

ASTC Professional Code  
**PRACTICE AREA A**  
**VENUE SURVEYS**

The standards, practice guidelines, and commentary for trial consultants' use of survey research in connection with motions addressed to pretrial juror bias are intended to be consistent with general accepted principles and standards of survey research. Where questions arise that are not covered by the standards set forth here, practitioners should refer to general principles and standards of other professional organizations.<sup>1</sup> In addition, academic survey research sources included in Appendix 1 to this document provide extensive support and guidance on survey research methodology.

The survey is the tool of choice for academics, journalists, marketing professionals, government agencies, and courts in measuring public opinion.<sup>2</sup> The American Bar Association identified "qualified opinion surveys" as a source of evidence for courts to use in deciding whether to grant a change of venue.<sup>3</sup>

The purpose of these standards, practice guidelines, and commentary is to provide a set of minimum principles for evaluating the quality of public opinion surveys submitted to courts in connection with motions to change venue or other motions addressing the problem of pretrial juror bias.<sup>4</sup> Motions to change venue may be made in criminal or civil cases. Since such motions are more commonly made in criminal cases, these practice guidelines make reference to criminal issues. However, the criteria for assessing reliability of survey methodology are the same whether the trial involves criminal charges or civil claims.

## VENUE SURVEYS: PROFESSIONAL STANDARDS

### I. Overview issues

#### A. Purpose of a Venue Survey

The purpose of a venue survey is to collect evidence for possible presentation to a court relevant to the question of whether there is a reasonable likelihood that a fair trial cannot be had in the original trial jurisdiction.<sup>1</sup>

Trial Consultants shall not participate in, sponsor, or conduct surveys known as “push polls,” that are primarily designed to influence survey respondents’ opinions in a particular direction by presenting systematically biased information. Such surveys are intended to shape rather than to measure public opinion.<sup>2</sup>

Trial Consultants conduct surveys that are generally designed to measure public opinion about a particular case by assessing the existing opinions of survey respondents.<sup>3</sup>

#### B. Report of Results

The trial consultant’s presentation of survey results to a court shall include The questionnaire that was used in the survey, identification of the primary persons who performed the work (including their qualifications), and descriptions of how each of the following standard steps for conducting a survey was completed:

- Design of the survey instrument.
- Determination of eligibility and sampling measures.
- Training of interviewers and supervisors to conduct the interviewing.
- Interviewing procedures.
- Dates of data collection
- Calculation of sample completion rate.
- Tabulation of survey data.

In the case of questions asked only of a subgroup of the sample interviewed, the report should make clear both numbers and percentages for both the entire sample and the subgroup asked the question.

### II. Basic Questionnaire Design

#### A. Basic Components of a Venue Survey Questionnaire

A venue survey questionnaire in a criminal case should include at least The following five categories of questions:

1. Screening. Questions to determine respondent eligibility.
2. Awareness of the case, the parties, or issues in dispute. Questions

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designed to identify the proportion of the eligible population that has read or heard about the case.

3. Prejudgment. Questions designed to measure respondents' opinions about a defendant's guilt.
4. Sources of Information. Questions designed to explore respondents' sources of information about a case.
5. Demographics. Questions designed to obtain background characteristics of survey respondents. These are generally limited to questions that can be compared to available objective data in order to demonstrate representativeness.

### B. General Principles of Question Design

General principles of survey item construction including those that apply to fact or opinion items should be followed in venue surveys.<sup>1</sup> Questions should be as simple and as short as possible within the constraints of the information sought. Survey items with multiple interpretations or conflicting compound statements should not be used.

The validity of responses is enhanced by: omitting nonessential items from the interview; carefully pretesting the interview for comprehensibility and clarity; asking another experienced survey researcher to review the survey instrument and evaluate it for consistency and for compliance with generally accepted principles of survey research.

### C. Length of the Interview

The average venue survey interview can be completed in 10 minutes or less. As a general rule, a longer interview should be avoided because it will reduce the response rate and the reliability of data.

