

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Shannon Miller, Jen Banford,
and Annette Wiles,

Plaintiffs,

v.

The Board of Regents of the
University of Minnesota,

Defendant.

Case No. 15-cv-03740 (RHK/LIB)

AFFIDAVIT OF JAN LOWE

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Jan Lowe, being first duly sworn, on oath, states as follows:

1. I am Jan Lowe. I make this Affidavit in support of Defendant's Motion to Compel Discovery.
2. I have a master's degree in Vocational Rehabilitation Counseling, am a diplomate of the American Board of Vocational Experts, and am a certified rehabilitation counselor. Attached hereto as **Exhibit A** is a true and correct copy of my curriculum vitae.
3. I have been retained by the Defendant in this case ("the University") to offer expert testimony regarding Plaintiffs' alleged earning capacity, alternative

employment opportunities, and the sufficiency of their efforts to mitigate their alleged damages.

4. As an important component of my assessment of the Plaintiffs' vocational and rehabilitation states, I would like to conduct a vocational examination of each of them.

5. A vocational examination typically consists of a private interview where the examiner gathers information on the individual's background and vocational qualifications. Such an interview addresses both the physical and mental circumstances of the individual, including the individual's self-perception and self-description, abilities, interests, appearance, and demeanor. All of these things are highly relevant to an understanding of the individual's vocational and rehabilitative state.

6. Conducting a face-to-face interview helps me to assess how the individual presents herself during an employment search and during employment.

7. It is both a best practice and common practice for a vocational rehabilitation expert to conduct evaluative interviews such as the one requested here by the University.

8. A non-expert in the field (such as counsel) is not as fully equipped as a vocational rehabilitation expert to conduct an evaluative interview.

9. I estimate that each vocational interview would last approximately two hours. As part of the vocational examinations, I will not administer any tests to Plaintiffs.

FURTHER AFFIANT SAYETH NOT.

Dated: 11.1.2016 Jean Lawrence

Subscribed and sworn to before me
this 1st day of November, 2016.

Meghan Bittersweet
Notary Public

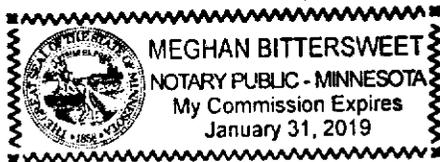


EXHIBIT A

Jan Lowe
5353 Wayzata Blvd., Suite 202
Minneapolis, MN 55416
(952) 932-0902

Education

St. Cloud State University
1973 M.S. -- Vocational Rehabilitation Counseling

University of Nebraska
1968 B.M.E. -- Music Education

Work Experience

Rehabilitation Counselors, Inc.
Suite 3, 10417 Excelsior Blvd.
Hopkins, MN 55343

March 1978 to Present

Vocational Rehabilitation Consultant; Owner/Manager

- Provision of vocational assessment and individualized consultation services for people of all ages.
- Comprehensive experience in Workers' Compensation and Disability Management.
- Knowledgeable about rural and metropolitan labor markets in Minnesota and other states.
- Extensive history of providing expert witness testimony regarding employability and earning capacity.
- Familiar with many types of court cases including Workers' Compensation, Social Security, Personal Injury, Spousal Maintenance, Motor Vehicle Accident, FELA, Medical Malpractice, Sexual Harassment, Employment Discrimination, ADA, and Labor Arbitration.
- Management services necessary to maintain an office with professional and support staff.

The Psychological Testing Center
127 - 7th Street North
Minneapolis, MN

September, 1977 to March, 1978

Vocational Rehabilitation Counselor/ Job Placement Specialist

- Provided individualized job placement service to the industrially injured client in Minnesota and the Upper Midwest.
- Organized, developed, and implemented a comprehensive Job Placement Program.

Work Experience

State of Minnesota Division of Vocational Rehabilitation Minneapolis, MN

August, 1973 to August, 1977

Job Placement Counselor/ Minneapolis Region Counselor. Senior Counselor. Career Counselor

- Developed and implemented a Job Placement Program designed to serve severely disabled clients referred by the 50 DVR Counselors in the Minneapolis Region.
- Coordinated services and provided vocational rehabilitation counseling to individuals with disabilities living in North Minneapolis.

