



Survey Says...

**A Presentation of Survey Results
on behalf of the ASTC and ASTC Foundation Boards
Saturday, May 21, 2016
ASTC Annual Conference – Redondo Beach**

1

Thank you for attending this afternoon's session.

In the next hour we want to bring you up to date on the proposal by the ASTC Foundation to establish

the "College of Trial Consultants"

First let's set up a little bit of background. This proposal came from the "ASTC Foundation". The ASTC Foundation, for clarity we'll call it "the Foundation" and The American Society of Trial Consultants, "ASTC" or "the Society" are separate organizations, with separate boards and different missions.



“Society”

- Founded as 501 (c) (6) - Business League
- Organized primarily to provide services to its members
- Donations are not tax-exempt for donors

“Foundation”

- Founded in 2003 by ASTC
- 501 (c)(3) – Charitable Organization
- Organized primarily for educational purposes
- Donations are tax-exempt for donors

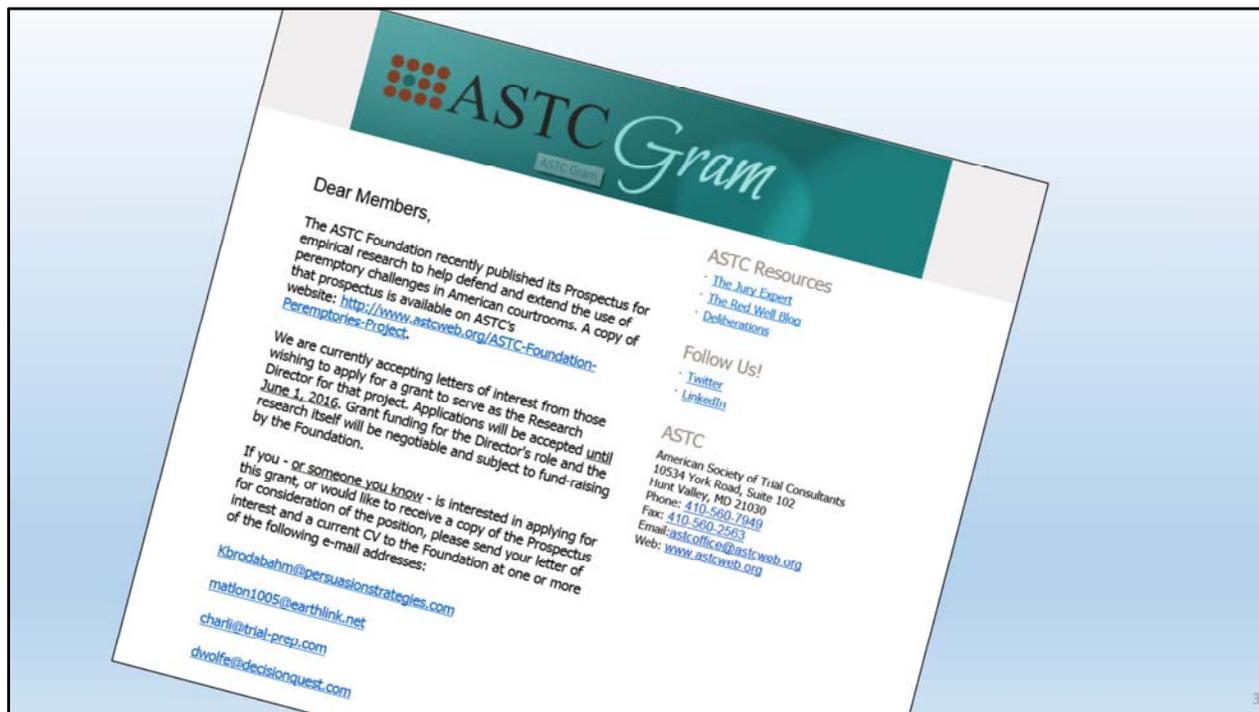
2

The Society is organized as a 501(c)(6), known as a business league, organized and operated primarily to provide services to its members.

The Foundation is a 501(c)(3), is organized and operated primarily for educational purposes. The Foundation consists of the Board of Directors. Its activity since inception has been entirely the work of volunteers who serve on its board.

I won't go into a legal analysis here, but we must note that as a 501(c)(3), IRS rules prohibit the Foundation from giving money to the Society for any of its member services or expenses. In other words, the Foundation is not and cannot serve as a tax-exempt “pass-through” for the Society. However, funds raised by the Foundation have, at times in the past, been given as grants to the Society in support of its educational programs such as the ASTC Annual Conference. The Foundation is aligned in purpose but legally independent of the American Society of Trial Consultants.