### D. Question Wording

Question wording that creates pressure to give answers of one kind or another should be avoided because it may cause ambiguous or invalid responses. Leading questions suggest the correct response and should be avoided.

All survey questions should be carefully assessed to attempt to determine the influence of the tendency to give socially desirable responses.<sup>2</sup> Efforts should be made to avoid context, wording or other influences that raise the likelihood of responses due to social desirability or other response bias.

### E. The Questionnaire Introduction

The survey introduction should include neutral explanations to potential respondents that describe: the purpose of the survey, the caller's identity and employer (or the auspices under which the survey is being conducted)<sup>3</sup>, how the phone number or household was selected, and how

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confidentiality will be maintained<sup>4</sup>.

Respondents should not be told that the survey is being conducted in Connection with a motion to change venue as that information might result in biased responses.

Once an eligible respondent agrees to participate, the interview should begin with an instruction to the respondent that there are no right or wrong answers to the questions. The introduction should also inform respondents that they are free to answer “don’t know” or “no opinion” at any time.

- F. Questions to Measure Respondents’ Awareness of a Case  
Case awareness is usually measured with a closed-ended question Carefully designed to include a very short neutral description of the case based on information that appeared in the media.<sup>5</sup> Respondents who do not recognize the case in response to a single question may be asked an additional question or questions to tap awareness. Once awareness has been established, there is a variety of approaches to explore information, beliefs or knowledge more fully.
- G. Questions to Measure Respondents’ Prejudgment of a Case  
The wording of questions designed to measure guilt or prejudgment should not suggest the socially desirable response. For example, reference to the presumption of innocence should be avoided.
- Direct questions about a respondent’s ability to be fair and impartial if called to be a juror in the case should be avoided. Such questions and others that inquire whether the respondent can set aside prejudicial information and reach a verdict based on the evidence presented at trial yield inflated estimates of this ability.<sup>6</sup>
- H. Open-ended Questions  
When open-ended questions are used, responses should be recorded verbatim. Open-ended questions should not follow questions that provide information which could influence the content of responses.<sup>7</sup>
- I. “Don’t Know” Responses  
Respondents must be made aware that they can say they do not know or have no opinion. If respondents are instructed at the beginning of the interview that they are free to answer “don’t know” or “no opinion” at any time, they do not need to be given that response alternative when presented with response alternatives to individual questions.
- J. Context/Order Effects  
The survey questionnaire should be reviewed to identify and eliminate or Correct context and/or order effects. Attention should be paid to the

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wording of individual questions and the order in which questions are asked because these factors can influence respondents' responses.<sup>8</sup> Context or order effects can be subtle and complex and may affect opinions, information, and judgments making responses ambiguous and interpretation difficult.

- K. **Pretesting the Questionnaire**  
Survey design should include a pretest and/or pilot test in which a small number of respondents are surveyed to assess length, comprehension, or other case specific design issues. Modifications may be made after a pilot test. If any changes are made in the survey questionnaire after the pilot test then the pilot data should not be included in the final survey data tabulations.

### III. **Basic Survey Procedures**

- A. **Respondent Selection**  
Potential survey respondents should be screened in three ways: 1) to Establish eligibility for jury service as defined by statute or local rule; 2) to establish that the respondent is included in source lists designated by the statute or local rule (e.g. voter registration, drivers license); and, 3) to maximize representative selection and distribution by age and gender within the universe of jury-eligible respondents.

- B. **Eligibility and Sampling**  
A simple random sample of households within the trial jurisdiction should be used for a venue study. A simple random sample is unbiased when all eligible households have an equal chance of being contacted and an eligible respondent interviewed. In a simple random sample every eligible household has a known and nonzero probability of being contacted.

The interview must be done with an eligible respondent within the household. For a venue study, eligible respondents are people who are eligible for jury service, as defined by statute, and who are included in the sources from which jurors are drawn.

- C. **Source of Sample**  
Survey respondents must be drawn from a representative random sample of the trial jurisdiction.

