



How to Conduct Quality Online Research

ASTC Webinar Series
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Agenda

- Why and How
- ASTC Standards
- Security Issues
- Benefits and Drawbacks
- Various Ways to Use Platforms
- Q&A

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Disclaimer

Informational Purposes Only

- Not here to advocate one platform over another
- Not here to advocate for one methodology over another
- Not here to debate whether you should even do online focus groups!
- Should be considered another tool, not a replacement for in-person focus groups or mocks
- This webinar is not to teach you everything you need to know but will help you with the issues and considerations

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Different Levels of Online Research

Quantitative to Qualitative to Mix of Both

Designed to be done without deliberations or discussion but can build that component in

- Smaller Sample Questionnaires
- Large Sample Surveys
- Issue Studies and Theme Testing

Pros - potential to test a large number of participants (e.g. 100); quick turnaround (1 day); minimal cost; compiles report automatically

Cons - no group deliberation, no moderated discussion

Designed to be done with deliberations or discussions

- Focus Groups
 - concept or structured
- Mock Trials

Pros - More similar to in-person

Cons - More expensive; more points of potential technical failure; more set-up requirements; more challenging security issues

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Why Do Online Research

- Get feedback on case during discovery
- Get basic reactions to case
- Determine potential tend to favor, fault, damages, strengths and weaknesses, juror profiles, attitudes
- Get reactions to key witness
- Test key evidence, graphics
- In-person focus groups aren't possible! #COVID-19
- Cost
- Need quick turnaround

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Types of Platforms

<p>Integrated online jury research programs with add-ons</p> <ul style="list-style-type: none"> Proprietary platforms - may be owned by research facilities Allows embedding of videos, text, other stimulus Integrate questionnaires, data presentation, presentation software, chat, virtual viewing room, deliberation capabilities <p>EXAMPLES: Online Verdict (Adrienne LeFevre) First Court (Ryan Liffbrig)</p>	<p>Online survey research programs</p> <ul style="list-style-type: none"> Questionnaire design and administration database software Allows embedding of videos, text, other stimulus More limited capability Can be used to administer live research as well <p>EXAMPLES: Qualtrics (Helen Knox, Instant Video Replay) Snap Survey (used by Sarah Murray) Survey System (used by Ed Lazarus, Winning Works)</p>	<p>Video conferencing programs</p> <ul style="list-style-type: none"> Videoconferencing programs designed for online meetings, Webinars and classes Allows screen sharing Allows videotaping of participants Allows interaction, breakout rooms, chat, virtual white boards <p>EXAMPLES: Zoom (Used by Sarah Murray) Cisco WebEx GoToMeeting FocusVision (used by Ed Lazarus, Winning Works)</p>
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Features to Look for in an Integrated Solution

Able to:

- Recruit participants from case venue
 - Screen out
 - Provide representative sample (larger group research)
- Present case materials
- Provide survey
- Provide live stream
- Provide group discussion
- Provide data or compiled report
- See video responses to questions (vs. pure written responses)

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Key Points - ASTC Standards, Small Group Research

Practice Area C: Small Group Research, page 36 STILL APPLIES...

- Inform clients of limitations of research design
- Maintain confidentiality of both client and participant data
- Obtain written agreement of participants to maintain confidentiality
- Discuss pros and cons of revealing sponsor's identity
- Discuss pros and cons of presenting witness testimony of real witnesses
- Communicate to the client the research methodologies used

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Key Points - ASTC Standards, Small Group Research

Practice Area C: Small Group Research - Confidentiality Best Practices

- B. Examples of measures that may be implemented to maintain client confidentiality include, but are not limited to:
1. Requiring recruiters, research facilities and other outside vendors to sign confidentiality agreements;
 2. Using additional "decoy" names when recruiting to shield the identities of the litigants;
 3. During the recruitment process, disqualifying participants with probable case-related connections;
 4. Overseeing the recruiting process on a frequent basis;
 5. Re-screening participants prior to the research exercise;
 6. Requiring participants to present identification on-site to ensure participants' identities;
 7. Using best efforts to avoid recruiting participants who could be called as prospective jurors in the case;
 8. Limiting exposure to the nature and findings of the research by limiting the amount of case-related information and participant discussion to which vendors and non-client assignees are exposed.

