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May 29, 2026

Via Email to acaldas@ansi.org
and
Via Fed Ex

To: Anne Caldas, Sr. Director, Procedures & Standards Administration
American National Standards Institute (ANSI)
Attn: Secretary, ANSI Board of Standards Review
1180 6th Avenue, 10th Floor
New York, New York 10036

Re: Appeal of March 17, 2026 Decision of the Academy Standards Board (ASB)

I am writing to formally appeal the March 17, 2026 decision of the Appeals Panel of the Academy Standards Board (ASB) regarding the procedural appeal submitted on January 27, 2024 by me on behalf of myself and six other individuals[1] (the "Appeal", annexed hereto as **Exhibit A**), which appeal alleged that the ASB failed to maintain an appropriate balance of competing stakeholder interests on the FDE Consensus Body that was developing ASB Standard 155, *Standard for Minimum Training Standards for Forensic Document Examiners* (the "ASB

[1] The additional signatories to the January 27, 2024 Appeal were Susan Abbey, M. Patricia Fisher, Lynda Hartwick, J. Michael Weldon, Emily J. Will, and Robin D Williams

Training Standard"), in violation of Section 2.1 of the A*SB Procedures for the Development of American Standards* ("*ASB Procedures*") and Sections 1,2, 1.3, and 2.3 of the *ANSI Essential Requirement*s.

As described on page 3 of the Appeal (**Exhibit A**), there are only two competing stakeholder interest groups in the profession of forensic document examination that will be affected by ASB Training Standard 155:

(1) FDEs who received their principal training of 4,000 hours within a 2-year period while employed full-time in a federal, state or municipal law enforcement agency, and a very small number who were trained on a full-time basis while working in a family business in the private sector (the "Advocacy Group for the Acceptability of Full-Time Workplace (OTJ) Training Only" or "Majority Group"); and

(2) FDEs who received the equivalent training of 4,000 hours in the private sector within a 4-year period, but on a part-time basis (the "Advocacy Group for the Acceptability of Appropriate Part-Time Training" or "Minority Group").

Both groups comply with the previous training standards that were adopted by the forensic document examination consensus bodies of ASTM and the FBI-funded Scientific Working Group for Forensic Document Examiners (SWGDOC), namely, ASTM Standard E2388 *Standard Guide for Minimum Training Requirements for Forensic Document Examiners* (2005-2013) and SWGDOC *Standard Guide for Minimum Training Requirements for Forensic Document Examiners* (2013-current). Only one group, the Majority Group, would meet the training standard requirements proposed in the new ASB Standard 155.

The Majority Group comprises about 125 FDEs who are either (a) certified by the American Board of Forensic Document Examiners (ABFDE) or (b) members of trade associations that sponsor the ABFDE and support the ABFDE's stated policy that applicants for certification are "required to complete and document a **full-time training period** of at least two years in duration, in a forensic laboratory recognized by the ABFDE".[2]

The Minority Group comprises at least 50 FDEs who are not members of the Majority Group and whose fundamental training took place in the private sector, almost always on a part-time basis over the course of four years.

In its one-page decision (annexed hereto as **Exhibit B**), the Appeals Panel failed to address the critical issue of whether the Consensus Body tasked with developing ASB Training Standard 155 lacked balance given the nature of the specific standard being developed and voted upon. The Panel failed to address the nature of the two competing stakeholder interest groups affected by the training standard and whether the Consensus Body developing that standard was dominated by one of those two identifiable interest groups.

Rather than addressing the issue of balance and the need to create alternative Interest Categories for this specific standard in order to cure the lack of balance that existed on the Consensus Body, the Panel rested its decision on the propriety of what were merely proposed Interest Categories for identifying or distinguishing members of the two competing stakeholder interest groups, *i.e.,* Professional Society and Trade Association. As noted in its decision:

> The Panel's denial rests on a fundamental point: the balance requirements of Clauses 1.3 and 2.3 of the ANSI Essential Requirements are grounded in the nature of a party's interest in the standard — that is, whether they are a producer, user, general interest or another identified stakeholder category — not in the professional designations or credentials held by individual participants. **Clause 2.3 requires that interest categories be discretely defined, cover directly and materially interested parties, and differentiate each category from the others**

[2] ABFDE Rules and Procedures Guide, Section E-3.1 (rev. June 21, 2019)

> **based on the stakeholder's relationship to the subject matter of the standard.** It does not require, and the ANSI Essential Requirements do not contemplate, that categories be subdivided according to professional licensure or certification status.

Clearly, the Panel failed to acknowledge and differentiate the two competing FDE stakeholder interest groups from each other based upon each stakeholder group's relationship to the subject of training requirements for FDEs, which was the very subject matter of the standard being developed by members of the ASB FDE Consensus Body. Members of The Majority Group maintain that one can only be a qualified FDE if he or she trained on a full-time basis for 24 months whereas members of the Minority Group maintain that one can be a qualified FDE by undergoing the equivalent of 24-months full-time training over a 4-year period instead of a 2-year period. This distinct difference in views clearly means that any consensus body tasked with developing a training standard for FDEs cannot be dominated by either of these two groups.

Section 2.1 of the ASB Procedures provides, in relevant part:

> The Standards Board is responsible for determining the membership of the Consensus Bodies for proposed standards development. The Standards Board will strive for balance so that no single interest category constitutes more than one-third of the membership of a consensus body. Each consensus body shall be sufficiently diverse to ensure reasonable balance in accordance with ANSI Essential Requirements. In order to establish balance and diversity the Standards Board shall reach out to organizations and groups who may have an interest in serving on the consensus body. [*Emphasis added*]

The ASB did not reach out directly to various trade/professional associations whose membership mainly comprised FDEs whose fundamental training was the equivalent of 24-months full-time training over a 4-year period; moreover, the ASB rejected the applications of those who did apply.

Sections 1.2, 1.3 and 2.3 of the ANSI Essential Requirements provide as follows:

1.2 Lack of Dominance

The standards development process shall not be dominated by a single interest category, individual or organization. **Dominance means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints.** [*Emphasis added*]

1.3 Balance

The standards development process should have a balance of interests. Participants from diverse interest categories shall be sought with the objective of achieving balance. **If a consensus body lacks balance in accordance with the historical criteria for balance,** and no specific alternative formulation of balance was approved by the ANSI Executive Standards Council, **outreach to achieve balance shall be undertaken**.[3] [*Emphasis added*]

2.3 Balance

Historically the criteria for balance are that a) no single interest category constitutes more than one-third of the membership of a consensus body dealing with safety-related standards or b) n**o single interest category constitutes a majority of the membership of a consensus body dealing with other than safety-related standards.** [*Emphasis added*]

The interest categories appropriate to the development of consensus in any given standards activity are a function of the nature of the standards being developed. Interest categories shall be discretely defined, cover all materially affected parties and differentiate each category from the other categories. Such definitions shall be available upon request. In defining the interest categories appropriate to a standards activity, consideration shall be given to at least the following: (a) producer; (b) user; and (c) general interest. [Emphasis added]

Where appropriate, additional interest categories should be considered.

[3] With regard to the issue of outreach, the ANSI Appeals Board is respectfully referred to pages 11-12 of the January 27, 2024 Appeal (**Exhibit A** hereto) wherein the failure of the ASB to undertake meaningful outreach is discussed under Section B, titled "The ASB Failed to Reach Out to Stakeholder Organizations and Groups Whose Members Clearly Would Have Had an Interest in Serving on the FDE Consensus Body."

> Further interest categories that may be used to categorize directly and materially affected persons consist of, but are not limited to, the following: a) Consumer; b) Directly affected public; c) Distributor and retailer; d) Industrial/commercial; e) Insurance; f) Labor; g) Manufacturer; h) **Professional society**; i) Regulatory agency; j) Testing laboratory; k) **Trade association** [*Emphasis added*]

Simply taking the majority of CB members that support one position and dividing them among several categories so that each category remains under the 1/3 requirement is nothing more than an attempt to mask the lack of balance and domination by the Majority Group.

A. Prior History of Consensus Standards Setting Minimum Training Standards for FDEs

In 1992, three document examiners employed by the Forensic Document Laboratory of the US Immigration and Naturalization Service gave a presentation at the 44th Annual Meeting of the American Academy of Forensic Sciences that discussed the current state of training in the profession and the need for a standardized FDE training program. The paper they presented and distributed to those in attendance stated:

> "It has long been recognized by the profession that no standardized program was in use and that the training often depended on the individual needs of the laboratory . . . It is for this reason that a two year basic program, incorporating the very best training ideas from many laboratories and individuals has been designed and compiled."[4]

The published abstract stated that "[i]t is the hope of the authors that this program, or one like it, will be accepted by the American Academy of Forensic Sciences, the American Society of

[4] Forensic Document Examination in the United States," Gideon Epstein MFS, James F. Larner, MSEd, and Mark Hines MFS, Forensic Document Laboratory, U.S. Immigration and Naturalization Service,Washington, DC, presented at the 44th Annual Meeting of the American Academy of Forensic Sciences, 1992.

Questioned Document Examiners, and the American Board of Forensic Document Examiners"[5]

In October 2005, the FDE community established the first national consensus training standard recommending minimum training requirements for forensic document examiners ("FDEs"); it was published as ASTM Standard E2388-05, Standard Guide for Minimum Training Requirements for Forensic Document Examiners. ASTM Questioned Documents Subcommittee E-30.02, the consensus body that developed and voted for this standard, comprised over 100 FDEs, with voting members balanced between FDEs who received their principal training over a two-year period while on-the-job as a salaried government employee and FDEs who received the equivalent training in the private sector on a part-time basis over a four-year period. ASTM Standard E2388-05 (copy annexed as **Exhibit C**) provided as follows regarding the duration of the training period:

> 6.1 The training program shall be t**he equivalent of a minimum of 24 months full-time training** under the supervision of a principal trainer.
>
> 6.1.1 **The training program shall be successfully completed in a period not to exceed four years.**

This ASTM standard was renewed without change in 2011 and published as ASTM E-2388-11 (copy annexed as **Exhibit D**). In 2012, ASTM Questioned Documents Subcommittee E-30.02 disbanded and the FBI-funded Scientific Working Group For Forensic Document Examination (SWGDOC) was given permission by ASTM to publish all the standards developed by Questioned Documents Subcommittee E-30.02 under SWGDOC's own name. Accordingly, SWGDOC adopted the ASTM E-2388 training standard verbatim, published it as Standard Guide for Minimum Training Requirements for Forensic Document Examiners, SWGDOC

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[5] *Id.*

version 2013-1 (copy annexed as **Exhibit E**), and currently maintains that same standard, unchanged.

The 2005 and 2011 ASTM E-2388 FDE Minimum Training Standards, the 2013 SWGDOC FDE Minimum Training Standard, and the current ASB 155 Training Standard list exactly the same learning topics to be included in a core training curriculum.

Both the ASTM and SWGDOC training standards provided that "the training program shall be the equivalent of a minimum of 24 months full-time training under the supervision of a principal trainer, not to exceed a period of four years." There was wide support for these two training standards because they recognized that full-time on-the-job training over a 2-year period and part-time training over a 4-year period can both produce skilled FDEs. There is no empirical data to support the viewpoint that full-time training is superior to part-time training, particularly when the core curriculum is the same. And common sense tells us that the adequacy of training is far more dependent upon the trainer and the training materials than the duration of the training program; hence, there was no justifiable reason to change what has been the norm for the past 20 years. Nevertheless, ASB Standard 155 has implemented a change in the permissible duration of the training program by eliminating the 4-year part-time training option that has been deemed acceptable for the past 20 years.

While the content of ASB Standard 155 is not the subject matter of this procedural appeal, it is noteworthy that it was this standard's elimination of the 20-year long four-year part-time training option that triggered this procedural appeal alleging domination (lack of balance) in the composition of the FDE Consensus Body that voted to approve ASB Standard 155.

Section 3.11 of ASB Standard 155 defines "trainee" as "[a] student under **in-person**, direct supervision of a principal trainer **on an almost daily basis**". [*Emphasis added*]

Section 4.5 of ASB Standard 155 provides as follows:

4.5 Duration

The training program shall be a structured, documented, and systematic apprenticeship program of regularly (or continuously) supervised learning. This training shall be supervised by the principal trainer or an associate trainer. **It is estimated that a trainee can achieve competency in all modules of forensic document examination in 4,000 hours** [2, 5] **of training.**

NOTE 1 An hour is defined as 60 minutes spent reading, examining, observing, testing, or studying topics specifically related to this training program.

NOTE 2 4,000 hours is extrapolated from the "equivalent of a minimum of 24 months of full-time training" program described by ASTM E2388:2005, *Standard Guide for Minimum Training Requirements for Forensic Document Examiners*.

A trainee may or may not be a salaried employee and is expected to work almost daily with the instructor in their laboratory or office.[6] The principal trainer determines when the trainee has sufficiently trained to begin working on his/her own and may or may not follow that trainee's case work for a period of time.

The training program may be interrupted or extended due to exigent circumstances, but it is the responsibility of the principal trainer, with agreement of the trainee, to approve any break or extension in training. **To ensure continuity of training, the completion time shall not exceed the originally projected normal program length by more than 50%** (e.g., a three-year program may not last more than 4.5 years).

A **break of a year or more in a trainee's training is not recommended**. Any breaks longer than six months shall be accompanied by a determination of competency through testing in the areas previously completed before training resumes.

[6] The words "is expected to work almost daily with the instructor in their laboratory or office" clearly imply work on a full-time basis, not on a part-time basis.

> The reason for any lapses or extensions in training shall be documented by the principal trainer.
> [*Emphasis added*]

Based upon Section 4.5 of ASB Standard 155, the training program can only exceed 24 months upon a showing of **exigent circumstances**. "Exigent circumstances" is a term used to describe urgent, serious emergency situations, *i.e.,* something requiring the immediate cessation of training in the case of an FDE undergoing a training program. Moreover, even upon a showing of <u>exigent</u> circumstances, Section 4.5 of ASB Standard 155 indicates that the length of the training program cannot exceed three years. Hence, the longstanding option of equivalent part-time training period over a four-year period is no longer permitted under ASB Training Standard 155.

One has to ask then what has compelled the ASB's FDE Consensus Body to adopt a training standard that eliminates the 4-year part-time training option that has been deemed acceptable for the past 20 years. The answer to that question rests with an understanding of the competitive forces that are at play in the FDE industry.

B. The Nature of ASB Standard 155 (Setting Minimum Training Requirements for FDEs) and Its Significance in the Competitive Marketplace for FDE Services

ASB Training Standard 155 deals exclusively with minimum training requirements for FDEs. As such, it has tremendous economic impact upon those already active in the profession and those seeking to enter it.

