

TRANSCRIPT OF RECORDED SESSION -- ASTC DELIBERATIONS: THOUGHT AND CONSIDERATION OF NEW INITIATIVES

MAY 30, 2015 NASHVILLE TN

**RECORDED BY SIGHTS & SOUNDS MEDIA
TRANSCRIBED BY HOLLAND & HART**

Panelists: Sandy Donaldson (Sandy Donaldson); Richard Jenson, Jill Holmquist, Patty Kuehn (ASTC Board); Ken Broda-Bahm, Charli Morris, Karen Lisko (ASTC Foundation Board)

Speaker	Content
Sandy Donaldson	<p>Alright, we're going to get started. [In my notes.] Okay, for me this is kind of the highlight of the whole conference. I'm really looking forward to this session. This session is to provide an opportunity for everyone to hear about a new initiative proposed by the ASTC Foundation, which is the College. It's an opportunity for us to learn more, to get more input and to hear from our Boards. Hopefully you've all read the eleventh draft of this resolution. It was posted through an ASTCgram on the website a while back. If you have not read it, I really encourage you to go back and look at it at some point.</p> <p>Let me tell you what the format is going to be quickly. This group of six individuals represents some of the Board members from, not only the ASTC Society, but the ASTC Foundation, and I'm going to introduce them individually in a moment. But, the format is going to be – there are specific things that this group of individuals want to share with you first, and then we'll get to a point where we open the floor for questions, okay. Matt has a mic; I have a mic. We have somewhat limited time. We're available to flow over, and this can be an open mic session, but I would really prefer not taking away from the two other jam sessions that are going on. They've worked hard for those. So, if you will – when you ask your question, if you will ask them very pointed, so that we can get to as many of them as we can, that would be most appreciated.</p> <p>So, let me start by introducing these individuals and we have Karen Lisko, who is on the Foundation Board. We have Jill Holmquist, who is our current exiting President representing the Society. Ken Broda-Bahm, who is representing the Foundation; he's one of the Foundation Board members. Richard Jenson, our incoming President, representing the Society. Charli Morris, who is on the Foundation Board, and Patty Keuhn, who is representing the ASTC Society also as a Board member. So, these are our panelists, and I'm going turn it over first to Karen, to get us a little background in history about –</p>

Speaker	Content
Charli Morris	[Inaudible] . . . me first actually.
Sandy Donaldson	Oh, you're going to do the history?
Charli Morris	No.
Sandy Donaldson	-- of the -- ok. Whatever. Ok. Go ahead, that's fine.
Charli Morris	I'm Charli, big winner of the raffle ticket extravaganza. Is this mic on? Are you hearing me fine?
Others	No. No. No.
Sandy Donaldson	Her audio . . . [inaudible].
Charli	Okay. Now? Test, now? [inaudible] I'm blue. Oh, everybody's blue.
Sandy Donaldson	Okay. [laughter in background] That's fine.
Sandy Donaldson	Does this one work?
Others	Yes, yes, yes.
Charli Morris	So, I want to start by sharing that there is good news and more good news. And we six agree on that. That's important for you to understand that we are up here together, agreeing on some important things. And, what we agree on is that we're excited about the College can be, and we are excited about what the College can do. One of the things we feel it is important to address, now that we are face to face and side-by-side, and we've all had a chance to have conversations with each other, one-on-one in a way that e-mail and ListServe does not permit – that we are open and interested ,and have been from the inception in having the College idea live within the Society. That door has never been closed and we here to attest to the hard work that has been done between Boards along those lines. We see some challenges in implementation, but we want you to understand that we did not come here today as warring factions. Nor have we been fighting since last October. And we want to set the right tone for today, so that all of the information you get and all of the questions you ask are framed appropriately.
Unknown Male Voice	Sorry. Is someone going to tell us what it is?
Charli Morris	Yes.

Speaker	Content
Ken Broda-Bahm	In a minute, yes. [laughter]
Sandy Donaldson	Just hold on. We have a few things that needed to set the tone for everything. So, just listen for the moment. Okay.
Ric Dexter	We'll get the opening statements in a minute. [laughter]
Sandy Donaldson	So I can –
Ken Broda-Bahm	The other part of that tone is that we are – all of us are committed really to pursuing this idea, and we'll hear more about the idea in a second, but pursuing the idea in a way that is aligned, that is constructive, that is not confusing or competitive. And it's not an easy task, but it's one that we're really committed to.
Jill Holmquist	And I guess that I would just like to add that we're seeking a closer alignment between the Foundation and the ASTC Society than there has been in the past. So that's kind of the point of agreement that we have.
Sandy Donaldson	Just out of curiosity – by a raise of hand. We're not taking questions from the floor yet, right? Sorry. I'm going to control this. So, sorry. How many of you have actually read the College, the proposed College Resolution? It was circulated on the ASTC Gram, so that's probably why some of you don't know what we're getting ready to talk about. Alright, so, Karen.
Karen Lisko	Well, I'm going to give you a very brief one-minute background of the Foundation first to make sure it's clear in terms of its definition and the way that it came to be. It's been around as far as Andy Sheldon and I can recall, about 15 years or so. Andy was the first President, and it is a registered 501(c)-3 organization that has two clear objectives, and it is registered as such: Charitable, and Educational. And for the ASTC Foundation, Educational for the most part, looking outward. For example, educating the Judiciary, like some work we've done in the past for the National Center for Safe Courts. And also Charitable in terms of, we did provide funding for the Jury Expert for a time. We've also provided scholarships to ASTC members, students, etcetera. So, there is that potential for both of those initiatives. So by law, the ASTC Foundation is independent from the ASTC's Society, but also aligned, and that is the objective of this College. Is to bring forward a couple of different things that we want to see happen in a really positive way to advance both the Society and the Foundation.
Richard Jenson	I think in terms of what the ASTC Board, after many, many hours of conversation, we are very similar to what I said this morning. While we

Speaker	Content
	<p>see some challenges involved with this, but we also see some opportunities. Our decision has been, and we – after discussion, and all Board members agree with this – is that what we want to do is make sure we understand the views, opinions, and feelings of as many of the members of ASTC, and perhaps some trial consultants outside of ASTC, as we can. We find out what the positives are that people see in this proposal; what the negatives are that people see, members see, in this proposal. Maybe what some of the misperceptions are that may be out there among the membership, and what we also want to make sure we do is take the time to find out if there’s any unintended consequences that even after all these discussions, we haven’t seen. And our goal is not just survey, but we really want to have discussions with as many members as possible, and then working with the two Boards, we want to work hard to see if we can minimize the negatives. We hope we can. We want to make sure that we amplify those positive things that we find out, and we should be able to do this because it’s our jobs and we helps our clients do this – be able to correct the misperceptions that may be out there, and that we take a look at the unintended consequences and see what their impact is, and how that affects this whole proposal. So our position is, we want to hear from you. We’re going to try and find as many different ways to hear from you as we can, and the people that aren’t here, and make sure that we take in as our, as a Board, we communicate that to the Foundation Board, and we see what we can do to work through that.</p>
Ken Broda-Bahm	<p>And for those of you who either haven’t had a chance to read it, or read it, but haven’t have a chance to remember it, we don’t want to be coy about what this idea is. The idea is for the ASTC Foundation to initiate a Membership category and that Membership category would be called the “College of Trial Consultants.” Its aim would be to be broadly inclusive of experienced, working, ethical consultants, inclusive but with still some criteria for nomination. Now, where this idea comes from, I think has a lot to do with the why and where it’s going. So I do want to take a moment to tell the story about how this idea came about, how we got to the point where we are today, and what’s happened so far.</p> <p>So in the Spring of 2014, an email discussion started, initiated by Charli actually, and it was really kind of a hunger for professional engagement. She sent an email to Karen and I saying, I feel like I want to get back into my profession. Do you have any ideas? And that started a discussion of the three of us, and it turned toward the Foundation for a couple reasons: first because the Foundation had gone through some turmoil recently, and the Foundation was a little bit low on everything, morale, and resources and sense of purpose. And I’m not insulting anybody by saying that because I think that’s broadly recognized, and it was a little bit of a tough patch. So that led to a focus on well how can we re-boot this, get it back to</p>

Speaker	Content
	<p>the original idea, that this really should be a resource for the profession, a resource for the field, including a resource for the ASTC. And that led to – well we located some document, and well, we wanted to understand what the Foundation is. And so we started researching it and discovered kind of what Karen said. But we also realized that there was a provision written into the original Bylaws that envisioned a membership category, and that was there but it was never executed. And so we thought well what if there was a constituency? What if the Foundation was more than five people and a website? What if there people who had a stake and an interest and a common vision? How would we get those people together?</p> <p>So over the Summer of 2014, we started kicking around this idea. We let the existing Foundation Board know, which included Dan Wolf, Karen Lisco, Ted Donner, Mark Modlin, and let them know – okay we have some ideas, and this is the nature of our idea. We weren't coy about that either, but we said, we would like to serve. So in ,let's see, July 8, 2014, we were voted in as Board members, and in that same meeting the Foundation Board voted to create an exploratory committee that included Charli, myself, Karen, and Dan Wolf, to look into this idea, come back to the Board with a proposal. And we did. We went through eight drafts in-between that point and October 1st. On October 1st, we presented it to the Foundation Board; the Foundation Board blessed it as an initiative. Now it was expected that it would continue to change and continue to evolve. Even from draft number one, the idea of coordinating it with the ASTC and with the all interested Parties was built into, baked into, the proposal. But what we wanted was, we wanted to get some feedback, we wanted to vet the idea. We wanted to kick it around with a lot of people. We knew eventually that we would share it with everyone. We knew eventually that this idea would be coming to the profession, but we also wanted to get as much feedback as possible before it's ready for primetime. So we did come up with a vetting list, and we came up with 48 people. The spirit of this list was – I wonder what these folks have to say? Now this is probably where we made a little bit of a mistake because when we sent it out to 48 people, we didn't anticipate that that list of 48 would be seen as kind of an analogy for the College itself, and that people would think, hey if there are obvious omissions in that list, or if that list seems incomplete, then maybe this membership category will be the same way. Honestly, and I could see how that would be reasonable interpretation. Honestly we didn't consider that, and I think that was our mistake and our mea culpa. We should have approached that part differently, but we did get that list of 48 with the spirit with I wonder what these folks think. So we sent it out. We got feedback from 26 of them: 16 were broadly supportive of the idea, 6 were very opposed to the idea, and an addition 4 were kind of neutral on –</p>

