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Gary R. Skoog (*DePaul University, Chicago, and Legal Econometrics, Glenview*)

I echo my colleague Jim Ciecka's comments on this paper. It is an important contribution to the literature and rightfully focuses on a Markov process model. Our recent work has produced Ogden-type tables, in which the multiplier incorporates the forces of interest, mortality, and non-participation in the labour force due to all causes, notably morbidity, health and election not to participate.

In the US tort system, experts, who are more often economists than actuaries, present damages evidence. This is in keeping with the US rules of 'best evidence' and the rights to a 'trial by jury'. For these reasons, another class of testimony—from vocational experts—is also present and would be replaced in the authors' tables by average employment experience of 'disabled' people in the Labour Force Survey database. However useful this might be if only a 'rough-and-ready' multiplier is deemed sufficient, the use of such averages generally is avoided in the USA where better evidence is desired or required. Vocational experts assess the plaintiff for type of work and ability to hold competitive employment, post accident. They take into account the unique qualities of the injured party—the effects of his education, training, occupation and transferable skills. Rather than determine that a large statistical group might retain 32% of its former capacity when disabled, a more careful analysis is undertaken. In considering transferable skills, and acknowledging that the vast heterogeneity in the disabled population gives little guidance for 'disabled' individuals, it is concluded that, if the injured plaintiff can hold a job post accident, and absent specific medical evidence to the contrary, economic losses are likely to be reflected in lower wages (the multiplicand) in the post-accident job rather than in lowered work life expectancy. For example, the employment experience of 'disabled' coal-miners from a particular musculoskeletal injury has virtually nothing to say about what the prospective employment experience would be for an injured plaintiff school-teacher suffering an adult onset brachial plexus injury, who further has a duty to mitigate damages by working if possible. The illusion of precision in using disability data often adds noise rather than signal and can in fact create damages where none exist—e.g. by declaring a person disabled who is earning the same amount in the same job post accident, a statistically irrelevant lowered work life spuriously assigns damages where none may exist. We therefore urge caution in the use of disability multipliers.