

THE VOCATIONAL EXPERT



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ABVE SPRING 2002 CONFERENCE

March 15-17, 2002, Las Vegas, NV

Cynthia Grimley, MS

The Embassy Suites, Las Vegas, Nevada will be the location of the ABVE Spring Conference. G. Michael Graham, 2002 Conference Chair has done an outstanding job to assure this conference will challenge you and enhance your knowledge in the forensic arena. This conference will address fundamental skills of testifying experts to enhance their knowledge of the processes available to them as they develop their case assessment strategies, and also to have vocational experts understand how the rest of the judicial team views the methods used to either present or attack the credibility and case presentation of the testifying expert.

The conference will begin with two value added pre-conference sessions. Joseph Cannelongo will present Adventures with O*Net - What is it & What's the latest in this make-over? Concurrently, Penelope Caragonne will assess deficiencies in Forensic Life Care Planning.

Attorney Joe Babington successfully argued on behalf of the Petitioners in the Kumho Tire Co v. Carmichael. He will discuss how he prepared the experts in this case and how the recent changes in the Federal Rules of Evidence apply to vocational experts working in the forensic arena. Ellen Relkin, Esq. will present on how to excel at cross examination. Robert Clifford, Esq. will bring to our attention the tactics used by attorneys for attacking expert witnesses.

Additional speaker topics will be Lindette Mayer, Ph.D. on Assessment Tools and the Methodology for Forensic Testimony, Mary Barros-Bailey, Ph.D. on Ethic Codes as Evolving Cross Examination Issues, Roger Weed, Ph.D. will discuss the RAPEL Case Development Method and demonstrate how this method is used in a forensic setting to strengthen testimony, Bruce Growick, Ph.D. on the Status of The Ticker To Work & Work Incentive Improvement Act of 1999 and the Impact on Forensic Testimony, Ellyn Gamberg, Ph.D. on Strategies For Beginning a Practice for Family Law Evaluations, and a joint development presentation by Randall Thomas, Ph.D. and Hank Lageman, MS on the Interplay of a Forensic Life-Care Planner and A Vocational Expert.

The conference will allow for 14.25 hours of Continuing Credit Units and the pre-conference Value Added Seminar can add an additional 3.5 contact hours.

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FICTION OR FACT: *Is it this or that?*

Scott E. Streater, D.V.S.

In a recent, cleverly written article by physicist Robert Ehrlich, entitled "Crazy Theories", I believe he traveled a country mile in the wrong direction and further confused the general public with regard to scientific thinking and scientific theories. Most facts, that are in general acceptance today, began as conjecture, traveled through hypotheses, and on to theory. They did not start as theories, nor were they voted to theory status by a board of knowledgeable men. No! They withstood the test of the scientific method.

All theoretical postulates are composed of or are made of statements called predictions. These predictions must be testable. When tested, they either pass or fail. If they fail, they are often abandoned, perhaps to be resurrected, at some later date, for further testing. Perhaps not. Perhaps they will just die. If they pass scrutiny, they are published and advance slowly to the status of scientific theory. Generally, the theoretical predictions have a great deal of published evidence that makes them "scientific facts". The fact that their peers have read the evidence and have not found fault with the facts makes the scientific process even stronger, as the predictions and the facts supporting them have withstood peer review.

Not every theoretical fact is "perfectly true" as new evidence may come along in the form of better or tighter data which may, in some respect, change the outcomes of the study, but the basic concept will probably remain as scientific fact.

When viewed by others, labels, relating to the originating individual's name that put forth the theory, are sometimes attached to that theory. While these names or labels are bandied about, the aspect that many individuals lose sight of, is that while the thought or theory is related to this person or that, the process of the proof is the same or very similar for every fact. That process is generally known as science or the scientific method. It consists of algorithms, based in the language of science, mathematics, and the process is founded in scientific reason.

So, what does all of this mean to forensic vocational experts? Simply means that if a proof has been delivered and fact has been demonstrated, one should either support the theory or set out to do the work to PROVE or DISPROVE the statements in question. This is accomplished by doing the necessary research. This is science. The rest is something else.

To idly state that this idea or that idea is wrong, is unsophisticated and even immature. If you wish to register disagreement with a scientific fact, fine. If you wish to disparage someone else's work, then generate the work necessary to prove your position. You are under the same mandate with your counter theory. If you succeed in your effort your effort will be a feather in your cap and a step forward for the discipline. If you succeed, you have come to, as the television ad says, an epiphany, and learning has occurred for both you, the theoretician and the profession, and your name will go down in the annals of our science. This is the hallmark of a mature discipline and the essence of science.

