

# CPDE COMPENDIUM

## Officers and Board Members

### 2013

Past President  
*Rick Gaskins*

President  
*William Brandt*

Vice President  
*Bob Male*

Secretary  
*Michael J. O'Hara*

Treasurer  
*Kevin Kirkendall*

### 2014

Past President  
*William Brandt*

President  
*Bob Male*

Vice President  
*Michael J. O'Hara*

Secretary  
*Jerimiah Grant*

Treasurer  
*Kevin Kirkendall*

## CPDE Compendium

Editor  
*Bob Male*

Editor  
*Michael J. O'Hara*

Production Editor  
*Nancy Male*

## CPDE 2015 Conference and Business Meeting

March 20-21, 2015

The Orleans Hotel and Casino  
Las Vegas, Nevada

## Review of CPDE's 2014 ANNUAL CONFERENCE

The Orleans Hotel and Casino  
Las Vegas, NV  
March 21-22, 2014

Friday, March 21

### Session 1:

Practice Issues (skills, sources, methods, business) A  
Moderator: Male.

The Use and Application of Worklife Expectancy Tables  
(Presenter: Male); Accuracy -- How Accurate Are Our  
Calculations (Presenter: McLaughlin); The Devil's  
Dictionary for Damages Experts (Presenter: Roney &  
Padron).

### Session 2:

Chapter 11 Bankruptcy, Cramdown Rates, & the  
Contract Rate Approach  
Presenters: Needham.

### Session 3:

Economic/Commercial Damages Calculations  
Presenters: Schlegel and Grant.

### Session 4:

Improving Deposition, Arbitration & Trial Testimony  
Skills  
Presenters: Gaskin & Duman.

### Social Debriefing

Past President's Suite

Members met for snacks and drinks to discuss the events of  
the day, plans for the evening and the next day.

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Conference Information for 2015 - Topic List

By-Laws amended March 23, 2013

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Saturday, March 22, 2014

## Session 5:

### **National Longitudinal Survey of Yourth & PINC Wage Growth Data**

Presenter: Borzilleri

### **Historic Wage Growth**

Presenter: Roney.

### **Historical Wage Growth**

Presenter: Bruce.

### **Annual Business Meeting: President Bill Brandt presiding.**

This meeting was conducted in accordance with the CPDE Bylaws.

## Session 6:

### **CPDE Resources Damages Website**

Presenters: Mitenko and O'Hara.

### **The Earnings Analyst and the TEA Website**

Presenter: Male.

## Session 7:

### **Practice Issues (skills, sources, methods, business).**

Moderator: Male.

**Methodology Regarding Cost and Present Value Adjustments to LCP's** (Presenter: Mathis); **Negative Net Discount Rates -- when are they appropriate** (Presenter: Rosenberg); **Personal Consumption Rates -- Sources and Acceptable Use** (Presenter: Male)

### **Social Debriefing**

Past President's Suite

Members met for snacks and drinks to discuss the events of the day, plans for the evening and the next Annual Conference.

### **Follow-up and Comments:**

All of the feedback and comments related to the 2014 Conference were very positive and characterized the event as very rewarding and worthwhile. Attendance verification forms were sent to all those that requested one.

## MINUTES

### 2014 Annual Business Meeting Collegium of Pecuniary Damages Experts (CPDE) Draft (Subject to approval at 2015 Business Meeting) Orleans Casino and Hotel, Las Vegas March 22, 2014

Minutes of CPDE Annual Meeting

11:22 AM Saturday, March 22, 2014, Orleans Hotel, Conference room C.

1. Call to order by President Bill Brandt.

2. Motion and second to approve Minutes as distributed in Compendium; unanimous voice vote.

3. Treasurer's Report. Handout. AREA and CPDE agreement to split costs up to \$8k on the multi-faceted web project (e.g., take The Earnings Analyst digital). Total cost to date now at \$9,500. AREA share \$3,200.

**QUESTIONS TO TREASURER:** Are the budget's "social costs" the evening receptions in Past President's suite? Yes, also coffee in meeting room. Also note, suite upgrade is complimentary by hotel to CPDE, not purchased by CPDE from hotel. Will future expenses be similar minus website development but plus website maintenance? Current cost of web includes one-time costs for hosting website and registering domains for several years. Motion and second to accept Treasurer's report; unanimous voice vote.

