

# Case Study

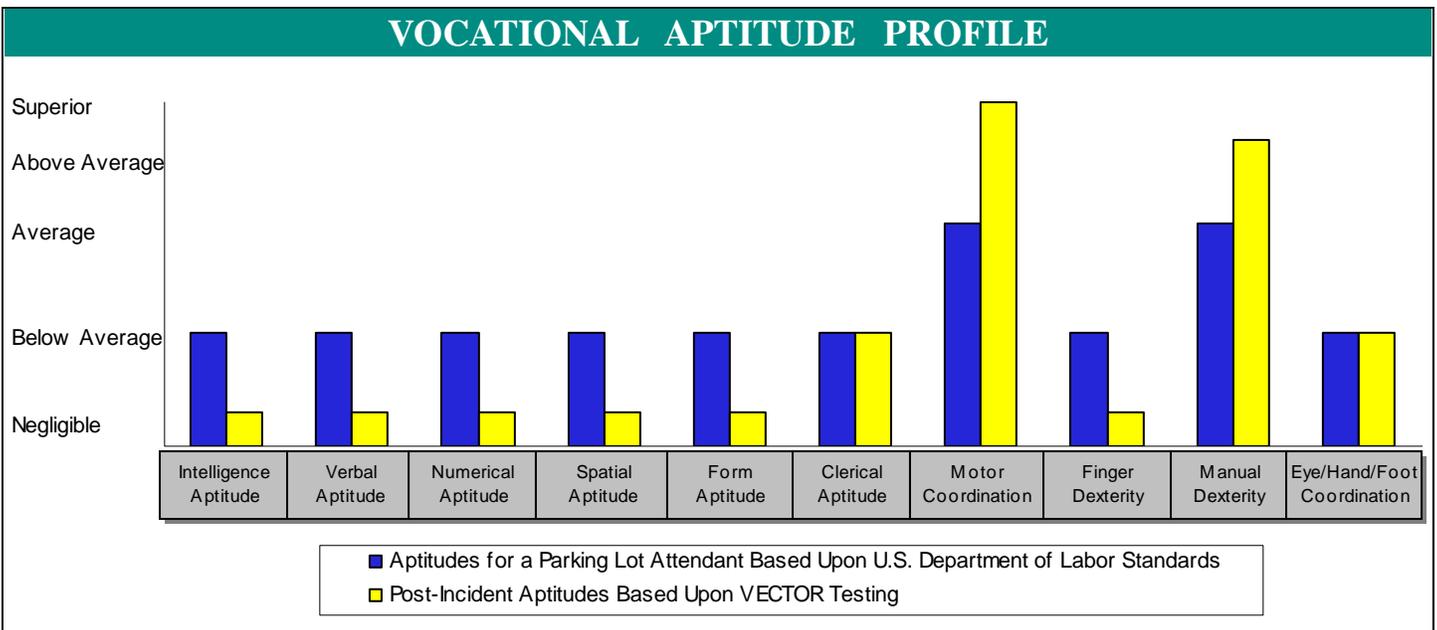
Disability & Employment Report #290

## ACCIDENT ENDS MASTER DEGREE CANDIDATE'S FUTURE CAREER GOALS

**NATURE OF CASE:** Personal injury litigation resulting from a bicycle versus car accident.

**ATTORNEY:** Gary Goldberg of Law Offices of Gary G. Goldberg, 3673 Arlington Avenue, Riverside, California, (909) 788-8325, represented the plaintiff. Mr. Goldberg retained Richard Andersen to render an opinion regarding plaintiff's future employment opportunities. Robert W. Johnson of Robert W. Johnson & Associates, (800) 541-7435, was the economist.

**SITUATION:** The plaintiff, a 43 year old male, was enrolled as a full-time graduate student when he was struck by a vehicle while riding his bicycle. He sustained multiple fractures to both legs and a traumatic brain injury. Approximately 2 years post incident, he continued to experience chronic headaches and pain in his knees and neck. He also suffered from anxiety, and cognitive limitations, which resulted in easy distraction and memory deficits.



Source: U. S. Department of Labor (1991) & Standardized Vocational Tests

**FOCUS ISSUE:** The plaintiff had an interesting background. He was a member of the U.S. Army for 4 years and then entered the U.S. Army Reserve after receiving an honorable discharge from the Army. He was still in the Reserve at the time of the incident, having accumulated 14 years of military service. The plaintiff also worked as an automobile mechanic for over 10 years. He had a bachelor's degree in vocational education and a preliminary State of California Teaching Credential, allowing him to provide instruction in designated areas, such as automotive mechanics. He had completed one semester toward a Master's Degree in Vocational Education, earning a perfect 4.0

grade average, and was enrolled in the second semester when the incident occurred. In addition to the above accomplishments, he also excelled in the culinary arts, having completed food service management course work and serving previously in the U.S. Army European Command Culinary Arts Team.

The plaintiff's goal, at the time of the incident, was to complete his graduate degree and teach automotive technology at the community college level. His background, however, provided him with many diverse career paths he could have pursued. Andersen had to determine what vocational options were now available to this severely brain injured man.

**RESEARCH:** During the vocational interview with Andersen, plaintiff relayed how his mental processing limitations and anxiety prevented him from successfully completing his school work. He also relayed his failed attempts to return to work as an automotive instructor and auto parts counterman. He was currently employed as an automobile inspector/smog technician. He consumed narcotic pain medication and continued to experience physical and mental processing limitations. Andersen determined the plaintiff had lost the opportunity to complete a master's degree or work as an automobile mechanic. He was also faced with a reduced work life expectancy in his current position.

**ISSUE AT TRIAL:** At trial, Andersen presented research on probability of employment and the plaintiff's access to jobs, given his mental processing problems. He opined the plaintiff's average probability of employment was now 62%, significantly lower than his pre-incident 95% probability. Further, that his mental processing problems would preclude him from even unskilled work. To demonstrate this, Andersen pointed to the vocational testing. This showed the plaintiff was unable to perform 6 of 10 skills required of the most basic unskilled job - that of Parking Lot Attendant (see graph).

**RESULTS:** Jury awarded the plaintiff \$1.56 million. Testimony was given at the San Bernardino Courthouse.

**ATTORNEY COMMENT:** "Dick Andersen's ability to connect with the jury and personalize the client's injuries (and their long term consequences) was marvelous. Dick laid a wonderful foundation for the economist. When Dick leaned forward in his chair and faced the jury, he bonded with many members of the panel. Dick Andersen was an invaluable piece of the puzzle that was assembled for the jury."

**ABOUT RICHARD ANDERSEN:** Richard Andersen holds national certifications as a Rehabilitation Counselor, Vocational Evaluator and Disability Management Specialist, with 35 years experience in vocational rehabilitation. He has also testified in Superior Court in 10 California counties. VECTOR, Inc. specializes in vocational rehabilitation counseling, disability research and forensic rehabilitation services, including vocational expert testimony on **personal injury, medical malpractice, wrongful death, and harassment matters**. The firm, founded in 1975, serves both plaintiff and defense attorneys, providing the link between the physician and the economist to precisely determine damages.