Speaker	Content
Charli Morris	Ken, can I only add, before you go further, that that list also included active trial consultants that we knew who were not members of this Society –
Ken Broda-Bahm	Right.
Charli Morris	-- by choice, with people who had told us to our faces, we're not coming back; we don't want to join. And that also was an important thing to us, the same way the Society wants to hear and know about folks that aren't under the tent already.
Ken Broda-Bahm	Yeah, exactly. That was part of our purpose to begin with, is to say is there a way to re-engage individuals who for whatever reason are not participating in this Society, and to find a way to re-engage them in professional life, which would hopefully then also include this life, here in this Society. The idea of is there a way to build a bridge?
Unknown Female Voice	When you say, are you using Society for the Foundation –
Ken Broda-Bahm	No. When I say – yeah, fair point.
Unknown Voice	The ones who weren't involved anymore, do you mean that weren't involved in the ASTC or in the Foundation?
Charli Morris	Well, there were only seven Foundation members existing at the time, and then there was the ASTC. So what we do, and I'm glad you asked that because I think it will be useful for our conversation, we tend to talk about the College and we talk about the Society, but one of the misperceptions we think that created, was the idea that there was no concept of the College being held by the Society. And that's why we started with this idea that that has never been off the table; that has always been open for discussion. It's part of our discussion today. So broadly speaking, it feels right for us to say College and Society, and since there are no members of the College yet; it hasn't started, when we say members of Society, we mean people who are not ASTC members. Makes sense? ASTC goes with both, and that's important; that's important.
Unknown Female Voice	Yeah, okay.
Ken Broda-Bahm	Yeah, so we did go through, based on that feedback – and we got a lot of really good feedback – we went through a number of additional drafts and that's how we ended up with draft 11, but I'm sure we're not going to stop at 11. We're here because we want to keep hearing ideas, and keep hearing feedback. And so the step from there was a lot of discussion with the

Speaker	Content
	<p>Board, with the ASTC Board, and discussion about having this session here, and the plan to get additional feedback, the creation of a taskforce that would work on ASTC's side to vent this idea with the membership and then to also work with us in thinking about how this can be done in a way that is constructive, in a way that is helpful, in a way that meets those original objectives. So that's kind of where it was born and how it got here and where we are. That's the history of the idea.</p>
Karen Lisko	<p>What I'd like to add is an important function that we see of the College because I think this helps educate what it is, and that is to say that one of objectives is to keep those who especially might feel like, I've done my time, I've volunteered, I've been on a Board – now what do I do? Do I have connection? And so this is a way to connect and it's very analogous to the American College of Trial Lawyers or the American College of Governance Council. So it's a way to say here's community for you and here's purpose. It's something that allows that to live within the Society. And we all six are first and always members of the Society, and this is only meant to support and bolster the Society. We are committed and have put in among us thousands upon thousands of hours, and we're going to continue to do that. So that's the intent of this. It's to also give some sense of community and purpose perhaps to folks who have lost interest and are no longer as engaged as we'd like them to be. We need those folks. So this is a way to honor them and to say, hey you know what – for example, come to a Society meeting, an annual conference. And let's also talk about what are the things you could be doing within the College that lives within the Society that allows you to feel, I've got that community still. And by the way, this is going to help educational objectives. One very quick example is I've been in communication with a Federal Judge in USDC Denver who has said, I'm interested in talking to you about expanding voir dire in Federal Court again. To say from a Federal Judge's perspective this is wrong, that you must stereotype when you select juries in Federal Court because you have nothing else to go on. So to explore that, to figure out how do we nationally get that word out and somehow make that have heft? That might be an example of something that folks within the College would take on.</p>
Charli Morris	<p>And Karen I think that's a great segue to why did we develop criteria for inclusion? So when an opportunity like that comes along, part of what we want to do is take our most experienced members, people who are still engaged in people who have left the engagement of the Society, and give them that common purpose to come back to reach that question. I want and need more continuing education. I need a reason to be engaged with my peers in my profession at an experienced level who are looking for that kind of opportunity to learn something through the resource we might do together on the question of Federal Court voir dire, and then turn around</p>

Speaker	Content
	<p>and share it too because we continue to feel a commitment to the Society to share what we know.</p> <p>We know that the Society provides an opportunity for all who join to learn more and do more. And we've already heard at this conference people at the master session saying, I don't want to be a crappy consultant. I don't want to hear about grievance procedures for somebody who doesn't know what they're doing. What have you guys done for me lately? What do you have to offer? So in really concrete terms, some of the things I've heard other people talk about with me so far this weekend, is this idea that if the College lives within the Society and the College has criteria for induction, experience, professional voice, reputation, advanced study, ethical commitment – if you establish your College along those criteria, you've probably created a faculty for providing continuing education within the Society, and you've probably established the people who are offering the Continuing Education through the Society are well-credentialed to do that. That they have the kind of experience and advanced study and knowledge that they are qualified to share that with people who come to the Society. We also see those criteria as being aspirational. So for example, one of the people we've added this to was a grad student, and we said, does this seem like a barrier to entry to you in the Society? Is this a turn-off to suggest that there's this other group that you might not qualify for yet? And his answer was, sounds aspirational to me. It sounds like a clear path forward. It sound like somebody's though about what does it mean to be credible in our business? What does it mean to be an expert in our field?</p> <p>And that is also the spirit of our criteria, which are designed by nature to be inclusive as much as possible.</p>
Patty Keuhn	<p>And where it lives, is still one of the questions that we're investigating. That's one of the things we want to hear feedback from you. Daily, I hear from people, and it's back and forth. So I've heard that the appropriate place is in the Foundation, and the appropriate place is the Foundation within ASTC, but that's something that we are investigating and we want to hear feedback about.</p>
Sandy Donaldson	<p>Are you ready for questions from the floor? Okay.</p>
Judy Rothchild	<p>This is hopefully a simple question based on what you've described here. I think I've counted about three or four times that Karen mentioned this, a couple of other people did, referred to the College within the Society. Can you elaborate on that?</p>
Karen Lisko	<p>That we see this as something that is in tandem with the Society, but it's not meant to be any kind of a competing group of some kind, or a new</p>

Speaker	Content
	organization because the Society isn't doing what it should do.
Judy Rothchild	So the contrast between the College within the Foundation versus the College within the Society – is that a invalid distinction?
Karen Lisko	That' what – I like what Patty said – we are very open to exploring the possibility that College being formed within the Society is the way to go. And that's where we definitely do want that feedback from folks, whether you see that as a plus or a minus.
Charli Morris	I want to share some insight on that. We very deliberately thought that there was a potential for it to be divisive if we started within the Society, that that would look like we were creating a membership class. And that idea had been rejected in the past. ¹ It was sort of a no go. So we started with this very deliberate question in our minds of what is the most appropriate and what is the least divisive. And for us, we came down to start on the side of the Foundation, but we've been on a long listening tour and we're still there. And we're starting to understand that it may make people more comfortable and more interested and more excited about our idea if the proper home is within the Society. And that's the open question that we think is a good news to address a misperception.
Judy Rothchild	So I just – on the point of clarity of my question, I was really just asking because I was unsure how to interpret what you were saying about the College –
Karen Lisko	Does that help?
Judy Rothchild	Sounds to me like the location of the College is not determined as of yet.
Ken Broda-Bahm	Correct.
Sandy Donaldson	That's right –
Karen Lisko	But there's openness.
Sandy Donaldson	I've got _____.
Charli Morris	Yeah.
Female Voice	One at a time. So I've got Leslie.

¹ In 2007, a “Senior Membership,” category was proposed in ASTC. That resolution was withdrawn and not put to a vote of the Society.