4. Discussion of web costs. Pecuniary-Damage.com is a portal leading to The-Earnings-Analyst.com (which is completed) and leading to Pecuniary-Damages-Resources.com (which is fully developed for the purposes of receiving content). Maintenance is \$1,200 per year (i.e., \$100 per month). AREA and CPDE share equally that \$1,200. CPDE will build a contingency fund so can handle web expenses without having to do cash call to either AREA or CPDE. Expect one volume per year of TEA and thus expect \$600 per year to TEA Production Editor (i.e., Nancy Male). Do not expect any need for increase in CPDE dues.

5. Nominating Committee (i.e., Past President Rick Gaskins and former President Tom Roney) Report:

5A. Nominate Jeremiah Grant as CPDE Secretary: elected by acclamation.

5B. Nominate Michael J. O'Hara as CPDE Vice President: elected by acclamation.

Explanation of automatic succession of Vice President to President, President to Past President; with Past Pres. as Chair of the Nominating Committee. The other two officers are the Secretary and the Treasurer, each of which is elected to a three year term and each serves on the Board of Director along with other three officers.

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## 6. Discussion of 2015 dates and arrangements.

Friday and Saturday, March 20th and 21st, of 2015 at the Orleans. There are many benefits in dealing with hotels when book two years in advance. Now is a good time to discuss arrangements for 2016. Stay in Vegas? AAEFE and CPDE have discussed coordination as to dates and as to location. AAEFE desires on The Strip; whereas CPDE prefers off The Strip. AAEFE is looking at Mirage, Aria, and The Quad: with the desire of obtaining equal to or better than current Mirage facilities. Currently AAEFE gets to specify days (i.e., Wed., Thur., and Friday), but hotel specifies the week of March. AAEFE 2014 and 2015 only half-day on Friday; AAEFE is thinking of moving that half-day to Wednesday to avoid overlap with CPDE.

**MOTION:** The CPDE Treasurer is authorized to negotiate a contract with the Orleans for our 2016 conference. Further, the Board is to coordinate, if feasible, with AAEFE regarding 2015 and 2016 conference dates. Unanimous voice vote.

Information from Treasurer is that the Orleans is known locally, as are many others, as a "neighborhood casino". Nearly all neighborhood casinos all have busses to The Strip and adequate quality with lower than The Strip prices.

## 7. New Business:

7A. Emeritus Member status granted to Mike Butler, a Founding Member of CPDE, and Bryan Conley, a Charter Member of CPDE. The existing Emeritus Member is

Paul Taylor, a Founding Member of CPDE.

7B. Thor Bruce requests CPDE make Marcus Schlegel, brother of CPDE Rob Schlegel, and honorary member in recognition of his superb dinner provided.

8. Adjourn at 11:59 AM, upon passing of (a very distinctive) ceremonial gavel to new President Bob Male by now Past President Bill Brandt.

## MINUTES

### 2014 Board of Directors

### Collegium of Pecuniary Damages Experts (CPDE) 2014 post annual conference (email)

On April 15, 2014 Kevin Kirkendall moved to accept the minutes, as amended, of the CPDE 2014 Annual Meeting. Bill Brandt seconded the motion and voted yes. Bob Male and Jeremiah Grant also voted yes. The motion passed. The final, approved and accepted minutes were distributed to the board on May 6, 2014.

On August 10, 2014, Bill Brandt moved that the comment period for new members be reduced from 10 days to 7 days. The motion was seconded by Kevin Kirkendall. Bill Brandt and Kevin Kirkendall voted yes. Michael O'Hara voted no. Bob Male and Jeremiah Grant did not vote. Lacking a third Yes vote the motion did not pass.

On August 11, 2014, Bill Brandt moved that the comment period for new members be temporarily (until the 2015 business meeting) be reduced from 10 days to 5 days. Discussion regarding the motion then took place among the members of the board.

Kevin Kirkendall officially voted No. Zero Yes votes were recorded. The majority of the Board opposed the motion. On August 11, 2014 Bob Male closed the discussion and called the motion defeated.

On September 15, 2014, Bill Brandt and Bob Male moved to invite Sean Keehan to speak at the 2015 CPDE conference and to reimburse him for his associated expenses with CPDE funds. The motion was seconded. Brandt, Kirkendall, and O'Hara voted yes. On September 15, 2014, Male declared that the motion had been carried.

