

American Society of Trial Consultants – 29th Annual Conference
June 17-19, 2010 – Minneapolis, Minnesota

Perfecting Your Game

Program Planning Chair – Beth Foley

Conference Overview

ASTC has served its membership for over 25 years with the goal of teaching, mentoring and establishing professional standards that guide our Practice. This year's conference presents an eclectic mix of topics to enhance our creativity, competitiveness and confidence.

Some highlights include:

Dr. Jan Spaeth and Rosalind Greene will present a three-hour workshop on witness preparation featuring their soon to be released DVD on witness preparation, which includes some of ASTC's most experienced consultants sharing their best advice and techniques.

Dr. Edie Greene and Dr. Brian Bornstein will share their cutting-edge research on how jurors make decisions about awarding damages.

Mark Herrmann, author of ABA published *"The Curmudgeon's Guide to Practicing Law,"* will provide some keen insight into the practice of law.

Mike Knox, an international expert on gangs and author of *"Mind of a Gangsta,"* will speak about the rhetoric of gangs and how to communicate effectively with a gang member; local lawyers will demonstrate how to effectively direct and cross-examine a gang member.

Molly Cox, a nationally renowned speaker, comedian and author of *"Improvise this! How to Think on Your Feet so You Don't Fall on Your Face,"* will make us laugh while she shows us how to think quickly.

Matt McCusker and Rosalind Greene will teach the skills and nuances of mediation.

Dr. David Cannon and Alan Tuerkheimer will present a state-of-the-art discussion about online jury research, focusing on web survey formats.

What better way to re-energize and learn than to be with friends and colleagues in a beautiful city with major league base ball, a prestigious theatre and a famous river surrounded by a thousand lakes!

The website conference registration information is available through June 4, 2010. To visit the online registration [click here](#).

The pre-conference workshops have limited seating and may sell out before early registration ends on May 12. Don't wait until the deadline. There will be onsite registration in Minneapolis for the conference only if space is available.

Sponsors receive many benefits including waived registration fees. To become a sponsor [click here](#). You can contact the ASTC Office at 410.560.7949 (Monday-Friday 8:30 AM to 5 PM EST) if you have any questions.

**Registration for Conference
Exhibits and Refreshment Breaks**

| | |
|--------------------------|-----------------------|
| Thursday, June 17, 2010: | 8:00 a.m. – 5:00 p.m. |
| Friday, June 18, 2010: | 8:00 a.m. – 5:00 p.m. |
| Saturday, June 19, 2010 | 8:00 a.m. – 5:00 p.m. |

Conference Schedule Overview

Thursday, June 17, 2010

8:30 a.m. – 9:00 p.m.
 9:00 a.m. – 4:00 p.m.
 9:00 a.m. – 12:00 p.m.
 12:00 p.m. – 1:00 p.m.
 1:00 p.m. – 2:00 p.m.
 2:00 p.m. – 4:00 p.m.
 4:00 p.m. – 5:00 p.m.
 5:00 p.m. – 6:30 p.m.
 7:00 p.m. – 10:00 p.m.

PRE-CONFERENCE WORKSHOPS

Coffee Break
 Pre-Conference Sessions: Trial Consulting 101
 Critical Steps for Witness Preparation
 Lunch
 Book/Video/Literature Signings & Sales
 Money Matters: How & Why Jurors Award Damages
 Speed Meet
 Opening Reception
 New Member Dinner at *Loring Kitchen & Bar*

Friday, June 18, 2010

7:30 a.m. – 8:45 a.m.
 8:30 a.m. – 9:00 a.m.
 8:45 a.m. – 9:00 a.m.
 9:00 a.m. – 9:15 a.m.
 9:15 a.m. – 10:00 a.m.
 10:00 a.m. – 11:00 a.m.
 11:00 a.m. – 11:15 a.m.
 11:15 a.m. – 11:45 a.m.
 11:45 p.m. – 1:00 p.m.
 1:00 p.m. – 2:30 p.m.
 1:00 p.m. – 3:00 p.m.
 2:30 p.m. – 3:00 p.m.
 3:00 p.m. – 3:30 p.m.
 3:30 p.m. – 5:00 p.m.
 5:00 p.m. – 6:00 p.m.
 6:00 p.m. – 7:00 p.m.
 7:00 p.m. – 10:00 p.m.