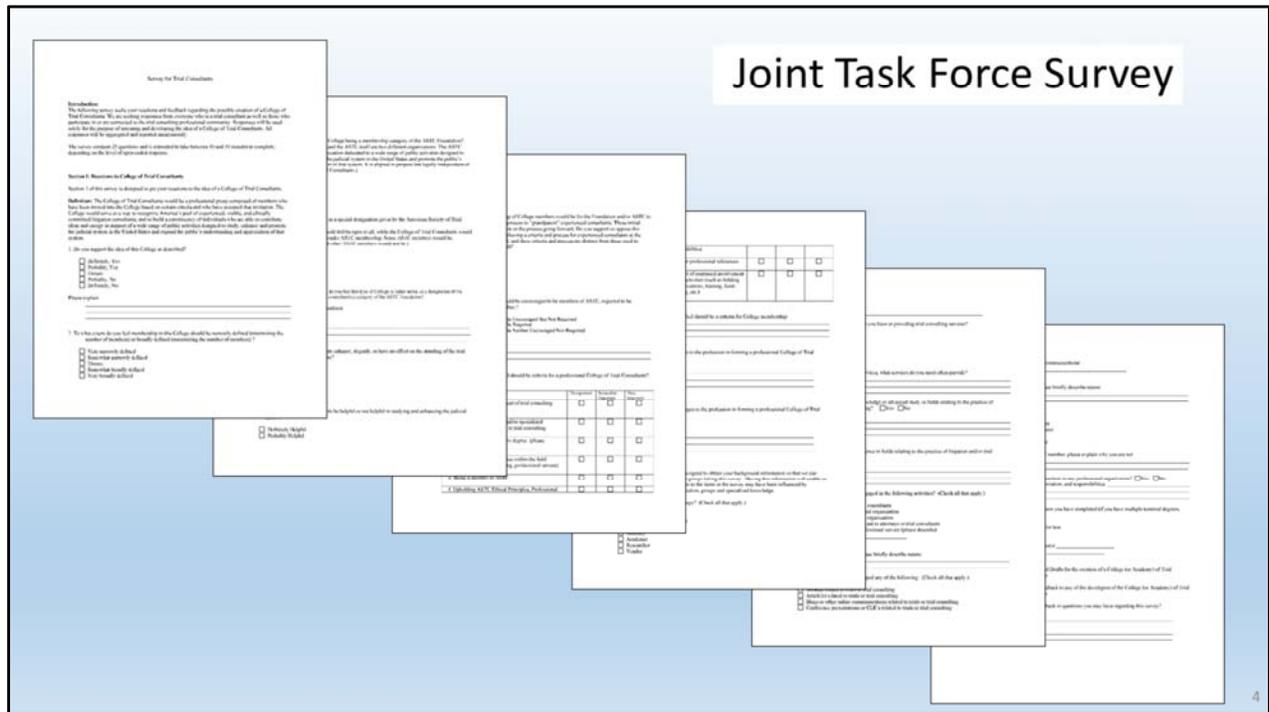
The Foundation was set up in 2003 by the ASTC. The focus of the Foundation has changed over the years and they have, most recently, developed surveys and studies of the United States judicial system, jury and judicial decision making, and litigation communication.



For an example of the type of projects they propose to undertake you may have seen the recent ASTC Gram about the “Peremptory Project”. That is a research project focused on gathering data to help defend and extend the peremptory challenge in American courtrooms.

To further those educational ends, in the fall of 2014, the Foundation passed an internal resolution creating a membership category called the “College of Trial Consultants”. The avowed goal was to recognize the nation’s pool of experienced, visible, credible, and ethically committed litigation consultants; as well as creating a constituency to contribute ideas and energy to the Foundation’s research and educational mission.

The ASTC Board, in discussion with the Foundation, began to look for ways that they might cooperate in the establishment of the “College”. There were a number of questions that came up without easy answers. Since establishing the College in many ways involves and potentially affects the ASTC, a survey was designed and administered by a joint task force comprised of Society and Foundation members.



We all owe a debt of gratitude to the ASTC task force who put so much of their time and effort into this project. It was chaired by our Past President Jill Holmquist with the able assistance of Susie Macpherson, George Kich, Julie Howe, Steve Perkel, Leslie Ellis, Josh Behl, and the Foundation task force of Dan Wolfe, Charli Morris, Ken Broda-Baum, and Karen Lisko, all past presidents of the ASTC.

The survey was sent out to all members of ASTC as well as non-ASTC members within trial consulting community. We have narrowed the responses to those respondents who identified themselves as Trial Consultants. For today's presentation we have divided the material into groups.

- 1) Who responded
- 2) Questions relating to the description and makeup of the College
- 3) Questions relating to value of College
- 4) Questions regarding Structure (Within Foundation or Within ASTC)

We want to go over the questions and responses. If you have questions about a particular item try to ask I while we are covering that item. We want to save time for dialogue. We hope that by the end of today's session we will have a clear picture of how the ASTC membership views the College and the relationship between the ASTC, the Foundation, and the College.