A representative sample may be created by one of many techniques Including random selection of phone numbers from telephone books or purchasing source lists. However the sample is created or obtained some method should be used to assure that unlisted numbers are included.

- D. **Sample Size**

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Desirable sample size takes into account a number of issues, including extremity of opinion in the population being studied, the heterogeneity of the population being measured, the desired size of confidence interval, and resources available for conducting the survey.

- E. **Representativeness of the Survey Sample**  
Representativeness is measured by comparing the demographic composition of the survey respondents to the population of the trial jurisdiction as reported by the U.S. Census or other reputable source. The census is a surrogate for the jury pool but not a perfect one because it under represents demographic subgroups and includes individuals not eligible for jury service.
- F. **Completion Rates**  
Standard procedures should be used to obtain the highest possible Completion rates. Completion rate refers to the percentage of the completed interviews with eligible respondents among those who were actually contacted. The higher the proportion of eligible respondents interviewed the higher the reliability of the survey results.
- G. **Call-backs**  
Multiple call-backs should be used to obtain the highest possible completion rate. It is good practice to make three to four phone calls to each phone number that is busy, not answered, or answered by an answering machine indicating it is a residence. Those calls should be made at different times and on different days.
- H. **Refusal Conversion**  
Efforts should be made to convert refusals into completed interviews. Sometimes an initial refusal comes from a person who is not a member of the household or the call came at a bad time to a respondent who is willing to participate. However, people who clearly refuse to ever participate in phone surveys should not be subjected to repeated calling. Interviewers must be instructed to write down exactly what a potential respondent says when she/he refuses to participate and at what point in the process the refusal is made. Supervisors should select candidates for conversation attempts.
- I. **Training and Supervision of Callers**  
Interviewers must be instructed to read all questions exactly as written. Interviewers must also be instructed that they may not explain a question unless specifically worded explanations are provided for in the standardized interview. They are only allowed to re-read the question. All responses to open-ended questions must be recorded verbatim.

Supervision of interviewers should include monitoring of randomly

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selected calls as they are being made to assure that interviewers are following the survey protocol.

J. Respondent Confidentiality

Professional survey research organizations require that confidentiality of respondents be protected.<sup>1</sup> Unless the respondent waives confidentiality, or is otherwise required by law, trial consultants shall hold as privileged and confidential all information that might connect a respondent's identity with his or her responses. If paper questionnaires or answer sheets are used, identifying information should be destroyed as soon as no longer necessary for follow-up.

K. Availability of Original Data

When requested, all appropriate data should be made available to opposing parties in the litigation. It is not appropriate to make available any information that might identify individual respondents.

### IV. Data Analysis Issues

A. Analysis of Venue Survey Results

Analysis of venue survey data may be limited to a report of frequencies, or marginals, which list the number and percent of survey respondents giving each answer to each question.

B. Validity

Venue survey items must have "face validity," i.e., they must obviously deal with questions of case awareness and prejudgment.

1. Testing Validity

Questions of validity concern whether the interview items are measuring accurately what they purport to measure. Validity can be tested with data analyses to determine consistency within sets of responses, or to identify relationships among variables. Complete consistency within sets of responses is not to be expected. Nor is it necessary to analyze all possible relationships that bear on questions of validity.

2. Fact Recognition as a Test of Validity

One method of testing validity of venue survey results is to compare levels of recognition of low publicity issues to levels of recognition of facts that have been widely discussed in the media.

## VENUE SURVEYS: PRACTICE GUIDELINES

### I. Overview Issues

#### A. Purpose of a Venue Survey

Such evidence is sometimes submitted to courts in connection with motions to change or transfer venue or in support of a motion to use a “foreign” or “imported” jury, sometimes called a “change of venire,” or motions to modify voir dire procedures.<sup>1</sup>

Trial Consultants should use reasonable procedures to exclude from their surveys any individual who has been identified as a prospective juror or potential participant in a particular case in order to protect the right to trial by a fair and impartial jury. Such screening generally involves asking respondents if they have been summoned for jury service within the time frame of the trial date for the case in question. When prospective jurors cannot be screened out of a survey because they have not yet been notified of their upcoming dates of service, Trial Consultants should discuss with the attorney the possibility of inadvertent contact with a prospective juror, and consider ways to reduce the potential for such contact, such as adjusting the sample size or sampling in a population with similar characteristics outside the trial jurisdiction.