Leadership Meeting
 Coffee Break
 Break
 Welcoming Remarks
 Keynote Speaker: Mark Hermann
 Standard's Committee Presentation
 Follow-up Discussion
 Introduce Committees/Chairs
 Box Lunches
 Helping Trial Consultants Grow Their Client Base
 The Mind of a Gangsta
 Research Committee: New Research
 Afternoon Break
 Improvise This: How to Think On Your Feet
 Book/Video/Literature Signings & Sales
 Vendor Appreciation Reception
 Dinner & Entertainment (at the hotel)

Saturday, June 19, 2010

8:30 a.m. – 9:00 a.m.
 9:00 a.m. - 11:30 a.m.
 9:00 a.m. – 11:30 a.m.
 11:30 a.m. – 11:45 a.m.
 11:30 a.m. – 11:45 a.m.
 11:45 a.m. - 1:30 p.m.
 1:30 p.m. - 3:00 p.m.
 1:30 p.m. – 3:00 p.m.
 3:00 p.m. – 3:15 p.m.
 3:15 p.m. – 4:15 p.m.

 4:15 p.m. – 4:30 p.m.
 4:30 p.m. – 6:30 p.m.

Coffee Break
 Mediation Skills Workshop
 On-Line/Internet Research
 Follow-up Discussion for Mediation Skills
 Follow-up Discussion for On-Line/Internet Research
 Business Luncheon
 GRAPHICS: How to get the Picture in Your Mind into the Minds of Jurors
 Update on Signification Legal Rulings and Implications for Jury Trials
 Follow-up Discussion
 State of the Union on Trial Consulting: Current Topics and Conundrums
 Facing Trial Consultants and Our Clients
 Follow-up Discussion
 Closing Reception

Wednesday, June 16, 2010

Board of Directors Business Meeting

Wednesday, June 16, 2010
1:00 p.m. – 9:00 p.m.

Thursday, June 17, 2010

Coffee Break

Thursday, June 17, 2010
8:30 a.m. – 9:00 a.m.

Trial Consulting 101

Thursday, June 17, 2010
9:00 a.m. – 4:00 p.m.

Katherine James, MFA – *Act of Communication, Culver City, CA*
Diane Wiley – *National Jury Project, Inc., Minneapolis, MN*

This workshop is a must-do for anyone new to the field, or who is considering a career in trial consulting. It is also a fantastic way for people who have practiced in one niche of trial consulting to expand their competencies. The program provides a great deal of information, readings, and background readings on the universe of subjects that are represented in this field. A full and rewarding day of learning that cannot be attained anywhere else.

Trial Consulting 201A: Critical Steps for Witness Preparation – CLE APPROVED

Thursday, June 17, 2010
9:00 p.m. – 12:00 p.m.

Speakers:

Jan Spaeth, Ph.D. – *Advanced Jury Research, Tucson, AZ*
Rosalind Greene, J.D. – *Advanced Jury Research, Tucson, AZ*

Panelists:

Allen Hinderaker, J.D. – *Merchant & Gould, Minneapolis, MN*
Ron Meshbesh, J.D. – *Meshbesh & Spence, Minneapolis, MN*
John Sheehy, J.D. – *Meshbesh & Spence, Minneapolis, MN*

This 3-hour session will focus on three critical steps in witness preparation. The 1st STEP will deal with developing rapport with the witness. This includes identifying and responding to the witnesses' concerns, determining their contributions, and recognizing and dealing with agendas they may possess. The 2nd STEP will deal with teaching the witness to listen and think *before* answering the question. The 3rd STEP will focus on witness credibility. This will include a discussion of Dr. Jan Spaeth's 10-C's of Credible Testimony, and the importance of developing them. The program will also present techniques for working with especially challenging witnesses, and how to improve their appeal to a jury, judge, arbitrator or mediator. This will include techniques for dealing with narcissistic, explosive, whining, terrified, theatrical and rambling witnesses. Video clips of witnesses and other well-known trial consultants will supplement this material. Both the material and video clips are portions of DVD sets published by Dr. Spaeth and the American Bar Association. In addition, a panel of three highly experienced attorneys will share their techniques and experiences with difficult witnesses.