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Summary of ASTC Standards for Online Research

Practice Area F: Online Research, page 54

- Don't recommend online research if it's not suitable to your purpose and client's needs
- Inform your client of the limitations of your sample and research results
 - E.g., failing to capture portion of venue lacking sufficient technical resources
- Clearly describe the process, including recruiting (representativeness); authentication methods; and security methods.
- Obtain participant agreement not to do outside research or investigation during the study
- Employ method to maintain confidentiality of case-specific info
- Take reasonable steps to assure info collected from participants is accurate and secure
- When sending emails to participants, include subject lines definitive in scope and purpose and include opt out notices

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Maintaining Security & Confidentiality - Front End

- Who knows about the project?
- Who has access to or will be recruited for the project?
 - Who has access to project password?
- Are clients aware of potential risks?
- Require a password to enter the research study
- Authenticate participants by requiring they hold up ID to web cam
- Ask them same random questions used during recruiting
- Use a waiting room to screen and verify them.
- Ensure timing safeguards / attention checks to keep jurors at their screens to avoid them leaving the system unattended and insecure
- Orally repeat confidentiality requirements and get verbal assent in interactive settings at beginning and end of research
- Treat respondents with courtesy and respect!

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Maintaining Security & Confidentiality - Front End

- Who can upload content or control (share) the screen?
 - Who can access during the project?
 - Who can assign someone else a host?
- Are all documents scrubbed of identifiers that would allow Internet searching (e.g., attorney and law firm names, real witness names, case number, judge's name, etc.)?

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Maintaining Security & Confidentiality - Back End

- Ensure program settings prevent participants from saving, recording or revisiting the study
 - Turn off any ability to save chat
 - Turn off any ability to print or download
- Re-verify IP address of participants during the session to avoid phishing
- Limit the retrieval of logins for jurors to ensure no automated hacking tools are used
- Implement video streaming security measures
- Ensure end-to-end encryption
- Implement robust Web, server and wireless network security including
 - anti-virus and anti-spy software
 - Firewall
 - Turn off identifier broadcasting
 - Change default router identifier and router's preset password to avoid hacking
- Implement controls on who has access to recordings, where recordings are stored, how recordings are secured

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First Steps: Online Research

1. Select platform; ensure you have needed technical support
 - a. Always recommended to have a tech person overseeing technical aspects of research, whether administered "live" or over a period of days or weeks (e.g. surveys)
1. Determine goals of research (e.g. potential apportionment of fault)
2. Determine best way to structure to achieve your goals (e.g. quantitative, qualitative, mix of both)
3. Gather case materials
 - a. e.g. case narrative (or video presentations), law, verdict form, questionnaire, exhibits, witness clips, other video – same things you would gather for an in-person focus group or mock) - must have all in digital form (PDFs, Word, etc)
4. Select # of participants you want to test
5. If participants don't come with platform, select recruiter
6. Design background questionnaires (if quantitative)

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Choosing a Recruiter and Incentive Amount

Most of the same considerations apply online as they would in person, and ASTC Standards apply. In addition, consider....

1. Does recruiter have experience recruiting for online projects?
 - a. Consider/adjust for online/tech bias in the sample
2. What methods of recruiting do they use (database, RDD, advertising, combo)?
3. How do they screen potential recruits (voice, text and chat, email, web registration, combo)?
4. What is their typical dropout rate for your length and style of project?
5. What security and screening precautions do they take?
6. How do they screen recruits for technical ability to participate?
 - a. Ensure they run a broadband test; good idea to include blank on screener to list speed
 - b. Make clear to recruiter technical specs needed
 - i. Are phones ok or must participant have laptop or iPad?
 - ii. What are minimal broadband speed requirements?

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Recruiting Issues, cont.