Trial consultants should accurately describe the purpose of the survey so that respondents can make an informed decision about their participation. Attempting to influence respondents’ opinions under the guise of conducting a survey violates the ethical principle of informed consent.

#### B. Report of Results

Presentation may be in the form of a written report, an affidavit, testimony, or some combination of the three. Decisions concerning format and timing of presentation are determined by local rules and case-specific orders. The information disclosed about a survey should be sufficient to permit evaluation and replication.<sup>2</sup>

### II. Basic Questionnaire Design

#### A. Basic Components of a Venue Survey Questionnaire

Venue survey design generally includes reviewing media coverage about a case, as it is usually the primary source of respondents’ information or knowledge of the case, and then drafting a questionnaire and conducting a pilot test in which a small number of respondents are surveyed to assess survey length and comprehension.

In a civil case, a venue survey might assess the extent of knowledge of and/or affiliation with a party or parties along with or instead of measuring awareness and prejudgment of a specific case.



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There are many approaches to eliciting information about respondents' sources of information about a case. One approach is to ask direct closed-ended questions, inquiring, for example, whether the respondent read about the case in newspapers or on the Internet or has seen anything about the case on TV or heard about it on the radio. Another approach is to ask questions about media use (e.g., how frequently respondent reads, watches or listens to local news in newspapers, the Internet, TV, or radio) and to compare media use responses to case Awareness responses. Sometimes both approaches are used. Case awareness can also be assessed by exploring respondents' recall, reaction, or recognition.

B. Length of the Interview

Case specific factors such as the nature of the case and the publicity as well as the composition of the trial jurisdiction can all affect the length of the interview. As a general rule, excessive length should be avoided.

C. Questionnaire Introduction

A venue survey is typically described to potential respondents as a "public Opinion survey among residents of \_\_\_\_\_ County to obtain opinions about the criminal justice system and about a specific case." If no criminal justice questions are included, the introduction might explain that "We are conducting interviews with \_\_\_\_\_ County residents about a criminal case that has been in the news." Respondents should not be told the ultimate purpose of the survey (that it is being conducted in connection with a motion to change venue) as that information might result in biased responses.<sup>1</sup>

After the introduction some researchers may include a few "buffer" questions. Buffer questions are usually closed-ended questions concerning generic issues related to the survey such as criminal justice attitudes or media use. Buffer questions can serve several purposes: 1) demonstrating that the survey content really is as promised in the introduction; and 2) increasing respondent comfort by giving an opportunity to respond to questions that are easy to answer. It is standard practice to alternate the point of view of opinion statements so that opinion consistency would require agreement with some questions and disagreement with others.

D. Questions to Measure Respondents' Awareness of a Case

Approaches to eliciting respondents' information, beliefs or knowledge Include questions exploring recall of the case and reactions to what the respondent has read, seen or heard about the case. Respondents recall is usually explored with open-ended questions designed to elicit respondents' descriptions of what they have heard or read in the media. Respondents reactions to what they have read or heard are usually

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explored with open-ended questions designed to let respondents express their opinions and feelings about the case, the defendant and/or the injured parties in their own words.

