

**Tabulated Survey: Proposed College of Trial Consultants**

**Being a Survey**

**Distributed by the**

**ASTC Foundation**

**And**

**The American Society of Trial Consultants**

**Distributed to all members of ASTC  
as well as non-ASTC members within trial consulting community.**

**Survey opened from**

**July 2015**

**Through**

**September 30, 2015**

## **Tabulated Survey: Proposed College of Trial Consultants**

### **Introduction:**

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

The survey contains 25 questions and is estimated to take between 10 and 30 minutes to complete, depending on the level of open-ended response.

### **Section I: Reactions to College of Trial Consultants**

Section 1 of this survey is designed to get your reactions to the idea of a College of Trial Consultants.

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

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

- 33 Definitely, Yes
- 26 Probably, Yes
- 16 Unsure
- 7 Probably, No
- 19 Definitely, No

**Definitely, Yes**

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

**Probably, Yes:**

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

**Unsure**

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

**Probably No**

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

**Definitely No**

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

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

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

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

(Note, the ASTC Foundation and the ASTC itself are two different organizations. The ASTC Foundation is a 501(c)3 organization dedicated to a wide range of public activities designed to study, enhance and promote the judicial system in the United States and promote the public's understanding and appreciation of that system. It is aligned in purpose but legally independent of the American Society of Trial Consultants.)

15	Strongly Support
23	Somewhat Support
30	Neutral
13	Somewhat Oppose
19	Strongly Oppose
1	No Response

4. How do you feel about the College as a special designation given by the American Society of Trial Consultants?

(Note, ASTC membership would still be open to all, while the College of Trial Consultants would be a designation within the broader ASTC membership. Some ASTC members would be affiliated with the College and other ASTC members would not be.)

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

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

48 American Society of Trial Consultants  
38 ASTC Foundation  
15 No Response

**American Society of Trial Consultants (48)**

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

**ASTC Foundation (38)**

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

**No Response (15)**

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

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

26	Strongly Enhance
32	Somewhat Enhance
27	No Effect
6	Somewhat Degrade
9	Strongly Degrade
1	No Response

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

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

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

40	Strongly Agree
24	Somewhat Agree
9	Neutral
15	Somewhat Disagree
12	Strongly Disagree
1	No Response

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

- 31 ASTC Membership Should Be Encouraged But Not Required
- 43 ASTC Membership Should Be Required
- 12 ASTC Membership Should Be Neither Encouraged Nor Required
- 12 Not Sure
- 3 No Response

**ASTC Membership Should Be Encouraged But Not Required (31)**

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

**ASTC Membership Should Be Required (43)**

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

**ASTC Membership Should Be Neither Encouraged Nor Required (12)**

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

**Not Sure (12)**

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



10. Which of the following do you feel should be criteria for a professional College of Trial Consultants?: (Check all that apply.)

	<b>Unimportant</b>	<b>Somewhat Important</b>	<b>Very Important</b>
a. Having a substantial amount of trial consulting experience (e.g., 10 years)	5	25	62
b. Having advanced study and/or specialized experience in fields relating to trial consulting	13	38	41
c. Having a specific academic degree (please describe)	34	38	19
d. Having a professional voice within the field (training, teaching, publishing, professional service)	16	42	34
e. Being a member of ASTC	24	25	43
f. Upholding ASTC Ethical Principles, Professional Standards, and Practice Guidelines	8	6	77
g. Providing personal and/or professional references	19	35	37
h. Committing to some level of continued involvement in supportive professional activities (such as holding office in professional organizations, training, fund-raising, research, publishing, etc.)	24	37	29
Note: There were several No Responses to all answers, therefore no rows add up to total number of respondents.			

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

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

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

- 71 No Response
- 14 Consulting / Trial Experience
- 11 Ethical conduct / no grievances / background check
- 10 Miscellaneous
- 9 Professional Endorsement / Nomination / Recommendation / References (from attorneys/clients/peers)
- 7 Continued active consulting work
- 7 Publications
- 7 Anti-college / Do not support
- 6 Continued commitment/contribution to trial consulting field
- 5 Presentations / CLEs / Teaching
- 4 Pro Bono / Volunteer Work
- 4 Academics / Knowledge
- 4 No requirements
- 3 Consulting Success / Track Record
- 3 Research (training/experience)
- 3 Case by Case / Strong, but flexible requirements
- 2 Advanced Degree (J.D., Masters, Ph.D)
- 2 Membership / Leadership in other/related professional organizations
- 1 Social Science (training/experience)
- 1 Leadership within ASTC
- 1 Attendance at College Events
- 1 Basic credentialing for all ASTC members as minimum requirement

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

- 33 No Response
- 22 Enhance Credibility / Image of trial consultants
- 19 Identify / Recognize experienced consultants to distinguish them from inexperienced ones
- 16 None
- 13 Not sure/need more information/depends on how college evolves/what College members do
- 13 Miscellaneous
- 11 Benefit only to those who become members
- 11 Encourage professional growth / development of trial consultants
- 10 Development of Standards / Best Practices / Credentialing requirements for consultants
- 9 Recognition / Status Symbol / Elitism (just for the sake of doing it)
- 6 Enhance Visibility / Public Awareness
- 6 Promote Research
- 6 Aspirational goal for new / young members
- 5 Educate / Engage with the public
- 3 Engagement with the Legal Community to Improve / Influence the Legal/Judicial system
- 3 Increase Funding for ASTC Foundation
- 3 Incentive to become / remain a member of ASTC
- 3 Development of educational programs / presentations / workshops
- 3 No benefit to regular ASTC members
- 2 Anti-college / Do not support

