for HHS Growth. For use with 'The Dollar Value of a Day'" by Thor Bruce.

Economic Damages in an Appraisal Context

Organizer/Moderator: Rob Schlegal

This session will focus on utilizing appraisal methodology to facilitate the accurate determination of pecuniary damages. Issues to be examined include:

1. Useful methodology and how it can be applied in different types of cases.
2. An update on current standards and practices.

Issues and Applications Regarding Life Expectancy and Pecuniary Damages

Organizers/Moderators: Rick Gaskins & Bob Male

Issues relating to the use and application of Life Expectancy and Healthy Life Expectancy data in the calculation of pecuniary damages will be presented and discussed. The goal of the session is for all participants to increase their understanding of the construction and foundation for the different types of tables available from various sources, and the appropriate use and application of the data presented in those tables when performing pecuniary damages analyses. Participants will expand their knowledge regarding the selection of life expectancy data, the choice of model for application of the data, and increase their ability to effectively present and defend the life expectancy elements in a pecuniary damages assessment. Issues to be examined include:

1. Life Expectancy and Healthy Life Expectancy, the basics
2. Types of life expectancy tables, their foundation and reasonable certainty
3. Issues related to the use of life expectancy data in litigation: source, race, gender, joint, non-standard mortality, etc.
4. Creating a life table analysis worksheet
5. Applying life expectancy data in pecuniary damages assessment

Practice Issues: The Good, The Bad, & The Ugly

Organizer/Moderator: Bill Landsea

This session will include discussion of the many good, bad, and ugly experiences we have had – and what we learned from these events. It will also provide the opportunity to share new insights, methods and sources we have “attained” over the past year. The topic is open to anything and everything that can enhance member’s ability to do the work well. Potential issues include:

1. Dealing with difficult situations and turning them into a positive result.
2. Dealing with difficult attorneys, life care planners, other experts on the same or other side. Interesting/instructional case examples are welcome.
3. “Ten Ways Lawyers Kill an Expert”

GENERAL CONSIDERATIONS

Members that wish to present a paper should contact Bob Male and let him know the title and general content of the paper – and if they would like to have a discussant scheduled to provide comments. If a member wants to present a paper and have a scheduled discussant – Bob Male must receive the paper in electronic form (pdf) no later than February 1, 2010.

Anyone wishing to pursue CEU credits related to their participation should learn from the target organization what documentation will be needed, and we will assist in that process as is possible (certify attendance, etc.).

A computer projector and screen will be provided. If anyone believes they need an overhead projector – please let us know well in advance. Questions, concerns, comments, etc. can effectively be discussed on CPDE-e or directly with Bob Male or Kevin Kirkendall.