

CPDE COMPENDIUM

Officers and Board Members

2015

Past President
Bob Male

President
Michael J. O'Hara

Vice President
Allyn Needham

Secretary
Jeremiah Grant

Treasurer
Barry Duman

2016

Past President
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President
Allyn Needham

Vice President
Tom Borzilleri

Secretary
Jeremiah Grant

Treasurer
Barry Duman

Asst. Secretary
Kevin Kirkendall

CPDE Compendium

Editor
Bob Male

Editor
Michael J. O'Hara

Production Editor
Nancy Male

Announcement!



CPDE 2017

Conference and Business Meeting

March 31 & April 1, 2017

The Orleans Hotel and Casino Las Vegas, Nevada

In this issue

2016 Annual Conference Review

Business Meeting Minutes, March 19, 2016

President's Column

Conference Information for 2017 - Topic List

By-Laws as of March 19, 2016

Review of CPDE's 2016 ANNUAL CONFERENCE

The Orleans Hotel and Casino Las Vegas, NV March 18-19, 2016

Thursday, March 17

Pre-Conference Social Gathering:

Those in town and wanting to gather with others for a no host "warm-up", met at the Mardi Gras Bar next to the Race & Sports Book 8:30 - 10:00 pm.

Friday, March 18

Session 1:

Calculating the Effect of Taxes
Presenters: Male & Roney

Session 2:

Calculating Lost Profits: including appropriate discount rates
Presenters: Grant & Needham.

Session 3:

Self-employed Earning Capacity
Presenters: Clapp, DeLangis & Ellison

Session 4:

Incorporating the Effects of Disability in Earning Capacity Loss Analysis
Presenters: Bennett, Male & Rodgers.

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.

CPDE COMPENDIUM

Saturday, March 19, 2016

Session 5:

Damages Resources - CPDE 2016

Presenters: Ellison & Garza.

Annual Business Meeting: President Michael J. O'Hara presiding

This meeting was conducted in accordance with the CPDE Bylaws.

Session 6:

Joint Life Expectancy -- When and How

Presenter: Gaskins.

Federal Policy & Secular Stagnation

Presenter: McLaughlin.

Session 7:

Retainer Agreements/Fee Schedules, Document Production, E&O Insurance & Expert Liability

Presenters: Mitenko & O'Hara.

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 2016 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

**2016 Annual Business Meeting
Collegium of Pecuniary Damages Experts (CPDE)
March 18 & 19, 2016**

**Orleans Hotel, Las Vegas, NV
and subsequent Board activities**

Draft (Subject to approval at 2017 Business Meeting)

1. The Annual Business Meeting was called to order at 11:00am Saturday, March 19, 2016 in the Orleans Hotel, Las Vegas, Nevada by President Michael O'Hara

2. The Members approved the 2015 Business Meeting Minutes, published in the CPDE newsletter Compendium; as well as discussed the distributed Board approved Minutes of the Board's meetings.

3. The Treasurer's report was presented and approved. The report included discussion of some confusion between CPDE and its bank regarding the transfer from our outgoing Treasurer to our newly elected Treasurer (see item 5 below). Beginning Balance as of 5/6/2015 = \$5,510.90. Ending Balance as of 3/18/2016 = \$9,850.28.

4. Nomination of new VP was made and Tom Borzilleri elected by acclamation.

5. Assistant Secretary Board position and Officer approved to facilitate relations between CPDE, its bank, and our venue hotel. Outgoing CPDE Treasurer Kevin Kirkendall was appointed Assistant Secretary.

6. Members were asked if anyone had any proposed changes to the CPDE Bylaws. None were offered.

7. The Members discussed and voted to approve the 2018 Annual Meeting dates as Friday and Saturday, April 6 - 7, 2018. (But note, due to confused communications between Orleans and CPDE those dates were not reserved. In March 2017 this confusion was uncovered, and the CPDE Board announced that the 2018 meeting dates at the Orleans will be Friday and Saturday, April 13 - 14, 2018.) In addition to discussing dates, the Members also discussed alternative venues as well as Wi-Fi, meeting beverages, and meeting snacks.

8. At about 11:30am the Members voted to adjourn the 2016 Business Meeting.



Another CPDE benefit! -- full access to all 15 issues of *The Earnings Analyst*. Go to:

www.the-earnings-analyst.com

Register today!

CPDE President's Message

Greetings fellow members. 2017 is off to a good start for CPDE. Our schedule of sessions shows the strength and diversity of our membership. This year's conference will be as exciting and energizing as those in prior year's. Come ready to discuss and enjoy the comradery that makes CPDE such a special organization.

Your Board of Directors has worked hard this year to strengthen our structure. We have moved to clarify the roles of our officers, specifically the Vice-President, President and Past President. We have also addressed dates relating to next year's conference. We are contracted to meet at the Orleans on April 13 and 14, 2018.

Since our last meeting, Nora Ostrofe and Tom Roney have become co-editors of The Earnings Analyst (TEA). Good luck to them in this effort. Of course, to do their job, they need your help. Please consider writing an article to be submitted for publication in TEA. Our members have a wealth of knowledge which I hope will be shared through publication in TEA.

Our many thanks to Bob and Nancy Male who have worked hard for many years to make TEA the excellent professional journal that it is.

Regarding the TEA, the Board, in conjunction with AREA, has begun a search for a new tech person to handle its web management. Hopefully, we will have more to report on this at our annual meeting in Vegas.

Finally, I would like to thank this year's Board of Directors

and Bob Male for making my job easy. This year's Board has been quick to respond and not shy in sharing ideas or concerns with items on the agenda. It is only through such contributions that any organization can really grow. Again, thanks.

Through our elections at the annual meeting, the Board will be changing and another strong group taking charge. Best of luck to the new Board.

That is it from me. I hope everyone will be able to attend our conference this year. It should be informative, entertaining and a lot of fun. If not, make plans to be with us in 2018. See you soon.

Allyn Needham

"DO NOT MISS" Event

CPDE 2017

Conference and Business Meeting

Friday and Saturday

March 31 & April 1, 2017

The Orleans Hotel and Casino

Las Vegas, Nevada

Disclaimer



CPDE Compendium is published annually, as a service to members, by the Collegium of Percuniary 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 or Michael J. O'Hara at mohara@unomaha.edu.

Program Topics CPDE 2017 Conference

Following is a listing of topics for CPDE's 2017 Conference Program.

- Report Writing
- Life Expectancy for Litigation
- Commercial Damages
- Litigation Analytics Methodology
- Case Study: Federal Court Maritime Death Hawaii
- Lost Earning Capacity and Lost Earnings of the Self-employed
- Worker Trait Factor Analysis for Cerebral Palsy Child -- Determining Wage Capacity and Access to Employment

CPDE COMPENDIUM

BYLAWS

Collegium of Pecuniary Damages Experts (CPDE)

last amended March 21, 2015

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 of, and under the direction of, the Board.

CPDE COMPENDIUM

[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. The Membership Committee following each Annual Business Meeting shall review the participation of Members that have not been in attendance for the last two Annual Conferences and contact those Members for explanation.

[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 07/01/08. Amended: 04/02/09; 3/12/11; 3/17/12; 3/23/13; 3/21/15.