- E. **Questions to Measure Respondents' Prejudgment of a Case**  
A survey question aimed at measuring prejudice is not intended to predict trial outcome. The survey assesses pretrial bias or prejudice. Typically prejudice is measured with scaled response questions. For example, the respondent may be asked, "Based on what you have read or heard do you think that XXXX is...definitely not guilty, probably not guilty, probably guilty or definitely guilty. In accordance with generally accepted principles for survey research, the order in which predefined responses are offered to respondents should be varied. That is to say that half of the respondents should be given the response categories for the scale discussed here beginning with "definitely not guilty" while for the other half the scale should begin with "definitely guilty."
- F. **Open-ended Questions**  
Consistency between the content of open-ended questions used to probe respondents' recall of a case and responses to closed-ended questions about awareness or recognition can be indicators of survey validity. See Standard IV, B1.
- G. **"Don't Know" Responses**  
A "don't know" response to a prejudice question should be interpreted as a mid-scale or neutral response (between "guilty" and "not guilty", for example) rather than as a non-response.
- F. **Context/Order Effects**  
Context effects create artificially high or low thresholds for self-reports about the amount of information respondents have about a case, the strength or amount of evidence against/for a party in the litigation, or the outcomes that respondents favor for a particular defendant or party.
- G. **Pretesting the Questionnaire**  
The size of an adequate pretest can vary. Sometimes 10 – 50 interviews are completed for a pretest. Sometimes a predetermined percentage such as 5% – 10% of the planned total of survey sample is pretested.

### III. **Basic Survey Procedures**

- A. **Respondent Selection**  
A person who meets statutory eligibility requirements but who is not included in the lists from which jurors are summoned for qualification is not an eligible respondent for a venue survey. For example, an 18-year-old citizen who lives in the trial jurisdiction but is not registered to vote is eligible for jury service but is not an eligible venue survey respondent if

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voter registration lists are used as the sole source of jurors.

Appropriate techniques for sampling within households may be used to Maximize distribution by age and gender. One such technique is known in the field as the “youngest male, oldest female” approach in which respondents are asked for in a fixed gender and age order.

**B. Eligibility and Sampling**

A well-designed sample provides an efficient and economical way to discover the attitudes and characteristics of the target population. If a sample is properly designed, and designated procedures for selecting respondents are rigorously applied, survey results will reflect the attitudes and opinions of the population the sample represents within a known probability and range of error.

Generally, people who have been convicted of a felony are not eligible to serve as jurors. A convenient approach to excluding respondents who have been convicted of a felony is to ask respondents about this as a final question and to exclude as ineligible those who do not say no.

**C. Source of Sample**

Where more than one source list is used by the courts, a single source list is not a good sample source as it may not include all who are eligible for jury service. Persons not included in one source list may be included in another.

**D. Sample Size**

Representativeness of the survey sample is normally more important than Sample size. Where resources are limited or case awareness and prejudice are high or the jurisdiction is sparsely populated thus the risk of inadvertent contact with actual jurors is high, a small sample size can provide evidence as to whether a defendant is not likely to receive a fair trial. Under other circumstances, however, a sample size of 400, yielding a confidence interval of  $\pm 5\%$  for opinions that are evenly distributed in the population, serves as a point of reference.<sup>1</sup> For a description of factors to consider when determining sample size see, Rea, L. M., & Parker, R. A. (1992). Size of the population being surveyed is also relevant in smaller Rural jurisdictions where a larger sample may lead to interviewing an unnecessarily high proportion of the jury pool.

Despite statistical issues of sampling error, practical experience has Repeatedly shown that survey results do not change dramatically after the first 100 interviews are completed. Where the research design involves comparison among several samples, smaller samples of less than 100 may be used, supported by tests of significance of the differences among them. Evidence of different levels of exposure or prejudice in

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alternative jurisdictions can be useful in persuading a court that the risks of an unfair trial in the original venue are great and can be minimized by a change of venue. Such comparison surveys of alternative jurisdictions may be used when: (a) media may have influenced residents of alternative jurisdictions being considered as possible sites to receive the case; and/or, (b) a demonstration of the comparative magnitude of media influence is desired; and/or, (c) limited resources are available for the venue research and very large differences exist in awareness, prejudice, and other important trial factors between the original trial jurisdiction and alternative possible sites for the trial.

