



Session 4

Toolkit 2

Data

Case constructions (i.e. making a case against someone) use facts and evidence. It is therefore important to collect all the data available and which is relevant.

In order to establish what data are necessary, two ingredients must be clear:

- The legal issue = what the wrongful act is or the origin of a dispute.
- The purpose of the argumentation = what does one seek to establish with a series of arguments.

Knowing both will indicate what data are necessary to have at hand; knowing what data are necessary will determine what methods can be used to collect them.

Data

Example 1:

- Legal issue: accident at a junction with a stop sign: Did driver A respect the sign or not? Did driver B do all he could to avoid the accident?
- Purpose of the argumentation: show that driver A respected the sign and the driver B could have avoided the accident
- Data: police report, pictures

Example 2:

- Legal issue: immediate dismissal of an employee: Did the employer respect the legal provisions?
- Purpose of the argumentation: show that the employer did not respect the laws in place
- Data: written documents, verbal assertions in the presence of witnesses

Data collection strategies

There are two main strategies for collecting data:

Evaluating

- The process of systematically collecting and analyzing information critically to form value judgments based on the evidence collected.

Surveying

- Is the process of systematically collecting and analyzing information around questionnaires and interviews. Surveys aim at investigating *past and future phenomena* but not the actual unfolding of events.

Data collection methods

The following are common:

Documentary analysis

- The analysis of produced documents, as these are an important source of information. Documents can reveal a great deal about the history and culture of social institutions such as business organizations. However, as in all documents, there is witting and unwitting evidence requiring a content analysis to achieve to distinguish between these two types of evidence.
- Examples: contracts, letters, e-mails

Data collection methods (cont.)

Interviews

- They involve (2004: 431) setting out a number of questions to be asked directly to individuals whether on a one-to-one or group basis. Being more flexible than questionnaires, they do have a degree of organization and are therefore distinguished among structured, semi-structured, and unstructured.
- Examples: witnesses

Data collection methods (cont.)

Forensic

- They involve collecting biological and material evidence
- Examples: crime scene investigation

Internet inquiries

- They (2004: 28) enable to find information on laws and cases in addition to academic journals and government services.
- Examples: CANLII

Data presentation

Data is presented

- According to prescribed rules and laws as applicable
- By using statistical tools

ACTIVITY: use information on p530 to complete suggested tasks with peer on a computer.

ACTIVITY: use information on p154 to complete suggested tasks with peer on a computer.

Media bias

In collecting data careful consideration should be given to the media because of the biases (even though they are supposed to be objective):

- Bias in selection and omission in terms of deciding which story or details to bring to public awareness or not.
- Bias in placement in terms of the degree the story is likely to attract attention.
- Bias in headlines in terms of the (desired) attempt to attract attention and readership.
- Bias in choice of words in terms of the (desired) impact they may have on the targeted audience.

ACTIVITY: in comparing the 3 excerpts on pp286-287 establish with peer the different types of biases.