Speaker	Content
Leslie Ellis	Is it fair to – well, maybe I should just ask the question, and Charli you kind of started this. The rationale for housing the College in the Foundation is what – beyond potential divisiveness within the Society that came from kind of the history of this membership –position.
Charli Morris	Because the Foundation had a charter and a mission to do educational outreach, and we saw that more experienced group of consultant looking for the professional, looking for an opportunity to make a professional commitment, being an opportunity to build the constituency within the Foundation whose mission was to do education and outreach. We just saw the Foundation as having a mission with no action and that building the College within it would expand it from seven to potentially hundreds to do the work that has significant overlap with the Society.
Karen Lisko	But only if its complementary complimentary; not if it's competitive. If it's competitive, it's a no go.
Leslie Ellis	And it sounded like, Karen from what you said, that the original charter or the intention of the Foundation, the education component, sorry, the educational component of the Foundation was originally meant to be outward.
Karen Lisko	Right.
Leslie Ellis	Not inward into the Society.
Karen Lisko	Right. I mean that's been one common distinction very loosely between the society, which is all about the internal education, like this conference, and more the external looking for the Foundation. Although that is a companion way of some overlap of like Charli was saying, if there was faculty, for example, who come from those who are members of the College. But it's not meant to say you can't be doing education internally if you're part of the Society too.
Patty Keuhn	And the secondary benefit is the distinction between 1201(c)-6 or 501(c)-6 and a 501(c)-3, which is fundraising opportunities that the Foundation may have that the Society does not have, which is clearly necessary when doing the scope of research that has been talked about.
Karen Lisko	Right, the Foundation has to show that it is educating externally to keep that status. So that's why what we would do would be to work on how can we educate the judiciary, for example? Or, especially with some initiatives that draw upon the expertise of folks within the Foundation or Society.

Speaker	Content
Jill Holmquist	I want to shift a little bit and make clear that the ASTC Board is not taking a position yet. So we're still open to overwhelming criticism of the idea, but we're also committed to working with the Foundation to strengthen both the Foundation and the ASTC. And we want – we need the Foundation, and the Foundation needs us.
Charli Morris	You didn't just invite overwhelming criticism, did you?
Jill Holmquist	I don't want to cause [laughter]. I'm open, but I'm nervous.
Charli Morris	Okay, I'm just going –
Ric Dexter	Or overwhelming praise.
Jill Holmquist	Overwhelming praise is fine too. I think – I mean, there is obviously as Richard said opportunities and challenges and we're open to hearing what our folks say.
Sandy Donaldson	Terry, then Ric, then Pete.
Terry [unknown last name]	So is it almost – what I'm kind of hearing is possibly that the Colleges may be a pillar potentially in the middle of the ASTC, kind of the think tank? A resource for educational opportunity. As a new Society member, I like the idea of knowing that this is where the experience is because that's what we've been talking about. I know we did the other day, and okay, how can those of us who are newer – where do we go? How do we find those who have already been – who had that, and also know that there is a group within our group that is addressing the educational needs, the continuing education and that it's not separate, but that it's actually a kind of a core pillar. And I think that goes with the aspirational, but so as new Society member, I like the idea of it not being separate, but it being kind of the well – you know you've got the column right there – kind of one of the core column foundations for us.
Richard Jenson	That is exactly the kind of thing where we are wanting to hear as a Society. I mean that is one of the options. No decisions have been made. Please, we're going to be – if you don't tell us something – we're going to be coming and asking you to tell us those things because we want to hear all those kinds of things.
Ric Dexter	Me? Uh, okay. Are there legal barriers to a c-3 existing within a c-6?
Jill Holmquist	The c-6 – if I can answer without, I mean, I'm not giving legal advice here, but a c-3 is limited by its charter. It can only provide funds for those things that advance what its purpose is, which has to be charitable and

Speaker	Content
	educational. And so the Foundation can provide us funds for things – can provide the ASTC with funds for things that are charitable and educational, but not for operations.
Ric Dexter	Right, but it can do that –
Jill Holmquist	Not for anything –
Ric Dexter	It can do that while it’s living within?
Karen Lisko	Well, that’s why –
Jill Holmquist	We don’t know. We don’t know.
Karen Lisko	-- one of the things. First of all, that’s one of the reasons
Jill Holmquist	It’s a separate...
Karen Lisko	there’s still questions, but as – I mean Foundation members are also Society members. So we can be wearing both hats, do the work within – as far as we understand, but we’re double-checking all of this – and still that bridge kind of work within the Society.
Charli Morris	It’s still going to be its own separate entity. It will always be a separate legal entity.
Ric Dexter	Right.
Charli Morris	The Foundation. The Foundation will.
Jill Holmquist	And so will the ASTC. ASTC is a separate legal entity.
Others	Right. Right. Right.
Charli MORris	And so will the College being a Membership category of the Foundation.
Ric Dexter	Alright, I’ve got about three questions that I want to try to get them out of the way so that we can hand the mic and I won’t keep interrupting. Okay? Ken, you – you said that the College would be a resource for the Society. In what way, other than this training thing that you were discussing?
Ken Broda-Bahm	Well, I think we’ve got to remember the original purpose of the Foundation was to be a resource to the profession and to the extent that the ASTC is part of that profession, it’s a resource to the ASTC. Now I phrase that carefully because legally the Foundation can’t be that, like pass-through supporter for the Society, but to the extent that the ASTC when it comes to

Speaker	Content
	conference promoting, publication, creating –
Ric Dexter	And that’s what I want some specifics. What sort of _____ –
Ken Broda-Bahm	-- membership services organizations for trial consultants. ASTC is the only game in town, still. So if the Foundation gets better at supporting those kinds of initiatives, at bringing the resources together – and resources meaning both money and people and ideas – if the Foundation gets better at that, ASTC is going to benefit from that. And this initiative is a way of making the Foundation better at doing that.
Jill Holmquist	And you know, one of the pros that I’ve seen – and again, not having made any decisions, but ASTC – we want to have an outreach. That became clear from the leaders’ summit. We want to be externally focused, as well as internally focused, and to do that we need funds. We don’t have enough funds to do that right now, and you know, we have the Foundation for that very reason because it can take charitable contributions.
Ric Dexter	So you’re anticipating that the Foundation or the College through the Foundation would be able to provide funding for the ASTC?
Jill Holmquist	Or for its own initiatives, which are related because we have common goals in influencing externally.
Ric Dexter	-- for the things we’re working on together. Uh-uh.
Ken Broda-Bahm	I mean it’s just like your graduate school, people give when they have a stake.
Ric Dexter	Right.
Ken Broda-Bahm	You don’t go to non-alumni –
Ric Dexter	Right. [others laugh]
Ken Broda-Bahm	-- and spend money. You go to your alumni. And so the idea is well who’s that constituency for the Foundation? Right now it doesn’t exist.
Ric Dexter	Okay, one last one. You had mentioned the College holding – or supporting the conferences, the ASTC conferences. Would the College anticipate holding conferences that might be in competition with the ASTC?
Ken Broda-Bahm	No.

Speaker	Content
Karen Lisko	No.
Ken Broda-Bahm	No.
Charli Morris	We specifically carved that out. I mean we wrote language
Karen Lisko	-- absolutely not.
Charli Morris	both in our proposal to the Foundation Board when Ken and I crafted the proposal. We were so thoughtful about that and we want the opportunity to say how thoughtful we've been about the competitive issue, and so we specifically carved that out. We would provide no services. Sorry, no coffee mugs, no tee-shirts, no conferences, and we want your interest in the Society. If you become a College member, we want you to be interested in what our sister organization is doing. And so we see it as having a recruiting function, and it can do that whether it's outside or inside. Pete you've been so patient.
Sandy Donaldson	Yes, Pete.
Karen Lisko	But Rick, one thing I want to finish that –
Pete Rowland	Oh, okay. Thank you.
Karen Lisko	I want to finish that – to finish the question you asked. It could very likely happen where – where are we? Redondo Beach next year? You know, assuming fast forward, this was in place – to say, okay College members, we're going to have a meeting. By the way, it's going to be at Redondo Beach, so you're going to have a great time at the Society conference, and we're going to have a meeting for three hours in an afternoon there. So it's meant to draw and attract to the Society conference, and that's always been the intent.
Sandy Donaldson	Pete.
Pete Rowland	Okay, I have about three quasi-questions that are kind of – and I have read the proposal and thought about this a lot and I think you all know that I've long been in favor of something like this. And my concerns are that when I've talked to, and it's been very – it's not been a representative sample at all, but when I've talked to people with other groups (I won't mention any other than say, DecisionQuest), [laughter] but that kind of tier. I don't get the impression – I'm afraid we're assuming a motivation on their part for a) why they're not affiliated with ASTC, and b) what they would want to achieve through a foundation that may not be correct. There are motivations for being inactive in any group of competing trial consultants

Speaker	Content
	may be such that they would not be open –
Charli Morris	We have a ringer. We have a ringer. Dan Wolf is a Foundation Board whose a Society member who took a job with DecisionQuest, and we said Dan, we're going to call on you. We're going to make you put your money where your mouth is.
Pete Rowland	Yeah, and I wish Dan luck. That's an, in of one [laughter], and I'm hoping you're right.
Karen Lisko	We've got Leslie Ellis here too, representing DecisionQuest [People talking over each other.]
Richard Jenson	When I said we wanted to talk to people that weren't members to find out the impact there, that's the kind of thing I was talking about, but we may get shut out, but that is one of our goals – to try to reach those kind of people.
Pete Rowland	Okay, and that's a concern, not an opinion on my part. Like I said, I want to see this thing work. The second thing that I'm concerned about is two conversations that we've all had a lot here are a) how to increase ASTC membership and participation, and b) how to build this College, but we're not requiring ASTC membership to build a College. And that, just in ways that I won't – in all kinds of ways, that seems a dilemma to me that we need to spend a lot of time on. I'm not sure what the answer is.
Charli Morris	I think that's better addressed in draft 11 than it was in draft five, but pretty quickly after the leadership summit, we said, we hear you; we understand that concern. So far we're missing three of our Board members, so we're kind of being careful not to speak for Ted, Mark and Dan who just couldn't make it and had plans to be here, but we've said, we want to strongly encourage and if we can find the legal c-6/c-3 way to require Society membership, that is also an open question and an option that we are willing to consider.
Pete Rowland	Okay. And the third really is an opinion. And in reading – and God, first of all, thank you all for the work that went into --11 drafts is a lot. So you oughta get –
Charli Morris	We're slow thinkers.
Pete Rowland	You get some credit for that, but I am concerned when the issue of it being devisive or not comes up, that the selection criteria seem awfully subjective to me. And in my experience in other groups, not trial consultant groups, that level of subjectivity, without at least an objective threshold, can create