Unlike other forensic specialties that are utilized almost exclusively in criminal cases (e.g., fingerprints, tool marks, hair, blood spatter evidence, DNA typing, toxicology), the use of forensic document examination is far more prevalent in civil cases. Hence, FDEs working in the private sector generate most of their income from civil cases in which they are retained by lawyers in private practice; business entities such as corporations, banks, insurance companies and brokerage firms; and members of the public at large.

When FDEs who were trained and employed in the public sector retire from their government service jobs, they frequently start a private sector practice, often in competition with one or more already established FDEs who received their training in the private sector. In many jurisdictions, some full-time salaried government FDEs are allowed to moonlight by accepting civil casework assignments so long as doing so doesn't conflict with their obligations and duties as full-time government FDEs. These FDEs comprise the Majority Group. Consequently, competition for private sector business exists between members of the Majority Group and members of the Minority Group, who worked their entire career in the private sector. The level of competition has only increased as more and more government crime labs are closing down their Questioned Document units and contracting for such services with FDES in the private sector.

This competition for business has created a strong economic motive for members of the Majority Group (who received 2-year full-time training at their workplace) to attempt to discredit any other type of training, including equivalent four-year part-time training received in the private sector by members of the Minority Group. Competing financial interests between two distinct groups of forensic practitioners operating in the same discipline is a problem that appears to be unique to forensic document examination, and these competing interests are ever present in the development of standards recommending minimum training requirements for FDEs. These competing interests have no affect upon developing standards that outline the procedures to be used by FDEs when performing various kinds of examinations, because both groups received the same training in the subject matter and therefore agree upon the methods for performing the same type of examinations.

Since forensic document examination is not a licensed profession, the next best way to inform the public about how to evaluate the appropriateness of the training received by an FDE is through the development of a consensus standard setting forth minimum training requirements.

C. Lack of Balance: Evidence Establishing that the FDE Consensus Body that Developed ASB Standard 155 Lacked Balance and Was Dominated by Members of the Majority Group Is Incontrovertible and Has Not Been Refuted by the ASB

Table 1 from pages 9-11 of the January 27, 2024 Appeal (**Exhibit A** hereto) is displayed below: it lists the Consensus Body members who voted for the approval of ASB Standard 155:

Table 1. ASB List of Current FDE Consensus Body Voting Members

	Voting Member	Interest Category	Occupation/Employer/ Affiliation	Advocacy Group for the Acceptability of Full-Time Workplace (OTJ) Training Only [MAJORITY GROUP]	Advocacy Group for the Acceptability of Appropriate Part-Time Training Over a 4 Year Period [MiNORITY GROUP]	Trade Assn. Affiliations
1	Bester, Jannie	User/Non-Govt.	Pro Scripto Document Examiner (Trained by S. African Police Dept.)	X		
2	Burkes, Ted	User/Govt.	Retired FBI FDE	X		D-ABFDE ASQDE SWAFDE AAFS-QD
3	Campbell, Timothy	User/Govt.	Govt. FDE with Canadian Border Service Agency	X		CSFS-QD
4	Detwiler, Khody	User/Non-Govt.	Private Sector FDE d/b/a Lesnevich & Detwiler	X		ASQDE AAFS-QD

5	Durina, Marie	General. Interest	Retired from Riley, Welch & LaPorte and San Diego County Lab	X		D-ABFDE ASQDE SAFDE AAFS-QD
6	Fenoff, Roy	Academia	The Citadel Private Sector FDE			
7	Fuglsby, Cami	Academia	Augustana University Statistician/data scientist doing research in forensic science and biometrics			
8	Goff, Mark	User/Govt.	Michigan State Police	X		D-ABFDE ASQDE
9	Hanson, Lisa	General Interest	ABFDE Representative Minnesota State Lab (1999-2016)	X		D-ABFDE ASQDE
10	Juola, Patrick	Academia	Duquesne University Cybersecurity Director, Professor of Computer Science			
11	Kruger, Diane	User/Non-Govt.	FDE and Lawyer Deputy Assistant Judge Advocate General, Central Region, Dept. of National Defence (Canada)	X		D-ABFDE ASQDE AAFS-QD
12	Kulbacki, Kevin	User/Non-Govt.	Former Govt. FDE with IRS Lab	X		D-ABFDE AAFS-QD
13	Lee, Jim	General Interest	Retired Govt. FDE (US Army Crime Lab) Foster & Freemen Sales Rep	X		D-ABFDE AAFS-QD ASQDE SAFDE
14	Maness, Melanie	User/Govt.	FBI Questioned Document Unit	X		
15	McClary, Carl	User/Govt.	Retired Govt. FDE (ATF-DOJ)	X		D-ABFDE ASQDE AAFS-QD
16	Melson, Kenneth	Jurisprudence	GWU Law School			
17	Merlino, Mara	Academia.	Kentucky State University Prof. of Psychology and Sociology			AAFS-QD
18	Raudabaugh, Sandra Miller	User/Non-Govt.	Retired Govt. FDE (PA State Police Crime Lab)	X		D-ABFDE AAFS-QD

19	Signori, Mylene	General Interest	FDE (Canadian Society of Forensic Science)	X		AAFS-QD
20	Tobin, David	Producer	Foster & Freeman Sales Rep (Sells forensic equipment to FDEs)			
21	Vargas, Rigo	User/Govt.	Govt. FDE (Mississippi Crime Lab)	X		D-ABFDE AAFS-QD ASQDE SAFDE
22	Vastrick, Thomas	User/Non-Govt.	Retired Govt. FDE (US Postal Service Crime Lab) Now Private Sector FDE d/b/a Vastrick Laboratory	X		D-ABFDE ASQDE SAFDE AAFS-QD
23	White, Kesha	User/Govt.	Govt. FDE (Florida Dept. of Law Enforcement)	X		AAFS-QD
24	Willard, Vickie	General Interest	Private Sector FDE AFDE Representative		X	D-BFDE AFDE
25	Zweig, David	Producer	Zarbeco, LLC Sales Rep (Sells forensic equipment to FDEs)			
			TOTALS	**17**	**1**	

As set forth in Table 1 above, Voting Members numbered 1-5, 8-9, 11-15, 17, 18, and 21-23 are all FDEs who received their principal training within a 2-year period while employed full-time by a governmental agency. These seventeen (17) Consensus Body members were either (a) certified by the ABFDE or (b) members of organizations or professional societies (identified as ASQDE, SAFDE, SWAFDE, the Questioned Documents Section of the AAFS, and the Documents Section of the CSFS) virtually all of whose members received their two-year fundamental training in the public sector as full-time salaried employees of a governmental agency. Hence, these seventeen (17) Consensus Body members naturally support and endorse the ABFDE's stated policy that FDEs must receive their fundamental 4,000 hours of training in a 2-year full-time in-resident (OTJ) training program and were therefore clearly predisposed and incentivized to develop a minimum training standard for FDEs that would eliminate the equivalent 4-year part-time training program that was deemed acceptable in every prior consensus training standard developed by the industry since 2005.

A two-thirds majority of the membership of the Consensus Body (defined as two-thirds of the eligible voting members of the Consensus Body, excluding any abstentions) is required for the approval of a new standard or the approval of a revision or addendum to part or all of a standard.[7] Hence, in the case of the 25-member FDE Consensus Body, an affirmative vote of no more than 17 members would ever be required to approve a standard or to revise one in whole or in part. Given that 17 of the FDE Consensus Body's 25 voting members were members of the Majority Group, it is easy to understand that the Majority Group dominated the voting process because they could, by means of block voting, guaranty the outcome of any ballot to approve or modify the training standard.

Moreover, several other members of the ASB FDE Consensus Body are not FDEs and lacked experience in, and practical knowledge about, the training programs afforded to FDEs. Voting Members # 20 and # 25 in Table 1 above are particularly noteworthy because they are employed by companies that (a) sell forensic equipment primarily to government crime laboratories and (b) have for many years sponsored the annual meetings of the ASQDE, as

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[7] ASB Procedures Section 4.5.4 ("The following actions require approval by a two-thirds majority of the eligible voting membership of the consensus body by electronic letter ballot: a) approval of a new standard; b) approval of a revision or addendum to part or all of a standard; c) approval of the reaffirmation of an existing standard; d) approval of withdrawal of an existing standard; e) issuance of an interpretation to a standard.")

evidenced by the material annexed hereto as **Exhibit F**. As such, these two Consensus Body Members would clearly be incentivized to cast their votes in line with the Consensus Body members belonging to the Majority Group. There are three academicians that, likewise, would not have knowledge of the training requirements for FDEs. Further, it raises the question as to why ASB would chose sales representatives and academicians to be on the CB and reject applications from private examiners who belong to the Minority Group and one of the professional associations whose members are mainly Minority Group members.

D. The ASB Failed to Properly Test for Dominance and Ignored ANSI Essential Requirements Section 2,3 by Failing to Achieve the Requisite Balance on the FDE Consensus Body Tasked with Developing the ASB Training Standard

The ASB relies upon a "one shoe fits all" approach in using the same set of Interest Categories for classifying all of its Consensus Bodies regardless of the nature of the standard being developed simply because those Interest Categories were approved by ANSI. In doing so, it has ignored the mandate of ANSI Essential Requirements Section 2,3, which expressly provides that "the interest categories appropriate to the development of consensus in any given standards activity are a function of the nature of the standards being developed," and that "where appropriate, additional interest categories should be considered" to achieve balance on a consensus body.

Clearly the ASB could have and should have considered additional Interest Categories on order to achieve balance on the FDE Consensus Body tasked with developing the ASB Training Standard. For example, alternative Interest Categories such as "Government Trained" and "Private Sector Trained", or "Majority Group" and "Minority Group," would have been suitable Interest Categories for achieving the requisite balance on the FDE consensus body for this specific standard. However, the ASB refused to even consider using alternative Interest

Categories in order to achieve balance, notwithstanding the fact that the Standard Action newsletters published biweekly by ANSI and available for free on its website are replete with examples of ANSI Accredited Standards Developers using alternative Interest Categories for one Consensus Body because doing so was necessary in order to achieve the requisite balance between competing stakeholder voting interests given the nature of the standard being developed and voted upon.

The inappropriateness of the ASB Interest Categories regarding the ASB Training Standard should have been evident to ASB officials, all of whom were well aware of the conflicting viewpoints of the two groups of FDE stakeholders regarding the duration and continuity of the training program that FDEs should be required to meet to satisfy minimum training requirements. Many public comments received by the FDE Consensus Body addressed the issue of the duration of the training program and several requests to test for dominance were ignored by the ASB.

The Standards Board clearly knew that the Majority Group wanted to restrict the training program to 2 years of full-time training at the workplace with a maximum extension to 3 years available only under exigent circumstances whereas the Minority Group wanted to retain the "equivalency" provision of the longstanding ASTM and SWGDOC training standards that allow for equivalent training on a part-time basis so long as it covers the same topics of instruction and is completed within four years.

The ASB ignored the admonition of the undersigned and other Minority Group members who complained that eliminating the 4-year part-time training option that existed for the past 20 years would cause severe economic damage to a significant group of interested parties and stakeholders because it would result in erecting an unreasonable and unjustifiable barrier to entry into the profession, would prevent private sector FDEs from offering 4-year part-time training programs to students interested in becoming an FDE, and would provide members of the Majority Group with fodder for unfairly impugning the 4-year part-time training received by otherwise well-credentialed and skilled FDEs belonging to the Minority Group.

E. The ASB Failed to Address Serious Conflicts of Interest

The ASB is obligated to insure that a member of an ASB Consensus Body shall act at all times in a manner that promotes confidence in the integrity and impartiality of the standards development processes and procedures and should avoid a conflict of interest or the appearance of a conflict of interest in connection with all standards development activities. A conflict of interest can arise from involvement by a Consensus Body member with the subject matter of a dispute under consideration that reasonably raises a question of that Consensus Body member's impartiality.

In the instant case, a majority of the members of the FDE Consensus Body were FDEs who received their principal training of 4,000 hours within a 2-year period while employed full-time in a federal, state or municipal law enforcement agency. These FDEs suffered from groupthink in that they shared the same biased view that a training program for FDEs can **<u>only</u>** be accomplished in a 2-year full-time training program when that was the very disputed issue under review by the FDE Consensus Body tasked with developing and voting for the approval of ASB Standard 155. Although this conflict of interest was brought to the attention of the ASB by the appellant and other materially affected parties, the ASB made no effort to determine if a conflict of interest exists with respect to members of the FDE Consensus Body. The inaction of the ASB in this regard is most troubling given its stated antitrust policy that ASB standards shall be developed in accordance with applicable antitrust and competition laws and meetings amongst competitors to develop ASB standards shall be conducted in accordance with these laws.

F. Potential Antitrust Issues and Risks

It is common knowledge and common sense that the composition of an SDO committee (consensus body) can affect the outcome of standard setting activities. Since consensus bodies setting standards in SDOs comprise participants in the market for which the standards are being developed, SDOs must actively police the actions of their consensus bodies to prevent legitimate standard setting from being subverted to favor the economic interests of a particular stakeholder interest group and its members. There is no doubt that the members of standard development organizations (SDOs) often have economic incentives to restrain competition and that the standards set by SDOs have a serious potential for anticompetitive harm. This is why the minimum acceptable due process requirements imposed upon the ASB and all other ANSI-accredited SDOs require that voting rights on all consensus bodies be balanced between competing stakeholder interests so that no one interest can dominate and control voting in the standards development process. Although officials and participants in SDOs may understand that the due process-based rules they must follow are safeguards designed to prevent mischief from taking hold and improperly influencing standards development activity, many are not well-informed of the legal issues and liability risks that can arise when these rules are not properly followed.

Compliance with applicable antitrust and competition laws is mandated by *ASB Procedures* Section 16 and *ANSI Essential Requirements* Section 3.3, both of which provide that standards "shall be developed in accordance with applicable antitrust and competition laws and meetings amongst competitors to develop American National Standards (ANS) are to be conducted in accordance with these laws." The goal of the antitrust laws is to ensure that competition is not unreasonably restricted by agreements among competitors, customers, or suppliers. Participants in consensus bodies must understand that each standard setting activity they engage could become an antitrust minefield, and that failure to scrupulously comply with the antitrust laws can create severe repercussions and antitrust exposure for the SDO as well as all the members of a consensus body. It is not enough for an SDO to warn consensus body members and individual participants to avoid any conduct that creates even a suggestion of an agreement to restraint trade or eliminate competition; the SDO must monitor and verify compliance with ANSI due process requirements and provide proper guidance to consensus bodies to eliminate the possibility of anticompetitive activity in the standards development process.