Survey Introduction:

The following survey seeks your reactions and feedback regarding the possible creation of a College of Trial Consultants. We are seeking responses from everyone who is a trial consultant as well as those who participate in or are connected to the trial consulting professional community. Responses will be used solely for the purpose of assessing and developing the idea of a College of Trial Consultants. All responses will be aggregated and reported anonymously.

5

We'll start with the introduction to the survey. It explains that the purpose of the survey is to assess and help in the development of the idea of a College of Trial Consultants

Who are Survey Respondents?

Total: 117

6

There were a total of 117 Respondents to the survey

13. What role(s) do you currently occupy?

101	Trial Consultant*
22	Researcher (19 also Trial Consultant)
4	Trial Technology Consultant (4 also Trial Consultant)
9	Trial Graphics Consultant (7 also Trial Consultant)
8	Attorney (8 also Trial Consultant)
14	Academic (11 also Trial Consultant)
2	Vendor (2 also Trial Consultant)
3	Student
5	Other (4 also Trial Consultant)

We had a total of 101 respondents who checked the box on Question 13 Identifying themselves as Trial Consultants. For our purposes today we have confined the study to those 101 who listed themselves as Trial Consultants. That assured us that we got people who may have a vested interest in the College

and 12 more questions to further clarify who (in general terms) was providing feedback.



Definition:

The College of Trial Consultants would be a professional group composed of members who have been invited into the College based on certain criteria and who have accepted that invitation. The College would serve as a way to recognize America's pool of experienced, visible, and ethically committed litigation consultants, and to build a constituency of individuals who are able to contribute ideas and energy in support of a wide range of public activities designed to study, enhance and promote the judicial system in the United States and expand the public's understanding and appreciation of that system.

8

I suppose if we want to understand the survey results we should look at how the College is defined at the start of the survey. I'll give you a second to read it, but it is included in the pamphlet of survey results. You may want to refer back to it from time to time.

The survey opened in July of 2015.

While this survey was not a referendum on the evolving proposal, a full copy of the draft of the resolution was made available.

The survey closed at the end of September 2015.

The responses are in the pamphlet in the order they were presented. We've reordered them in this presentation in an effort to make them, and our decision to support the concept of a college easier to understand.

23. Have you read any of the proposed drafts for the creation of a College (or Academy) of Trial Consultants?

Yes 64

No 36

24. Have you previously supplied feedback to any of the developers of the College (or Academy) of Trial Consultants?

Yes 46

No 43

9

Questions 23 and 24 ask if anyone has read the proposed drafts or previously supplied feedback. It looks like a third of the respondents are answering based only on the definition above

14. How many years of experience do you have in providing trial consulting services?

13	One to five years
6	Six to ten years
12	Ten to fifteen years
19	Fifteen to twenty years
51	More than 20 years

10

Question 14 asks about years of experience. There was a broad range but it is heavily weighted towards those with 20 or more years of experience and 70% have 15 years or more.

15. If you provide trial consulting services, what services do you most often provide?

79	Small Group Research (mock trials, FG)
57	Jury Selection (voir dire, SJQ, in-court assistance)
52	Witness Preparation
43	Case Analysis / Theme Development / Trial Strategy
12	Survey Research (COV, VAS)
11	Full Service / All of the Above
Responses < 10 Include:	Communication Skills Training, Post-Trial Interviews, Trial Tech Support, Graphics/Demonstrative Evidence, PR/Media Strategy, In-Court Support / Monitoring, Retired, Publishing, Shadow Juries, Capital Defense, Other

11

Question 15 Shows us that those responding provided the full range of consulting services.

19. Have you ever authored or developed any of the following: (check all that apply)

	Yes	No
Book(s) related to trials or trial consulting	23	78
Article(s) related to trials or trial consulting	82	19
Blogs/Other online communications related to trials or trial consulting	36	65
Conference presentations or CLE's related to trials or trial consulting	86	15
Other forms of professional communications	38	63

12

Question 19 asks about authoring books, articles, blogs, conference presentations and other professional communications. The largest number of respondents referred to articles relating to trials or trial consulting

19a Describe...

48	No Response (affirmative but no description)
36	Articles, Papers, Publications and other writing
24	Presentations and speeches (no mention CLE)
15	CLE Programs and Presentations
12	No Response (no affirmative response)
Other Responses < 10	Too many/numerous to list; Training / Seminars / Resources (no mention CLE); Miscellaneous

13

, and when asked for more detail you can see that writings outweighed the other categories.

You'll probably note that while we counted 101 respondents, open ended answers won't balance out against the yes/no question. There are often "no responses" on the open ended answers, and people were allowed more than one choice. Sometimes a single respondent may say yes to several options or put down multiple responses in a single answer.