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President's Message

From Michael Graham

Upbeat Outlook After The September Terrorist Attacks

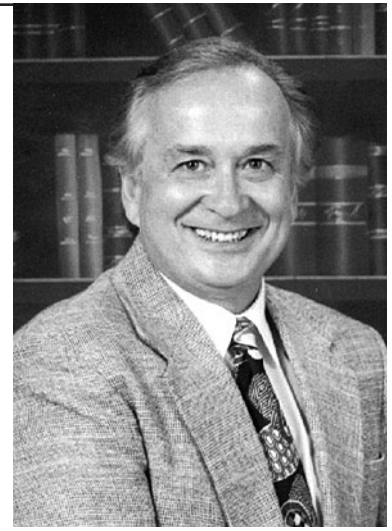
The September 11 terrorist attacks were a shock to the economy and to the American way of life. As a result, a growing number of people are simplifying their lives and clearing the "inner clutter" in their minds. But our work life is often the last area of resistance. Yet, by stepping back, we can focus on what is truly important about the meaning and direction of our career choices.

A recent article I read by Deepak Chopra, M.D. provided a needed balance between my inner life and how to supercharge my career. I would like to share some of the principles here with you, my colleagues, as a way of, perhaps, making some sense of the nagging inner turmoil some of us felt after the September 11 disaster.

- 1. Evaluate and change your beliefs about work. De-stress your work environment.*
- 2. Live with integrity and lead by example.*
- 3. Create a flexible and responsive organization, but set boundaries—role-play saying no to extra work*
- 4. Don't fall in love with your desk. Take a break from routine to think through the demands of change you want in your business, your relationships and your personal growth. Change happens in stages and it is normal to meet "pockets of resistance" – in others and in you.*
- 5. There is no inspiration without reflection. You need to develop the ability to "step back from the details" to consider where you have been and where it is you want to go in all stages of your life.*
- 6. The flow of life is nothing other than the harmonious give-and-take of all the elements and forces that structure your field of existence. The gifts of caring, attention, appreciation, affection and love are some of the most precious gifts you can give, and they don't cost you one cent. As long as you are giving, you will be receiving these same attributes.*
- 7. Don't stop learning. Do a role check and ask yourself, "What is my top priority?" "What is expected of me?" "How can I be of service?" Some people deplete your time, resources and energy. It is impossible to satisfy these "energy vampires", don't try.*

The whole country seems to be getting back to a state of "normal" following the September 11 disaster. Perhaps the lesson we have all experienced out of this is that no amount of money, status, or power can compensate for your loss of happiness and potential loss of quality of life.

G. Michael Graham, Ed.D.



THE BALONEY DETECTION SYSTEM: A REVIEW

Scott E. Streater, D.V.S.

I enjoy reading a wide variety of literature to keep my mind active and to remain current with my discipline. It is called a discipline for a reason, as it should discipline us to remain within the bounds of science. That is what the court wants and that is what we should be doing on our own, without outside direction. One of the problems in our narrow field, is there are few if any collateral resources in the forensic vocational area. There are adjacent fields of knowledge that we utilize in our work, so a perusal of the literature covering these fields can be both educational and rewarding. One of my favorite pieces of literature is the monthly magazine, "Scientific American". In a recent edition, November, 2001, Part One of an article caught my attention while I was performing my usual back to front, yes back to front, review. The section is labeled "Skeptic" and is the first in a two part series called Baloney Detection: How to draw boundaries between science and pseudoscience, Part One, By Michael Shermer. He is a regular contributor to this magazine and could be a great resource to our field.

Michael Shermer is the founding publisher of the magazine "Skeptic". He is also the author of "How We Believe" and "The Borderlands of Science." He can also be found on the Internet at www.skeptic.com. He regularly lectures at colleges and universities.

In his article, he offers a vein of thought and a series of questions that will help interested individuals; confronted with seemingly scientific material, sort out what to believe and what to not believe or at least to remain skeptical. The wonderful initial thought presented in this work is; "Why should we believe you?" and a response that is equally wonderful, "You shouldn't". To assist the reader he offers ten questioning statements to pose, when encountering any claim. The following are the questions and a brief commentary concerning each.

Question #1: How reliable is the source of the claim?

