

**PRACTICE AREA F  
ONLINE RESEARCH**

Many aspects of trial consulting are being done through the internet, including but not limited to trial research, juror research, venue surveys, opinion polls, and witness evaluation. This section sets forth standards and practice guidelines related to the online nature of such research. Consultants should refer to Practice Areas A through E of the Code for standards, guidelines, and commentary related to the specific practice area being conducted online. Trial consultants recognize that online research can take many different forms. The ASTC does not endorse one form of online research methodology over another.

## **ONLINE RESEARCH: PROFESSIONAL STANDARDS**

### **I. Appropriate Applications of Online Research**

- A. Trial consultants shall recommend and employ online research in those instances when, in their professional judgment, such research is well suited to the research problem at hand.
- B. Trial consultants shall not knowingly convey to the client that results of the online research be accorded greater confidence than the research design and findings warrant.

### **II. Duty to Clients**

- A. Trial consultants shall describe the online research process including recruiting (representativeness), authentication methods, and security measures employed.

## **ONLINE RESEARCH: PRACTICE GUIDELINES**

### **I. Duty to Clients**

- A. Obtain an agreement from participants that they will not do any research or make any investigation about the case on their own during the study. When appropriate, participants should take the study in a private setting. However, the trial consultant should refrain from making assurances that the participant is free from outside influence.
- B. Employ methods to maintain the confidentiality of any case specific information.
- C. Examples of measures that may be implemented to maintain client confidentiality include, but are not limited to:
  - 1. Authenticating the participants by requiring them to hold identification up to the web cam, asking them some of the same random questions used during recruiting, or utilizing a participant password;
  - 2. Preventing participants from saving, recording, or revisiting the study;
  - 3. Re-verifying the IP address of the participant during the session to avoid phishing;
  - 4. Employing timing safeguards that keep the jurors at their screens to

avoid them from leaving the system unattended;

5. Limiting the retrieval of logins for jurors to make sure no automated hacking tools are used;
6. Implementing video streaming security measures;
7. Implementing Web, server, and wireless network security including:
  - a) Encryption;
  - b) Anti-Virus and anti-spyware software, and a firewall;
  - c) Turning off identifier broadcasting;
  - d) Changing the identifier on a router from the default and changing a router's pre-set password for administration.

## **II. Duty to Participants**

- A. Take reasonable steps to assure that information collected from individuals is accurate and secure from unauthorized use.
- B. When sending e-mail, include subject lines definitive in their scope and purpose, and include opt out notices in all e-mail distributions.