The undersigned informed the ASB and the Appeals Panel of the antitrust implications facing the ASB as a result of its having enabled the Majority Group to dominate voting in the FDE Consensus Body responsible for the development of the ASB Training Standard.

The U.S. Supreme Court's decision in *Allied Tube & Conduit Corp. v. Indian Head, Inc.*, 486 U.S. 492 (1988) was specifically cited and discussed in the Appeal because it is particularly relevant to the antitrust issues raised with respect to the domination of voting interests in the FDE Consensus Body that developed and voted to approve the ASB Training Standard. The *Allied Tube* case involved anticompetitive standards development activity facilitated by a consensus body in which the outcome of any vote could be controlled by one competing stakeholder interest group, as was the case with the FDE Consensus Body that developed ASB Standard 155.

In *Allied Tube*, the U.S. Supreme Court stated that there is no doubt that members of trade and standard setting associations often have economic incentives to restrain competition and that the standards produced by such associations have a serious potential for anticompetitive harm. The Court went on to say regarding the Standards Developing Organization that was the Petitioner in that case:

> "What petitioner may not do (without exposing itself to possible antitrust liability for direct injuries) is bias the process by, as in this case, stacking the private standard setting body with decision makers sharing their economic interest in restraining competition."[8]

Any objective observer will recognize that the ASB has stacked the FDE Consensus Body with members of one competing stakeholder interest group in a manner that enables the outcome of any vote to be controlled by that group. Enabling the standard-setting process on the FDE Consensus Body to be biased and dominated by members of one group with economic interests in restraining competition raises the same antitrust concerns that were addressed by the Supreme Court's decision in the 1988 Allied Tube case, which is still the law of the land some 34 years later.

Inasmuch as ANSI's resident counsel, or in his or her absence, outside counsel, or both, shall be present at all ANSI appeal hearings,[9] it is the sincere hope of the appellant(s) that input from said counsel will help guide the Appeals Board in reaching a decision that a *prima facie* case has been established by the appellant(s) and that the decision appealed from was clearly erroneous.

The specific relief sought by the appellant(s) from the ANSI Appeals Board is that this matter be remanded for further consideration by the ASB and its FDE Consensus Body with the specific understanding that nothing less than reinstatement of the longstanding equivalent 4-year

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[8] *Allied Tube & Conduit Corp. v. Indian Head, Inc.*, 486 U.S. 492, at 511
[9] Section 8 of *ANSI Appeals Board Operating Procedures, January 2021 Edition*

part-time training option into ASB Standard 155 will satisfy the appellant(s) and prevent future judicial intervention.

Respectfully submitted,

Andrew Sulner, MSFS, JD, D-BFDE

Exhibit A

ANDREW SULNER, M.S., J.D.

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January 27, 2024

Via Email to tambrosius@aafs.org
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Ms. Teresa Ambrosius
Secretariat, AAFS Academy Standards Board (ASB)

Re: Lack of Balance of Competing Stakeholder Interests on the Forensic Document Examination Consensus Body (Violation of Essential Due Process Requirements)

Dear Ms. Ambrosius,

I am submitting this procedural complaint on behalf of myself and the six additional individuals who have signed their names below, all of whom are unresolved public commentators on ASB Standard 155, First Edition 2023, *Standard for Minimum Training Requirements for Forensic Document Examiners*. The gravamen of this complaint concerns the ASB's procedural inaction in failing to properly balance the composition of the Forensic Document Examination Consensus Body ("FDE-CB"), which has been, and continues to be, dominated by a single special interest stakeholder group in violation of ANSI essential requirements for due process. This imbalance (dominance) most recently impacted voting at the November 8, 2023 meeting of the FDE-CB with respect to the vote approving a definition of "trainee" in Section 3.1.1 of ASB Standard 155 as "[a] student under in-person direct supervision of a principal trainer on an almost daily basis." This vote prompted this complaint because the lack of balance complained of affords one competing special interest stakeholder group control of all voting taking place in the FDE-CB, which results in standards that favor that particular group's special interest.

Despite the prior submission to the Academy Standards Board ("ASB" or "Standards Board") of written complaints about domination on the FDE-CB and requests for ASB to test for domination of voting in the FDE-CB by one special interest group, ASB has undertaken no efforts to test for domination, as required by Section 2.2 of ASB's and ANSI's *Essential Requirements*. Nor has the ASB reassessed the Interest Categories used to categorize membership on the FDE Consensus Body in order to ensure that no competing special interest group constitutes a majority of the membership on the FDE Consensus Body. Instead, the Standards Board has simply "buried its head in the sand" and defended its position by asserting that the Interest Categories provided in the ASB Procedures have been approved by ANSI as appropriate interest categories for the development of voluntary consensus standards. As will be explained below, this defense is without merit because it fails to address the fact that the seven interest categories approved by ANSI and currently used by ASB are not appropriate for balancing the two competing special interests on the FDE Consensus Body due to the nature of the specific discipline for which the standards are being developed, *i.e.*, forensic document examination.

Hence, before addressing the related issues of balance and domination, it is important to understand and appreciate certain factors that distinguish forensic document examination from every other forensic discipline and to illustrate why this particular forensic discipline irrefutably has two distinct competing special interest groups, especially when it comes to the issue of training FDEs.

Unlike other forensic specialties that are utilized almost exclusively in criminal cases (*e.g.*, fingerprints, tool marks, hair, blood spatter evidence, DNA typing, toxicology), the use of forensic document examination is far more prevalent in civil cases. Hence, FDEs working in the private sector generate most of their income from civil cases in which they are retained by lawyers in private practice; business entities such as corporations, banks, insurance companies and brokerage firms; and members of the public at large. Regardless of who the customer is, the decision of whether or not to hire a particular FDE is greatly influenced by how the credentials and qualifications of a given FDE are perceived.

Forensic document examination is the only forensic discipline that has two FSAB-accredited[1] certifying boards: the American Board of Forensic Document Examiners (ABFDE)[2] and the Board of Forensic Document Examiners (BFDE)[3].

The ABFDE is sponsored by several professional trade associations -- ASQDE, SAFDE, SWAFDE, the Questioned Documents Section of the AAFS (AAFS-QD), and the Documents Section of the Canadian Society of Forensic Science (CSFS-QD) -- almost all of whose members received their principal training within a 2-year period while on-the-job as a full-time employee of

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[1] The Forensic Specialties Accreditation Board (FSAB) is currently the only accepted and recognized accreditation body for forensic specialty certification boards

[2] The ABFDE was accredited by FSAB in 2007 and reaccredited in 2012 and 2017.

[3] The BFDE was accredited by FSAB in 2006 and reaccredited in 2011 and 2016.

a federal, state or municipal law enforcement agency; a few (no more than 4 or 5) were trained in the private sector, usually while working in a family-owned business. In order to qualify for certification by the ABFDE, an applicant is "required to complete and document **a full-time training period** of at least two years in duration, in a forensic laboratory recognized by the ABFDE."[4]

The BFDE does not accept sponsorships in order to maintain its independence, but FDEs certified by the BFDE generally belong to professional trade associations that do not sponsor the ABFDE, such as the Association of Forensic Document Examiners (AFDE) and the National Association of Document Examiners (NADE). A few of the FDEs who have been certified by the BFDE received their principal training on a full-time basis within a 2-year period; others received equivalent training on a part-time basis within a 4-year period.

As set forth below, since 2005, every industry standard addressing minimum training requirements for FDEs has provided that "the training program shall be the equivalent of a minimum of 24 months full-time training under the supervision of a principal trainer, not to exceed a period of four years" (on a part-time basis). There was wide support for these minimum training standards because they recognized that on-the-job training over a 2-year period and part-time training over a 4-year period can both produce skilled FDEs, and because it is well established that the adequacy of training is far more dependent upon the trainer and the training materials than the duration of the training program.

I. Two Competing Special Interest Groups in the Forensic Document Examination Community

Essentially, the two competing stakeholder interest groups in the field of forensic document examination comprise the following two groups of practitioners:

(1) FDEs who received their principal training within a 2-year period, almost always while employed full-time in a federal, state or municipal law enforcement agency, except for a few who were trained on a full-time basis in the private sector, typically while working in a family business (the "Advocacy Group for the Acceptability of Full-Time Workplace (OTJ) Training Only" or "Majority Group"); and

(2) FDEs who received the equivalent training in the private sector within a 4-year period, but on a part-time basis (the "Advocacy Group for the Acceptability of Appropriate Part-Time Training" or "Minority Group").

The members of the Majority Group comprise FDEs who are affiliated with one or more of the following organizations: ABFDE, ASQDE, SAFDE, SWAFDE, the Questioned Documents Section of the AAFS, and the Documents Section of the CSFS, all of which sponsor the ABFDE and support the ABFDE's stated mission of becoming the sole certification board for FDEs and its stated policy that FDEs must receive their fundamental 4,000 hours of training in a 2-year, full-time, in-resident (OTJ) training program, rejecting the notion endorsed by the Minority Group that

[4] ABFDE Rules and Procedures Guide, Section E-3.1 (rev. June 21, 2019)

the same 4,000 hours of training can be accomplished on a continuous part-time basis over a 4-year period.

The members of the Minority Group, most of whom received equivalent part-time training within a 4-year period in the private sector, are certified by the BFDE and/or affiliated with organizations that do not sponsor the ABFDE, such as AFDE and/or NADE. The undersigned are all members of the Minority Group.

When FDEs who were trained and employed in the public sector retire from their government service jobs, they frequently start a private sector practice, often in competition with one or more already established FDEs who received their training in the private sector. In many jurisdictions, some full-time salaried government FDEs are allowed to moonlight by accepting civil casework assignments so long as doing so doesn't conflict with their obligations and duties as full-time government FDEs. Consequently, competition for private sector business exists between (a) members of the Majority Group who moonlight or work full-time in the private sector upon retiring from government service and (b) members of the Minority Group. This competition for business has created a strong economic motive for FDEs who received 2-year full-time training at their workplace to attempt to discredit any other type of training, including equivalent four-year part-time training received in the private sector. Competing financial interests between two distinct groups of forensic practitioners operating in the same discipline is a problem that appears to be unique to forensic document examination, and these competing interests are ever present in standards development activities involving forensic document examiners, particularly when it comes to the development of standards recommending minimum training requirements for FDEs. This was the case in ASTM's Questioned Documents Subcommittee E30.02 and continues to be the case in ASB's Forensic Document Consensus Body (FDE-CB), as explained below.

II. Competing Views of Standards Setting Minimum Training Requirements for FDEs

Although public and private sector training programs both use training paradigms that involve one-on-one sessions with the trainer and cover the same topics that are set forth in Section 7 of ASTM E-2388 *Standard Guide for Minimum Training Requirements for Forensic Document Examiner*s (see **Exhibit A** attached hereto), Section 7 of SWGDOC *Standard for Minimum Training Requirements for Forensic Document Examination* (see **Exhibit B** attached hereto), and Section 4.7 of ASB Standard 155, First Edition 2023, *Standard for Minimum Training Requirements for Forensic Document Examiners* (see **Exhibit C** attached hereto), the Advocacy Group for the Acceptability of Full-Time Workplace (OTJ) Training Only and the Advocacy Group for the Acceptability of Appropriate Part-Time Training do not share the same viewpoint as to how the training can be accomplished. The differing viewpoints stem from the fact that an individual training in the public sector generally does so for a 2-year period as a salaried employee (in a public agency) whereas an individual who receives the equivalent training on a part-time basis in the private sector usually does so for a period of three to four years, generally without salary and sometimes at a cost. Groupthink among FDEs who received their training in the public sector has led them to believe that their style of training is the only style capable of producing competent FDEs. As detailed below, this self-serving mindset has regrettably infiltrated the ASB and contaminated the development of consensus standards for FDEs, most recently with the ongoing development of ASB Standard 155.

The 2-year full-time training paradigm and the equivalent 4-year part-time training paradigm have been deemed appropriate in every version of an ASTM minimum training guide standard published since 2005 and in the SWGDOC minimum training guide published in 2013. Section 6 of every version of ASTM E-2388 *Standard Guide for Minimum Training Requirements for Forensic Document Examiner*s, including the last published version which expired on December 31, 2019, provided that the training program shall be ***the equivalent of*** a minimum of 24 months full-time training under the supervision of a principal trainer, not to exceed a period of four years. (See **Exhibit A** attached hereto). The current version of the SWGDOC *Standard for Minimum Training Requirements for Forensic Document Examination* likewise provides that the training program shall be ***the equivalent of*** a minimum of 24 months full-time training under the supervision of a principal trainer, not to exceed a period of four years on a part-time basis. (See **Exhibit B** attached hereto). Neither the ASTM nor the SWGDOC Guides prescribe how training is to be conducted, only the training topics to be covered; both allow for part-time training, so long as it is completed within four years.

The training program requirements for FDEs has been a hotly contested issue primarily because the FDEs whose training consisted of 24 months full-time on-the-job (OTJ) training under the supervision of a principal trainer (the Majority Group) are of the viewpoint that the 24-month training program comprising 4000 hours of training must be on a full-time basis ("on an almost daily basis") at the workplace of the principal trainer, and that completing the same 4000 hours of training on a continuous part-time basis over a 4-year period is inadequate. This viewpoint is not supported by any empirical data and is counterintuitive. Nevertheless, in an effort to eliminate competition from members of the Minority Group, members of the Majority Group have sought to make their 2-year full-time OTJ (solely at the workplace) training paradigm the only recognized and acceptable means of training in this field. They tried to accomplish this as members of ASTM Subcommittee E30.02 on Questioned Documents but were unsuccessful, despite their efforts at misclassifying voting interests in an attempt to achieve voting control. This misclassification was acknowledged by ASTM and after voting interests were reclassified to achieve balance in E30.02, a proposed revision to the ASTM E-2388 training standard failed to garner the requisite 2/3 vote. The proposed revision sought to eliminate the "equivalency" language of the E-2388 standard so as to require that initial training of FDEs must be on a full-time basis for 24 months; if adopted, that revision would have effectively eliminated the equivalent 4-year part-time training option typically encountered in the private sector. This issue has now reappeared in the ASB FDE Consensus Body except that unlike ASTM, where membership was open to any stakeholder, voting membership in the ASB FDE-CB is restricted to 25 individuals that are selected by AAFS staff members, and the ASB has refused to reclassify the Interest Categories in the FDE-CB so as to achieve the requisite balance between the two competing special interests that are ever present in this discipline.