17. Do you have any research experience in fields relating to the practice of litigation and/or trial consulting?

Yes	82
No	18
No Response	1

14

Question 17 shows that most respondents have research experience relating to litigation or trial consulting

18. Within the past year, have you engaged in the following activities? (check all that apply)

	Yes	No
Training of attorneys or trial consultants	77	24
Fund-raising for a professional organization	32	69
Leadership in a professional organization	47	54
Publishing of materials relevant to attorneys or trial consultants	58	43
Other non-compensated professional services (describe)	51	50

15

Question 18 shows us that the trial consultants who responded to the survey are dedicated to the task of training the next generation, and involved in helping both the industry and their community.

16. Do you have any specialized knowledge or advanced study in fields relating to the practice of litigation or trial consulting?

Yes 88

No 13

16

Question 16 Asks about specialized knowledge and advanced Study, 88 out of 101 said yes and

16a. If Yes, explain...

32	Ph.D.
13	General Study / Course work
13	General / Specific TC Services, training, special knowledge
13	Greater than two years' experience as trial consultant
12	J.D.
8	Non-specific, advanced degree
7	Master's degree
Others Include	Both JD/Advanced degree, Publications, No Response, Miscellaneous

17

32 have PhD.s

22. What is the highest level of education you have completed? (check all that apply)

43	Doctorate
22	Master's Degree
12	Bachelor's Degree
7	J.D.
3	Some College
2	Two advanced degrees

18

Question 22 Shows that beyond the Ph.Ds in question 19, 11 held doctorates, and if we add the JDs we get 50.

22a. If Doctorate, in what area(s):

33	Psychology
12	Communications
6	Other/Miscellaneous
4	JD
2	Neuroscience
2	Sociology

19

When we look at the open ended answers, well, it looks like one Ph.D remembered that he had one between question 19 and 22, and 3 JDs forgot that they had one between the first and second part of the question.

22b. If Masters, in what area(s):

8	Psychology
7	Social Psychology
5	Communication
3 (each)	Clinical Psychology; Sociology; Speech Communication
2 (each)	Communication Studies; Judicial behavior; Litigation Science; Ed. Psych., Human Dev., Theater
1 (each)	Comm. Mgmt., Comm. Research, Counseling, Ed. Admin., English, Law, Legal Communication, Mgmt., Estate Planning, Criml Justice, Psychotherapy, Social Policy, Women's Studies, Social Sci., Social/Personality, Anthropology

20

The 22 who held Master's Degrees came from a broad range of study, and if my 5th grade math serves me 4 had two masters degrees

21 Have you ever held a leadership position in any professional organization?

Yes	75
No	22
No Response	4

21

Question 21 tells us that $\frac{3}{4}$ of the respondents have held leadership positions in a professional organization

21a. Leadership, describe...

32	No Response
23	ASTC Board
15	Other/Miscellaneous
10	ASTC Committee Member
2	ASTC Foundation Board

22

and almost half of those were leaders in the ASTC or the Foundation.

20. Are you a member of ASTC?

84	Yes, currently
8	Yes, in the past but not anymore
6	No
3	No, but may join in future

23

Looking at Question 20 we see that among the 101 trial consultant respondents, 84 are ASTC members.

20b. If not ASTC member, please explain why not...

5	Dissatisfaction with organization
4	No personal growth opportunities/not addressing interests
2	Membership too broad
2	Conferences not conveniently located
2	Financial constraints
1	Ideas like College

24

And just for informational purposes, here are some reasons that the 14 who are not current members have elected not to be.

20a. If ASTC member, how many years?

20	Zero to five
12	Six to ten
9	Eleven to fifteen
19	Sixteen to twenty
20	Twenty-one or more
21	No Response

25

Let's recap what we know about the Trial Consultants that responded,
About 1/3 did not read the Resolution before taking survey, Approximately
78% of total respondents list themselves as trial consultants,
50% have been practicing TCs more than 20 years,
Fewer than 20% of TC have been practicing less than 10 years,
More than 80% of TCs publish or teach about trials/trial consulting,
72% of TCs report having advanced degrees,
75% of TCs report holding leadership positions in professional organizations;
of these, 50% have held leadership positions in ASTC or ASTC Foundation
I think that may inform how we view their answers.

Summary / Observations

- About 1/3 did not read the Resolution before taking survey
- Approximately 78% of total respondents list themselves as trial consultants
- 50% have been practicing TCs more than 20 years
- Fewer than 20% of TC have been practicing less than 10 years
- More than 80% of TCs publish or teach about trials/trial consulting
- 72% of TCs report having advanced degrees
- 75% of TCs report holding leadership positions in professional organizations; of these, 50% have held leadership positions in ASTC or ASTC Foundation

26

RIC: PLEASE NOTE THAT I CHANGED LANGUAGE OF THE FIRST BULLET. The wording “didn’t have the opportunity” is not accurate, as we posted the Resolution itself WITH the calls/links to take the survey. Some people did not read it, but they were all given the opportunity to do so.

On publishing item, the survey question about publishing was trials and trial consulting so I made that change to bullet #5

Definition:

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Look again at the definition of the proposed college.