Lunch on Your Own
Thursday, June 17, 2010
12:00 p.m. – 1:00 p.m.

Book/Video/Literature Signings & Sales
Thursday, June 17, 2010
1:00 p.m. – 2:00 p.m.

Trial Consulting 201B: Money Matters: How and Why Jurors Award Damages – CLE APPROVED
Thursday, June 17, 2010
2:00 p.m. – 4:00 p.m.

Edie Greene, Ph.D. – *University of Colorado at Colorado Springs, CO*
Brian H. Bornstein, Ph.D. – *University of Nebraska, Lincoln, NE*

Commentary by Attorney

Mark Kosieradzki – *The Kosieradzki • Smith Law Firm, Minneapolis, MN*

Mark Kosieradzki, one of Minnesota's most accomplished trial attorneys, will join Drs. Edie Green and Brian Bornstein to discuss how and why jurors award damages. The national healthcare debate has taken the conversation about tort reform to the public like never before. How will jurors incorporate this discourse into their decision-making? What are the potential consequences of tort reform on damages determinations? Based on their scientific research, our experts will answer these questions and shed light on how jurors reason about damages and factors that can predict jury awards. Local attorneys will be available to provide feedback and commentary on the insights provided by their research. You will walk away with valuable suggestions for putting these findings into practice at trial.

Speakers Dr. Edie Green, Professor of Psychology at the University of Colorado in Colorado Springs, and Dr. Brian Bornstein, Professor of Psychology at the University of Nebraska, focus their research on how jurors and juries made decisions and are co-authors of *Determining Damages: The Psychology of Jury Awards*.

Speed Meet
Thursday, June 17, 2010
4:00 p.m. – 5:00 p.m.

Welcome Reception
Thursday, June 17, 2010
5:00 p.m. – 6:30 p.m.

Enjoy this time to meet speakers, sponsors, new members, and see returning friends.

New Member Dinner at Loring Kitchen & Bar
1359 Willow Street South
Thursday, June 17, 2010
7:00 p.m. – 10:00 p.m.

Everyone is welcome! ASTC members meet and greet new members. Directions and questions, please feel free to ask at the ASTC registration desk.

Friday, June 18, 2010

Leadership Meeting

Friday, June 18, 2010

7:30 a.m. – 8:45 a.m.

Coffee & Bagels

Friday, June 18, 2010

8:30 a.m. – 9:00 a.m.

Welcome Remarks

Friday, June 18, 2010

9:00 a.m. – 9:15 a.m.

Cynthia Cohen, Ph.D., ASTC President – *Verdict Success, LLC, Manhattan Beach, CA*

Beth Foley, ASTC President-Elect – *Zagnoli McEvoy Foley, LLC, Chicago, IL*

Keynote: Mark Herrmann author of “Curmudgeon’s Guide to Practicing Law”

Friday, June 18, 2010

9:15 a.m. – 10:00 a.m.

“*The Curmudgeon*” has been practicing law for just a little too long, and he may be too jaded for his own good. Beneath his crusty exterior, however, lies a fount of wisdom. The Curmudgeon knows everything about the legal profession, and he's willing to share his keen observations from the corner office. He offers practical and honest, if blunt, advice for surviving and thriving in a law firm.”

Are you an ethical trial consultant?

Standard’s Committee Presentation with Follow-up Discussion

Friday, June 18, 2010

10:00 a.m. – 11:00 a.m.

11:00 a.m. – 11:15 a.m. Follow-up Discussion

Matt McCusker, M.A. – *Tsongas Litigation Consulting, Inc., Seattle, WA*

Laura Dominic, M.A. – *Tsongas Litigation Consulting Inc., Portland, OR*

David Fauss, M.S.M. – *Magnus Research Consultants, Inc., Pompano Beach, FL*

As the field of trial consulting has developed, the need to ask serious questions about ethical practices and standards continues to be an ever-increasing priority. This presentation is intended to both inform and incite discussion. Through the use of remote dials, the audience will be able to weigh in with their opinions regarding a host of ethical quandaries. A moderated discussion of ideas will accompany this process. The goal is to brainstorm on how ASTC should continue to navigate the sometimes murky ethical waters.