III. Lack of Dominance and Balance - Essential Requirements for Due Process

Lack of dominance and a balance of competing stakeholder interests are among the minimum acceptable due process requirements for the development of consensus, as stated in the relevant sections of the *ANSI Essential Requirements* set forth below:

1.2 Lack of dominance

The standards development process shall not be dominated by any single interest category, individual or organization. **Dominance means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints.**

2.2 Lack of dominance

Unless it is claimed in writing (including electronic communications) by a directly and materially affected party that a single interest category, individual or organization dominated the standards development process, no test for dominance is required.

1.3 Balance

The standards development process should have a balance of interests. Participants from diverse interest categories shall be sought with the objective of achieving balance. **If a consensus body lacks balance in accordance with the historical criteria for balance**, and no specific alternative formulation of balance was approved by the ANSI Executive Standards Council, **outreach to achieve balance shall be undertaken**. [Emphasis added]

2.3 Balance

Historically the criteria for balance are that a) no single interest category constitutes more than one-third of the membership of a consensus body dealing with safety-related standards or b) **no single interest category constitutes a majority of the membership of a consensus body dealing with issues other than safety-related standards**.

The interest categories appropriate to the development of consensus in any given standards activity are a function of the nature of the standards being developed. Interest categories shall be discretely defined, cover all materially affected parties and differentiate each category from the other categories. Such definitions shall be available upon request. In defining the interest categories appropriate to a standards activity, consideration shall be given to at least the following: (a) producer; (b) user; and (c) general interest. [Emphasis added][5]

Where appropriate, additional interest categories should be considered. **Further interest categories that may be used to categorize directly and materially affected**

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[5] One enduring problem in adapting general language concerning interest groups from ANSI to the forensic science setting is that consensus standards organizations have as their main focus industrial settings where the concepts of "producer" and "user" make transparent sense. But who constitute the "users" of the products of forensic science? Whatever the answer, it is clearly not the producers, a point to which we will return *infra*.

persons consist of, but are not limited to, the following: a) Consumer; b) Directly affected public; c) Distributor and retailer; d) Industrial/commercial; e) Insurance; f) Labor; g) Manufacturer; h) **Professional society**; I) Regulatory agency; j) Testing laboratory; k) **Trade association** [6] [Emphasis added]

These same minimum acceptable due process requirements are mandated in Section 2.1 of the *Academy Standards Board Procedures for the Development of American National Standards* (*ASB Procedures*), which provides:

> **The Standards Board is responsible for determining the membership of the Consensus Bodies for proposed standards development. The Standards Board will strive for balance so that no single interest category constitutes more than one-third of the membership of a consensus body. Each consensus body shall be sufficiently diverse to ensure reasonable balance in accordance with *ANSI Essential Requirements*. In order to establish balance and diversity the Standards Board shall reach out to organizations and groups who may have an interest in serving on the consensus body.** [Emphasis added]

IV. The Standards Board Has Violated ASB and ANSI Regulations by Classifying FDE Consensus Body Members Through Interest Categories That Are Clearly Inappropriate for the Discipline of Forensic Document Examination Because They Fail to Balance the Two Competing Special Interests that Pervade All Standards Setting Activity Involving Forensic Document Examiners

The ASB currently uses a differentiated set of seven (7) occupational categories called "Interest Categories" as the basis for achieving or maintaining a balance of interests within the membership to ensure non-dominance. These seven Interest Categories, in effect on November 8, 2023, are defined *in ASB Procedures* Section 2.5.2 as follows:

(1) **Academics and Researchers -** Instructors or researchers from accredited institutions of learning, especially those with curricula or programs relating to forensic sciences, foundational sciences, public health, and other applicable disciplines. Researchers in the fields related to forensic sciences not affiliated with an academic institution. Excludes non-teaching students and full or part time instructors who also currently serve as law enforcement or jurisprudence professionals. (Category includes: professors, advanced graduate students, statisticians, private sector and government researchers, etc.);

(2) **General Interest -** All materially impacted parties not included in other interest categories. Includes, for example, individuals not directly involved in forensics, non-practicing individuals with 5 or more years of experience in forensic or forensic-related practices,

[6] Further interest categories that may be used to categorize directly and materially affected persons consist of, but are not limited to, the following: a) Consumer; b) Directly affected public; c) Distributor and retailer; d) Industrial/commercial; e) Insurance; f) Labor; g) Manufacturer; h) Professional society; I) Regulatory agency; j) Testing laboratory; k) Trade association.

activities, research, or policy implementation. (Category includes: retired forensic practitioners, retired academia, etc.)

(3) **Jurisprudence and Criminal Justice -** Persons involved in jurisprudence or law enforcement activities. Includes non-practitioner law enforcement, practicing and retired attorneys (civil and criminal), practicing and retired judges. Also includes victim advocates, current and retired legal and jurisprudence professionals teaching (non-research) at accredited educational institutions. (Category includes: detective, sexual assault nurse examiners, etc.)

(4) **Organizations -** Regional, national, and international organizations with missions and activities directly related to forensic sciences, research, activities, education, practices, and policies. Also includes advocacy organizations involved in forensic procedures, processes, and outcomes; as well as certification and accreditation organizations. Organization applies as the member.

(5) **Producer -** Industries or companies that design, manufacture, or otherwise support product development and application relative to forensic sciences and activities. Membership category may be organization or individual. (Category includes: instrument/equipment manufacturers, reference material producers, proficiency test manufacturers, quality control product producers, evidence collection kit manufacturers, chemical manufacturers, etc.)

(6) **User – Government -** Persons from government entities currently involved with forensic-related case work activities. Includes laboratory, coroner, and medical examiner personnel; laboratory managers and policy-makers; forensic analysts; and crime scene investigators. (Category includes: forensic scientists, friction ridge examiners, footwear and tire examiners, coroner and medical examiner personnel, forensic odontologists, forensic anthropologists, etc.)

(7) **User- Non-Government -** Persons from non-government entities currently involved with forensic-related case work activities. Includes non-governmental laboratory, coroner, and medical examiner personnel; laboratory managers and policy-makers; forensic science consultants; forensic analysts; and crime scene investigators. (Category includes: private forensic scientists, friction ridge examiners, footwear and tire examiners coroner and medical examiner personnel, forensic odontologists, forensic anthropologists, etc.)

The domination of voting interests by one special stakeholder group on the ASB Forensic Document Consensus Body has resulted from ASB's "one shoe fits all" approach of using the same set of seven Interest Categories to balance competing stakeholder interests for all of its Consensus Bodies.

The seven Interest Categories the ASB currently uses are not appropriate for the development of consensus standards in the field of forensic document examination because the FDE discipline is unique among all the other forensic disciplines due to the competition for private sector business that exists between two distinct groups of competing stakeholders - the Advocacy Group for the Acceptability of Full-Time Workplace (OTJ) Training Only and the Advocacy

Group for the Acceptability of Appropriate Part-Time Training. Moreover, since Interest Categories are self-selected by consensus body members, FDE Consensus Body members have been able to assign to themselves inappropriate Interest Categories in order to circumvent the ASB procedural mandate that no Interest Category can constitute more than one-third of the membership of a Consensus Body.

Unfortunately, the Standards Board (ASB) has willfully ignored the obvious fact that the seven Interest Categories used to classify voters on the FDE-CB cannot achieve the requisite balance between the two competing stakeholder interests that dominate the discipline, namely, the Advocacy Group for the Acceptability of Full-Time Workplace (OTJ) Training Only and the Advocacy Group for the Acceptability of Appropriate Part-Time Training.

As reflected in Table 1 below, on November 8, 2023, the FDE-CB comprised 25 voting members, seventeen (17) of whom are members of the Advocacy Group for the Acceptability of Full-Time Workplace (OTJ) Training Only, with 12 of the 17 being certified by the ABFDE and the balance holding membership in or being affiliated with organizations that sponsor the ABFDE. Only one member of the Advocacy Group for the Acceptability of Appropriate Part-Time Training is on the FDE-CB. This disparity has been brought about by the improper use and inappropriate assignment of the seven default ASB Interest Categories to classify FDE Consensus Body members, completely ignoring the two competing special interest groups that make up FDE practitioners. As illustrated below, this has afforded the Majority Group members sufficient strength in numbers to control the standards development process through block voting.

Table 1 below lists the 25 members of the FDE Consensus Body by their interest category, occupation/employment/affiliation, the professional trade associations in which they hold membership, and where applicable, their FDE certifying board (D-ABFDE or D-BFDE).

Table 1. ASB List of Current FDE Consensus Body Voting Members

	Voting Member	Interest Category	Occupation/Employer/ Affiliation	Advocacy Group for the Acceptability of Full-Time Workplace (OTJ) Training Only	Advocacy Group for the Acceptability of Appropriate Part-Time Training	Trade Assn. Affiliations
1	Bester, Jannie	User/Non-Govt.	Pro Scripto Document Examiner (Trained by S. African Police Dept.)	X		
2	Burkes, Ted	User/Govt.	Retired FBI FDE	X		D-ABFDE ASQDE SWAFDE AAFS-QD
3	Campbell, Timothy	User/Govt.	Govt. FDE with Canadian Border Service Agency	X		CSFS-QD
4	Detwiler, Khody	User/Non-Govt.	Private Sector FDE d/b/a Lesnevich & Detwiler	X		ASQDE AAFS-QD

5	Durina, Marie	General. Interest	Retired from Riley, Welch & LaPorte and San Diego County Lab	X		D-ABFDE ASQDE SAFDE AAFS-QD
6	Fenoff, Roy	Academia	The Citadel Private Sector FDE			
7	Fuglsby, Cami	Academia	Augustana University Statistician/data scientist doing research in forensic science and biometrics			
8	Goff, Mark	User/Govt.	Michigan State Police	X		D-ABFDE ASQDE
9	Hanson, Lisa	General Interest	ABFDE Rep Minnesota State Lab (1999-2016)	X		D-ABFDE ASQDE
10	Juola, Patrick	Academia	Duquesne University Cybersecurity Director, Professor of Computer Science			
11	Kruger, Diane	User/Non-Govt.	FDE and Lawyer Deputy Assistant Judge Advocate General, Central Region, Dept. of National Defence (Canada)	X		D-ABFDE ASQDE AAFS-QD
12	Kulbacki, Kevin	User/Non-Govt.	Former Govt. FDE with IRS Lab	X		D-ABFDE AAFS-QD
13	Lee, Jim	General Interest	Retired Govt. FDE (US Army Crime Lab) Foster & Freemen Sales Rep	X		D-ABFDE AAFS-QD ASQDE SAFDE
14	Maness, Melanie	User/Govt.	FBI Questioned Document Unit	X		
15	McClary, Carl	User/Govt.	Retired Govt. FDE (ATF-DOJ)	X		D-ABFDE ASQDE AAFS-QD
16	Melson, Kenneth	Jurisprudence	GWU Law School			
17	Merlino, Mara	Academia.	Kentucky State University Prof. of Psychology and Sociology			AAFS-QD
18	Raudabaugh, Sandra Miller	User/Non-Govt.	Retired Govt. FDE (PA State Police Crime Lab)	X		D-ABFDE AAFS-QD
19	Signori, Mylene	General Interest	FDE (Canadian Society of Forensic Science)	X		AAFS-QD
20	Tobin, David	Producer	Foster & Freeman Sales Rep (Sells forensic equipment to FDEs)			
21	Vargas, Rigo	User/Govt.	Govt. FDE (Mississippi Crime Lab)	X		D-ABFDE AAFS-QD ASQDE SAFDE

22	Vastrick, Thomas	User/Non-Govt.	Retired Govt. FDE (US Postal Service Crime Lab) Now Private Sector FDE d/b/a Vastrick Laboratory	X		D-ABFDE ASQDE SAFDE AAFS-QD
23	White, Kesha	User/Govt.	Govt. FDE (Florida Dept. of Law Enforcement)	X		AAFS-QD
24	Willard, Vickie	General Interest	Private Sector FDE		X	D-BFDE AFDE
25	Zweig, David	Producer	Zarbeco, LLC Sales Rep (Sells forensic equipment to FDEs)			
			TOTALS	**17**	**1**	

A. The Seven Interest Categories Used by the Standards Board Fails to Achieve the Requisite Balance of Competing Voting Interests on the FDE Consensus Body and Enables the Advocacy Group for the Acceptability of Full-Time Workplace (OTJ) Training Only to Dominate Standards Development and Balloting in the FDE Consensus Body

A two-thirds majority of the membership of the Consensus Body (defined as two-thirds of the eligible voting members of the Consensus Body, excluding any abstentions) is required for the approval of a new standard or the approval of a revision or addendum to part or all of a standard.[7] Hence, in the case of the 25-member FDE Consensus Body, an affirmative vote of no more than 17 members would ever be required to approve a standard or to revise one in whole or in part. Given that 17 of the FDE Consensus Body's 25 voting members are members of the Advocacy Group for the Acceptability of Full-Time Workplace (OTJ) Training Only (the Majority Group), it is easy to understand that the Majority Group dominates the voting process because they can, by means of block voting, guaranty the outcome of any ballot to approve or modify a standard.

B. The ASB Failed to Reach Out to Stakeholder Organizations and Groups Whose Members Clearly Would Have Had an Interest in Serving on the FDE Consensus Body

Since the Standards Board is a wholly owned subsidiary of the American Academy of Forensic Sciences (AAFS), it is not surprising that when the Standards Board announced the creation of Consensus Bodies for the various forensic specialties, it reached out and sent email blast notifications to AAFS members soliciting them to submit applications if they were interested in being selected to serve on one of the Consensus Bodies, including the FDE Consensus Body. Notwithstanding its affirmative duty to reach out to other stakeholder organizations and groups whose members may have an interest in serving on the consensus body in order to establish balance

[7] *ASB Procedures* Section 4.5.4 ("The following actions require approval by a two-thirds majority of the eligible voting membership of the consensus body by electronic letter ballot: a) approval of a new standard; b) approval of a revision or addendum to part or all of a standard; c) approval of the reaffirmation of an existing standard; d) approval of withdrawal of an existing standard; e) issuance of an interpretation to a standard.")

and diversity[8], the ASB never reached out to inform other nationally known stakeholder organizations and groups, such as AFDE, NADE and the BFDE, that its members could likewise apply for selection to the FDE Consensus Body. It was only after the FDE Consensus Body was already populated (mostly with ABFDE Diplomates) that AFDE, NADE and the BFDE first learned about applying for membership on the FDE Consensus Body.

