



*Reports and Testimony
for Plaintiff or Defendant
Provide Unequaled Value*



Kincaid Vocational Services dedicates the full strength of its expertise and resources to objectively render vocational evaluations and life care plans for litigation. We strive to develop comprehensive reports worthy of the complete confidence and trust of both judges and juries. We are committed to providing the highest quality professional service, while treating all individuals with dignity and respect.

Why hire a vocational evaluation expert?

Expert testimony by vocational evaluation consultants is becoming increasingly common in litigation involving claims of loss of employability and earning capacity. This well-established practice clearly reflects the practical value of documented opinions from respected experts in this highly specialized field. Grounded in extensive research and precise analysis, expert opinions provide objective, quantifiable measures of vocational damages suffered. Experience continues to show vocational evaluations to be persuasive to the court and effective in facilitating equitable solutions.

These benefits become clear in the context of typical litigation scenarios in which vocational evaluation experts are *not* called as witnesses. Personal injury cases often rely on testimony from doctors assessing the degree of a person's disability. Even in cases in which the doctor asserts that the person is completely disabled, attorneys, judge and jury must make judgments that ultimately are subjective in economic terms.

An economist might testify about projected loss of earnings for a high school graduate versus a college graduate, using analysis of economic statistics, but the testimony lacks particulars about the injured party's unique circumstances. In divorce petitions in which employability is a key factor, earning capacity projections frequently rely on the widely divergent opinions of the claimants.

In practical terms, "expert opinions" such as these leave substantial room for interpretation. Even when using guidelines issued by judges, juries are left to translate generalities into personal terms, often resulting in awards that are unacceptable to one or both parties, with no objective standard for resolution.

Qualified vocational evaluation experts can eliminate or minimize the gray zone in these cases by establishing objective parameters for quantifying vocational damages—such as loss of earning capacity in specific markets or the extent of residual employability. Comprehensive reports that satisfy all parties also are valuable resources for facilitating settlement without the expense of jury trials.

For personal injury litigation, additional benefits can be achieved using vocational evaluation experts with integrated capabilities in earning capacity analysis, life care planning for long-term medical needs, and assistive technology evaluation for optimizing the income potential of functionally impaired individuals. In all cases, effective use of vocational evaluation experts in litigation depends on credibility and experience.



Kincaid Vocational Services— expertise that makes the difference

When attorneys ask other attorneys to recommend vocational evaluation experts to serve as expert witnesses, Kincaid Vocational Services often is the answer. In fact, most of our business is referred in this way.

Our services for attorneys, litigants and the courts provide the benefits of more than 30 years of experience in vocational evaluation, rehabilitation and consulting. Specializing in vocational evaluation for personal injury and divorce litigation, the firm also provides testimony for malpractice and civil law, including discrimination cases. Our expertise is held in high regard by attorneys for both plaintiff and defendant.



Founder and President Charles A. Kincaid, Ph.D. has testified in more than 100 cases in federal, state and family courts. A unique combination of academic credentials, professional certifications and expertise makes Dr. Kincaid the ideal expert witness for litigation. Dr. Kincaid holds a Doctor of Philosophy degree (Ph.D.) in Rehabilitation Counseling and a Master of Science (M.S.) degree in Criminal Justice. He is licensed by state and national boards as a:

- Certified Rehabilitation Counselor (CRC)
- Certified Life Care Planner (CLCP)
- Assistive Technology Practitioner (ATP)
- Fellow of the American Board of Vocational Experts (ABVE)

A team of experienced practitioners in vocational services supports Dr. Kincaid's investigations and courtroom testimony. The firm's specialists provide expertise in rehabilitation counseling, life care planning, testing and evaluation, secondary education, art therapy and criminal justice. Our team also includes medical records archivists and a certified legal nurse consultant.

OBJECTIVITY THAT MEETS THE HIGHEST STANDARDS

The value of expert testimony depends ultimately on confidence in its objectivity. In a field in which levels of expertise sometimes vary, Kincaid Vocational Services provides objectivity that is universally respected. We utilize proven, scientific methodologies that are widely recognized and accepted for meeting the highest standards of accuracy and impartial application.

Our firm offers its services to attorneys for both plaintiff and defendant—and is sought by both. A distinguishing measure of our objectivity is our routine analysis of various sets of assumptions underlying both plaintiff and defendant cases. As standard practice, Kincaid Vocational Services reports include objective data based on that analysis, which enables our clients to negotiate for the best outcomes.

Our reputation for objectivity, comprehensive analysis, and unmatched scope of services has achieved a strong record of successes for our clients. In matters involving Dr. Kincaid's reports and testimony, many of our clients' cases have been settled out of court, avoiding the expense and uncertainties of jury trials.

Our services and capabilities

VOCATIONAL EVALUATION

Our analysis of employability and earning capacity provides attorneys with reliable, individualized hard data for negotiating appropriate awards in personal injury cases and determining spousal earning capacity in divorce cases. We effectively apply similar methodology to a wide range of other litigation, including workers' compensation, discrimination and medical malpractice lawsuits.