The prophets of pseudoscience often appear very reliable, but close examination reveals distorted facts and figures, statements are out of context or worst, utter fabrications. This is to say that we should not rule out mistakes, as they are as important to the advancement to science as well found fact. Science could not progress without mistakes, honest mistakes or simply misinterpretations of findings. It is the intentional misuse of data and findings, which is inexcusable. Simple error is understandable, and should not fall to critical reproach. This is the way science progresses. One generally finds that errors, if they occurred unintentionally, are random and nondirectional.

Question #2: Does this source often make similar claims?

Shermer relates that pseudoscientists frequently have a habit of going well beyond the facts in their claims. This is a pattern that can be traced by reading articles penned by the same author or reviews of the author's work by others in the field (peer reviews). Some examples cited by Shermer, of erroneous science having no factual foundation and ignoring facts already in evidence are the claims by some, that a great deal of the geological formations were caused by Noah's flood.

Question #3: Have the claims been verified by another source?

Facts stated in pseudoscientific literature are frequently unverifiable or verifiable only by selected sources, members of their own belief circle. Public announcements made, before replication or verification are to be held in a very skeptical status. Outside verification is a critical aspect of good science and should occur before public announcement in the popular press.

Question #4: How does the claim fit with what we know about how the world works?

Claims that appear extraordinary must be viewed in a larger more universal context to assess how the claim melds or fits into the known scheme of things. Shermer relates how claims that the pyramids of Egypt were built 10,000 years ago by an advanced race, left out the evidence of a civilization already documented and offered no evidence of any remaining physical artifacts of such an advanced civilization. The claim flew in the face of modern archaeology and scientific findings to the contrary that were very well supported by both scientific facts and findings.

Question #5: Has anyone gone out of the way to disprove the claim, or has only supportive evidence been found?

Michael Shermer labels this confirmation bias. It is the tendency to seek only supportive evidence and ignore disconfirmatory evidence. He further states that this confirmation bias is strong nearly unavoidable and is the reason that science and the scientific method emphasizes the check and recheck, verification and reverification as so critical.

In Part Two of his article in the December 2001, Scientific American, Shermer continues with his list of questioning statements designed to separate science from pseudoscience.

Question #6: Does the preponderance of evidence point to the claimant's conclusion or to a different one?

On this point Shermer relates that no one piece of evidence is sufficient. Many pieces of evidentiary should add up to one conclusion.

Question 7: Is the claimant employing the accepted rules of reason and tools of research, or have these been abandoned in favor of methods that lead to the desired conclusion?

Beginning with a null hypothesis and seeking or providing concrete evidence before making a claim is good method. Beginning with a positive hypothesis and supporting it with questionable research and techniques is always a clue. Conspiracy theories, low quality visual images and the use of anomalies, visual reports, offers insight into the quality of the research, which when configured this way is often sham research.

Question # 8: Is the claimant providing an explanation for their position by denying the existing explanation?

Shermer cites this as a classic debate strategy, criticizing the opposition and never affirming what they believe, to avoid criticism.

Question #9: If the claimant proffers a new explanation, does it account for as many phenomena as the old explanation?

If the claimant attributes his methods or findings to one factor rather than a constellation of causation, one might become suspicious and be concerned that the research is not well founded and overly simplistic.

Question #10: Do the claimant's personal beliefs and biases drive the conclusion or vice versa?

Shermer writes, all scientists hold basic beliefs that can potentially slant or influence their interpretations of their data or findings, but how do those biases or beliefs affect their research practices? This is where the peer review process can come to play and dispel any influence the beliefs and biases play in the gathering of the data or in the interpretation of that data. Michael Shermer notes that we as open-minded

Concludes on page 4

individuals must remain fluid and flexible, always ready to reconsider our assessments as new evidence arises. While this aspect of science is frustrating it is necessary. Shermer believes that "[this is] what makes science the most glorious product of the human mind."

INFORMATION FOR THE WORK PLACE

Resources for Immigrants and the Labor Market:

Chiswick, B. R., & Hurst, M. E. (2000). The employment, unemployment and unemployment compensation benefits of immigrants. IZA discussion paper No. 129 (iza@iza.org).

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Card, D. (1996). Immigrant inflows, native outflows, and the local labor market impacts of higher immigration. Princeton University and Center for Advanced Study in Behavioral Sciences (fellowship support through National Science Foundation grant # SBR-9022192).

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Submitted by: Mary Barros-Bailey

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