- E. **Representativeness of the Survey Sample**  
For example, most jury pools under represent young people. To compare Survey data with census data, attention should be paid to using the same formats in the survey as are used in the census for asking demographic questions and coding responses. Presentation of survey results to a court can include comparison of basic demographics of survey respondents with demographics of the trial jurisdiction, using census or other comparison data. Since attitudes and opinions of potential jurors are the focus of a venue survey, internal analysis of the data from a survey that is not demographically representative may nevertheless provide relevant evidence of juror bias. For example, having too many female respondents may not matter if levels of prejudice among males and among females are similar.
- F. **Completion Rates**  
One way to calculate completion rates is as follows: 1) identify the net effective eligible sample base by combining the numbers of completed interviews, refusals, and of those who terminated during the interview; and then 2) divide the total number of completed interviews by the net effective eligible sample base. There are additional ways to calculate completion rates.<sup>2</sup>
- G. **Call-backs**  
The more callbacks made to an unanswered phone number before retiring That number, the better. This is because the more callbacks that are made, the more likely it is to either complete an interview with an eligible respondent in the household or to determine that the phone number is not in an eligible household.

### IV. **Data Analysis Issues**

- A. **Analysis of Venue Survey Results**  
Frequencies, or marginals, report the count and percent of responses to Each question. Cross-tabulation or tests of significance such as chi squares or correlations can also be offered. Cross-tabulation compares

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respondents' answers to two or more questions. For example, how many respondents (what percent of the sample) are aware of the case *and* read or make use of the media daily? In some instances, other data analysis techniques such as content analysis can be helpful to explain the survey results.

- B. Validity
- Consistency between respondents' answers to open-ended questions about what they recall about the case and their responses to questions about recognition of specific case facts can be an indicator of survey validity. Similarly, a positive relationship between case awareness and media exposure can also be an indicator of survey validity. False facts should generally not be used to test accuracy of other responses in venue surveys. If false facts are used, they must be clearly false, with no possibility that respondents who know about the case could confuse the false facts with true facts that have been publicized. General principles of survey item construction that apply to other fact/opinion items must be adhered to (e.g., emphasizing simple statements and avoiding compound statements).

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**VENUE SURVEYS: COMMENTARY**

**Preamble**

<sup>1</sup> For example see, American Association for Public Opinion Research (AAPOR), *Best Practices for Survey and Public Opinion Research* (2005), and Council of American Survey Research Organizations (CASRO), *Code of Standards and Ethics for Survey Research* (1997). Additional literature on survey research can be found by the following authors: Czaja, R., & Blair, J. (2005), Fowler, F.J. (2002), and Schuman, H., & Presser, S. (1981).

<sup>2</sup> Surveys have been accepted as evidence by courts for more than 40 years. For example in *Zippo Manufacturing Co., v. Rogers Imports*, 216 F. Supp. 670 (1963), the courts have stated, "The weight of case authority, the consensus of legal writers, and reasoned policy considerations all indicate that the hearsay rule should not bar the admission of properly conducted public opinion surveys."

<sup>3</sup> "'Qualified' means only that the survey be well-conceived, impartially conducted, and accurately recorded," see *ABA Standards for Criminal Justice: Fair Trial and Free Press Standard 8-3.3. Change of venue or continuance* (1992). "A survey should be acceptable even when it is conducted (as it usually is) at the behest and expense of an interested party," *Corona v. Superior Court*, 24 Cal. App. 3d 872 (1972).

<sup>4</sup> Such motions might include motions to improve voir dire conditions or to change voir dire procedures or to dismiss a case due to widespread pretrial opinion formation..

**Professional Standards**

**Overview Issues**

<sup>1</sup> In criminal matters the federal standard for change of venue is that venue ought to be changed where a "reasonable probability of prejudice" exists. *Sheppard v. Maxwell*, 384 U.S. 333, 363 (1966). The Supreme Court has also said that an accused who cannot obtain an impartial trial is entitled to a change of venue. *Groppi v. Wisconsin*, 400 U.S. 505, 510-511 (1971). The legal standards for the level of prejudice requiring a change of venue vary in the states.