In addition, there will be a presentation on the status of the Ethical Dilemma Reference Guide Project that has been undertaken by the Professional Standards Committee. Again, the audience will be asked to weigh in on how this endeavor can best reach its goals.

Introduction to Committees/Chairs

Friday, June 18, 2010

11:15 a.m. – 11:45 a.m.

Box Lunch Roundtable to Meet and Join ASTC Committees, Task Forces and/or Editorial Boards

Friday, June 18, 2010

11:45 a.m. – 1:00 p.m.

Helping Trial Consultants Grow Their New Client Base

Friday, June 18, 2010

1:00 p.m. – 2:30 p.m.

Evan Polin, M.A. – *Training Resource Group, Philadelphia, PA*

Are you concerned that you or your people don't have the tools to successfully sell in this tough economic environment? Are you working harder than ever, but the sales don't seem to follow? Attend this workshop and develop the tools to successfully sell in this environment. Develop a trackable business development system and learn to close more business more quickly.

Research Committee: New Research

Friday, June 18, 2010

2:30 p.m. – 3:00 p.m.

John McCabe, M.A. – *Culver City, CA*

This Program will feature Student Research Proposal second place winner, Keri Weber Sikich, presenting her paper entitled, "Judge v. Jury: Punitive Damage Awards in Civil Trials" as well as a paper by Committee member Dorothy Marsil.

The Mind of a Gangsta – CLE APPROVED

Friday, June 18, 2010

1:00 p.m. – 3:00 p.m.

Mike Knox – *Cutting Edge Communications, Houston, TX*

The violence, crime and civil liabilities Street Gangs create in communities have become part of our legal system. This nebulous category of witnesses, victims, defendants, and plaintiffs create uncertainty for attorneys, trial consultants and the court systems, both civil and criminal. Can a gang member be a believable witness? How can you overcome the stigma of gang membership for your plaintiff? Can an individual, business, or community really do anything to reduce the likelihood of gang activity? If they can, and don't, could or should they be held to account in our civil system? In this session Mike Knox will explore the "Mind of a Gangsta." You will have a clear understanding about the history of gangs in the United States, what motivates them, and how to communicate with them effectively.

Afternoon Break

Friday, June 18, 2010

3:00 p.m. – 3:30 p.m.

Improvise This: How to Think On Your Feet

Friday, June 18, 2010

3:30 p.m. – 5:00 p.m.

Molly Cox – Connect the Dots, Inc. – Houston, TX

This may possibly be the most fun, interactive and interesting program in the meetings industry. Based on her book, *“Improvise This! How to Think on Your Feet so You Don’t Fall on Your Face,”* (twice on the CEO READ top 25 list) Molly engages her audience with razor-sharp observations, spot-on humor and improvisation exercises all sprinkled with stories and how-to ideas! Nationally known, she has successfully combined her background in business with her experience in sketch comedy and improvisation to create customized workshops for clients, who include AT & T, 3M, GE, Blue Cross Blue Shield, Rainforest Café, The Smithsonian Institution, and the National Cancer Society, among others. For ASTC, she will develop an interactive workshop designed to teach us to think quickly on our feet, especially with attorneys!

Book/Video/Literature Signing & Sales

Friday, June 18, 2010

5:00 p.m. – 6:00 p.m.

Vendor Appreciation Reception

Friday, June 18, 2010

6:00 p.m. – 7:00 p.m.

Dinner & Entertainment

Friday, June 18, 2010

7:00 p.m. – 10:00 p.m.

Alan Blumenfeld, MFA – ACT of Communication, Culver City, CA
Trial Consultant & Acclaimed Actor

Saturday, June 19, 2010

Saturday Coffee/Bagels

Saturday, June 19, 2010
8:30 a.m. – 9:00 a.m.