Speaker	Content
	an us/them and favoritism, and I think the aspirational aspect of this is great. And if there are more objective criteria – not necessarily for selection, but for eligibility. I think we would benefit from that.
Charli Morris	Right.
Ken Broda-Bahm	We've been –
Pete Rowland	I won't need this [the microphone] anymore.
Ken Broda-Bahm	<p>We've been keenly aware of that, and that's a very important point. One thing you will notice in draft 11, that is different than the other drafts, is that it does have an explicit kind of 2-stage induction – that one is grandfathering. And in the grandfathering phase, I think there's a rationale for being a little more subjective because you're dealing with people who are at all kinds of stages of their career, and if this College would have existed earlier in their career, maybe they would have done other things and the objective criteria would have made more sense. So it's intentionally clear, but still subjective at the grandfathering phase, but then it's much more objective than I think previous versions that you've seen at the going-forward stage, after grandfathering. And just a word on that, because I know that in itself can seem unfair that some people are getting a different on-ramp than others, but I would wager after spending a lot of time just thinking about this and putting pencil to paper on how it would be done – that every organization that has gone through this phase has looked at this question of how do we get people in the door. Because one hard fact is that at the very beginning, the College will need those people more than those people will need the College, right? And we're not embarrassed by that. That's just the nature of getting something started, and so it needs to be very easy to say yes at the very beginning. Then when it has credibility, and we're going forward and we're talking about the next generation, we can be a little bit more objection and concrete as far as what we're asking for and maybe that's where ASTC membership comes in too.</p>
Charli Morris	<p>We also recognize that more heads do better work. I mean we sort of took on the responsibility if you will, for shepherding the idea, for drafting it, for crafting it, for defining it, for explaining it, for apologizing for it, for everything. I mean we accept that responsibility, but we also understand that if you build that first pool, you also get the benefit of more, better thinking. I'm going to reference a conversation I had with Steve Perkell, who in another professional lifetime was a member of that group, who then together – not just the three of us or the seven of us, or whoever it is that looks beady-eyed and suspicious to you – but an incredible group of people who get to think about that together and really make it go forward in the way that is the most inclusive and the most clear and the most objective.</p>

Speaker	Content
	We saw the potential of drawing people in to help us do that. We need help; we're tired.
Karen Lisko	Right, and I will also add that one thing we're being very thoughtful about is reaching out to other organizations who have created colleges because we might as well learn from what they have involved into. For example, I spoke with someone who – they just formed in February, the American College of Governance Council. They had 40 people in their first class, so to speak, sent out 40 invitations, enthusiastically got 40 yes's. we want that level of trust and enthusiasm about this. But we also know that it would have been too soon to do this years ago. Think about how young this organization still is relative to other organizations. But we also believe that this organization has matured now to the point where, we got a lot of smart people who are north of a number of years of experience, etcetera, have that prove record of excellence, and so we're going to learning from others who have come before us – and saying how did you establish criteria? How did you make it there? And especially, how did you get people who wanted this and rallied behind the idea it as aspirational?
Unknown Male Voice	And then for clarification, when you say this organization, are you speaking about ASTC?
Jill Holmquist	The Foundation.
Unknown Male Voice	Or the Foundation?
Charli Morris	Probably the broader umbrella.
Sandy Dondaldson	Now I think you're talking about the governance – the other –
Karen Lisko	Yeah, I'm not sure what sentence I said organizational in [laughter] – so I don't want to give you the wrong answer.
Male Voice	And this isn't a challenge, is it?
Karen Lisko	No, no, no.
Male Voice	-- clarification, when you said this organization has a lot of you now – smart people – _____
Jill Holmquist	ASTC
Karen Lisko	Right, right, right. Yes, I'm talking about the Society of which Foundation Board are a member. How's that?

Speaker	Content
Jill Holmquist	One of the things that we envisioned with the taskforce, and I wanted to say that I'm going to be the Chair or one of the two Co-Chairs of the taskforce going forward. You know Richard is going to be assuming the Presidency, and I'm stepping out of the Board, so I'll be –
Ric Dexter	Now that's a real masochist, I will tell you. Most Presidents say good-bye, so long. Jellous has graciously offered to do one of the hardest jobs we've got.
Karen Lisko	Watch out, the Foundation is known as the place where old Presidents go to die. [laughter] Well, yes.
Jill Holmquist	But what I wanted to say is that the taskforce – one of the things that we envisioned for the taskforce is if our membership adopts these – accepts this whole idea, then the taskforce would have the task of helping contribute to what the criteria maybe should be. And so we could make recommendations about that.
Unknown Female Voice	So, you just answered part of my question, but another part would be in terms of involvement in the task force – is that just anyone can volunteer and participate? Or –
Jill Holmquist	Sure.
Unknown Female Voice	I mean I know there's a lot of –
Jill Holmquist	Yeah, we welcome participation.
Unknown Female Voice	Okay.
Karen Lisko	But part of what we're talking at least, and this is still formative we're talking about with the taskforce is that it would be represented by folks from Foundation and Society.
Unknown Female Voice	Okay, and you mean people not necessarily in leadership positions within the Society? I mean I know the Foundation is you know, is a smaller – has smaller governance than the Society does.
Charli Morris	You don't have to be on the taskforce to get your voice heard by this Board or the Foundation. That's part of the encouragement here, that you wouldn't have to take on a special committee job or be a member of task force to be an active part of this process. That's – we welcome that.

Speaker	Content
Unknown Female Voice	Right, no I understand if – _____
Patty Keuhn	We're not discouraging you from participating either, so
Unknown Female Voice	No, no, no – I totally [people talking over each other]. I totally get it. I think it was more logistical than you know.
Jill Holmquist	If you have an interest, contact me. I do want to say that the Foundation – I'm sorry – the taskforce exists already. And it is solely right now an ASTC taskforce, but we're talking about – I need a Co-Chair here. So one of the things that we've talked about today is I have a Co-Chair who's from the Foundation. That's an idea that's been floated; we're still talking.
Sandy Donaldson	Leslie.
Leslie Ellis	I have a question.
Sandy Donaldson	Oh, I'm sorry. [inaudible]
Matt Groebe	You're next.
Andy Sheldon	Just for a moment, I want to embody this Society, ok? See me as an energetic, committed, devoted person to the Society who hasn't eaten in six weeks. Ok? I seem full of ideas and full of energy, but I have an empty belly. I don't have enough funds to get to the next whatever is – in the Society. In terms of resources, we have committees that go away because there aren't enough people to come to the table. So, I'm asking a pretty realistic question about how we're going to staff yet another group? And if I'm portraying the Society in the wrong way, tell me.
Richard Jensen	Yeah, and I want to answer that because you've just expressed what these folks will say; I have been saying over and over for months. We, as a Society do need to take – and that's part of what I'm talking about – unintended consequences. We do need members. We do need money and this is – well, I continue to say it has a lot of opportunities, some concerns. You know, I've expressed that my main concern is making sure we take care of the financial and membership needs of ASTC, and that's one reason why I'm glad that Jill's agreed to handle the taskforce because I am kind of planning to say to these folks, I spent more time with you than I have with my clients, and that's not too productive. And now I'd like the taskforce to kind of take over and I'd like to be addressing those things with people like you and everybody in this room because we do need to do that. And I think the Foundation may build to help, but I'm not sure it can help as quickly as I'd like to, as the incoming President. You are absolutely right,

Speaker	Content
	and I think that is a major concern, as they [or I'll] tell you, I've expressed a number of times.
Charli Morris	We are not sorry that our idea and our work and our energy and our effort has stirred you up. We're not sorry about that. We see amazing good possibilities coming from people saying, wait a minute, I care a lot about this Society. What if this hurts it? Halleluiah – we are sorry to have people lean forward, but I care about my Society. I want to do something about my Society, and if you're going to do something that hurts my Society, I'm going to do something for the Society. We see this as having motivational potential. We didn't do it to instigate. We didn't do it to be antagonistic. we have clear missions and goals that we would like to see happen, but one happy, unintended consequence of what we've done Richard, is to re-engage people who care about the Society and that is not a bad thing for either group.
Ken Broda-Bahm	I think anytime you think of the challenges that the Society faces, and they're not new, but they are significant, is it induces a conservative tendency to say well let's not rock the boat, let's not try change. And I think it is realistic, we want to be concerned that ASTC would weather the storm if there is a storm. But I think we also have to be concerned with how is ASTC weathering the calm? You know, in the sense that the calm, I mean, not as much professional visibility as a professional organization should have. And so are there things that we can be doing to convey our experience and our qualifications and our merit to the legal world? And I think that we need to disturb that calm a little bit.
Jill Holmquist	I want to answer slightly differently, and that is to say, that the one advantage that the Foundation has in reaching out to people who are not current members and who wouldn't deem to be members at this point – is that they can create a broader constituency, and to the extent they're successful in that, we can bring in even more money. And not be tapping it from our existing resources. So that is one positive outcome if it works out.
Sandy Donaldson	I've got questions from the _____ Board. Leslie Ellis
Leslie Ellis	I'd like to say, first I'm squarely in Pete's camp.
Pete Rowland	[inaudible]
Leslie	Well whatever it is you said. [Laughter] Something like this. Criteria – I don't want to put names that will stir up another conversation, but something like this – I know I and a lot of other people have been desperate for, for a long time – and Pete very well-articulated just a lot of the