Consultant Services

Center for Continuing Education Minneapolis, MN

1977-84 **Cadre Trainer/ Program Developer** Assisted in the development of several educational programs designed to train vocational rehabilitation counselors across the United States in vocational rehabilitation counseling techniques. Provided training throughout the United States

Control Data Corporation Minneapolis, MN

1979 **Consultant** Assisted in the development of a Handicapped Youth Training/Placement Program.

Mankato State University Vocational Rehabilitation Counselor Education Department Mankato, MN

1978 **Instructor** Developed and taught a Job Placement class to students in the M.S. Vocational Rehabilitation Counseling Program.

Research

Vocationology, Inc., Minneapolis, MN, 1983-1992

Researcher Involved in labor market statistical research to identify access-point positions and associated starting wages for jobs in each State. Assisted in the development of a National Labor Market Database, State Databases, Social Security Database, and County Area Databases.

Trainer Trained professionals across the United States in the use of DataMaster/ MVQS Job/Person Matching System.

COOL, Inc., Minneapolis, MN, 2003-Present

Co-Developer Developed and implemented an Internet based career exploration system. Co-authored a corresponding book, CareerCode, Know Your Code, Find Your Fit, with Tracy Lungrin, M.S., April, 2012

Publications/Presentations

How Much is Your Job Worth? McCroskey & Lowe, 1986 & 1987

The Vocational Evaluation, MILE Spousal Maintenance Seminar, 9-91; 9-93

Vocational Analysis, MILE Workers' Compensation seminar, February, 1992

Fairview Southdale Hospital Presentation: Suitable Employment, March, 1992

MARP Convention Presentation: Vocational Analysis/Spousal Maintenance, September, 1992

Key Functional Assessments Presentation: Computerized Job/Person Matching Systems, October, 1992

MILE Seminar: Panel, Rehabilitation 1997 for Workers' Compensation and Vocational Experts: March, 1997

Divorce Camp: AAML Presentation: Historical Review of Vocational Analysis for Spousal Maintenance; September, 1997

ABVE Fall Conference 2000 Presentation: Forensic Fitness Program, October, 2000

ESU 10 Kearney, NE Presentation: MVQS 2001 May, 2001

MVQS 2001, Training Program & Manual, Chicago, 2001

NELA, Panel Presentation and Manual Contributor, ADA, Minneapolis, April, 2002

AREA Panel Presentation and Dual-Presenter, San Antonio, May, 2003

ABVE Value Added Workshop, MVQS Volcano, Charleston, April, 2004

MVQS 2005 Seminar, CAARP, West Covina, CA, July, 2005

IARP, National Convention, Minneapolis, MN, May, 2006: The SAS Sisterhood Presents RIASEC

Felhaber, Larson, Fenlon & Vogt: Current Labor Market Conditions & Placement Techniques, May 2009

MLSC, Fibromyalgia & Chronic Pain, Assessing Employability & Hireability, Minneapolis, MN, May, 2009

Family Law Institute, Minneapolis, MN, March, 2011, Divorce from Start to Finish: Vocational Expert

NSCA Academy, Omaha, NE, October 16, 2012, CareerCode: Know Your Code, Find Your Fit

Minnesota Legal Services, August 15, 2013, CareerCode: Know Your Code, Find Your Fit

MARP, Minneapolis, MN, October 18, 2013, CareerCode: Know Your Code, Find Your Fit

ABVE, San Antonio, TX, March 20, 2015, RIASEC & CareerCode Techniques

Professional Memberships

Minnesota Rehabilitation Association (Board Member, 1977-78)
National Rehabilitation Association
American Counseling Association
Minnesota Counseling Association
Minnesota Career Development Association
Minnesota Rehabilitation Counselors Association (President, 1977)
Sister Kenny Institute/ PWI Board Member (1977-82)
Minnesota Association of Rehabilitation Providers
International Association of Rehabilitation Professionals
American Board of Vocational Experts

Certifications & Licensures

Certified Rehabilitation Counselor (National Certification, 1975 to present)
Certified Disability Management Specialist (Formerly CIRS National Certification, 1985 to present)
Certified Case Manager (National Certification, 1993 to present)
Diplomate (American Board of Vocational Experts, 2000 to present)
Qualified Rehabilitation Consultant (State of Minnesota, 1980 to present)
Vocational Expert (Social Security Administration, 1980-82)