On November 11, 2014, Bob Male moved that the CPDE board approve the projected budgets (attached as PDF files to the email making the motion) for TEA, the TEA website and the affiliated websites, and will pay its (CPDE's) portion of the

## Disclaimer



*CPDE Compendium* is published annually, as a service to members, by the Collegium of Pecuniary Damages Experts (CPDE). Members and Non members may view and/or download a copy from the website at <http://www.cpde.info>. CPDE does not endorse particular products or assessment methods. Any opinions stated in each section are those of the authors, and not the organization. For information about, or to submit items for the newsletter, please contact Bob Male at [bobmale@hawaii.rr.com](mailto:bobmale@hawaii.rr.com) or Michael J. O'Hara at [mohara@unomaha.edu](mailto:mohara@unomaha.edu).

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## Membership Committee Report

overall budget at the appropriate date each year. This motion was never officially seconded, but all members unanimously voted Yes on the motion. The motion passed.

On November 11, 2014, Bob Male moved that the CPDE Treasurer create a bank account dedicated the operation and maintenance of TEA, The TEA website and all affiliated websites. The authorized signatories of this account are to be the Current CPDE Treasurer and current TEA Editor. This motion was never officially seconded, but all members unanimously voted Yes on the motion. The motion passed.

## CPDE President's Message

Aloha to all CPDE members. 2014 was an all-around good year for CPDE. The 2014 Conference was a resounding success (based on comments, feedback – and my own biased perspective). The 2015 Conference program looks to provide another outstanding opportunity share, learn and grow with our colleagues. For the first time, CPDE will have a guest presenter. Sean Keehan from CMS and Loyola University will be attending the entire conference and presenting on Saturday about forecasting medical price increases. This promises to be a very interesting and useful session (likely worth attending for this session alone).

Since CPDE joined with AREA in publishing The Earnings Analyst (TEA), three issues have been produced. Members of both AREA and CPDE are well represented as authors in those volumes. TEA is now working on getting Volume 15 published in 2015. Please remember to bring a copy of this newsletter with you when you come to Las Vegas this year as it provides information about both the conference overall and items that we will be voting on during our annual business meeting. I hope to see most of you in Las Vegas very soon.

*Bob Male*

Another CPDE benefit! -- full access to all 14 issues of *The Earnings Analyst*. Go to:  
[www.the-earnings-analyst.com](http://www.the-earnings-analyst.com)  
Register today!

CPDE currently has 46 active members and three Emeritus members. Emeritus members do not count towards our cap. There are a number of members that are delinquent on payment of dues. As a gentle reminder the Bylaws stipulate that continued membership is contingent upon timely payment of dues. So delinquent members are in danger of being dropped from membership. As of our 2015 meeting, we have 43 regular members.

2014 was a good year regarding membership with six new members joining our ranks. Those joining after the 2014 conference are David Gourian, and Kaydea Campbell. Welcome all!



## Program Topics CPDE 2015 Conference

Following is a listing of topics for CPDE's 2015 Conference Program.

- Practice Issues A (skills, sources, methods, business)
  - Motions in Limine, Daubert Hearings, and the Science of Validity and Reliability; What Other Damages Experts Should Know about Vocational Expert Methodology and Reports; Damages Expert's Codes of Ethics - Benefits and Detriments
- The Earnings Analyst and Pecuniary Damages Resources
- The Calculation of Present Values -- Issues and Practice 2015
- Fed Interest Rate Policy
- Household Services - Active vs. Passive Damages
- Projecting Medical Price Growth
- Using Data Found in Personal Tax Returns, Corporate Tax Returns, W-2s, 1099s, Schedule Cs, etc.
- Whose Loss it is -- The Individual's or the Closely-held Business?
- Practice Issues B (skills, sources, methods, & business)
  - Using the Healthy Life Expectancy Data; The Use and Application of Worklife Expectancy Tables; Personal Consumption Rates -- Sources and Acceptable Use

# BYLAWS

## Collegium of Pecuniary Damages Experts (CPDE) as amended March 23, 2013

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### Section 1: MISSION

[1a] The Collegium of Pecuniary Damages Experts (CPDE) is a limited membership organization dedicated to collegial discourse that strives to advance knowledge and understanding relevant to providing expert assessment and testimony on pecuniary damages in litigation, and helpful sharing and networking among colleagues.

### Section 2: MEMBERSHIP

[2a] Membership in CPDE is limited to natural persons with knowledge and experience as an expert providing assessment and testimony on pecuniary damages in litigation, and/or with applicable preparatory background and a desire to learn how to work successfully in this professional field.