Kincaid Vocational Services collects the necessary data by conducting personal interviews, compiling and evaluating medical and employment histories, and conducting skills and aptitude testing as



appropriate. In addition, we investigate regional labor markets to assess available opportunities. Our evaluation of individuals' functional capacity includes the full range of physical, intellectual, cognitive and psychosocial capabilities.

We use advanced earning capacity modeling and other leading computer-based tools to analyze relevant data. To ensure access to the most up-to-date labor market data, we subscribe to premium database services provided by the Economic Research Institute. To match potential job requirements with individuals' capabilities, we rely on the most comprehensive, powerful software available. For example, we utilize transferable skills software, including the McCroskey Transferable Skills Program (MTSP) which is widely recognized for its high degree of reliability and validity.

We present our findings and recommendations in a comprehensive format providing all of the detail and documentation that the courts and

opposing attorneys expect and demand. A typical employability and earning capacity report from Kincaid Vocational Services includes:

- Complete description of our evaluation methodology
- Synopsis of the subject's educational, military and social background
- Detailed employment history and assessment of job experience based on MTSP criteria
- Review of medical records and history
- Vocational testing results
- Post-injury vocational profile
- Employability analysis
- Vocational rehabilitation needs

- Assistive technology needs
- Analysis of earning capacity
- Documentation of references

PERSONAL INJURY MATTERS

In lawsuits involving personal injuries, we deliver unique value by providing a complete picture. Determining earning potential is only the first step in assessing damages and costs. Injured parties typically face ongoing costs for lifelong care and special needs for rehabilitation. In some cases, assistive technology may be required to restore some degree of function and earning capacity to these impaired individuals.



While most litigation consulting firms offer capabilities only in vocational evaluation, Kincaid Vocational Services also has certified credentials and in-house expertise in both life care planning and assistive technology evaluation. Our capabilities and fully integrated approach deliver unique value for personal injury litigation, eliminating the coordination challenges and costs of contracting with multiple third-party specialists.

MATRIMONIAL MATTERS

Divorce proceedings can be expedited once each party's short- and long-term employability and earning potential are researched and evaluated carefully.

In cases of divorce in which a spouse has been out of the workplace for a number of years, we analyze education and prior work history along with the local labor market. This helps determine whether there is need for further education and training to help position the individual as a marketable candidate in a competitive work environment. If all prior

work history lies within a profession or industry for which there is little opportunity, our evaluation will determine employability through the use of a labor market survey. From that evaluation, we also will set forth a reasonable expectation of earnings.

For cases in which an historically high-earning spouse enters into a divorce and then claims to be unable to earn at that same level, our evaluation will objectively support or dispute such claims. Such an evaluation is particularly valuable in determining equitable child support and alimony.

LIFE CARE PLANS

Life care planning is an important component of the expertise our firm brings to personal injury litigation.

This process assesses the lifetime health, education and rehabilitation needs of parties suffering catastrophic injury, and then projects the costs of meeting those needs. Medical equipment, home or institutional care, transportation, therapies, surgery and home structural adaptations are examples of long-term needs considered in developing a life care plan.

To be effective for litigation purposes, life care plans require uniform application of standard practices for assessing these needs and calculating costs, along with careful documentation of sources and methodologies. Accordingly, Kincaid Vocational Services investigates multiple sources of funding for each element in the plan as the basis for cost projections.

Respected for his expertise in life care planning, Dr. Kincaid on occasion is called to critique the methodology used in plans submitted by doctors, nurses and other practitioners who are not specialists in this analysis.

ASSISTIVE TECHNOLOGY EVALUATION

Assistive technology encompasses a wide range of devices and training designed to mitigate the limitations of individuals with functional impairments, allowing them to work and earn income to their maximum potential. Wheelchairs, prosthetic aids, customized computers or telephones, and other workplace accommodations are common examples of assistive devices. Evaluating this technology for appropriate application in individual cases is a complex process requiring specialized skills, including hands-on training with the injured parties.

Incorporating this evaluation and the available technology in life care planning can have a substantial impact on the income potential of injured parties and litigation settlements. As the benefits become more widely recognized, it is important to acknowledge that vocational evaluation consultants who are offering assistive technology evaluation services should have essential training, certification and experience.

Dr. Kincaid is an Assistive Technology Practitioner (ATP) certified by the Rehabilitation Engineering Society of North America (RESNA), which is the only recognized certifying body for this specialty. Dr. Kincaid works one-on-one with doctors or patients, usually both, to assess assistive needs and technologies. Cost projections based on Dr. Kincaid's personal assessments are available as an optional core component of our firm's life care planning for injured parties.

LOCAL FOCUS—GLOBAL REACH

Kincaid Vocational Services works primarily with attorneys and other professionals in New York, as well as New Jersey, Connecticut and Pennsylvania.

Our firm also is prepared to accommodate requests for opinions in more distant courtrooms, as warranted by circumstances. For example, Dr. Kincaid was hired by the attorney for a South African firm defending against a lawsuit filed by New York residents injured

during a business trip in Namibia. His interviews of the plaintiffs, reviews of medical records and documented opinion ultimately assisted in reaching an out-of-court settlement.



Personalized service for our clients

Kincaid Vocational Services develops customized approaches and action plans based on our clients' strategic objectives. We provide an initial consultation at no charge. We look forward to assisting you in achieving the best outcomes for your clients.