Mediation Skills Workshop

Saturday, June 19, 2010
9:00 a.m. – 11:30 a.m.
11:30 a.m. – 11:45 a.m. Follow-up Discussion

Matt McCusker, M.A. – *Tsongas Litigation Consultants, Chicago, IL*
Rosalind Greene – *Advanced Jury Research, Tucson, AZ*

This program will take on the question of how the field of litigation consulting can apply to mediations and other methods of Alternative Dispute Resolution (ADR). Given the continued rise in settlements, the timeline of a civil case is often drastically shortened. However, this does not mean that the same preparation and techniques utilized for trial are not completely applicable to cases that negotiate an agreement. Examples include: witness prep for depositions; case strategy and focus group research to determine what is vital in the discovery process; developing a powerful narrative with accompanying graphics that will significantly increase one's bargaining position. All of these serve to move the settlement dollar amounts of opposing counsel.

In addition to the presentation, this workshop will include group activities and a panel discussion that brings the perspective of local high-stakes mediators from Minneapolis.

On-Line/Internet Research

Saturday, June 19, 2010
9:00 a.m. – 11:30 a.m.
11:30 a.m. – 11:45 a.m. Follow-up Discussion

David Cannon, Ph.D. – *Jury Research Institute, Hermosa Beach, CA*
Alan Tuerkheimer, M.A., J.D. – *Zagnoli McEvoy Foley, LLP, Chicago, IL*

Rapidly changing technology has impacted virtually every profession, and ours is no exception. On this panel, we will address the use of web-based technologies in jury research, focusing on web survey formats. Consultants will share their experiences in the use of these technologies, including limitations, success stories, client responses, and comparisons of findings relative to more traditional methods of jury research. We will also answer questions commonly heard among membership. Joining us on the panel will be an actual vendor with experience recruiting participants for online surveys, who will be able to tell us more about the participants who are serving as online mock jurors. We will close with an eye toward the future. Where is technology taking us, and what will more technologically sophisticated attorneys expect from consultants in the future?

Business Luncheon
Saturday, June 19, 2010

11:45 a.m. – 1:30 p.m.

Cynthia R. Cohen, Ph.D., ASTC President - *Verdict Success, LLC, Manhattan Beach, CA*
Ronald Matlon, Ph.D., ASTC Executive Director - *Matlon & Associates, Phoenix, MD*

**GRAPHICS: Analytical and Conceptual
Visual Communication Essentials for Trial Consultants and Trial Lawyers**

Saturday, June 19, 2010

1:30 p.m. – 3:00 p.m.

3:00 p.m. – 3:15 p.m. Follow-up Discussion

Laura Rochelois – *By Design Legal Graphics, Inc., Portland, OR*

Robert Featherly –

Ric Dexter – *Haynes & Boone, LLP, Dallas, TX*

What if we could all get on the same page when we collaborate to create persuasive visuals? Join us for an interactive session where you'll learn how graphic consultants think, the language they use and how things get made so you can discuss visual communication more effectively with your clients and with your 'graphics people. You will leave with a better understanding of how to avoid pitfalls, best practices and a new vocabulary to facilitate the creation of persuasive visuals.

Update on Significant Legal Rulings and Implications for Jury Trials

Saturday, June 19, 2010

1:30 p.m. – 3:00 p.m.

3:00 p.m. – 3:15 p.m. Follow-up Discussion

Thaddeus Hoffmeister, J.D., LL.M. – *University of Dayton, Dayton, OH*

Susan Macpherson – *National Jury Project/Midwest, Minneapolis, MN*

Discussion of significant rulings over the last 10 years and coming on the horizon and how they will affect Jury Trials, with commentary by Susan Macpherson.

**State of the Union on Trial Consulting:
Current Topics and Conundrums Facing Trial Consultants and Our Clients**

Saturday, June 19, 2010

3:15 p.m. – 4:15 p.m.

4:15 p.m. – 4:30 p.m. Follow-up Discussion

Karen Lisko – *Persuasion Strategies, Denver, CO*

All Star Panel

Join a conversation of varying ranges of exhausted past presidents to discuss the effects of the current state of trial consulting on private practice, what some of their biggest (avoidable) mistakes have been, and their single biggest prediction for the future direction of our profession.

Closing Reception

Saturday, June 19, 2010

4:30 p.m. – 6:30 p.m.