[2b] Membership in CPDE is limited to persons that secure the support of a current CPDE Member to act as sponsor, request membership in writing to the CPDE Membership Committee through the sponsor, and receive an affirmative 2/3 vote from the CPDE Membership Committee.

[2c] Membership in CPDE is limited to those persons that demonstrate collegiality, active participation, and positive sharing of knowledge and experience throughout their interactions with fellow professionals. Members take up a duty of collegiality. For the purposes of revocation of Member status, that duty extends solely to professional interactions which are intramural to CPDE. Members are encouraged to attend and actively participate in each Annual Conference, as well as be responsive to communications from fellow Members.

[2d] Membership in CPDE may be revoked if a Member does not adhere to the standard of conduct expressed in CPDE's Mission and membership requirements. Revocation of CPDE membership requires an affirmative 2/3 vote of both the CPDE Membership Committee and CPDE's Members.

[2e] Membership in CPDE is contingent upon the timely payment received by the CPDE Treasurer of Member's annual dues of \$100. CPDE shall use the calendar year as its fiscal year. The term of membership runs from January 1 of each year through December 31 of that calendar year. Annual dues are due in the Treasurer's possession before January 1. Annual dues are considered not timely paid if unpaid by the later of the start of the Annual Conference or February 15. The Annual Business Meeting, typically, is on the second day of the Annual Conference. The amount of and/or the due date for future annual dues payments may be changed by a majority vote of Members at an Annual Business Meeting. The Members may approve retroactive due date changes to accommodate a Force Majeure. Membership is lost automatically if dues are not paid in a timely manner. If membership is lost through the non-payment of dues, then the former Member must reapply for membership and cannot merely regain membership by paying past and current dues.

[2f] CPDE Members may attend all CPDE Conferences,

vote on CPDE business, and may be elected or appointed as a CPDE officer, director, or committee member. Conferences, especially conferences of other professional associations that have CPDE joint sponsorship, might require a payment of a registration fee.

[2g] Founding Members of CPDE are current Members as of July 1, 2008.

[2h] Charter Members of CPDE are those that became Members prior to the 2009 Annual Business Meeting.

[2i] The number of CPDE Members shall not exceed 50.

### Section 3: BOARD OF DIRECTORS AND OFFICERS

[3a] The CPDE Board of Directors shall consist of a Vice President (to become the next President), President, Past President, Secretary, and Treasurer. The Members shall elect the Vice President, Secretary and Treasurer as officers of CPDE and as members of the Board of Directors. The Board may appoint other Officers who shall serve as ex officio non-voting members of the Board of Directors. The term of the Vice President, President, and Past President is one year in each position, and serving consecutive terms in these offices is not allowed. The term of the Secretary and the term of the Treasurer each is three years and each may serve consecutive terms. Upon good cause shown, any officeholder's term of office may be terminated by a 2/3 vote of CPDE Members. The nomination and election of Officers to positions open due to an end of term of office shall take place during the Annual Business Meeting.

[3b] The Board shall conduct CPDE business as needed between Annual Business Meetings.

[3c] The President shall serve as the presiding officer of all Meetings of the Board and of the Members. The Vice President shall serve in lieu of the President when the President is absent. The Secretary shall record minutes of all Meetings of the Board and of the Members and manage all necessary communications for the organization. The Treasurer shall set up and manage a bank account for CPDE and oversee and manage all organization financial requirements.

[3d] All officers and all directors of CPDE must be Members of CPDE. Loss of CPDE membership automatically creates a vacancy in the office held by that officer or director. To fill a vacancy in either an elected, a voting ex officio, a non-voting ex officio, or an appointed office or director seat the President, with a second, shall place before the CPDE Board the nomination of a CPDE Member to fill the vacancy. The Board shall fill such vacancies either by accepting the President's nominee or by amending the President's nomination. No person is qualified to fill a vacancy in the voting ex officio Past President seat unless that person is one of the Past Presidents of CPDE.

[3e] The Members may authorize CPDE to publish one or more publications. If the Members authorize one or more publications, then the Board shall appoint one or more Editors. Each appointed Editor shall serve as an Officer at the pleasure

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of, and under the direction of, the Board.

[3f] All officers and directors shall be indemnified for actions taken that were reasonably believed to be within their scope of authority.

#### Section 4: COMMITTEES

[4a] CPDE shall have the following standing committees:

[i] Membership Committee; and [ii] Conference Committee. As the need arises, the Board may create and may appoint willing members to ad hoc committees.

