

Michigan Court of Appeals Upholds Vocational Economic's Work Life Methodology

Article By:

Bruce H. Stern

People, who have sustained a permanent injury which results in a permanent work disability, will earn less and will have a shortened work life expectancy, even where the individual has returned to full time employment. Thus, in every case, where a plaintiff has sustained a permanent injury resulting in a permanent work disability, a claim for loss of future earning capacity exists.

In *Figurski vs. Trinity Health-Michigan*, the Michigan Court of Appeals upheld a verdict in an obstetrical medical malpractice action. On appeal, defendants asserted that the trial court abused its discretion when it determined that Anthony Gamboa, Ph.D., MBA, could offer an opinion as to plaintiff's future loss of earning capacity. Defendants attacked both Dr. Gamboa's qualifications to testify as an expert and attacked his methodology as unreliable. The Michigan Court of Appeals disagreed.

The Court of Appeals found that the trial court clearly understood her role as gatekeeper. Dr. Gamboa was qualified as a vocational rehabilitation expert. He held a number of degrees, including a Master's in vocational counseling and a Ph.D. in an area that included vocational counseling and education. Gamboa also received a MBA and testified that he liked to focus on statistics. Gamboa has been with Vocational Economics, Inc. in one capacity or another since 1977. His work there necessarily included offering expert opinions on the cost of future care and compensation loss. He was a prolific writer in the area of earning capacity loss and work life expectancy. The Court of Appeals also found that there was nothing unusual with regard to Dr. Gamboa's methodology and that the trial court was correct in concluding that the different methods of calculating plaintiff's damages was best left to the ultimate trier of fact.

COPYRIGHT © 2025, STARK & STARK

National Law Review, Volume V, Number 84

Source URL: <https://natlawreview.com/article/michigan-court-appeals-upholds-vocational-economic-s-work-life-methodology>