Speaker	Content
	<p>questions and concerns that I had. So, I just want to follow up on one of them, Ken, which is you said kind of the first wave of inductees would be a bit more general, but the next wave would be more objective. Can you tell us a little bit more, or a lot more about what those objective criteria will be and kind of in tandem with that, what will the College do to be transparent about this process because I think that one of the biggest concerns is that all of this is going to happen behind closed doors.</p> <p>t's got this kind of potential for elitism and you know, some of the descriptions that have come up earlier, and in order to be aspirational, people need to know how to get there. And so what are some of those objective criteria and what will the College do to be very transparent to all of the members to know how the decisions are being made, when they're being made, and how they can be inducted at some point in time –</p>
Charli Morris	Can I do the easy part?
Leslie Ellis	-- to get there?
Charli Morris	<p>Can I do the easy part? You have to open your ASTC grams. Not kidding. You have to read your lists or messages and you have to open your ASTC grams. We have used the official vehicles through the Society to get this word out, and Ken is right. We look back on what may have been a misstep for asking 48 people which we thought was more than seven if this was a good idea, and it had an unintended consequence, right? So we're going to continue to use the official channels of communication to the Society. That's important. We've also offered from the Foundation side to host a webinar so that anybody who didn't come today and wants to continue the conversation – everybody who's here today and wants to continue the conversation – that's the easy part of the last part of your question, which is what are we going to do to be transparent. Because we take that seriously. We take our own credibility seriously enough. We believe that we owe that and we believe that we have delivered on that.</p>
Ken Broda-Bahm	<p>What we've worked for is, well, page 3 and 4 of the proposal is where we're at now. It's not carved in stone. Like I say, this is just the current draft and it is a little bit involved, so I hesitate to just summarize it, but the idea is when we are grandfathering, it is not the four of us deciding who goes in. It is, instead, a phase one of an identification of individuals who really are long-term, just unquestioned – the people that no one would disagree about. And then those people become the phase one inductees, and then phase one inducts phase two. So, in other words, we're creating what I'd call a micro-democracy to make those determinations, to apply the criteria, and to make those determinations and to see who gets grandfathered in. And then if somebody is omitted, then there's a next</p>

Speaker	Content
	stage for them to sort of appeal to the group and say hey, what about me? And to have that opportunity to go in. Then, once grandfathering is done, then the criteria would be based on applications. Someone would fill out, essentially, a – it would be more like board, a board review. And they would fill out this application. There's a number of things that are listed as to what would need to be in that, and that would be the going-forward. But we are – the goal is not to have a smoke-filled room, but the goal is to have it be transparent, and to have it say this is what we plan to do. And then to say, what do you think about that? What would you change?
Unknown Female Voice	Is this taskforce [others speaking - inaudible].
Unknown Female Voice	No I mean he's just following up _____,
Ken Broda-Bahm	No, the taskforce is a sounding board about how we do that. So the taskforce is at the, what do you think about that? phase. Which is where we all are, still right now.
Jill Holmquist	Right. And you know I think our task force could say, well, these are some people that ASTC holds in high esteem and they should be...
Ken Broda-Bahm	Absolutely.
Jill Holmquist	...part of phase one.
Karen Lisko	Like Lifetime Achievement Award Winners, right? If they've made it to that level, I think they're pretty clear.
Sandy Donaldson	Panel, we've got lots of people in the audience that want to ask questions, so, just as we've asked them to be very pointed in their questions and stuff if we could keep it, so we'll have enough time and I think Tara's been waiting.
Tara Trask	So, I have a few comments. And I reserve the right to completely change my mind and say something completely different, you know, down the road, but just, initially, I think I just have a few comments. First of all, having been through the entire sort of credentialing and membership category experience in this society, I mean, my suggestion would be that it lives in the Foundation. You know, I like the idea that it's separate. I like the idea that if you join ASTC and you're a new member, you're on par with every other member in ASTC. I think that's great. On the other hand, I love the idea of the College. I mean, hopefully, I get grandfathered in. Everybody knows I've only got a BA, otherwise, I'm totally screwed. I

Speaker	Content
	<p>can't get in. So, I mean, you know, even though I've served in the association for a long time but, so I think, I mean, I like that but I like the idea of keeping the society completely inclusive and no different categories, there's no levels or no tiers. That's just a comment. Again, I might change my mind completely. I've read the proposal and I think it's good.</p>
Charli Morris	<p>That's where we started. So we reserve the right to completely change our position, too. We resemble that remark.</p>
Tara Trask	<p>Then, when it comes to – I have a couple, sorry. So, then, when it comes to criteria for inclusion in the college, I'm less, like I said, I'm joking, I'm less concerned about inclusion in the college and what that criteria looks like. Frankly, I guess before I read the proposal, I had pulled some pieces and heard some things and I think I had some stuff wrong because one of the things I liked about it was I felt like there was more requirements of you once you were in the college and I loved that. To me, it's not just something you get to hang on your wall and say I'm part of the college. No, no, no, no. You can get inducted in but, guess what? You need to raise money, you need to teach, you need to, there's—now, I've learned from reading it that there are not necessarily requirements which, frankly, I was a little bit disappointed but maybe that's still up for discussion and maybe they don't need to be hard requirements, but I really like the idea that if you are inducted into this college, it's not just because you have a great career and everybody looking can say this person is of a certain level or whatever, experience, success, whatever it is. I love the idea about the voice – that there is somebody who has a voice who's willing—but I like the idea that you also have some requirements. You have to teach, you have to participate, you have to raise money, and, frankly, one of the things I was talking to somebody about I said, why don't we, because, the college is inherently top heavy, so why wouldn't some requirements for the college members be you have to then spend X number of hours or X amount of time or X amount of dollars doing education for the youngest and the least experienced in ASTC. And, to me, that's also a way to bridge, you know, and I don't know how you would define that per se, but I kind of like the idea that the college has requirements specifically to young and inexperienced ASTC members.</p>
Karen Lisko	<p>That's a smart comment. I mean, I think that's exactly the kind of question to ask by survey, by focus group, whatever we do, to find out what do folks think about requirements and, therefore, if, yes, what requirements would you say are the good ones. This is where Alan Campo I know has some thoughts.</p>

Speaker	Content
Female Voice	Yeah, you know what? Alan had some...
Karen Lisko	...Oh, I made you cut in line. That's bad. Sorry, Alan. We have a procedure. I apologize.
Sean Hanko	I've tried to wait to hopefully somebody else would ask the question because but it doesn't look like it's coming out. I just want somebody to address the concern whatever the criteria is, wherever it lives, it sounds to me like two of the main goals of the foundation are outreach and education and it sounds like one of the goals is, I'll just say it, credentialing, right? Whatever those credentials are. Ex, tell us why somebody shouldn't be afraid that the outreach will then go out and say, we, who are credentialed are real and those who are not are not real because if that happens, my money goes away. I can't feed my family. And if I can't feed my family, ASTC's not getting my money and ASTC's not getting my money, they're not getting other people's money and the whole thing falls apart. I think we've got to address – I don't know why anyone else isn't asking it but I don't care what the credentials are but I care if you go out and say because I'm not part of then I am not—I mean I wrote down when you say we've got to go out and convey our merit, to whom and what does that mean?
Karen Lisko	I'd like to start addressing that. It's because—and maybe this is partly why it doesn't come up. If anybody has the ABA in their head, I think that's the right analogy. If you're a member of the ABA, you have to meet certain requirements already. If you're a member of the ASTC, you have to follow the standards. And, of course, are encouraged to follow practice guidelines, too. So there's already a minimum point of entry to be a member. Then, if you are somebody who is a fellow within an organization within the ABA, that is seen as an additional honor and we are, you know, like Tara said and we've considered, to also have it be an active body rather than just that plaque on the wall. So, it's an add-on feature but it is certainly not a determining line of qualified versus not qualified. And maybe that's part of why that's not come up. Does that help assuage concern?
Sean Hanko	I just want somebody to actually say yes, we're not going to go out...
Karen Lisko	Right.
Sean Hanko	...to the attorney body, right? To the industry and say _____.
Karen Lisko	Right.
Sean Hanko	And I want to hear somebody say, yes, that's not what we're going to do.

Speaker	Content
Karen Lisko	Yes, that's not what we're going to do.
Ken Broda-Bahm	Yes, that's not what we're going to do.
Charli Morris	Yes, that's not what we're going to do. I firmly, I affirm and swear...
Karen Lisko	Absolutely. And that's the right question to ask.
Sandy Donaldson	There's a lot of questions ready to come from the floor but it is 5 o'clock and we do have two jam sessions that were scheduled for this time slot. So, if there is anyone who would like to go on to the jam sessions, this is a good opportunity if we could just take two minutes.
Charli Morris	Yep
Sandy Donaldson	For the jam sessions to continue on?
Charli Morris	Is this when the bar cart comes in?
Karen Lisko	There is, there is a bar out there. Why isn't the bar in here?
Charli Morris	Maybe not? Not enough money in the society?
Richard Jenson	That's why, and there's not, somebody, you know, sponsor that, we'll talk about it.
Sandy Donaldson	Do you want to take 5 minutes?
Karen Lisko	Sure.
Jill Holmquist	And people can kind of...
Charli Morris	Can we agree not to continue the conversation without everybody because it would be tempting for us to start having these side conversations. If we're going to hold this session open, let's continue to do it in the way that keeps it open and not continue the conversations side bar. Is everybody in agreement?
Sandy Donaldson	Oh, okay. So the rule, just like when you're doing research and you're breaking your participants is we're really interested in everything you have to say.
Charli Morris	Don't talk about the case during the break.
Sandy Donaldson	No talking about anything else other than the weather.