[4b] The Membership Committee shall be chaired by the Past President and shall include the President and Vice President. If desired, up to two additional (non-Board) Members may be added to this committee by unanimous vote of all prescribed committee members. The CPDE Membership Committee shall notify (by email) the entire CPDE Membership of a person's desire to join CPDE. The CPDE Members shall have 10 working days in which to make any comment. Comments are to be made in private to members of the Membership Committee and are not to be placed on the list serve. Comments will be investigated by the Membership Committee and will weigh in their acceptance decision. The Membership Committee's decision to accept or to reject the applicant shall be made within 20 working days of the notification to the entire CPDE Membership of the application.

[4c] The Chair of the Conference Committee shall be appointed by the Board. The Chair may add additional Members to the Conference Committee with the prior approval of the Board. The Conference Committee shall facilitate the organization and implementation of all plans, contracts, and arrangements for all CPDE Conferences and Meetings.

#### Section 5: MEETINGS

[5a] CPDE shall have an Annual Conference and Annual Business Meeting at a time and place determined by vote of the Members. In the absence of a vote of the members, the Annual Business Meeting shall be at 10:00 AM on the last Thursday in March at the offices of the Nevada Secretary of State.

[5b] The Annual Business Meeting is open only to current CPDE Members. The Annual Conference is open only to current Members of CPDE and speakers or guests invited by the Conference Committee. The Annual Conference and Annual Business Meeting will be organized and moderated in a manner consistent with collegial discourse. Conference participation is intended to enhance knowledge and understanding rather than to emphasize lines of difference. When disagreements occur, participants are expected to disagree collegially by focusing their discussion on differences in perspective and approach, rather than demeaning any person, type of training, or methodology. CPDE Members attending should attend prepared to actively participate. The Annual Conference and Annual Business Meeting will take place over a period of two days at a site and time to be determined by Members during the preceding Annual Business Meeting. A record of topics and presenters will

be kept, memorialized, and possibly distributed in a form to be agreed upon by the Members.

[5c] Conference sessions will be organized and moderated by chairpersons appointed by the Conference Committee. In addition to the Annual Conference, the Conference Committee is encouraged to seek out professional educational opportunities for CPDE Members that are offered by other professional associations, and the committee may authorize CPDE joint sponsorship of those educational opportunities when the goals and practices are consistent with CPDE's goals and practices. The Conference Committee shall report to the Board and to the entire CPDE membership all such jointly sponsored educational opportunities well prior to the occurrence of the event; but the Board may revoke the committee's authorization of CPDE's joint sponsorship prior to the occurrence of the event.

[5d] The agenda of the Annual Business Meeting shall include, but not be limited to:

[i] reports from each officer of CPDE;

[ii] elections;

[iii] annual review and possible amendment of these Bylaws;

[iv] selection of date and place of next Annual Conference and Annual Business Meeting;

[v] membership revocations if needed; and

[vi] new business.

[5e] All Meetings shall be conducted in accordance with the most recent edition of Robert's Rules of Order. Proxy voting is not allowed. Every decision of every CPDE body requires a majority affirmative vote of the body's members who are attending, unless these Bylaws or Robert's Rules of Order require a greater vote. Decisions by the Board of Directors require a majority vote of all voting Board Members. An amendment to these Bylaws requires a 2/3 affirmative vote of Members present at the Annual Business Meeting. The quorum of every CPDE body is a majority of that body, except for the Annual Business Meeting of the CPDE Members, which shall use a quorum of 25% of the Members. Any CPDE body may conduct a meeting by voice telephony or by video telephony or in-person. A CPDE body may meet other than in-person and may conduct a vote other than in-person or by surface mail ballot, but when [A] meeting other than in-person or when [B] voting other than in-person or by surface mail ballot, then that meeting and that voting must at all times maintain unanimous consent for the conducting of that meeting or that vote.

#### Section 6: DISSOLUTION

[6a] The CPDE shall continue as an organization of members until such time as the then current Members vote during an Annual Business Meeting that CPDE ought to dissolve.

[6b] Any Member may make a motion of dissolution by delivering 30 days written notice to the Board of Directors.

[6c] A unanimous Board of Directors may make a motion of dissolution upon less than 30 days notice to the Members; otherwise, the Board must provide the Members with at least 30 days written notice of the Board's intent to make a dissolution motion at the Annual Business Meeting.

Initial approval 07/01/2008. Amended: 04/02/2009; 3/12/2011; 3/17/2012; 3/23/2013.