To make matters worse, on August 17, 2018, the FDE Consensus Body announced that there were three openings due to the resignation of three of its members, one being Brad Putnam, a non-FDE associated with ASCLD-Lab. NADE applied to have a representative on the ASB (requesting the same category classification as the representatives from ABFDE and AFDE) but was rejected. Several individuals who were certified by the BFDE and/or members of reputable FDE trade organizations that do not sponsor the ABFDE applied in a timely fashion to fill the three newly vacated positions, but they too were rejected. The ASB staff selected three new members, each of whom was an FDE belonging to the Advocacy Group for the Acceptability of Full-Time Workplace (OTJ) Training Only, thereby increasing by one the already dominant voting status of the Majority Group members on the FDE-CB.

C. The Standards Board (ASB) Has an Ongoing Affirmative Duty to Balance Competing Stakeholder Interests and to Create New Interest Categories When Those Being Used Are Inadequate to Achieve Balance on a Consensus Body

Everyone knows that the composition of an SDO Consensus Body can affect the outcome of standardization activities. That is why policies and procedures are put in place to protect against special interests controlling the standards development process.

The following statement contained in *ANSI Essential Requirements* Section 2.3 on Balance is particularly poignant and relevant to why the ASB Interest Categories are inappropriate for the FDE Consensus Body:

> **The interest categories appropriate to the development of consensus in any given standards activity are a function of the nature of the standards being developed.**

The inappropriateness of the ASB Interest Categories for FDE standards development activity should have been evident to ASB officials, all of whom were well aware of the conflicting viewpoints of the two groups of FDE stakeholders regarding the duration and continuity of the training program that all FDEs should be required to meet to satisfy minimum training requirements. The Standards Board clearly knows that the Advocacy Group for the Acceptability of Full-Time Workplace (OTJ) Training Only wants to restrict the training program to 2 years of *full-time* training at the workplace whereas the Advocacy Group for the Acceptability of Appropriate Part-Time Training wants to retain the “equivalency” provision of the industry adopted ASTM and SWGDOC training standards that allow for equivalent training on a *part-time* basis so long as it is completed within four years. The Majority Group seeks to revise the longstanding training standard adopted by the industry at large in 2005 in order to delete the provision that allows for the part-time continuous training program typically encountered in the

[8] *ASB Procedures* Section 2.1

private sector, because doing so would effectively eliminate the majority of private sector-trained FDEs as competitors and as trainers of potential competitors. Such a revision would also provide members of the Majority Group with fodder for unfairly impugning the part-time training received by otherwise well-credentialed and skilled FDEs who are members of the Minority Group.

ASB's "one shoe fits all" approach to using the same set of Interest Categories for classifying all of its Consensus Bodies ignores the fact that those categories are not appropriate for differentiating the two competing stakeholder interests in the FDE community. The failure of the ASB to take affirmative action in response to numerous complaints filed by materially interested stakeholders alleging a lack of balance of voting interests on the FDE Consensus Body is disturbing given that the solution to the problem is found in *ANSI Essential Requirements* Section 2.3 (Balance), which provides:

> Interest categories shall be discretely defined, cover all materially affected parties and differentiate each category from the other categories.
>
> **Where appropriate, additional interest categories should be considered**. **Further interest categories that may be used to categorize directly and materially affected persons consist of**, but are not limited to, the following: a) Consumer; b) Directly affected public; c) Distributor and retailer; d) Industrial/commercial; e) Insurance; f) Labor; g) Manufacturer; h) **Professional society**; i) Regulatory agency; j) Testing laboratory; k) **Trade association** [Emphasis added] [9]

Clearly, the ASB could have and should have considered additional Interest Categories that would be more appropriate for the FDE Consensus Body, especially since two of the additional Interest Categories that ANSI suggests may be used to categorize directly and materially affected persons are "Professional society" and "Trade association," both of which would have been appropriate Interest Categories for balancing the voting interests on the FDE Consensus Body. For example, the "Professional society" Interest Category could have classified board-certified members from the two competing stakeholder interest groups based upon the accredited Board that certified them - ABFDE or BFDE. The "Trade association" Interest Category could have been used for FDEs who are not board certified by classifying them on the basis of their membership in either of two groups of trade associations – (a) those that sponsor the ABFDE (e.g., ASQDE, QD Section of AAFS, SAFDE, and SWAFDE) and hence insist upon only the 2-year, full-time, at the workplace training paradigm and (b) those that do not (e.g., AFDE, NADE). It would have been relatively straightforward to balance voting interests on the FDE Consensus Body using these two Interest Categories alone, but the ASB has failed to pursue this readily available option. Instead, it has elected to maintain the status quo and has allowed the FDE Consensus Body to continue to be dominated by the Full-time Trained FDE Stakeholder Interest Group.

[9] Of the additional Interest Categories that may be used to categorize directly and materially affected persons, Professional Society and Trade Association are particularly relevant to resolving the lack of balance on the FDE Consensus Body.

The seven Interest Categories used to classify stakeholder interests do not accomplish the desired balance of voting interests because these Interest Categories overlook the true nature of the two competing stakeholder interests of FDE consensus body members. The Advocacy Group for the Acceptability of Full-Time Workplace (OTJ) Training Only and the Advocacy Group for the Acceptability of Appropriate Part-Time Training have to be counted as two discrete special interest groups given their competing interests and the fact that the Majority Group seems intent on disparaging any form of training that does not comport with the 2-year full-time OTJ training their members received.

Balance requires that neither of the two special interest groups accumulate sufficient strength in numbers to enable it to use block voting to manipulate and control the standards development process for personal or business gain. Unfortunately, as illustrated above, the Standards Board has violated ASB and ANSI regulations by failing to test for dominance, failing to correct the lack of balance on the FDE-CB, and continuing to allow the Majority Group to maintain dominance of the FDE-CB.

ASB Procedures provide that the ASB must strive to balance voting interests so that no single interest constitutes more than one-third of the membership of a consensus body. Moreover, when deemed necessary to achieve balance, the ASB must reach out to organizations and groups who may have an interest in serving on the consensus body, especially when there are two distinct competing group interests, as is the case with the FDE Consensus Body. Regrettably, the ASB's failure to intervene to balance stakeholder interests and protect the integrity of the standards development and balloting processes taking place under the auspices of the FDE Consensus Body may be tantamount to harboring anticompetitive elements.

D. Potential Antitrust Issues and Risks Facing the Standards Board and its Consensus Body Members

It is common knowledge and common sense that the composition of an SDO committee (consensus body) can affect the outcome of standard setting activities. Since consensus bodies setting standards in SDOs comprise participants in the market for which the standards are being developed, SDOs must actively police the actions of their consensus bodies to prevent legitimate standard setting from being subverted to favor the economic interests of a particular stakeholder interest group and its members. There is no doubt that the members of standard development organizations (SDOs) often have economic incentives to restrain competition and that the standards set by SDOs have a serious potential for anticompetitive harm. This is why the minimum acceptable due process requirements imposed upon the ASB and all other ANSI-accredited SDOs require that voting rights on all consensus bodies be balanced between competing stakeholder interests so that no one interest can dominate and control voting in the standards development process. Although officials and participants in SDOs may understand that the due process-based rules they must follow are safeguards designed to prevent mischief from taking hold and improperly influencing standards development activity, many are not well-informed of the legal issues and liability risks that can arise when these rules are not properly followed.

Compliance with applicable antitrust and competition laws is mandated by *ASB Procedures* Section 16 and *ANSI Essential Requirements Section* 3.3, both of which provide that standards "shall be developed in accordance with applicable antitrust and competition laws and meetings amongst competitors to develop American National Standards (ANS) are to be conducted in accordance with these laws." The goal of the antitrust laws is to ensure that competition is not unreasonably restricted by agreements among competitors, customers, or suppliers. Participants in consensus bodies must understand that each standard setting activity they engage could become an antitrust minefield, and that failure to scrupulously comply with the antitrust laws can create severe repercussions and antitrust exposure for the SDO as well as all the members of a consensus body. It is not enough for an SDO to warn consensus body members and individual participants to avoid any conduct that creates even a suggestion of an agreement to restraint trade or eliminate competition; the SDO must monitor and verify compliance with ANSI due process requirements and provide proper guidance to consensus bodies to eliminate the possibility of anticompetitive activity in the standards development process.

The most pertinent federal antitrust laws governing anticompetitive conduct in SDOs and professional trade associations are the Sherman Act and the Federal Trade Commission (FTC) Act. Unlike the FTC Act, the Sherman Act provides both civil and criminal exposure and can be enforced by the Department of Justice (DOJ)[10], state attorneys general, and private parties.[11] This article focuses on the Sherman Act because it creates the most serious risks for an SDO and its consensus body members and it has been the antitrust law most commonly implicated in relation to private standards development activity raising improper restraint of trade concerns. Section 1 of the Sherman Act prohibits "every contract, combination or conspiracy" that unreasonably restrains trade. To prevail on a Section 1 claim, a plaintiff must prove the following three elements: (1) an agreement; (2) imposing an unreasonable restraint of trade within a relevant product market; and (3) resulting in antitrust injury, that is "injury of the type the antitrust laws were intended to prevent and . . . that flows from that which make defendants' acts unlawful." *In re Ins. Brokerage Antitrust Litig.*, 618 F.3d 300, 315 (3d Cir. 2010). It should come as no surprise that many of the due process procedural requirements imposed upon SDOs and their participant-members were fashioned in response to court decisions which highlighted where the standards setting process lent itself to the possibility of improper manipulation.

The U.S. Supreme Court's decision in *Allied Tube & Conduit Corp. v. Indian Head, Inc.,* 486 U.S. 492 (1988) is particularly relevant to the antitrust issues raised with respect to the domination of voting interests in the FDE Consensus Body because the *Allied Tube* case involved anticompetitive standards activity facilitated by improperly manipulating the balloting process so that the outcome of any vote could be controlled by one competing stakeholder interest group. In *Allied Tube*, the actions alleged to have violated Section 1 of the Sherman Act took place within the context of the standard-setting process of the National Fire Protection Association (NFPA), a private, voluntary organization with more than 31,500 individual and group members representing industry, labor, academia, insurers, organized medicine, firefighters, and government. The NFPA,

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[10] A violation of the Sherman Act is a felony and the Antitrust Division of the DOJ initiates criminal charges.

[11] The Federal Trade Commission (FTC) enforces the FTC Act and may challenge, as an unfair method of competition, any activities that would be unlawful under the Sherman Act, Clayton Act, or Robinson-Patman Act. The FTC also can challenge some activities not covered by those acts, because it has the authority to prohibit practices that merely violate the "spirit" of the antitrust laws or are incipient antitrust violations, even if they do not actually violate any other antitrust laws. The FTC cannot impose criminal sanctions for violations, although it can levy substantial monetary penalties. Unlike the Sherman Act, the FTC Act does not provide for a private cause of action.

among other things, publishes product standards and codes related to fire protection through a process known as "consensus standard making." One of the codes it publishes is the National Electrical Code (Code), which establishes product and performance requirements for the design and installation of electrical wiring systems. Revised every three years, the Code is the most influential electrical code in the nation. A substantial number of state and local governments routinely adopt the Code into law with little or no change; private certification laboratories, such as Underwriters Laboratories, normally will not list and label an electrical product that does not meet Code standards; many underwriters will refuse to insure structures that are not built in conformity with the Code; and many electrical inspectors, contractors, and distributors will not use a product that falls outside the Code.

Throughout the relevant period, the Code permitted the use of electrical conduit made of steel. Indian Head, Inc. (Indian Head), a manufacturer of plastic conduit, initiated a proposal before the NFPA to extend Code approval to plastic conduit as well. The proposal was approved by one of NFPAs professional panels, and, thus could be adopted into the Code by a simple majority vote of the members attending the NFPA's 1980 annual meeting. Before the annual meeting was held, Allied Tube and other NFPA members representing the interests of steel conduit manufacturers conspired to exclude Indian Head's plastic conduit from the 1981 Code by packing the annual meeting with 230 new NFTA members whose only function was to cast a vote against Indian Head's proposal.[12] After the proposal was defeated at the meeting and an appeal to the NFPA Board of Directors was denied, Indian Head brought suit in Federal District Court, alleging that Allied Tube and others had unreasonably restrained trade in the electrical conduit market in violation of § 1 of the Sherman Act. The jury found Allied Tube liable, but the district court granted a judgment n.o.v. for Allied Tube, reasoning that the NFPA was akin to a "quasi-legislative" body because legislatures routinely adopt the Code and that the actions of Allied Tube should therefore be viewed as efforts to influence legislation, which are granted absolute immunity under the *Noerr* doctrine.[13] The Court of Appeals reversed, rejecting both the argument that the

[12] "Combined, the steel interests recruited 230 persons to join the Association and to attend the annual meeting to vote against the proposal. Petitioner alone recruited 155 persons including employees, executives, sales agents, the agents' employees, employees from two divisions that did not sell electrical products, and the wife of a national sales director. Petitioner and the other steel interests also paid over $100,000 for the membership, registration, and attendance expenses of these voters. At the annual meeting, the steel group voters were instructed where to sit and how and when to vote by group leaders who used walkie-talkies and hand signals to facilitate communication. Few of the steel group voters had any of the technical documentation necessary to follow the meeting. None of them spoke at the meeting to give their reasons for opposing the proposal to approve polyvinyl chloride conduit. Nonetheless, with their solid vote in opposition, the proposal was rejected and returned to committee by a vote of 394 to 390. Respondent appealed the membership's vote to the Association's Board of Directors, but the Board denied the appeal on the ground that, although the Association's rules had been circumvented, they had not been violated." *Allied Tube & Conduit Corp. v. Indian Head, Inc.,* 486 U.S. at 496-497.

[13] *Eastern Railroad Presidents Conference v. Noerr Motor Freight, Inc.*, 365 U.S. 127, 81 S.Ct. 523, 5 L.Ed.2d 464 (1961) (*Noerr*). "[W]here a restraint upon trade or monopolization is the result of valid governmental action, as opposed to private action," those urging the governmental action enjoy absolute immunity from antitrust liability for the anticompetitive restraint. *Noerr*, 365 U.S., at 136, 81 S.Ct., at 529; see also Pennington, supra, 381 U.S., at 671, 85 S.Ct., at 1594. In addition, where, independent of any government action, the anticompetitive restraint results directly from private action, the restraint cannot form the basis for antitrust liability if it is "incidental" to a valid effort to influence governmental action. *Noerr, supra*, 365 U.S., at 143, 81 S.Ct., at 532-533.