Speaker	Content
Ken Broda-Bahm	No, we're all together in the jury room. And don't use social media.
	Break Taken
Sandy Donaldson	I'd like to make one observation which is, of course, none of us follow rules and we all talked about this because we all are very, have lots of opinions about what's going on and we really want to hear these things. So, let's make sure that we ask questions and make comments because this is a good time for doing that. So, wait a minute, Karen.
Charli Morris	I don't know what happened to our other mic.
Tara Trask	So, you're right, you know David Island and are big rule followers. We sat and talked about it the whole time but it reminded me of something that I meant to say at the outset which was even though I had it wrong about their being requirements for those in the college in terms of fundraising or hours with education or what not, I would suggest and propose that whatever, whether it's requirements, whether it's suggestions, strongly suggested things to those in the college of what it means to be in the college, it strikes me that it would be important to maintain that at a very high level. That it not just be, okay, you've had an illustrious career and now you're in the college and that's it. And that whatever body it is that identifies and inducts people going forward that that body also be able to review those that maybe had been inducted but were not doing anything, were not holding up, you know, and I raise that because if you're going to have a group of people that are held out particularly to the external world as, you know, the best of the best, however you want to describe it. Somehow people who have reached a certain level and that, it needs to be true. You know what I'm saying? You don't want to have, I think you don't want to have people in there if somebody is, goes in and then all of a sudden doesn't do anything for a few years and I think that it could be reviewed in a way where maybe it is just brought to the steering committee to say this person was inducted, they're still practicing in the profession, they have a very illustrious career, but they haven't done anything for the Foundation or in their role as being a College inductee in three years so we need to address that.
Charli Morris	Well, okay, so Ron Matlon is a great example. We've already conscripted him back into service. He said give him a month but we said we're going to have this talk today and you're going to be gone and we want to, we want to be part of this process, be part of the thinking, be part of the deciding, be part of the implementing, and he's an obvious candidate, right, for the first round. And there's a practical limit for anyone who wants to enjoy retirement and want...

Speaker	Content
Tara Trask	To be very clear, I mean when you're retired from the profession, you're retired from having to do anything in the College as well. I'm not saying that. I'm talking about if you're inducted into the college and you're actively practicing, but you're not doing anything to help in terms of what you're suggested or required roles were in the college, that's, you know. So, I think that if it's meant to be excellence and excellence needs to be adhered to otherwise it loses...
Charli Morris	Accountability.
Pete Rowland	If I could _____ [inaudible] and since that otherwise the major incentive is to have on your letterhead or wherever, I'm a member of the college and I think we would attract exactly the wrong kind of people if they didn't need to do the kinds of things Tara has talked about and I'm not talking about putting in X number of, you know, hours a week. But I do think that the sentence once inducted, no conditions or requirements remaining should be rethought.
Jill Holmquist	[Cross-talk] And I would like to require that for the Society.
Karen Lisko	I think that's one of the most valuable things that's come from this discussion. It's great to hear that at least for those who have spoken there is a wish for more. I think that's the right direction to go. So, I think that's great.
Richard Jenson	I especially like the part about fundraising especially. That some would go to help appropriate costs of ASTC. I think that I would, you know, third that motion.
Sandy Donaldson	Alan's next and then I have [inaudible].
Alan Campo	Yeah, somebody was asking me to think out loud about this earlier today and I can't remember who or exactly how it went down but what came up for me was something that I think matches very much to sentiments that Tara's expressing and it was that while the, while being, for example, invited to become a Fellow of the College would be something that you get, I would rather that it be becoming a Fellow of the College was obliging you to provide a whole lot of giving instead of so much getting. And that the, I, too, would support the, I would be far more enthusiastic about it if I was confident that it not so much be a hard club to get into but a hard club to stay in and that staying in meant that if I accepted from my peers an invitation to be a member of such a body, I would understand that I was accepting certain commitments and those commitments would include I will be there at meetings. Just plain will be there at meetings. And everybody knows that there would be exceptions that any of us, some

Speaker	Content
	<p>federal judge might cause that to be different, right, but for the most part, that would be the thing. I would accept the commitment to be ready to teach at an ASTC meeting or at a judicial conference and ready to take my turn teaching. That I would understand that I have an obligation to participate as an educator. I would understand that I have a commitment to help raise money for the foundation which means to help raise money for the mission of the foundation which includes, among other things, nurturing these young entry-level trial consultants who always come to this annual meeting and I always feel like we just don't quite have enough for them. And I'd like to be able to have more.</p> <p>So, for me the college is an opportunity to create a guild of givers of people who commit to giving and who commit to deliver and I had one more thought about it and it was reacting to your thing, Sean. It's the very idea that somebody would use that to differentiate themselves and make themselves better than other ASTC members, you know, the possibility that somebody would use it even sort of indirectly, inferentially, trying to create the idea that they were better than others, would be such a profound ethical departure from the vision that I would hope this thing has. I just.</p>
Charli Morris	Ethical commitment is a criterion for inclusion.
Alan Campo	Amazing thing.
Karen Lisko	As well as for the society membership.
Charli Morris	Absolutely right.
Alan Campo	If I get the feeling you're going to do that or if some colleague of mine's going to do that, then you're busted. Oh, one last thing. Pete said that this thing went through 11 drafts, and 11 drafts is a lot. I happen to know that the pre-nup for his second marriage was like 17 drafts. [Laughter]
Sandy Donaldson	Just a comment. I'm just so encouraged to see some of our what I'll call more seasoned members to be asking for these things and looking to do more and give more. To me, that is such an encouragement because you're getting to an age where you could just walk off in the sunset and you've done what you've wanted to do and the fact that you're willing to continue to be a part and help, I think that's just wonderful. Go head.
Unknown Male Voice	One of the questions that I have is about how this thing is originally going to start because I'm worried that if we get off to a bad start, we've got the poison tree that bears poison fruit and, depending on which document you're reading, we're starting out with this, you know, 15 to 30 person star chamber that does the grandfathering decisions on the first one and my

Speaker	Content
	question is, aside from that size, what is this initial pool that they're looking at that we're setting for them as a goal. You know, we've got 450 members. Are they talking about expanding the grandfathering to 50 members, 100, 200? What's the size?
Ken Broda-Bahm	There's no numeric limit on grandfathering. That's the phase one. You would want a small enough manageable group that they could go about the business of focusing on phase two. But phase two would be however many meet that criteria.
Unknown Male Voice	That's what I'm asking. In phase two, what do we ballpark it to be? Are we talking half the society?
	[Cross-talk]
Ken Broda-Bahm	That would be not a decision for us. That would be a decision for the phase one. That would be that micro democracy that they would put in place.
Unknown Male Voice	Or aristocracy.
Charli Morris	And tell me more about that concern because when I hear a word like star chamber, I want to be sensitive to that. That, that, it sounds like a concern that I want to address and is there a way beyond what we've said that would go further to addressing that star chamber aristocracy language that you just used?
Unknown Male Voice	Uh, I'm not sure there's a functional way. It's one of those things where you're asking us to make leap of faith that we've then got to see, you know, what fruit comes off the tree. Is it good fruit or is it poison fruit?
Charli Morris	We are sort of asking for some trust that we think would be inspired by your awareness of our service and commitment to the society and I'm not afraid to just ask for it that way. To say that I'm sensitive to the criticism and the concern about what I'm doing and why I'm doing it, I'm not embarrassed to say that I'm going to stand on my record and I'm going to ask you to consider my record. I feel about everybody who wants to do this.
Richard Jenson	I want to follow up on that because I am new to this process and I came in as a lot of people know in the interim and I meant it when I said I spent more time talking to these people than I have my clients for the last few months and...