Thoughts About a College

28

Once again, these answers are not in numerical order but grouped by two questions about the proposed function of the college, then 3 questions about qualifications for the proposed members. Then we'll look at the seminal question about supporting the college as proposed, and why or why not. Then we'll look at and whether people felt such a college would be best under the aegis of the ASTC or the Foundation.

As you are looking at these numbers you'll find occasions where they don't add up to 101, sometimes the numbers will be more and sometimes less. Many questions did not restrict you to one answer, and many times answers were left blank.

6. Would a College of Trial Consultants be helpful or not helpful in studying and enhancing the judicial system?

13	Definitely Helpful
33	Probably Helpful
38	Not sure or No Effect
8	Probably Not Helpful
9	Definitely Not Helpful

29

First Question 6 asks if it would be helpful in studying and enhancing the judicial system. There were 46 positive answers and 17 negative ones

7. Would a College of Trial Consultants enhance, degrade, or have no effect on the standing of the trial consulting profession over time?

25	Strongly Enhance
32	Somewhat Enhance
27	No Effect
6	Somewhat Degrade
9	Strongly Degrade

30

Then 7 asks how a college would affect the standing of the profession over time 58 responded positively and 15 felt it would to some degree degrade the standing of the profession.

2. To what extent do you feel membership in this College should be narrowly defined (minimizing number of members) or broadly defined (maximizing)?

15	Very narrowly defined
40	Somewhat narrowly defined
17	Unsure
9	Somewhat broadly defined
18	Very broadly defined

31

Now we'll look at the proposed selection criteria for the College

2 asks whether the criteria should be broadly defined or narrowly.

The survey shows 55% in favor of a Narrow definition favoring a smaller number of members over a large number

8. Phase One Inductions: Grandparenting Phase Two: Criteria for Inclusion

40	Strongly Agree
24	Somewhat Agree
9	Neutral
15	Somewhat Disagree
12	Strongly Disagree

32

Sometimes you can just put too much text on a slide.

The full text of Question 8 is

“One way of inducting the first group of College members would be for the Foundation and/or ASTC to develop initial criteria and process to “grandparent” experienced consultants. These initial members would then play a role in the process going forward. Do you support or oppose this concept of “grandparenting,” (having a criterion and process for experienced consultants at the time the College is established, and these criteria and process are distinct from those used to induct members going forward)?”

The question of “grandparenting” in question 8 shows 64 agreeing to some degree and 27 disagreeing to some degree

10. Which of the following do you feel should be criteria for a professional College of Trial Consultants?

(check all that apply)

	Unimportant	Somewhat Important	Very Important
a. Having a substantial amount of trial consulting experience (e.g., 10 years)	5	25	62
b. Having advanced study and/or specialized experience in fields relating to trial consulting	13	38	41
c. Having a specific academic degree (please describe)	34	38	19
d. Having a professional voice within the field (training, teaching, publishing, professional service)	16	42	34
e. Being a member of ASTC	24	25	43
f. Upholding ASTC Ethical Principles, Professional Standards, and Practice Guidelines	8	6	77
g. Providing personal and/or professional references	19	35	37
h. Committing to some level of continued involvement in supportive professional activities (such as holding office in professional organizations, training, fund-raising, research, publishing, etc.)	24	37	29

33

This question, #10, asks what the respondents feel should be the qualifications for acceptance into the College. There is a lot of information here so I'll give you a minute or so to absorb it.

Under (f), 77 of the respondents, by far the largest number selecting one criteria as "very important", support Upholding ASTC Ethical Principles, Professional Standards, and Practice Guidelines is a very important qualification.

Looking at overall general support, the most important is having substantial consulting experience. Then you have upholding the ASTC standards, followed by advanced study, a professional voice, references, ASTC membership and involvement in professional activities. The least support is to having specific academic degree

10c. Having a specific academic degree (please describe):

11	M.A. or higher
11	Several highly qualified trial consultants have no advanced degree
10	Ph.D.
9	No specific degree should be required
8	Post-graduate degree in relevant social sciences
8	Post-graduate degree in other areas if relevant/related to trial consulting
8	Experience is as important as a degree
5	Post-graduate degree in Law/J.D.
3	Post-graduate degree in Communications
3	A post-graduate degree (subject area unspecified)
3	An undergraduate degree in relevant social sciences plus experience
3	Any B.A. or B.S.
2	B.A. or B.S. in a relevant field (psychology, sociology, etc.)
2	Post-graduate degree in Psychology
2	Some areas of study (e.g., graphics) have no advanced degree
2	Training in research methods
2	Post-graduate degree - other (statistics, neuroscience, theater)
9	Miscellaneous

34

57 respondents judged specific degrees of at least some importance, and they listed in the follow up question

67 different degrees ranging from a BA to a Masters that should be considered, 34 indicated that a specific degree may not be necessary.