NFPA should be treated as a "quasi-legislative" body and the argument that efforts to influence the Code were immune under *Noerr* as indirect attempts to influence state and local governments. 817 F.2d 938 (1987). The U.S. Supreme Court granted certiorari to address important issues regarding the application of Noerr immunity to private standard-setting associations. In affirming the judgment of the Court of Appeals, the U.S. Supreme Court stated:

> Typically, private standard setting associations like the Association in this case, include members having horizontal and vertical business relations. See generally 7 P. Areeda, Antitrust Law ¶ 1477, p. 343 (1986) (trade and standard-setting associations routinely treated as continuing conspiracies of their members). There is no doubt that members of [trade and standard setting associations] often have economic incentives to restrain competition and that the product standards by such associations have a serious potential for anticompetitive harm . . .. Accordingly, private standard setting associations have traditionally been objects of antitrust scrutiny.[14]

* * * * * * * * * * * * * * * *

> What petitioner may not do (without exposing itself to possible antitrust liability for direct injuries) is bias the process by, as in this case, **stacking the private standard setting body with decision makers sharing their economic interest in restraining competition**.[15]

Both ANSI's and ASB's due process requirements require Consensus Bodies to be balanced with respect to membership so that no stakeholder interest group dominates the voting process. This safeguard is to prevent mischief from taking hold and improperly influencing the resulting standard whereby it favors one competing stakeholder group.

The Academy Standards Board (ASB) has stacked the FDE Consensus Body with members of the Advocacy Group for the Acceptability of Full-Time Workplace (OTJ) Training Only, thereby enabling the outcome of any vote to be controlled by one competing stakeholder interest group. The failure of the ASB to balance voting interests to ensure lack of domination of the voting process in the FDE Consensus Body violates *ANSI Essential Requirements* Section 2.3 and *ASB Procedures* Section 2. Enabling the standard-setting process on the FDE Consensus Body to be dominated by members of one competing stakeholder interest group with economic interests in restraining competition raises the same antitrust concerns that were addressed by the U.S. Supreme Court's decision in the *Allied Tube* case.

In the interests of justice and restoring faith in the integrity of the ASB process for developing true consensus standards, the undersigned ask the ASB to enforce its own regulations by reconstituting the FDE Consensus Body's membership so as to achieve the balance of competing special interests and lack of domination required by ASB and ANSI regulations. This

[14] *Allied Tube & Conduit Corp. v. Indian Head, Inc.,* 486 U.S. 492 at 500

[15] *Id.* at 511 (emphasis added).

would entail having an equal number of Majority Group and Minority Group members. Once reconstituted, at the very least, ASB Standard 155 and all future proposed standards should be re-submitted to the newly reconstituted, properly balanced FDE Consensus Body for review and approval.

If the proposed ASB FDE training standard designated as ASB Standard 155 is approved without the equivalent part-time option for training, and ASB thereafter seeks to have ANSI designate that training standard as an American National Standard, aggrieved stakeholders will undoubtedly file a formal complaint with ANSI within the time period mandated by ANSI, which is thirty days after the ASB FDE Consensus Body files a public notice seeking to have ANSI declare the objectionable training standard an American National Standard.

Respectfully submitted,

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Exhibit B

March 17, 2026

Secretariat
Academy Standards Board
American Academy of Forensic Sciences (AAFS)

Re: Decision on Procedural Appeal — Alleged Lack of Balance of Competing Stakeholder Interests regarding ASB Standard 155

Dear ASB Secretariat:

We write on behalf of the Appeals Panel of the Academy Standards Board (the "ASB") regarding the procedural appeal submitted on January 24, 2024 (the "Appeal"). In the Appeal, the Appellant alleged that the ASB failed to maintain an appropriate balance of competing stakeholder interests in the development of ASB Standard 155, *Standard for Minimum Training Requirements for Forensic Document Examiners* (the "Standard"), in violation of Clause 2.4 of the ASB Procedures for the Development of American National Standards and Clauses 1.3 and 2.3 of the ANSI Essential Requirements. After full review of the record, the Appeals Panel has **denied** the Appeal.

The Panel's denial rests on a fundamental point: the balance requirements of Clauses 1.3 and 2.3 of the ANSI Essential Requirements are grounded in the nature of a party's interest in the standard — that is, whether they are a producer, user, general interest or another identified stakeholder category — not in the professional designations or credentials held by individual participants. Clause 2.3 requires that interest categories be discretely defined, cover directly and materially interested parties, and differentiate each category from the others based on the stakeholder's relationship to the subject matter of the standard. It does not require, and the ANSI Essential Requirements do not contemplate, that categories be subdivided according to professional licensure or certification status.

To illustrate: in a standards activity involving engineering practice, there would be no basis under Clause 2.3 to treat licensed Professional Engineers and non-licensed engineers as separate and distinct interest categories, as both groups share the same fundamental relationship to the standard as practitioners. The purpose of the balance requirement is to ensure that no single economic or organizational interest dominates the consensus process; it is not a mechanism for credential-based representation. Accepting the appellant's framework would produce an unworkable result inconsistent with the structure and intent of the ANSI Essential Requirements.

Pursuant to Section 2.8.2 of the ANSI Essential Requirements, the Appellant retains the right to appeal this decision to ANSI. Any such appeal should be directed to the appropriate ANSI Committee in accordance with ANSI's applicable procedures.

Sincerely,

Appeals Panel for ASB Standard 155

Exhibit C

Designation: E 2388 – 05

Standard Guide for Minimum Training Requirements for Forensic Document Examiners[1]

This standard is issued under the fixed designation E 2388; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ε) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 This guide provides minimum requirements and procedures that should be used for the fundamental training of forensic document examiners (E 444).

1.2 This guide may not cover all aspects of training for the topics addressed or for unusual or uncommon examinations.

1.3 *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

2. Referenced Documents

2.1 *ASTM Standards:* [2]

E 444 Standard Descriptions of Scope of Work Relating to Forensic Document Examiners

E 1732 Terminology Relating to Forensic Science

E 2195 Terminology Relating to Forensic Document Examination

3. Terminology

3.1 *Definitions:*

3.1.1 *technical visit, n*—travel for the purpose of obtaining information, knowledge, or training, including interaction with or demonstration by pertinent manufacturers, businesses, and laboratories.

3.1.2 For definitions of terms in this guide, refer to Terminologies E 1732 and E 2195.

4. Significance and Use

4.1 The procedures outlined here are grounded in the generally accepted body of knowledge and experience in the field of forensic document examination. By following these requirements and procedures, an appropriate trainee (see 5.2) can acquire the scientific, technical, and other specialized knowledge, skill, and experience required to reliably perform the work of a forensic document examiner (E 444).

5. Equipment and Personnel

5.1 *Training Materials and Equipment*:

5.1.1 Access to texts, periodicals, papers, and other professional literature.

5.1.2 Access to equipment appropriate to each area of instruction.

5.2 *Requirements for the Trainee Candidate*:

5.2.1 An earned baccalaureate degree or equivalent from an accredited college or university.

5.2.2 Documented successful completion of a form discrimination test.

5.2.3 Documented successful completion of a color perception test.

5.2.4 Documented successful completion of near and distant visual acuity tests with best corrected vision within six months prior to commencement of training.

5.3 *Requirements for the Trainer(s)*:

5.3.1 Requirements for the principal trainer:

5.3.1.1 The principal trainer shall be a forensic document examiner;

5.3.1.2 Have successfully completed the equivalent of a minimum of 24 months full-time supervised training;

5.3.1.3 Have been trained in the topics of instruction in this guide (Section 7); and

5.3.1.4 Have at least five years of full-time post-training experience as a forensic document examiner.

5.3.1.5 All of the above should be documented.

5.3.1.6 The principal trainer should have successfully completed a course or seminar in instructor development.

5.3.2 The qualifications of any other trainers shall be approved by the principal trainer.

6. Procedure

6.1 The training program shall be the equivalent of a minimum of 24 months full-time training under the supervision of a principal trainer.

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[1] This guide is under the jurisdiction of ASTM Committee E30 on Forensic Sciences and is the direct responsibility of Subcommittee E30.02 on Questioned Documents.

Current edition approved Sept. 15, 2005. Published October 2005.

[2] For referenced ASTM standards, visit the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org. For *Annual Book of ASTM Standards* volume information, refer to the standard's Document Summary page on the ASTM website.

6.1.1 The training program shall be successfully completed in a period not to exceed four years.

6.1.2 Each area of instruction will have an objective(s) established by the principal trainer. Examination(s) (for example, written test, oral test, practical exercise) will be administered in order to measure the trainee's knowledge.

NOTE 1—Although attending meetings and presentations is useful as supplemental training, it does not replace the training outlined in Section 7 of this guide. However, the principal trainer may grant credit to the trainee for knowledge (as per Section 7) acquired at such meetings and presentations.

6.1.3 The principal trainer may grant credit for prior training or experience in Section 7 subject areas when the trainee can demonstrate and document such training or experience.

6.1.4 A training record for each trainee will be maintained and will document the following:

6.1.4.1 Instruction in each topic area.

6.1.4.2 A bibliography of relevant literature studied.

6.1.4.3 Examination(s) (for example, written test, oral test, practical exercise).

6.1.4.4 Case statistics (for example, number, type, items, reports).

6.1.4.5 Outside training, technical visits, courses, conferences, or workshops attended.

6.1.4.6 Research conducted.

7. Syllabus

7.1 A formal written training program will include specific topics of instruction. The order in which they are administered is discretionary; however, the amount of time must be adequate to ensure competency in all topic areas. The minimum specific topics are:

7.2 *Introduction and History of Forensic Document Examination*:

7.2.1 Ethical responsibilities.

7.2.2 Literature of the field.

7.2.3 Evolution of the field.

7.2.4 Historical cases.

7.2.5 Scientific method.

7.2.6 Research methodology.

7.3 *Evidence Handling Procedures*:

7.3.1 Procedures and protocols.

7.3.2 Relationship of forensic document examination to other forensic disciplines.

7.3.3 Collection and preservation.

7.3.4 Marking and documentation.

7.3.5 Chain of custody.

7.4 *Examination Procedures*:

7.4.1 Procedures and protocols.

7.4.2 Theory of individualization.

7.4.3 Case organization.

7.4.4 Note taking.

7.4.5 Conclusions and findings.

7.4.6 Report writing.

7.5 *Laboratory Instrumentation and Equipment*:

7.5.1 Procedures and protocols.

7.5.2 Physics of light pertinent to forensic document examination procedures.

7.5.3 Microscopy.

7.5.4 Measuring systems and devices.

7.5.5 Light sources.

7.5.6 Electrostatic detection devices.

7.5.7 Typewriter examination devices.

7.5.8 Computers and peripherals.

7.5.9 Other relevant laboratory equipment.

7.6 *Paper*:

7.6.1 Procedures and protocols.

7.6.2 History of paper.

7.6.3 Manufacturing processes.

7.6.4 Physical properties (for example, light-reactive, watermarks, dimensions, security features).

7.6.5 Physical matches (for example, fibers, tears, edge striations).

7.6.6 Tapes and adhesives.

7.6.7 Indentations.

7.7 *Writing Instruments and Inks*:

7.7.1 Procedures and protocols.

7.7.2 History of writing instruments and inks.

7.7.3 Properties of inks.

7.7.4 Destructive and nondestructive analyses of inks.

7.7.5 Writing instrument characteristics.

7.7.6 Sequence, direction, and pressure of strokes.

7.8 *Handwriting (including Cursive or Script Style Writing, Hand Printing, Signatures, Numerals, and Other Written Marks or Signs)*:

7.8.1 Procedures and protocols.

7.8.2 History and theory.

7.8.3 Physiology of handwriting and motor control.

7.8.4 Handwriting systems.

7.8.5 Handwriting comparison process.

7.8.6 Individualizing characteristics (individual and class).

7.8.7 Features of handwriting (for example, variation, line quality, skill level).

7.8.8 Distorted handwriting.

7.8.9 Factors affecting handwriting (internal and external).

7.8.10 Tracings and simulations.

7.8.11 Other handwriting problems.

7.9 *Alterations, Obliterations, and Erasures*:

7.9.1 Procedures and Protocols.

7.9.2 Types of alterations (for example, page substitution, insertion).

7.9.3 Types of obliterations (for example, opaquing fluid, over-writing, chemical).

7.9.4 Types of erasures (physical and chemical).

7.9.5 Detection and decipherment techniques.

7.10 *Typewriters*:

7.10.1 Procedures and protocols.

7.10.2 History of typewriters.

7.10.3 Fundamentals of typewriter examination (individualization and comparison).

7.10.4 Typestyle classification.

7.10.5 Typing and correction ribbon examinations.

7.10.6 Paper fiber transfer.

7.11 *Computer Printers*:

7.11.1 Procedures and protocols.

7.11.2 History of computer printers.

7.11.3 Fundamentals of computer printer examinations (individualization and comparison).

7.11.4 Computer printing processes (impact and nonimpact).

7.11.5 Font classification.

7.12 *Photocopiers*:

7.12.1 Procedures and protocols.

7.12.2 History of photocopiers.

7.12.3 Electrostatic and other imaging processes.

7.12.4 Fundamentals of examination (individualization and comparison).

7.12.5 Alteration and manipulation techniques.

7.13 *Facsimiles*:

7.13.1 Procedures and protocols.

7.13.2 History of facsimile machines.

7.13.3 Imaging processes.

7.13.4 Fundamentals of examination (individualization and comparison).

7.13.5 Alteration and manipulation techniques.

7.14 *Printing Processes*:

7.14.1 Procedures and protocols.

7.14.2 History of printing.

7.14.3 Typography.

7.14.4 Characteristics of printing processes.

7.14.5 Fundamentals of examination (individualization and comparison).

7.14.6 Security features.

7.15 *Mechanical Impressions*:

7.15.1 Procedures and protocols.

7.15.2 History of devices (for example, check writers, rubber and polymer stamps, paper binders, staples, embossing devices, seals and stamped impressions, fasteners, hole punchers).

7.15.3 Fundamentals of examination (individualization and comparison).

7.16 *Charred and Soaked Documents*:

7.16.1 Procedures and protocols.

7.16.2 Care and preservation.

7.16.3 Examination and decipherment.

7.17 *Photography and Digital Imaging*:

7.17.1 Procedures and protocols.

7.17.2 General photography.

7.17.3 Document photography.

7.17.4 Digital photography.

7.17.5 Digital imaging techniques.

7.17.6 Alteration and manipulation techniques.

7.17.7 Image editing software.

7.18 *Miscellaneous Examinations*:

7.18.1 Dependent upon the capabilities or requirements of the laboratory.

7.19 *Expert Witness and Legal Proceedings*:

7.19.1 Procedures and protocols.

7.19.2 Terminology.

7.19.3 Relevant law.

7.19.4 Adjudication systems.

7.19.5 Effective communication.

7.19.6 Courtroom demeanor.

7.19.7 Preparation and use of demonstrative exhibits.

7.19.8 Observation of pre-trial conferences and testimony of experts, actual or mock.

7.19.9 Participation as an expert witness in mock trials.

7.20 *Practical Experience*:

7.20.1 Supervised casework.

7.20.2 Training or observation at other forensic document laboratories is recommended.

7.20.3 Supplemental education (for example, courses, seminars, technical visits, workshops).

8. Keywords

8.1 forensic document examination; forensic document examiner; forensic sciences; questioned documents; training

Exhibit D

INTERNATIONAL

Designation: E2388 – 11

Standard Guide for Minimum Training Requirements for Forensic Document Examiners[1]

This standard is issued under the fixed designation E2388; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ε) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 This guide provides minimum requirements and procedures that should be used for the fundamental training of forensic document examiners (Guide E444).

