

SIMON GROUP CONSULTING INC.

VOCATIONAL REHABILITATION COUNSELORS

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Scott Simon, M.S., C.R.C.

Karen Sullivan, M.S., C.R.C.

EXPERIENCE SUMMARY

SCOTT SIMON, M.S. has a Master's Degree in Vocational Rehabilitation. This was followed by one year of post-graduate work at San Francisco State University, in the area of Counseling Psychology. He is a Certified Rehabilitation Counselor, Senior Disability Analyst and Diplomat on the American Board of Disability Analysts, as well as a Licensed Marriage and Family Therapist. He began his professional career in the mental health field, as a Therapist and Program Manager for individuals with disabilities. Mr. Simon was a principal in the vocational consulting firm of Whelan, Morrell, French and Simon, from 1981 through 1993. At that time, he founded The Simon Group.

In addition to providing a full range of vocational rehabilitation counseling and job placement services, Mr. Simon has worked as a Vocational Expert in the following arenas: Workers' Compensation, Subsequent Injury Fund, Long Term Disability, Social Security, Personal Injury, Employment Discrimination and Marital Dissolutions. In this regard, *he has participated in thousands of vocational assessments within the Workers' Compensation system, where the LeBoeuf case and/or a rebuttal to the formal rating have been postulated.* Between his Social Security cases, Personal Injury and Workers Compensation cases, he has been deemed qualified as a Vocational/DFEC Expert on thousands of occasions.

Mr. Simon has also taught vocational rehabilitation counseling on a graduate level at a local University.

He has been a member and an active participant in a variety of professional organizations, such as the International Association of Rehabilitation Professionals and the American Board of Vocational Experts. During the latter part of 2011 he chaired a professional committee that authored a paper that discussed methodologies relative to the District Court of Appeal Ogilvie case. Subsequently, he was a co-author of two peer reviewed articles* that evaluated methodologies utilized by Vocational Experts in order to determine the diminished future earnings capacity of industrially injured workers.

Additionally, Mr. Simon has presented to and consulted with insurance companies, employers and attorney groups on numerous occasions.

Date: March 3, 2021 at Los Gatos, California.

SCOTT SIMON, M.S., CRC
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SPECIALTIES

- Diminished Earning Capacity; Employability; Labor Market Access and Analysis; Transferable Skills Assessments; Earnings Loss Evaluations: Workers' Compensation, Family Law, Social Security, Personal Injury and Long-Term Disability venues.

EXPERIENCE

- 1981 to Present: Vocational Expert Witness; Vocational and Career Counselor. Provide evaluations and testimony as requested by plaintiff and defense attorneys and insurance companies in Workers' Compensation, Personal Injury, Family Law, Social Security and related matters. Provide evaluations as a court-appointed vocational expert and as an agreed vocational expert in Workers' Compensation and Family Law cases. Have provided Vocational Counseling to chronic pain patients at functional restoration programs as well as career counseling to individuals who are self referred.

Seasoned expert witness in Workers' Compensation Le Boeuf (LC4662) and Diminished Future Earning Capacity cases, personal injury, and marital dissolution. Have testified in Superior Court and Workers' Compensation Appeals Boards (WCAB) at numerous Boards in California on hundreds of cases. Have also been qualified as a Vocational Expert on thousands of Social Security Disability hearings.

Have conducted comprehensive vocational interviews, administered and interpreted psychometric and vocational tests. Handled case management, development of return-to-work plans, worker evaluations, psychological counseling, implementation of placement services, job seeking skills training, and job analyses. I have also performed out of state case management. Have supervised and trained numerous counselors, job placement, vocational evaluators and employment research specialists.

EMPLOYMENT HISTORY

VOCATIONAL EXPERT/CONSULTANT/REHABILITATION COUNSELOR: 1994 to Present
The Simon Group, Los Gatos/San Jose, CA.

- Expertise as a Vocational Expert, Counselor, Consultant, and Supervisor. Complete vocational evaluations, counsel, and recommend retraining, on-the-job training direct placement and self-employment plans for a broad base of displaced employees. Supervise a staff of employees and subcontractors. Serve as a Vocational Expert in Workers' Compensation, Family Law, Social Security, Personal Injury, Employment Law and Long-Term Disability cases. Served as a treatment team member and advisor to two local pain management programs.

Taught vocational rehabilitation on graduate school level and have lectured on numerous topics to other peer professionals, attorneys, insurance companies and laypersons. *Specialize in performing vocational analyses and feasibility evaluations of individuals having significant labor disabling limitations.*

VOCATIONAL EXPERT/REHABILITATION COUNSELOR: 1981-1994

Whelan, Morrell, French and Simon, San Jose, CA.

- Provided vocational evaluations and counseling to a variety of adult populations; administered/scored aptitude and interest tests; conducted labor market/retraining research and job analyses and wrote up numerous return to work plans. Worked as a Vocational Expert with attorneys and insurance company representatives on workers' compensation, marital dissolution, long term disability, personal injury, and Social Security Administration matters.

REHABILITATION COUNSELOR/SUPERVISOR: 1981 to 1986

Santa Clara County, Department of Mental Health, San Jose, CA.