Speaker	Content
Karen Lisko	Are you going to bill us?
Richard Jenson	I wasn't sure. I had some concerns. But I can tell you I firmly believe after hundreds of hours of conversations that every single member of the foundation is as committed and concerned about the society and our profession as the board of this society or anyone else. That's not the way I necessarily went into this but a lot of hours of conversation have convinced me that they are.
Unknown Male Voice	I personally want to second that simply because I've talked to each [inaudible] full trust that [inaudible] society in mind.
Karen Lisko	Thank you for saying that. We appreciate that.
Unknown Male Voice	So, I get to come at this from a very different perspective. I am not a consultant. And I've also been through something like this before. In the marketing research world, we have created something called PRC, Professional Research Certification, and it is basically, you know, very similar to what we're talking about here. And we went through the exact same process where the initial people were grandfathered in and there was a selection process based upon years of employment, commitment to organizations and exactly what we're talking about here. And I can say a couple things about it. One, the vast majority of the clients didn't care. So, I think one of the key things for this to be successful is it has to first make itself important to people outside of this group. Because if it's just us saying, hey, look what we did, it's great. Nobody's going to care. Really, nobody's going to care, and then it's all going to fall apart and it's not going to be beneficial to anybody. Secondly, the thing that helped this certification sort of feed back into the marketing research association, you know, flip it over to this one feeding back into the ASTC, was basically what Tara was talking about, an ongoing commitment to the organization. And the way that that was structured in the other way was a commitment to ongoing education. So not necessarily that you had to provide education but that you had to continue to get it. And, you know, I think it could be structured in such a way where either providing or receiving should qualify. I think that's a wonderful way to do it for both but the way I think it feeds back into the society is that the easiest way most likely to get that continuing education would be to do it as part of the conference. So then you've got an incentive for all of these college members to attend the conference and to help support the society. So, I think that that is way to really bridge all of this together and really sort of help everybody go forward in a productive way that will feed everything.
Karen Lisko	I agree. One thing I do just want to – I appreciate what you're saying. One thing I do just want to clarify, though, when you say certification to a lot of

Speaker	Content
	people that can sound like if you're not certified, you're not qualified and that's a big distinction. We are saying you are qualified if you are upholding the standards as you're required to do as a member and this is an added thing.
Unknown Male Voice	Sorry, _____ the way it was set up was that there were actually _____ and levels and I'm not suggesting that _____.
Karen Lisko	Okay.
Unknown Male Voice	That world is much, much bigger...
Charli Morris	Were you with us in Chicago in 2000, we've had the levels and the layers and the...
Sandy Donaldson	I have a question over here.
Josh Behl	I'm loud. I don't need _____. Hey, here we go. I have two questions I can just ask them at the same time so not to avoid it. Obviously, the ASTC right now is very inclusive as to who can become a member in that really anyone can become a member. So, is the college going to be, I don't want to say exclusive because that sounds bad, but or not bad but people might get excited. But is it going to be exclusive to just consultant members? Because I know one of the requirements is you have to follow ASTC standards if you are a vendor member or an attorney member, it's very easy to follow standards when you're not actually doing the work.
Charli Morris	But so my 13-year old daughter is a member because as part of this process for developing the idea, she, no, she's not qualified for the college, actually, but I did that exercise, Josh, because I wanted to understand what we already expect of our members and I would, you know what? Let's put the fundraising piece on society members. Let's put the continuing education requirement on society members. Let's put the contribution requirement on society members and the volunteer requirements, I mean, we could go that route in our society, too, because we are already a body of credible people in a very diverse membership where people bring a lot of diverse talent to the pool. We could be capitalizing on that and I already think that this board, this conference laid out an aggressive, thoughtful, deliberate plan to tap into our members this year. I see that coming and I appreciate it. And I'm excited by that, too. But, to Josh's question, this struggle that you talk about, about our relevance and our credibility, we already own that struggle. We do because my 13-year old daughter is a member and the only reason she's a student member is because I felt cheap

Speaker	Content
	that day. There was no requirement for me to disclose that she's 12 and in 7th grade. And I was prepared to send her report card if the ASTC asked me for it but they didn't ask me for it. And when I checked the box that said she adheres to the code, that's easy to do because she doesn't practice. She's not going to violate our code because she's not providing any of the services that is covered by our professional code. She's very persuasive. She's very communicative. But she's not providing any services and she's still a member. So, that struggle and that issue and question of relevance is a question for both boards and always will be. We own it. And I want to address it.
Ken Broda-Bahm	And it's important to remember that this is not a purely internal issue that whenever somebody writes a book about our field or an article about our field over and over again that line comes in that if it mentions ASTC it will also mention that it is open membership.
Richard Jenson	I've got a great idea. Everybody register their children and pay the fee and that could solve the problem.
Charli Morris	You're welcome, you're welcome.
Karen Lisko	You've got a lot of grandchildren.
Richard Jenson	As long as they don't go out and violate the codes and, you know, we could use that this year.
Josh Behl	Will they be allowed in the....
Charli Morris	By definition, the criteria say, one of the general criteria says that it assumes these are people who are, let me read it to you. They are visible, let's see, um, fellows have been actively engaged in providing services described in the ASTC's professional standards and practice guidelines for a substantial part of time. So it envisioned that you are doing what our standards say we do. The difference and the opportunity in the society being and diverse is that it does put us in the same place at the same time with people as Adam, I mean, Adam's coming onto the board and he doesn't provide trial consulting services but that's not a bad thing for our society. We got him in the door and he is serving the society and we welcome that and that's how this does distinguish between the open membership concept of this society and the qualifications for being in the college.
Josh Behl	And my second question, real quick, is also, if – I know that right now the society has a grievance procedure if you're not following it and stuff because it seems as though at least that we're going to be holding college

Speaker	Content
	members to a slightly higher standard and stuff, is there, are there grievance procedures in place if there is buyer's remorse, I guess, if it were?
Karen Lisko	I'm on the grievance committee so I can speak to that. No. I mean, the grievance procedure is tied closely to the standards so at this point just as the standards apply to members, it applies to people in the college, too.
Josh Behl	So for nonmembers, though.
Karen Lisko	That's an interesting question. You know, the grievance procedure...
Josh Behl	I'm sorry. I said for nonmembers.
Karen Lisko	That's a whole other question in terms of how or if nonmembers are part of the college. That's something we'd be grappling with.
Charli Morris	I think it's written into our draft, actually, that if you are a member of the college and such a grievance would occur and, again, it's hard to focus on that kind of negativity but I, there's a line in draft 11 at least that says should that situation arise, we defer to the society's grievance procedure.
Ken Broda-Bahm	Yeah, that's correct. And the college draft has a procedure for removing somebody but we see that as fairly remote and rare, but the ASTC's grievance procedure doesn't apply to nonmembers.
Karen Lisko	Right.
Ken Broda-Bahm	I mean, that's one gap.
Sandy Donaldson	Rosalind, [inaudible].
Rosalind Greene	I do. I do. I know I think that it's a good idea too because we're trying to differentiate. I know that there is a conflict, however, in terms of attracting people that are not associated with ASTC anymore because of whatever reason and we want to invite them back, however, we also want to keep it within ASTC. So, you know, if I was someone that left ASTC because I didn't like it or I had an issue with it and you asked me to join, I would say, well, to what extent is it associated with ASTC?
Charli Morris	We got that. We heard that. We heard from those people. They were on our vetting list and, and, frankly, the attraction of keeping it in the foundation is what got those people, kept those people on the hook and interested. We still hear from them every time, when we pushed out to the membership again we pushed it to the people who weren't going to get that ASTC gram because they weren't members and they chimed in again and

Speaker	Content
	<p>said we still like it, we hope you do it, call us if you need anything. So we're wrestling with that because it's important to understand that if we want to attract the people who aren't already in this room, we have to try to reflect, you know, in part what they need and want to but it's been our position that we want to strongly encourage members who've been affiliated with this society so we're really trying to get there because our first concern is members. We are members first of this society. We feel a priority there.</p>
Karen Lisko	<p>So, consider this scenario. This is a way to, this is just a what if. So this is just making this up. But you become a member of the college. You are not a member of the ASTC, one of the requirements is that you attend the society meetings. We could have a heck of a nonmember fee. In other words, self-serving as we all are, I might just join the ASTC and get a cheaper entry fee to the society conference. And I'm making it all up, but just saying there are different paths. There are ways in and we want to attract people who have for whatever reason not been part of this organization who, for now, maybe 20 plus years have not been a member and have an antiquated incorrect perception of this wonderful organization. It's time they get a fresh look.</p>
Unknown Female Voice	<p>I just wanted to piggyback on some of the standards conversation that was going on there. Just so that everybody's aware, just because you're not a member of the ASTC does not mean that you cannot be held to our standards. You may not be brought before our grievance board but there have been situations where judges have held non-ASTC members to the ASTC standards because they are the only standards out there and the judges go, hey, there're standards in place, I don't care if you're a member or not, you'd better adhere to those in my courtroom. So, it's not enough to just not be a member.</p>
Leslie Ellis	<p>I really do like the idea and will strongly support the idea of college inductees having a higher obligation and I think we, as a society, and I think Charli or somebody's already said this don't do enough to train the newer members and I think having that be a component of membership could be a really strong part of that. To me, though, that argues more for having it in the society because my fear is that an unintended consequence of keeping it in the foundation is you start to create an us versus them and what are the incentives to stay within the society and are we creating a division between the younger members and the more senior members and reducing opportunities for cross-pollination if that group does live in the foundation versus the society. It strikes me that if it is in the society, there are more opportunities for exposure and working together and being on committees and all of that. But that also kind of brings up the idea of allowing non-society members to be in the college. How can we compel</p>