7. Apply your standards to screening for *repeat* online focus group/mock juror participants.
8. Educate recruits regarding nature of online discussions, ensure they are comfortable participating up front.
9. Will you receive phone and email information from recruiter? (You may need it!)
 - a. What agreements do you need to sign to ensure *recruiter* comfort entrusting you with that data?
 - b. What internal policies & procedures do you need to ensure such data will be secure, discarded timely and not abused?
10. Incentives to pay participants should be based on length of time it will take them to review the case (or length of focus group)
 - a. Be wary of cheap options like purchasing respondents from a database or using Amazon Turk
 - b. Consider that a very low incentive amount may weaken a participant's commitment to confidentiality

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Presentation and Stimulus Considerations

1. Ask participants to close out of all other programs and to turn off / put away their phones unless they are using their phone for the project
 - a. Make clear that you are paying them for full focus
2. Presenting in small chunks is best - 20 minutes is ideal, no more than 30 minutes
 - a. Presenting short "quizzes" helps participants retain information & stay engaged
3. Consider breaking up questionnaires into shorter pieces than in live research
4. Make sure your videos are saved at a resolution that will not show up as tiny on your viewers' screens
5. If research is live, use chats and polling frequently to keep participants engaged and actively processing

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Standard Online Focus Groups

How Does it Work?

1. Case materials uploaded



Standard Case

Standard Case materials are uploaded to the platform. Participants are invited to review the case materials and provide feedback. The platform provides a secure environment for participants to discuss the case materials and provide feedback.



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Standard Online Focus Groups

How Does it Work?

2. Pre-screened, jury-qualified residents of case venue are invited to review case
3. Jurors log in to platform



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Standard Online Focus Group

How Does it Work?

- Review case materials
- Answer questionnaire

Based on the information you have read, who do you favor?

Based on the video clip, on a scale between 1 and 10, with 1 being NOT AT ALL and 10 being EXTREMELY, how credible do you find Dr. X?

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Standard Online Focus Groups

How Does it Work?

- Results are compiled

At this point, do you think that Mr. Smith was wronging his and half when he was not notified?

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Standard + Deliberation Online Focus Groups

Can Combine Individual Polling with Group Deliberation

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All-Day or Half-Day Mock-Trial

Interactive Questionnaires with Live Presentations and Deliberations

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If you can do it in person. . .

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. . . there is a way to do it online

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Which is better?

In person is not necessarily better than online, nor is it worse.

It depends on the circumstances. There are advantages to each.

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Hurdles to online research

- Comfort level and knowledge of the researcher
- Comfort level of the client
- Likelihood of technical glitches
- Communications lag

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Slide 28

- 1 I could add some 'war stories' here to keep people from thinking this is super easy.
E.g. in our last online deliberation with a dozen clients viewing, the video conference room in tiny Butte, MT, cut out every six minute like clockwork, for two hours. Worst two hours of my life.

Ryan Liffrig, 4/2/2020



Some disadvantages of online research

- Fewer respondents (focus groups)
- Shorter duration (focus groups)
- Lack of interpersonal connection among respondents
- Inability to observe participant body language, energetics
- More difficult to control the dominant participant(s)
- Discussions take more time due to lag, turn-taking challenges
- Juror distraction and disengagement
 - *How many times have you looked at something else during this webinar?*
- Security challenges
- Less like a real trial experience

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Some advantages of online research

- Shorter lead time
- Less costly
- Economies of scale allow for more time between groups or multiple groups
- Attention to stimulus materials and demonstratives
- Can get more representative (employed) jurors
- No travel (consultant *and clients*)

Platform and project dependent features --

- Invisible back room
- Easy communication between client and moderator during research
- Client content bookmarking for easy compilation of key moments
- Instantaneous quantitative data compilation and display

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Solutions 2

www.firstcourt.com/research

- Proprietary “self-paced” online trial platform
 - Add-on: online small group deliberation after, now conducting by video conference.
- Conduct live small group focus groups by video conference.
 - Including software to ask polling questions during
- Recruit jurors for the platform nationwide.
- Can partner with consultants to assist with platform and jurors (new to us!)

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