- Provided psychotherapeutic counseling to individuals, families, and couples presenting with a wide range of mental health problems. Developed sign language fluency and worked with Hearing Impaired populations.

EDUCATION

- M.S., Rehabilitation Counseling, San Francisco State University, 1982.
** This degree was followed by over 1 year of post-graduate education in counseling Psychology, 1982-1983.*
- B.A., Speech Communication, University of New York, Buffalo, 1975.

CERTIFICATES

- Certified Rehabilitation Counselor through the Commission on Rehabilitation Counselor Certification, Certificate #15568.
- Licensed Marriage, Family, and Child Counselor, #021872.
- Senior Disability Analyst and Diplomate through the American Board of Disability Analysts.

MEMBERSHIPS

- International Association of Rehabilitation Professionals (IARP)*

*Member of the International Association of Rehabilitation Professionals California Legislative Committee, 2010 to present. Testified on behalf of the organization before the California Labor and Industrial Relations Committee of the State Senate in 2011. Also, chaired a committee in 2011 that authored a comprehensive Diminished Future Earning Capacity paper that focused upon earning capacity methodologies.

- American Board of Vocational Experts
- California Association of Marriage and Family Therapists

LECTURES AND PRESENTATIONS

Have presented to numerous insurance companies and attorneys regarding earning capacity and employability assessments since 1993.

Presentations have included the following organizations:

- Employers Insurance, San Francisco, California,
- State Compensation Insurance Fund, San Jose, California,
- Keenan and Associates, San Jose, California,
- Bradford and Barthel Law Offices; San Jose and San Francisco Bay Area,
- Dietz, Gilmore and Associates, San Francisco, California,
- Finnegan, Marks, Theofel & Desmond, San Francisco, California,
- Laughlin, Falbo, Levy and Moresi, San Jose, California,
- Adelson, Testan, Brundo & Jimenez, San Francisco, California,
- Stockwell, Harris, Woolverton & Muehl, San Francisco, California,
- Law Office of Marshall Candee, San Jose, California,
- Haworth, Bradshaw, Stallknecht & Barber, San Jose, California,
- Grancell, Lebovitz, Stander, Reubens and Thomas- December, 2010, presentation on earning capacity to statewide yearly attorney meeting,
- Armstrong, Callan, and Shiu, client seminar, 2010,
- Equal Employment Opportunity Commission, (EEOC) 1998, seminar for employers to ensure compliance with provisions of the Americans with Disabilities Act, Marina/Seaside, California.
- Santa Clara County Bar Association, Workers' Compensation section
 - Have been a featured presenter on three occasions in order to discuss employability assessments.
- Santa Clara County Bar Association, Social Security Division,
 - 12/11/02 "Utilization of Vocational Experts in Social Security Hearings"
- California Applicant Attorneys Association,
 - Have been a presenter at the yearly conventions on four occasions since 2006.
 - Presentations related to the utilization of vocational experts in earning capacity assessments, subsequent injury fund claims, and on claims of permanent and total disability.
- Division of Workers' Compensation, (DWC) 19th Annual Educational Conference, Oakland, CA. March 5, and March 6, 2012.
 - Selected by the DWC as a featured presenter in order to discuss loss of future earning capacity methodologies. Presented to an audience of claims examiners, Defense Attorneys, Applicant Attorneys and professional peers
- California Applicant Attorneys Association Rating Seminar, 12/6/2015; 12/08/2018
 - Monterey, CA., Presented regarding methods utilized to rebut the age, and occupational modifiers as well as approaches used in rebutting the combined values chart. Also, discussed Vocational Expert Evaluation methodologies and claims of total disability.
- California Applicant Attorneys Association, Maui, HI., 4/16-18/2018
 - Participated in a three-day comprehensive panel presentation regarding Vocational Expert evaluations of permanent and total disability.
- California Applicant Attorneys Association, Berkeley, California., 9/14/2019
 - Participated in a Panel Presentation regarding Psychological Aspects of Disability
- Laughlin, Falbo, Levy & Moresi, San Jose/Oakland, California, 2/05/2020; 11/10/2020
 - Presented regarding current trends in Vocational Expert assessments.

PUBLICATIONS

“Comparison of a Consensus Methodology for Evaluating Employability and Earning Capacity,” *International Association of Rehabilitation Professionals* White Paper; contributor to a statewide consortium of vocational experts recommending standards for evaluating earning capacity in California Workers Compensation cases, *The Rehabilitation Professional*, 17(3), pages 147-156, 2009

"The Use of Vocational Rehabilitation Experts in the Disability Evaluation Process," *SpineOne Rehabilitation Program* newsletter, September 2009

“Post-Ogilvie III Vocational Expert Methodology Recommendations,” *International Association of Rehabilitation Professionals* White Paper, September 16, 2011

“Evaluating Employability and Earning Capacity to Obtain the Most Accurate Permanent Disability Rating in California Workers’ Compensation Cases After *Ogilvie III*”, *The Rehabilitation Professional* 20(2), pp. 89-112

“Comparison of a Consensus Methodology for Evaluating Employability and Earning Capacity by the CA-IARP DFEC Work Group with Published, Peer-Reviewed Methodologies”, *The Rehabilitation Professional* 20(2), pp. 75-86