<sup>2</sup> "Push" polls MAY be indicated by the presence of some of the following factors: dramatic over sampling, that is, contacting numbers of participants that are well beyond what is necessary for reliability; creating questions that work primarily to inform participants of alleged facts, as opposed to measuring reactions to them, (e.g., "If you learned that the candidate had an illegitimate child, then would you vote for him?").

<sup>3</sup> It is understood that some members of the ASTC provide non litigation related research services. These prohibitions relate to litigation related work only.

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***Basic Questionnaire Design***

<sup>1</sup> See, Babbie, E.R. (1990), Sudman, S. & Bradburn, N. M. (1982), or Rea, L. M., & Parker, R. A. (1992).

<sup>2</sup> See, Fowler, F.J., (2002), Fowler, F.J. (1995), Wentland, E. J. & Smith, K. W. (1993).

<sup>3</sup> References to involvement of a court or to parties involved in the litigation should be avoided. Such references could affect responses.

<sup>4</sup> Maintaining respondent confidentiality is standard practice in survey research. AAPOR, *Code of Professional Ethics and Practice* (2005) states, "Unless the respondent explicitly requests otherwise, or waives confidentiality for specified uses, one should hold as privileged and confidential the identity of individual respondents and all information that might identify a respondent with his or her responses." CASRO, *Code of Standards and Ethics for Survey Research* (1997) states, "...[I]t is essential that Survey Research Organizations be responsible for protecting from disclosure to third parties--including Clients and members of the Public--the identity of individual Respondents as well as Respondent-identifiable information, unless the Respondent expressly requests or permits such disclosure."

<sup>5</sup> This approach does not apply in civil cases where the potential bias being explored may be identification or affiliation with a party or parties rather than case awareness and prejudice.

<sup>6</sup> Self-reported ability to be fair and impartial or to recognize and set aside bias and prejudice are suspect here, as in other contexts, such as the voir dire setting. See generally, Bronson, E. (1989).

<sup>7</sup> For discussion of the tradeoffs associated with the use of closed-ended and open-ended questions, see: Bradburn, N.M., & Sudman, S., & Blair, E. (1979) and Sheatsley, P. B. (1983).

<sup>8</sup> See, Sudman, S., Bradburn, N. M., & Schwarz, N. (1996), Sheatsley, P.B. (1983), Schuman, H. & Presser, S. (1981).

***Basic Survey Procedures***

<sup>1</sup> The AAPOR, *Code of Professional Ethics and Practices* (2005) states, "Unless the respondent waives confidentiality for specific uses, we shall hold as privileged and confidential all information that might identify a respondent with his or her responses." The same approach has been adopted by Council of American Survey Research Organizations CASRO in its *Code of Standards and Ethics for Survey Research* (1997), Responsibilities to Respondents, Standard A.

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**Practice Guidelines**

***Overview Issues***

<sup>1</sup> The ABA Principles for Juries and Jury Trials (2005) recommend this approach as an alternative to a change of venue. Principle 9 C.

<sup>2</sup> Disclose all methods of the survey to permit evaluation and replication. See, AAPOR, *Best Practices for Survey and Public Opinion Research* (1996), or CASRO, *Code of Standards and Ethics for Survey Research* (1997).

***Basic Questionnaire Design***

<sup>1</sup> See Rea L. M., & Parker R. A. (1992).

***Basic Survey Procedures***

<sup>1</sup> Evenly distributed opinions are those which divide the population 50/50. As the distribution of an opinion departs from a 50/50 distribution, confidence increases.

<sup>2</sup> Even with the best efforts recent trends in home telephone service and usage (e.g. rejection of commercial sales calls, caller ID, answering machines and voice mail) have reduced average completion rates. For discussion, see, Czaja, R., & Blair, J. (2005), Fowler, F.J., Jr. (2002), or Lavrakas, P.J. (1993) and Babbie, E.R. (1990). However, recent research has shown that higher completion rates have little impact on survey accuracy. Langer, G. (2003).



**VENUE SURVEYS: APPENDIX 1**  
**BIBLIOGRAPHY SURVEY RESEARCH SOURCES**

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