Speaker	Content
	<p>non-society members in the college to do all of the things we're talking about, raising money for the foundation and training and, I mean, it seems to me that it would be really, really difficult to ask non-society members to do all of these things that we all seem to agree would be really cool if they're not a member.</p>
Charli Morris	<p>Carrots not sticks, I think. I mean, the compel word is kind of an iffy one for me. So if there's lots of good reasons to join the college, whether you're a society member or not, let's pretend it stays with the foundation and you're saying, how am I really going to get them in the door, what's the incentives? If the college houses a research project, if the college is promoting things that are going to give you more information not less, make you a better consultant not worse, make you more credible in your field not less. If that's what the college can offer you, then it creates incentives for that cross-pollination by encouraging society membership, by conducting the meeting at the same time and place as the society conference. We see all kinds of concrete potentials and we came to this discussion today thinking we still had a lot of groundwork laying to do. You guys have taken us right to some really great concrete things that we can go back to the drawing board to do and add. We didn't really think we were there yet and, so, we are happy to consider, I mean, I think we already know what would be on our list and the requirement for continuing education had already been sent to us and was part of the feedback we got, commitment to service was already part of the feedback that we had gotten. We just didn't think we were there yet to talk to you today about exactly how.</p>
Ken Broda-Bahm	<p>And let me tack onto that. One thing that's just fascinating with this session is how much we've gotten the feedback of wanting more not less, as far as requirements for those who are members. And I think it's, but it's not a simple issue. And I just want to share that thought what I would call kind of the Spiderman principal of with great power comes great responsibility. It means a lot of sense and it feels right, you know, that we would demand that. But I think we also have to look at what would the rollout look like? And when we put out X number of invitations, what percentage of them get accepted and is there a bias in the acceptance rate? In other words, that people who really need it will accept. Those for whom it would make a difference in their marketing accept. Those for whom it wouldn't? Those who are fine, would just say well, if you're going to ask all of that, I don't really need it. And if there's that bias and acceptance, then you could have, you know, the death spiral of those who are going into the college are building its initial credibility, right? And if those who don't need it are saying no, then you have a really big problem. So it's a very delicate point on how and when you ask for that kind of commitment.</p>

Speaker	Content
Karen Lisko	Well, and I think it's a matter of also knowing, figuring out and this is hard to predict but what are the right requirements if we have them. Cause that would help with that. Cause there's also, we all know psychologically when you ask more of people, they feel better when they provide it. When you ask less of people, it sometimes makes it less attractive. But we also have to grapple with the fact that if there is even one requirement, that means there must be some regulatory oversight to determine, oh, that person did not meet the requirement, now, out they go. So, that would be an example of something that we need to grapple with. But I think it's a matter of figuring out what those requirements would be that would not take it too far outside the desirability range.
Tara Trask	Yeah, I get it completely, that that's a very delicate balance because obviously if you make it too challenging, I get it. Why would I want to spend my time doing that? At the same time, you hope that the group of people, at least the initial group, are people that, then the other people say I want to be in that group. I want to be considered. I'm willing to do X, Y Z, to be in that group, which goes back to my other comment which is, and maybe it's not a list of requirements or things that have to be constantly policed, but more just the idea of maybe it's not requirements. Maybe it's strong recommendations but that there's some, I think you've talked about the steering committee that would look and say, this person, you know, maybe they need a gentle nudge. Are you really going to participate as you said you would when you were inducted and, if not, you know, I don't know how you, I want to say police it, I don't know how you regulate it and I get it that it's a delicate balance going in. To get it just right could be amazing because then you've got people wanting to get in. Right?
Karen Lisko	You're right.
Tara Trask	No, I understand.
Pete Rowland	You know, I think there are a few really important services that can be policed almost automatically and one would be if you – and this is top of the head so – but if you are a member of the college you are by definition a mentor with a mentee assigned to you. I think that would be hugely useful in the profession and that's pretty concrete, you know, that you'll meet with your mentee not – I think I'm kind of the same way with the more objective entry criteria. I think you have concrete, a limited number of concrete criteria then it almost polices itself. Because I think there is a real fear that people will want that on their letterhead whether they need it or not, you know, if you've got it, hell, I want it. And, I mean, human nature, and if part of it is to develop the profession and the judicial system, I think we could come up with pretty concrete ways to do that.

Speaker	Content
Charli Morris	And, you know what, these are not bad ideas for the society to take on in other similar forms whether you love the college or not these are not bad ideas for the society itself. These are the kind of things that energize and mobilize and create responsibility and accountability and camaraderie and we all feel better when we get here. I, personally, sweat how I'm going to spend the time here and the days away from work and what about the people who are mad at me about the college and then I get here and I'm so much better because I got here. And so I think that we can create some of those same incentives within the society. Whether you love the college or not, you have good ideas for the society, too, and that's what I hear in this.
Sandy Donaldson	Other questions? Comments?
Unknown Female Speaker	I think I was a little bit confused before. I thought that the task force had a different purpose. So, I know we're going to develop who the first round, the phase one, people are.
Jill Holmquist	No.
Unknown Female Speaker	No, not the task force. I don't mean we. I mean, it's going to be established who is part of the body that decides who the first few people are. Is that something that the society is going to vote on? Is it something that's already been determined?
Jill Holmquist	That's up to the people, the inductees in the college.
Unknown Female Speaker	No, I mean, who decides who's inducted in the college, initially, the phase one?
Jill Holmquist	Well, the foundation board or perhaps our task force would recommend that it be a combination of the foundation board and ASTC, you know, society members or society board members or who knows.
Richard Jenson	I, I think from my perspective and they can answer it, you know, I'm going to end that and maybe this is a good way to end this where I begin it, you know, all of these things are things we are looking at. I don't think there's anything set in stone at this second. And, so, what we want to do is get as much input, this has been great input today. Get as much input from those who aren't here and those maybe who aren't even members, and with that input, then the boards work together to make the best decision for the society, the foundation and the profession. But we want to get more input and even things like that that seem obvious, I think we can say that's not set in stone yet. There will be a draft 12 and 13 and maybe 15 and from our perspective...

Speaker	Content
Charli Morris	Unless we go back to _____.
Richard Jenson	Yeah. That's right. And so we want to get more input. This is a great start but it is about 300 less people than we'd really like to talk to. That's not going to happen. And, and, we're hoping that both boards take a look at that input and try to work with that to make the best decision for the society, the foundation, and the profession as a whole. And, so, the answer, I hope, to your question, is we don't know yet, but we hope to get it done pretty quick if we can.
Karen Lisko	And please keep thinking and cogitating about this and communicating with us because now to have this session with all this context you've got, now we've got a lot of smart minds in this room. So, please continue to communicate with us if there are other ideas that occur to you after you leave here.
Charli Morris	We need to, I mean, I'm just going to say, we need to hear from you as opposed to you talking to each other without us because you're concerned or you're worried or you're discouraged or you're whatever. I mean, we, we have big shoulders and we're big kids and if you have those concerns, the foundation wants to hear from you. We're not in a separate camp. We're not in a cloistered room or a smoke-filled closet, so please bring those to us, right, like that is what we want.
Sean Hanko	So, Charli, do you want to offer to us – one way you're going to get feedback is the board is going to reach out to the members. But do you want to offer a method for us to like initiate contact to...
Charli Morris	We have an idea for...
Sean Hanko	...the foundation, is there an email or something?
Charli Morris	...we have an idea for a webinar so that we can get the people who weren't here today. We have a mechanism for continuing to reach out to people who aren't members. We've got to do that. And the answer is, yes. We will – first of all, if you can find us, you can email us. That's easy. You know who we are.
Sean Hanko	Okay. So just any board member.
Karen Lisko	Right. You can email any of us.
Sean Hanko	Okay.
Charli Morris	Yeah, you certainly can. But we're going to keep looking for those opportunities to create the forums and, as Richard alluded to, we're ready

Speaker	Content
	to be on a timetable because we now have actionable, action, we now have actionable feedback. We're not in the cloud chamber. We now have some specific things that we can go back and put into the 12th draft and then push that back out and say we think we heard you, we think we did what we were asked to do, double check our work because we're ready to start doing something.
Sean Hanko	What I would like to see, it would be neat if all of the feedback, today's feedback and future feedback, whether it came from the board reaching out to the members or members sending emails to the foundation, that somehow all of that's compiled and then spit it back out to everybody. Hey, this is what we heard....
Charli Morris	Jill's really good at compiling results from meetings and so maybe Jill will write the report of all the feedback for us.
Sean Hanko	Now does that make sense so that everybody has a chance to, if I send you an email, I'm not the only one that's knowing about this.
Charli Morris	Right.
Karen Lisko	It also feels like we really are an open dialogue as we have tried to be from day one.
Sean Hanko	Exactly.
Jill Holmquist	And if you send that email, copy me so that it goes to the foundation. I keep calling the task force the foundation. It would go to the task force if you copy me too.
Richard Jenson	I'm going to say, don't forget this isn't the issue facing ASTC. There's still the membership, the finances, the outreach. This is a very important one, but it's one of them, so, everybody don't get so wrapped up in this that we can't also work on specific things to help the association with its concerns, its membership and its finances. I'd really appreciate that personally.
Alan Campo	You know, I was just going to say, I think we're worrying about the right stuff. That's what's so important. We're worrying about the right stuff. It's like if we're going to, here's the first thought that comes up, it kind of comes from Adam Smith, I think. It's this extraordinary risk that comes with society conferring status. So, if you confer status you sort of automatically confer power. And you have to be very thoughtful about how you're going to do that and how you're going to manage this potential for unintended consequences. I love it that we're worrying about that. We

Speaker	Content
	<p>should worry about that. We're hoping to have a system that ultimately is genuinely meritocratic, right? I mean, that's another part of the goal. So, I love it that we're worrying about that stuff. I also like it that we're, I like the warm reception from you guys and from others in here of this notion that, you know, to those who much is given, much is going to be expected, so if you're going to hope to be a fellow, you're going to be a sweaty fellow.</p>
Sandy Donaldson	<p>Good way to end. Alright, the last event of the last few days is closing time and that is going to be in the Crescent Room. If that jam session is over, it's supposed to go till 6 I think, we can move on in there. Otherwise, we'll need to wait for a couple of minutes. You can.</p>

7824303_1