10i Please list anything else you feel should be a criterion for College membership:

All Other < 8	academics/knowledge, advanced degree, consulting success/track record, research (training/exp), social science (training/exp), active consulting work, continued commitment to TC field, publications, presentations/CLE/teaching, pro bono/volunteer work, leadership within ASTC, membership/leadership other orgs, attendance at College events, basic credentialing for all ASTC min. requirement, case-by-case/strong but flexible requirements, none, anti-College/do not support
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35

Another follow up question listed proposed additional specific requirements. While there were 71 no responses there were 18 specific requirements, twelve of which were not listed in the original question.

1. Do you support the idea of this College as described?

33	Definitely, Yes
26	Probably, yes
15	Unsure
7	Probably, No
19	Definitely, No

36

Question 1 asked “Do you support the college as described? [in the description]” There were 15 unsure, 26 probably or definitely NO, and 59 probably or definitely YES responses.

1a. Please Explain: Definitely, Yes (33)

- 6 Enhance Credibility / Image of trial consultants
- 6 Identify / Recognize experienced consultants to distinguish them from inexperienced ones
- 5 Encourage professional growth / development of trial consultants
- 4 Development of Standards / Best Practices / Credentialing requirements for consultants
- 3 Development of educational programs / presentations / workshops
- 2 Benefit only to those who become members
- 2 Enhance Visibility / Public Awareness
- 2 Aspirational goal for new / young members
- 2 Engagement with the Legal Community to Improve / Influence the Legal/Judicial system
- 2 Incentive to become / remain a member of ASTC
- 1 Increase Funding for ASTC Foundation
- 1 Promote Research
- 1 Educate / Engage with the public
- 1 Miscellaneous

37

We'll look at why they answered in the way they did with no comment.
The 33 Definitely Yes respondents offered these explanations

1b. Please Explain: Probably, Yes (26)

- 7 No Response
- 6 Enhance Visibility / Public Awareness Promote Research
- 4 Miscellaneous
- 3 Benefit only to those who become members
- 3 Enhance Credibility / Image of trial consultants
- 3 Recognition / Status Symbol / Elitism (just for the sake of doing it)
- 3 Development of Standards / Best Practices / Credentialing requirements for consultants
- 2 Identify / Recognize experienced consultants to distinguish them from inexperienced ones
- 2 Educate / Engage with the public
- 1 Not sure / need more information / depends on how college evolves / what college members do
- 1 Aspirational goal for new / young members
- 1 Encourage professional growth / development of trial consultants

38

The 26 Probably Probably Yes explained

1c. Please Explain: Unsure (15)

- 8 No Response
- 6 Not sure / need more information / depends on how college evolves / what college members do
- 5 Increase Funding for ASTC Foundation Promote Research
- 3 Encourage professional growth / development of trial consultants
- 2 Identify / Recognize experienced consultants to distinguish them from inexperienced ones
- 2 None
- 1 Benefit only to those who become members
- 1 Aspirational goal for new / young members
- 1 Development of Standards / Best Practices / Credentialing requirements for consultants
- 1 No benefit to regular ASTC members
- 1 Miscellaneous

39

The 15 who were unsure and gave 31 different reasons

1d. Please Explain: Probably, No (7)

- 4 No Response
- 1 Increase Funding for ASTC Foundation
- 1 Identify / Recognize experienced consultants to distinguish them from inexperienced ones
- 1 Educate / Engage with the public
- 1 Recognition / Status Symbol / Elitism (just for the sake of doing it)
- 1 Anti-college / Do not support
- 1 None

40

7 said Probably No for these 6 reasons

1e. Please Explain: Definitely, No (19)

- 11 None
- 5 No Response
- 5 Benefit only to those who become members
- 4 Recognition / Status Symbol / Elitism (just for the sake of doing it)
- 2 Not sure / need more information / depends on how college evolves / what college members do
- 2 No benefit to regular ASTC members
- 2 Miscellaneous
- 1 Identify / Recognize experienced consultants to distinguish them from inexperienced ones
- 1 Educate / Engage with the public

41

19 said Definitely NO with these explanations

3. How do you feel about this type of College being a membership category of the ASTC Foundation?

15	Strongly Support
23	Somewhat Support
30	Neutral
13	Somewhat Oppose
19	Strongly Oppose
1	NA

42

Question 4 asked about the College being a special designation under the ASTC. 62 offered some support for this idea, 7 remained Neutral, and 31 opposed the thought.

4. How do you feel about this type of College as a special designation given by the ASTC?

21	Strongly Support
31	Somewhat Support
17	Neutral
11	Somewhat Oppose
20	Strongly Oppose
1	No Response

43

Question 4 asked about the College being a special designation under the ASTC. 52 offered some support for this idea, 17 remained Neutral, and 31 opposed the thought.

5. Comparing the previous two scenarios, do you feel this type of College is better suited as a designation of the American Society of Trial Consultants or a membership category of the ASTC Foundation?

ASTC	48
ASTC Foundation	38
No Response	15

44

Question 4 asked about the College being a special designation under the ASTC. 62 offered some support for this idea, 7 remained Neutral, and 31 opposed the thought.