1.2 This guide may not cover all aspects of training for the topics addressed or for unusual or uncommon examinations.

1.3 *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

2. Referenced Documents

2.1 *ASTM Standards:*[2]

E444 Guide for Scope of Work of Forensic Document Examiners
E1732 Terminology Relating to Forensic Science
E2195 Terminology Relating to the Examination of Questioned Documents

3. Terminology

3.1 For definitions of terms in this guide, refer to Terminologies E1732 and E2195.

3.2 *Definitions of Terms Specific to This Standard:*

3.2.1 *technical visit, n*—travel for the purpose of obtaining information, knowledge, or training, including interaction with or demonstration by pertinent manufacturers, businesses, and laboratories.

4. Significance and Use

4.1 The procedures outlined here are grounded in the generally accepted body of knowledge and experience in the field of forensic document examination. By following these requirements and procedures, an appropriate trainee (see 5.2) can acquire the scientific, technical, and other specialized knowledge, skill, and experience required to reliably perform the work of a forensic document examiner (Guide E444).

5. Equipment and Personnel

5.1 *Training Materials and Equipment:*

5.1.1 Access to texts, periodicals, papers, and other professional literature.

5.1.2 Access to equipment appropriate to each area of instruction.

5.2 *Requirements for the Trainee Candidate:*

5.2.1 An earned baccalaureate degree or equivalent from an accredited college or university.

5.2.2 Documented successful completion of a form discrimination test.

5.2.3 Documented successful completion of a color perception test.

5.2.4 Documented successful completion of near and distant visual acuity tests with best corrected vision within six months prior to commencement of training.

5.3 *Requirements for the Trainer(s):*

5.3.1 Requirements for the principal trainer:

5.3.1.1 The principal trainer shall be a forensic document examiner;

5.3.1.2 Have successfully completed the equivalent of a minimum of 24 months full-time supervised training;

5.3.1.3 Have been trained in the topics of instruction in this guide (Section 7); and

5.3.1.4 Have at least five years of full-time post-training experience as a forensic document examiner.

5.3.1.5 All of the above should be documented.

5.3.1.6 The principal trainer should have successfully completed a course or seminar in instructor development.

5.3.2 The qualifications of any other trainers shall be approved by the principal trainer.

6. Procedure

6.1 The training program shall be the equivalent of a minimum of 24 months full-time training under the supervision of a principal trainer.

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[1] This guide is under the jurisdiction of ASTM Committee E30 on Forensic Sciences and is the direct responsibility of Subcommittee E30.90 on Executive.

Current edition approved March 1, 2011. Published March 2011. Originally approved in 2005. Last previous edition published in 2005 as E2388 – 05. DOI: 10.1520/E2388-11.

[2] For referenced ASTM standards, visit the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org. For *Annual Book of ASTM Standards* volume information, refer to the standard's Document Summary page on the ASTM website.

6.1.1 The training program shall be successfully completed in a period not to exceed four years.

6.1.2 Each area of instruction will have an objective(s) established by the principal trainer. Examination(s) (for example, written test, oral test, practical exercise) will be administered in order to measure the trainee's knowledge.

NOTE 1—Although attending meetings and presentations is useful as supplemental training, it does not replace the training outlined in Section 7 of this guide. However, the principal trainer may grant credit to the trainee for knowledge (as in accordance with Section 7) acquired at such meetings and presentations.

6.1.3 The principal trainer may grant credit for prior training or experience in Section 7 subject areas when the trainee can demonstrate and document such training or experience.

6.1.4 A training record for each trainee will be maintained and will document the following:

6.1.4.1 Instruction in each topic area.

6.1.4.2 A bibliography of relevant literature studied.

6.1.4.3 Examination(s) (for example, written test, oral test, practical exercise).

6.1.4.4 Case statistics (for example, number, type, items, reports).

6.1.4.5 Outside training, technical visits, courses, conferences, or workshops attended.

6.1.4.6 Research conducted.

7. Syllabus

7.1 A formal written training program will include specific topics of instruction. The order in which they are administered is discretionary; however, the amount of time must be adequate to ensure competency in all topic areas. The minimum specific topics are:

7.2 *Introduction and History of Forensic Document Examination:*

7.2.1 Ethical responsibilities.

7.2.2 Literature of the field.

7.2.3 Evolution of the field.

7.2.4 Historical cases.

7.2.5 Scientific method.

7.2.6 Research methodology.

7.3 *Evidence Handling Procedures:*

7.3.1 Procedures and protocols.

7.3.2 Relationship of forensic document examination to other forensic disciplines.

7.3.3 Collection and preservation.

7.3.4 Marking and documentation.

7.3.5 Chain of custody.

7.4 *Examination Procedures:*

7.4.1 Procedures and protocols.

7.4.2 Theory of individualization.

7.4.3 Case organization.

7.4.4 Note taking.

7.4.5 Conclusions and findings.

7.4.6 Report writing.

7.5 *Laboratory Instrumentation and Equipment:*

7.5.1 Procedures and protocols.

7.5.2 Physics of light pertinent to forensic document examination procedures.

7.5.3 Microscopy.

7.5.4 Measuring systems and devices.

7.5.5 Light sources.

7.5.6 Electrostatic detection devices.

7.5.7 Typewriter examination devices.

7.5.8 Computers and peripherals.

7.5.9 Other relevant laboratory equipment.

7.6 *Paper:*

7.6.1 Procedures and protocols.

7.6.2 History of paper.

7.6.3 Manufacturing processes.

7.6.4 Physical properties (for example, light-reactive, watermarks, dimensions, security features).

7.6.5 Physical matches (for example, fibers, tears, edge striations).

7.6.6 Tapes and adhesives.

7.6.7 Indentations.

7.7 *Writing Instruments and Inks:*

7.7.1 Procedures and protocols.

7.7.2 History of writing instruments and inks.

7.7.3 Properties of inks.

7.7.4 Destructive and nondestructive analyses of inks.

7.7.5 Writing instrument characteristics.

7.7.6 Sequence, direction, and pressure of strokes.

7.8 *Handwriting (including Cursive or Script Style Writing, Hand Printing, Signatures, Numerals, and Other Written Marks or Signs):*

7.8.1 Procedures and protocols.

7.8.2 History and theory.

7.8.3 Physiology of handwriting and motor control.

7.8.4 Handwriting systems.

7.8.5 Handwriting comparison process.

7.8.6 Individualizing characteristics (individual and class).

7.8.7 Features of handwriting (for example, variation, line quality, skill level).

7.8.8 Distorted handwriting.

7.8.9 Factors affecting handwriting (internal and external).

7.8.10 Tracings and simulations.

7.8.11 Other handwriting problems.

7.9 *Alterations, Obliterations, and Erasures:*

7.9.1 Procedures and Protocols.

7.9.2 Types of alterations (for example, page substitution, insertion).

7.9.3 Types of obliterations (for example, opaquing fluid, over-writing, chemical).

7.9.4 Types of erasures (physical and chemical).

7.9.5 Detection and decipherment techniques.

7.10 *Typewriters:*

7.10.1 Procedures and protocols.

7.10.2 History of typewriters.

7.10.3 Fundamentals of typewriter examination (individualization and comparison).

7.10.4 Typestyle classification.

7.10.5 Typing and correction ribbon examinations.

7.10.6 Paper fiber transfer.

7.11 *Computer Printers:*
7.11.1 Procedures and protocols.
7.11.2 History of computer printers.
7.11.3 Fundamentals of computer printer examinations (individualization and comparison).
7.11.4 Computer printing processes (impact and nonimpact).
7.11.5 Font classification.

7.12 *Photocopiers:*
7.12.1 Procedures and protocols.
7.12.2 History of photocopiers.
7.12.3 Electrostatic and other imaging processes.
7.12.4 Fundamentals of examination (individualization and comparison).
7.12.5 Alteration and manipulation techniques.

7.13 *Facsimiles:*
7.13.1 Procedures and protocols.
7.13.2 History of facsimile machines.
7.13.3 Imaging processes.
7.13.4 Fundamentals of examination (individualization and comparison).
7.13.5 Alteration and manipulation techniques.

7.14 *Printing Processes:*
7.14.1 Procedures and protocols.
7.14.2 History of printing.
7.14.3 Typography.
7.14.4 Characteristics of printing processes.
7.14.5 Fundamentals of examination (individualization and comparison).
7.14.6 Security features.

7.15 *Mechanical Impressions:*
7.15.1 Procedures and protocols.
7.15.2 History of devices (for example, check writers, rubber and polymer stamps, paper binders, staples, embossing devices, seals and stamped impressions, fasteners, hole punchers).
7.15.3 Fundamentals of examination (individualization and comparison).

7.16 *Charred and Soaked Documents:*
7.16.1 Procedures and protocols.
7.16.2 Care and preservation.
7.16.3 Examination and decipherment.

7.17 *Photography and Digital Imaging:*
7.17.1 Procedures and protocols.
7.17.2 General photography.
7.17.3 Document photography.
7.17.4 Digital photography.
7.17.5 Digital imaging techniques.
7.17.6 Alteration and manipulation techniques.
7.17.7 Image editing software.

7.18 *Miscellaneous Examinations:*
7.18.1 Dependent upon the capabilities or requirements of the laboratory.

7.19 *Expert Witness and Legal Proceedings:*
7.19.1 Procedures and protocols.
7.19.2 Terminology.
7.19.3 Relevant law.
7.19.4 Adjudication systems.
7.19.5 Effective communication.
7.19.6 Courtroom demeanor.
7.19.7 Preparation and use of demonstrative exhibits.
7.19.8 Observation of pre-trial conferences and testimony of experts, actual or mock.
7.19.9 Participation as an expert witness in mock trials.
7.19.10 Understanding of critical challenges to the discipline.

7.20 *Practical Experience:*
7.20.1 Supervised casework.
7.20.2 Training or observation at other forensic document laboratories is recommended.
7.20.3 Supplemental education (for example, courses, seminars, technical visits, workshops).

8. Keywords

8.1 forensic document examination; forensic document examiner; forensic sciences; questioned documents; training

Exhibit E

SWGDOC Standard for Minimum Training Requirements for Forensic Document Examiners

1. Scope

1.1 This standard provides minimum requirements and procedures that should be used for the fundamental training of forensic document examiners (SWGDOC Standard for Scope of Work of Forensic Document Examiners).

1.2 This standard may not cover all aspects of training for the topics addressed or for unusual or uncommon examinations.

1.3 *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

2. Referenced Documents

2.1 *Standards:*

ASTM E1732 Terminology Relating to Forensic Science

SWGDOC Standard for Scope of Work of Forensic Document Examiners

SWGDOC Terminology Relating to the Examination of Questioned Documents

3. Terminology

3.1 For definitions of terms in this standard, refer to Terminologies E1732 and SWGDOC Terminology Relating to the Examination of Questioned Documents.

3.2 *Definitions of Terms Specific to This Standard:*

3.3 *technical visit*, *n*—travel for the purpose of obtaining information, knowledge, or training, including interaction with or demonstration by pertinent manufacturers, businesses, and laboratories.

4. Significance and Use

4.1 The procedures outlined here are grounded in the generally accepted body of knowledge and experience in the field of forensic document examination. By following these requirements and procedures, an appropriate trainee (see 5.2) can acquire the scientific, technical, and other specialized knowledge, skill, and experience required to reliably perform the work of a forensic document examiner (SWGDOC Standard for Scope of Work of Forensic Document Examiners).

5. Equipment and Personnel

5.1 *Training Materials and Equipment*:

5.1.1 Access to texts, periodicals, papers, and other professional literature.

5.1.2 Access to equipment appropriate to each area of instruction.

5.2 *Requirements for the Trainee Candidate*:

5.2.1 An earned baccalaureate degree or equivalent from an accredited college or university.

5.2.2 Documented successful completion of a form discrimination test.

5.2.3 Documented successful completion of a color perception test.

5.2.4 Documented successful completion of near and distant visual acuity tests with best corrected vision within six months prior to commencement of training.

5.3 *Requirements for the Trainer(s)*:

5.3.1 Requirements for the principal trainer:

5.3.1.1 The principal trainer shall be a forensic document examiner;

5.3.1.2 Have successfully completed the equivalent of a minimum of 24 months full-time supervised training;

5.3.1.3 Have been trained in the topics of instruction in this standard (Section 7); and

5.3.1.4 Have at least five years of full-time post-training experience as a forensic document examiner.

5.3.1.5 All of the above should be documented.

5.3.1.6 The principal trainer should have successfully completed a course or seminar in instructor development.

5.3.2 The qualifications of any other trainers shall be approved by the principal trainer.

6. Procedure

6.1 The training program shall be the equivalent of a minimum of 24 months full-time training under the supervision of a principal trainer.

6.1.1 The training program shall be successfully completed in a period not to exceed four years.

6.1.2 Each area of instruction will have an objective(s) established by the principal trainer. Examination(s) (for example, written test, oral test, practical exercise) will be administered in order to measure the trainee's knowledge.

NOTE 1—Although attending meetings and presentations is useful as supplemental training, it does not replace the training outlined in Section 7 of this standard. However, the principal trainer may grant credit to the trainee for knowledge (as in accordance with Section 7) acquired at such meetings and presentations.

6.1.3 The principal trainer may grant credit for prior training or experience in Section 7 subject areas when the trainee can demonstrate and document such training or experience.