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

- 17 No disadvantage / Can't hurt
- 13 Elitism
- 8 Create divisiveness in ASTC
- 8 Bad idea altogether / Misleading / Meaningless exercise / Unnecessary
- 8 Potential for hurting ASTC finances/membership now or in future
- 7 College should be open to anyone who meets objective criteria and not to those who don't
- 5 Drain resources and attention from ASTC
- 5 Create divisiveness in the profession
- 4 Promotes self-serving interests
- 3 Only a marketing tool if designed as "Credential"
- 3 Hurts Credibility of ASTC
- 2 Only if part of ASTC
- 1 Lose more that ASTC would gain
- 1 Could take certification off the table
- 1 Not respected outside ASTC
- 1 Grandparenting not a good idea

## Section II: Your Background

The second section of this survey is designed to obtain your background information so that we can broadly understand the mix of various groups taking this survey. Having this information will enable us to analyze the ways in which responses to the items in the survey may have been influenced by professional identity, experience, education, groups and specialized knowledge.

13. What role(s) do you currently occupy? (Check all that apply.)

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

*Note: Tabulated survey results are compiled of answers supplied by those listing themselves as Trial Consultants.*

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

- 13 1 to 5 years
- 6 6 to 10 years
- 12 10 to 15 years
- 19 15 to 20 years
- 51 More than 20 years

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

79	Small Group Research
57	Jury Selection Services: Voir dire, SJQs, In-court assistance
52	Witness Preparation
43	Case Analysis / Theme Development / Trial Strategy
12	Survey Research (COV, VAS)
12	No Response
11	Full Service / All of the Above
9	Communication Skills Training / CLE
9	Development of graphics / trial exhibits
7	Other
6	Post-trial Interviews
4	In-court Support / Trial Monitoring
3	PR / Media Strategy for Trial
3	ADR Consulting / Strategy
2	Trial Technology Support
2	Retired
2	On-line Juror Research
1	Publishing
1	Shadow Juries
1	Capital Defense

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

88	Yes
13	No

**If Yes, explain:**

32	Ph.D.
13	Reference to greater than 2 years' experience
13	General Study / Course work
13	General /Specific TC Services/Training/Special knowledge
12	J.D.
9	No Response
8	Non Specific Advanced degree
8	Publications
7	Masters
7	Both JD and Ph.D. or other advanced degree
5	Miscellaneous

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

- 82 Yes
- 18 No
- 1 No Response

If Yes, explain:

- 36 Academic Research – Advanced Social Science Degree
- 35 Applied Research – Trial Consulting Practice
- 9 Extensive Publications of Research
- 3 Other
- 2 Research as Practicing Attorney
- 2 Survey Research
- 2 Communications Research
- 1 Judicial Behavior
- 1 Jury Size Research
- 1 Argument Research
- 1 No Reponse
- 1 Annual Survey of Attorneys
- 1 SJQ Analysis

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

	<b>Yes</b>	<b>No</b>
Training of attorneys or trial consultants	77	24
Fundraising for a professional organization	32	69
Leadership in a professional organization	47	54
Publishing of materials relevant to attorneys or trial consultants	58	43
Other non-compensated professional service	51	50

For all items checked above, please briefly describe nature:

- 44 CLEs/attorney/court training
- 33 No response
- 28 Publish in academic or legal industry publications
- 24 Pro bono consulting work
- 22 Active in professional organizations (e.g., ASTC, ABA)
- 13 Active in non-profit organizations/fundraising/community volunteer work
- 9 Train/teach/mentor undergrad/grad/law students
- 4 Train/teach/mentor young/new trial consultants
- 4 Miscellaneous
- 2 Academic/scholarly research
- 2 Media appearances/commentary

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

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

For all items checked above, please briefly describe nature:

- 48 No Response (affirmative to Q19, but no explanation)
- 36 Articles, Papers, Publications and other writing
- 24 Presentations and speeches (no mention CLE)
- 15 CLE Programs and Presentations
- 12 No Response (no affirmative responses to Q19)
- 5 Training/Seminars/Resource Materials (no mention CLE)
- 6 Too many/numerous to list; self-explanatory, a variety
- 2 Miscellaneous

20. Are you a member of ASTC?

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

20a. If ASTC member, for how many years?

- 20 0-5
- 12 6-10
- 9 11-15
- 19 16-20
- 20 21+ years
- 21 No Response

20b. If you are not currently an ASTC member, please explain why you are not:

- 5 Dissatisfaction with the organization
- 4 Does not see personal growth opportunities/not addressing interests
- 2 Membership too broad
- 2 Conferences not conveniently located
- 2 Financial constraints
- 1 Ideas like this

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

75 Yes  
22 No  
4 No Response

If Yes, please identify your title, organization, and responsibilities.

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

22. What is the highest level of education you have completed (if you have multiple terminal degrees, check all that apply)?

3 Some College  
12 Bachelor's Degree  
22 Masters Degree  
43 Doctorate  
7 J.D.  
2 Two Advanced Degrees

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

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

22.b. If you have a Master's, in what area(s):

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

64 Yes  
36 No  
1 No Response

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

46 Yes  
63 No  
2 No Response



25. Please explain any additional feedback or questions you may have regarding this survey?

- 87 No Response
- 9 Poorly designed survey
- 7 Miscellaneous
- 6 Survey biased in favor of College
- 3 Nothing to add
- 3 Thanks
- 2 Be careful/cautious many unhappy with ASTC, critical juncture, negative impact of elitism
- 2 Dissatisfaction with ASTC, backdoor to certification because ASTC lacks courage
- 2 Has questions re: timetable for feedback, etc.
- 1 No idea why Foundation exists/purpose
- 1 Ridiculous idea