5a. Special Designation of American Society of Trial Consultants (48)

- 22 No Response
- 6 It would recognize a certain level of quality/credentials
- 5 Having the College in the Foundation could/would divert resources/money/members away from ASTC/create competition with ASTC
- 4 It would be less elitist or exclusionary/more inclusive or collaborative to have it in ASTC
- 4 It will help keep ASTC more valuable/relevant to current/consultant members
- 4 Miscellaneous
- 3 Not in support of the College in either entity
- 2 It would allow the College to benefit from ASTC's infrastructure/resources
- 2 Uncertainty about what the Foundation does/is means the College would be more attractive/meaningful as part of ASTC
- 2 The College is not a part of the Foundation's purpose
- 1 The Foundation has not met its expectations/purpose
- 1 Having the College in the Foundation will/may not draw non-ASTC members

45

The 48 respondents who chose the ASTC gave these answers, please note that these responses counted No Response and those Opposed to the College in any form.

5b. Membership Category ASTC Foundation (38)

- 14 No Response
- 8 It would be less detrimental/divisive to ASTC/ASTC members
- 7 Unsure/Need more information
- 5 Miscellaneous
- 5 The College seems more in line with the goals/concept of the Foundation
- 3 ASTC has become too inclusive/open, which hurts its integrity
- 2 It would be a way to raise more money for the Foundation
- 2 It might be easier to have the College as part of a 501(c)(3)
- 2 It would be a way to designate or identify experience/credentials
- 2 It would be a way to raise more money for the Foundation
- 2 It could attract non-ASTC members
- 2 Not in support of the College in either entity
- 1 It seems like a way to market/designate some members as better than/superior to others

46

The 38 respondents who favored housing within the foundation explained their choice, Again those not supporting in either entity, those unsure, and those with No Response who answered in this block and were counted here.

5c. No Response (15)

9	Not in support of College in either entity
4	Unsure/Need more information
4	No Response
1	Miscellaneous

47

There was also an option to explain “No Response” this option got the highest number of comments from those not being in support of the College.

9. Do you think College members should be encouraged to be members of ASTC, required to be members of the ASTC, or neither?

43	ASTC membership should be required
31	ASTC membership should be encouraged, but not required
12	ASTC membership should be neither encouraged nor required
12	Not sure
3	NA

48

The next series treats question 9 about membership in ASTC

9a. ASTC Membership Required (32)

- 20 No Response
- 7 Logically follows from being part of ASTC
- 7 ASTC Benefits: Increases ASTC credibility / hurts if college not members
- 4 Avoids negative impact on membership
- 4 Miscellaneous
- 3 Avoids competition
- 2 Draws others to ASTC - increases membership
- 2 Require adherence guidelines/ethics
- 2 Avoids elitism
- 1 Not in support of the College in either entity

49

the 43 who felt ASTC membership should be required explained

9b. ASTC Membership Encouraged, Not Required (18)

- 20** No Response
- 5** To be credible/reach others, the College needs independence – otherwise defeats the purpose
- 3** Punishes those who don't have time for ASTC, don't want to be associated or are retired
- 3** College should use membership as criterion, adopt standards, not be provided
- 3** Possible to re-engage consultants w/o making membership required
- 2** Society has responsibility/provide better benefits, ASTC discounts
- 1** Membership should be required
- 1** Miscellaneous

50

the 31 who felt ASTC membership should be encouraged but not required explained

9c. ASTC Membership Neither Encouraged Nor Required (12)

- 8 No Response
- 2 To be of value the College needs to be independent / enhances profession
- 2 See previous comments
- 2 Not in support of the College in either entity
- 1 Logically, if separate should not be required, no need to be redundant
- 1 Requirement would do more to exclude than include
- 1 Miscellaneous

51

the 9 who responded to whether ASTC membership should be neither encouraged or required explained

9d. Not Sure (12)

- 9 No Response
- 2 It depends on where housed
- 2 Miscellaneous
- 1 Not in support of the College in either entity

52

the 13 who were not sure gave these reasons.

12. What do you see as the disadvantages to the profession in forming a professional College of Trial Consultants?

17 No disadvantage / Can't hurt

13 Elitism

8 Create divisiveness in ASTC

8 Bad idea altogether / Misleading / Meaningless exercise / Unnecessary

8 Potential for hurting ASTC finances/membership now or in future

7 College should be open to anyone who meets objective criteria and not to those who don't

5 Drain resources and attention from ASTC

5 Create divisiveness in the profession

53

Question 12 was an open ended question asking what respondents see as the disadvantages to forming the College

There were 16 discrete answers Here are the first 8

12. What do you see as the disadvantages to the profession in forming a professional College of Trial Consultants?

(continued)