6.1.4 A training record for each trainee will be maintained and will document the following:

6.1.4.1 Instruction in each topic area.

6.1.4.2 A bibliography of relevant literature studied.
6.1.4.3 Examination(s) (for example, written test, oral test, practical exercise).
6.1.4.4 Case statistics (for example, number, type, items, reports).
6.1.4.5 Outside training, technical visits, courses, conferences, or workshops attended.
6.1.4.6 Research conducted.
7. Syllabus
7.1 A formal written training program will include specific topics of instruction. The order in which they are administered is discretionary; however, the amount of time must be adequate to ensure competency in all topic areas. The minimum specific topics are:
7.2 *Introduction and History of Forensic Document Examination*:
7.2.1 Ethical responsibilities.
7.2.2 Literature of the field.
7.2.3 Evolution of the field.
7.2.4 Historical cases.
7.2.5 Scientific method.
7.2.6 Research methodology.
7.3 *Evidence Handling Procedures*:
7.3.1 Procedures and protocols.
7.3.2 Relationship of forensic document examination to other forensic disciplines.
7.3.3 Collection and preservation.
7.3.4 Marking and documentation.
7.3.5 Chain of custody.
7.4 *Examination Procedures*:
7.4.1 Procedures and protocols.
7.4.2 Theory of individualization.
7.4.3 Case organization.
7.4.4 Note taking.
7.4.5 Conclusions and findings.
7.4.6 Report writing.
7.5 *Laboratory Instrumentation and Equipment*:
7.5.1 Procedures and protocols.
7.5.2 Physics of light pertinent to forensic document examination procedures.
7.5.3 Microscopy.
7.5.4 Measuring systems and devices.
7.5.5 Light sources.
7.5.6 Electrostatic detection devices.
7.5.7 Typewriter examination devices.
7.5.8 Computers and peripherals.
7.5.9 Other relevant laboratory equipment.
7.6 *Paper*:
7.6.1 Procedures and protocols.
7.6.2 History of paper.
7.6.3 Manufacturing processes.
7.6.4 Physical properties (for example, light-reactive, watermarks, dimensions, security features).
7.6.5 Physical matches (for example, fibers, tears, edge striations).
7.6.6 Tapes and adhesives.
7.6.7 Indentations.
7.7 *Writing Instruments and Inks*:
7.7.1 Procedures and protocols.
7.7.2 History of writing instruments and inks.
7.7.3 Properties of inks.
7.7.4 Destructive and nondestructive analyses of inks.
7.7.5 Writing instrument characteristics.
7.7.6 Sequence, direction, and pressure of strokes.
7.8 *Handwriting (including Cursive or Script Style Writing, Hand Printing, Signatures, Numerals, and Other Written Marks or Signs)*:
7.8.1 Procedures and protocols.
7.8.2 History and theory.

7.8.3 Physiology of handwriting and motor control.
7.8.4 Handwriting systems.
7.8.5 Handwriting comparison process.
7.8.6 Individualizing characteristics (individual and class).
7.8.7 Features of handwriting (for example, variation, line quality, skill level).
7.8.8 Distorted handwriting.
7.8.9 Factors affecting handwriting (internal and external).
7.8.10 Tracings and simulations.
7.8.11 Other handwriting problems.
7.9 *Alterations, Obliterations, and Erasures*:
7.9.1 Procedures and Protocols.
7.9.2 Types of alterations (for example, page substitution, insertion).
7.9.3 Types of obliterations (for example, opaquing fluid, over-writing, chemical).
7.9.4 Types of erasures (physical and chemical).
7.9.5 Detection and decipherment techniques.
7.10 *Typewriters*:
7.10.1 Procedures and protocols.
7.10.2 History of typewriters.
7.10.3 Fundamentals of typewriter examination (individualization and comparison).
7.10.4 Typestyle classification.
7.10.5 Typing and correction ribbon examinations.
7.10.6 Paper fiber transfer.
7.11 *Computer Printers*:
7.11.1 Procedures and protocols.
7.11.2 History of computer printers.
7.11.3 Fundamentals of computer printer examinations (individualization and comparison).
7.11.4 Computer printing processes (impact and nonimpact).
7.11.5 Font classification.
7.12 *Photocopiers*:
7.12.1 Procedures and protocols.
7.12.2 History of photocopiers.
7.12.3 Electrostatic and other imaging processes.
7.12.4 Fundamentals of examination (individualization and comparison).
7.12.5 Alteration and manipulation techniques.
7.13 *Facsimiles*:
7.13.1 Procedures and protocols.
7.13.2 History of facsimile machines.
7.13.3 Imaging processes.
7.13.4 Fundamentals of examination (individualization and comparison).
7.13.5 Alteration and manipulation techniques.
7.14 *Printing Processes*:
7.14.1 Procedures and protocols.
7.14.2 History of printing.
7.14.3 Typography.
7.14.4 Characteristics of printing processes.
7.14.5 Fundamentals of examination (individualization and comparison).
7.14.6 Security features.
7.15 *Mechanical Impressions*:
7.15.1 Procedures and protocols.
7.15.2 History of devices (for example, check writers, rubber and polymer stamps, paper binders, staples, embossing devices, seals and stamped impressions, fasteners, hole punchers).
7.15.3 Fundamentals of examination (individualization and comparison).
7.16 *Charred and Soaked Documents*:
7.16.1 Procedures and protocols.
7.16.2 Care and preservation.
7.16.3 Examination and decipherment.
7.17 *Photography and Digital Imaging*:
7.17.1 Procedures and protocols.

7.17.2 General photography.
7.17.3 Document photography.
7.17.4 Digital photography.
7.17.5 Digital imaging techniques.
7.17.6 Alteration and manipulation techniques.
7.17.7 Image editing software.
7.18 *Miscellaneous Examinations*:
7.18.1 Dependent upon the capabilities or requirements of the laboratory.
7.19 *Expert Witness and Legal Proceedings*:
7.19.1 Procedures and protocols.
7.19.2 Terminology.
7.19.3 Relevant law.
7.19.4 Adjudication systems.
7.19.5 Effective communication.
7.19.6 Courtroom demeanor.
7.19.7 Preparation and use of demonstrative exhibits.
7.19.8 Observation of pre-trial conferences and testimony of experts, actual or mock.
7.19.9 Participation as an expert witness in mock trials.
7.19.10 Understanding of critical challenges to the discipline.
7.20 *Practical Experience*:
7.20.1 Supervised casework.
7.20.2 Training or observation at other forensic document laboratories is recommended.
7.20.3 Supplemental education (for example, courses, seminars, technical visits, workshops).
8. Keywords
8.1 forensic document examination; forensic document examiner; forensic sciences; questioned documents; training

Exhibit F

ASQDE Logo

The American Society of Questioned Document Examiners

Important Notes

Registration is now open for the 2021 AGM. Abstracts are due by April 23. More details can be found at the AGM Page.

The March 2021 issue of The Society Pages has been posted to the Newsletter Archives (password required).

Dues for 2021 can be paid using the online form on the Members Page (password required). Dues payments are due by January 1 and are late after March 31.

About the ASQDE

The American Society of Questioned Document Examiners is the oldest and largest organization in the world dedicated to the profession of forensic document examination. The ASQDE traces its roots to 1913, when Albert S. Osborn initiated a program for the interchange of ideas and research.

- More -

President's Welcome

2022 Annual Meeting

The 2022 ASQDE/SWAFDE joint meeting will be held August 15-17, 2022 at the San Antonio Hyatt Regency Riverwalk hotel. Check back for more details.

AGM Sponsor

We would like to thank Foster + Freeman for sponsoring the 2021 ASQDE meeting. Foster + Freeman is a longtime sponsor of the annual meetings of the ASQDE. Their sponsorship is greatly appreciated.

Abstracts for the Vol. 20, No. 2 issue of the Journal of the ASQDE have been posted to the website.

The first ten years of back issues of the Journal of the ASQDE are now available on DVD. Individual years through 2009 are available on CD.

Welcome to the website of the American Society of Questioned Document Examiners. On behalf of the Society, I invite you to tour our website and get an idea of what the ASQDE is all about. You can learn about the history of the Society, our annual meetings, and get contact information for examiners in private practice, as well as our Executive Committee.

Samiah Ibrahim
President, ASQDE

- More -

Please click on their logo below to visit their website.

Foster + Freeman Logo

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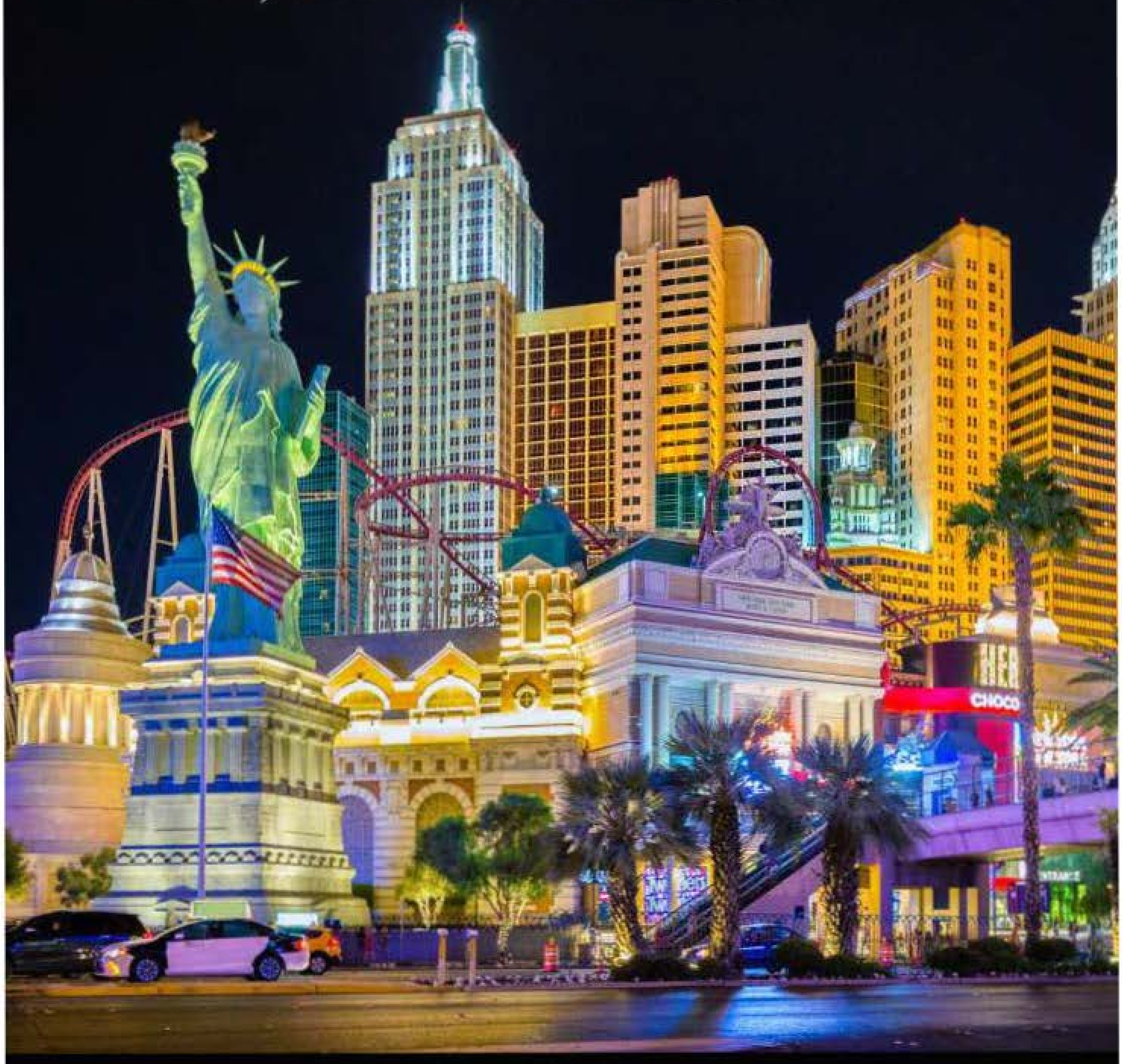
ASQDE/SWAFDE

2025 Joint Conference



Harrah's Resort, Las Vegas, NV

Aug. 18-20

83rd Annual ASQDE and SWAFDE Joint Conference

"Sharing Solutions"

Executive Board Members

ASQDE President Thomas Vastrick
SWAFDE President Joe Merydith

ASQDE Vice President Jason Miller
ASQDE Secretary Khody Detwiler
ASQDE Treasurer Laura Mancebo
ASQDE Director Brenda Lanners
ASQDE Director Jeff Luber

Conference Committee

Program Co-Chairs:
Brett Bishop and Andy Szymanski
Exhibitor Coordinator Kelsey Osborn
A/V Coordinator Andy Szymanski

Administration & Site

Executive Assistant Nanette Davis
Administrative Assistant Quinn Davis

Las Vegas 2025

Conference Schedule

General Session held in Tahoe Room

Sunday, Aug. 17

Early Conference Registration (*Foyer*)........ 3:30—5:30 p.m.

Monday, Aug. 18

Registration, Coffee and Pastries *(Foyer)*........ 7—8 a.m.
Welcome / Exhibitor Introductions / Poster Teasers........ 8—9:05 am
Workshop: Practical Application of Evaluative Reporting in QDE .... 9:05 a.m.—12:30 p.m.
Morning Break — Opening of Exhibitor Show *(Goldfield/Tonopah)*. 10—10:30 a.m.
LUNCH BREAK........ 12:30—1:45 p.m.
Workshop: Be Wrong! Be Strong! A Workshop on Error........ 1:45—5:15 p.m.
Afternoon Break *(Exhibitor Room)*........ 3—3:30 p.m.
President's Reception (*Reno Room*)........ 5:30—7 p.m.

Tuesday, Aug. 19

Exhibitor Show and Posters All Day........ 8 a.m.—5 p.m.
Technical Sessions........ 8 a.m.—12:45 p.m.
Group Photo........ 10—10:15 a.m.
Morning Break *(Exhibitor Room)*........ 10:15—10:45 a.m.
GUESTS EXCUSED FOR DAY (*refreshments in Exhibitor Room*).... 12:45 p.m.
ASQDE Members Business Meeting & Lunch *(Tahoe Room)*........ 1—5 p.m.
SWAFDE Members Business Meeting *(Copper Room)*........ 1—2 p.m.
Trainee/Jr Examiner Workshop (*Silver Room*)........ 1:30—5 p.m.
Cocktail Reception **sponsored by Foster + Freeman**........ 6—7 p.m.
Banquet / Awards / Live Auction *(Reno Room)*........ 7—10 p.m.

Wednesday, Aug. 20

Exhibitor Show........ 8 a.m.—3:15 p.m.
Workshop: Indentation/Visible Writing Sequencing........ 8 a.m.—12 p.m.
Morning Break *(Exhibitor Room)*........ 10—10:30 a.m.
LUNCH BREAK........ 12—1:15 p.m.
Workshop: Challenging Signatures........ 1:15 —4:15 p.m.
Afternoon Break *(Exhibitor Room)*........ 3—3:30 p.m.
2026 AGM Meeting overview and closing remarks........ 4:15—5 p.m.

Please respect our dress code of business casual for general sessions and cocktail attire for the ASQDE/SWAFDE Banquet.