- 4 Promotes self-serving interests
- 3 Only a marketing tool if designed as “credential”
- 3 Hurts credibility of ASTC
- 2 Only if part of ASTC
- 1 Lose more that ASTC would gain
- 1 Could take certification off the table
- 1 Not respected outside ASTC
- 1 Grandparenting not a good idea

54

Here are the remaining 8 disadvantages

11. What do you see as the advantages to the profession in forming a professional College of Trial Consultants?

- 33** No Response
- 22** Enhance Credibility / Image of trial consultants
- 19** Identify / Recognize experienced consultants to distinguish them from inexperienced ones
- 16** None
- 13** Not sure/need more information/depends on how college evolves/what College members do
- 13** Miscellaneous
- 11** Benefit only to those who become members
- 11** Encourage professional growth / development of trial consultants
- 10** Development of Standards / Best Practices / Credentialing requirements for consultants

55

Question 11 asks about the advantages
There were 20 different responses
In order of responses here are the first 9

11. What do you see as the advantages to the profession in forming a professional College of Trial Consultants?

(continued)

- 9 Recognition / Status Symbol / Elitism (just for the sake of doing it)
- 6 Enhance Visibility / Public Awareness
- 6 Promote Research
- 6 Aspirational goal for new / young members
- 5 Educate / Engage with the public
- 3 Engagement with Legal Community to Improve / Influence the Legal/Judicial system
- 3 Increase Funding for ASTC Foundation
- 3 Incentive to become / remain a member of ASTC
- 3 Development of educational programs / presentations / workshops
- 3 No benefit to regular ASTC members
- 2 Anti-college / Do not support

56

Here are the remaining 11 advantages

Summary / Observations

- 55 respondents say they believe membership in the College should be “very” or “somewhat” narrowly defined 27 say it should be more broadly defined. (Q2)
- 38 respondents say they “strongly” or “somewhat” support College being a membership category of Foundation; 32 say they “strongly” or “somewhat” oppose. (Q3)
- 52 respondents say they “strongly” or “somewhat” support College given as a special designation of the Society; 31 say they “strongly” or “somewhat” oppose. (Q4)

57

To summarize, 55 want to see a narrow membership in the College and 27 would see it broader

38 offer some support for the College being a membership category in the foundation and 32 feel some opposition

52 support to some degree the College as a designation in the Society while 31 oppose.

Summary / Observations

- 48 say they feel the College is better suited as a designation of the ASTC. (Q5)
- 37 say they feel the College is better suited as a membership category of the Foundation. (Q5)
- More than half of the Respondents (57) say they believe a College would enhance the standing of the TC profession over time. (Q7)
- Almost half (46) say a College would be helpful in studying and enhancing the judicial system. (Q6)

58

48 see the college as better suited for the Society

37 feel the foundation is a better fit.

57 think the College would enhance the standing of Trial Consultants

46 think it would help in studying the Judicial system

Summary / Observations

Criteria for Membership (in order of highest importance):

- Upholding ASTC Professional Code (Ethical Principles, Professional Standards and Practice Guidelines)
- Substantial trial consulting experience (e.g., 10 years)
- Membership in ASTC
- Advanced study and/or specialized experience in related fields
- Personal/professional references
- Professional voice within the field (teaching, publications, service)
- Commitment to continued involvement in the profession
- Academic degrees (in related fields)

59

In discussing the criteria for membership this is the breakdown in level of importance

Summary / Observations

- 63% agree with a two-phased approach to implementation:
 - 1) Grandparenting to create the first cohort of experienced College membersthen
 - 2) Established criteria for inviting/admitting members to follow

60

Should the College be established 63 support the two phased approach to implementation



Those are the results of the survey. I can hear someone out there wondering if there isn't something more to it. Where are the cross sections and correlations? Where are the analytics? Were they ever done?

Yes they were done. No matter how we slice the data to see cross-sections of the sample and results, there are only a few results that yield even modest correlations. Our statistical analysis has not brought us to any stunning new or different insights into the data beyond what we see in frequencies and content analysis of open-ended responses. We haven't prepared a summary of the analysis because it doesn't lead us to draw any conclusions beyond what is presented here.

For anyone who would like the data to see if you can mine something from it, or even just so look at in more depth, we will make what we have available to you.

Next Steps

The next question is “What Next?”

- The two boards, that of the Society and that of the Foundation, have agreed in principal to support the formation of a College of Trial Consultants.
- No further action will be taken before August of 2016 to allow the smooth transition in leadership of Society

63

As Richard has explained, based on the survey results the ASTC Board has voted to support the concept of the college. The Foundation and the ASTC will resume discussions on the best way to implement that decision in August. There are still some legal questions that must be answered, and any final agreement for the College will have to answer those questions.

Discuss

So far the two boards - Society and Foundation – have agreed, in principal, to support the formation of a College.

No further action will be taken before August of 2016 to allow the smooth transition in leadership of Society (new board, committee chairs, etc.)

Continued dialogue and deliberation about implementation, timeline, process, etc.